

**KENDALL COUNTY BOARD AGENDA  
ADJOURNED SEPTEMBER MEETING**

**Kendall County Office Building, Rooms 209 & 210  
Tuesday, November 19, 2019 at 9:00 a.m.**

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda
5. Special Recognition
6. Public Comment
7. Consent Agenda
  - A. Approval of County Board Minutes from October 15, 2019
  - B. Standing Committee Minutes Approval
  - C. Approval of Claims in an amount not to exceed \$2,461,313.57
  - D. Approve Low bid of Arneson Oil Company to provide 15,000 gallons of gas at \$2.152/gallon and 20,000 gallons of diesel fuel at \$2.546/gallon to the Highway Department for fiscal year 2020
  - E. Approve Resolution accepting the low bid of Corrective Asphalt Materials, LLC in the amount of \$129,708.50 for crack filling on various county highways
  - F. Approve Ordinance establishing an altered speed zone of 45 mph on Rogers Road in Fox Township
  - G. Approve Preliminary Engineering Services Agreement between Kendall County and Hampton, Lenzini and Renwick, Inc. in the amount of \$43,500 for replacement of the River Road Bridge over the Rob Roy Creek using Township Bridge Program Funds
  - H. Approve Chicago HIDTA Finance Assistant Service contract with Kendall County as the Fiduciary Agent effective December 2, 2019 through December 1, 2020, in the amount of \$78,000.00
  - I. Approve Chicago HIDTA Executive Director Service contract with Kendall County as the Fiduciary Agent effective November 29, 2019 through November 30, 2023, in the amount of \$177,443.00
  - J. Approve Chicago HIDTA Finance Assistant Service contract with Kendall County as the Fiduciary Agent effective December 2, 2019 through December 1, 2020, in the amount of \$78,000.00
  - K. Approval of Petition 19-26-Request from Edward and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant) for a Special Use Permit for a Landscaping Business at 276 U.S. Route 52 (PIN: 09-13-400-006) in Seward Township
  - L. Approval of Petition 19-35-Request from John and Laura Gay for a Special Use Permit for a Kennel and a Variance to Section 7.01.D.27 of the Kendall County Zoning Ordinance Allowing a Kennel to Be Placed 30 Feet 6 1/2 Inches Instead of 150 Feet from Lots Zoned Other Than Residential at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego Township
  - M. Approval of 2019 Noxious Weed Annual Report
  - N. Approval of Plumbing Inspection Contract Between Kendall County and Randy Erickson, D.B.A. Erickson Construction for a Period of Three Years with One Additional One Year Option; Plumbing Inspection Fees Would Increase from \$140 Per Inspection to \$150 Per Inspection
  - O. Approval of the 2020 County Board Annual Meeting Schedule
8. Old Business
  - A. Approval of the GIS Department Legal Description Policy
9. New Business
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. Executive Session
12. Standing Committee Reports
  - A. Planning, Building & Zoning
    1. Approval of Petition 19-31-Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses
      - a. Approval of an Amendment to Petition 19-31 by Adding Adult Use Cannabis Cultivation Center and Medical Cannabis Cultivation Center to the List of Special Uses in the A-1 Agricultural Zoning District with the Same Conditions as Found in the M-1 and M-2 Zoning Districts for These Uses
      - b. Approval of an Amendment to Petition 19-31 by Removing Adult-Use Cannabis Dispensing Organization, Medical Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization, and Adult Use Cannabis Processing Organization from the List of Special Uses in the

B-3 Highway Business District and Removing Contradictory Language in the Proposal Caused by this Removal

- i. Approval of an Amendment to Petition 19-31 by Allowing Adult-Use Cannabis Dispensing Organization, Medical Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization, and Adult Use Cannabis Processing Organization to Be Special Uses in the B-3 Highway Business District Provided the Use is Located Within One Thousand Feet (1,000') of an Interchange of an Interstate Highway and a County or State Highway and Removing Contradictory Language Caused by this Addition
    - c. Approval of an Amendment to Petition 19-31 by Requiring that Adult-Use Cannabis Cultivation Centers, Medical Cannabis Cultivation Centers, Adult-Use Cannabis Dispensing Organizations, Medical Cannabis Dispensing Organizations, Adult-Use Cannabis Infuser Organizations, Adult-Use Cannabis Processing Organizations, and Adult-Use Cannabis Transporting Organizations Be in Stand-Alone Buildings and Removing Contradictory Language Caused by this Amendment
  - B. Admin/HR
    - 1. Approval of ICRMT FY 19-20 Property, Liability and Workers Compensation Insurance Renewal in the amount of \$663,686
    - 2. Approval of Cyber Liability Coverage from BCS Company effective 12/1/2019 to 12/1/2020 in the amount of \$7,647
  - C. Law Justice and Legislation
    - 1. Approve contract with Advanced Correctional Healthcare Inc. for \$213,684.79, for healthcare services January 1, 2020 to November 30, 2020, waving the formal bid process under the professional services exemption.
  - D. Economic Development Committee
    - 1. Approval of An Ordinance Amending the Kendall County Revolving Loan Fund Recapture Strategy
- 13. Special Committee Reports
  - A. Historic Preservation
  - B. Board of Health
- 14. Other Business
- 15. Chairman's Report
- 16. Public Comment
- 17. Questions from the Press
- 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  
October 15, 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, October 15, 2019 at 9:00 a.m. The Clerk called the roll. Members present: Chairman Scott Gryder, Amy Cesich, Scott Gengler, Tony Giles, Judy Gilmour, Matt Kellogg, Matt Prochaska and Robyn Vickers. Members absent: Elizabeth Flowers and Audra Hendrix.

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

**THE AGENDA**

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

**SPECIAL RECOGNITION**

Chairman Gryder celebrated the lives of Frank Carreno, Ken Pickerill and David Stewart for their service to the community.

**RECESS**

**RECONVENE**

**PUBLIC HEARING**

Chairman Gryder opened the public hearing for Petition 19-33-Request from the Kendall County Planning, Building and Zoning Committee for an Amendment to Section 104 of the Kendall County Stormwater Management Ordinance by Changing the Definition of Bulletin 70 from the 1989 Version of Bulletin 70 to the 2019 Version of Bulletin 70. No one testified during the public hearing. Chairman Gryder closed the public hearing.

**CONSENT AGENDA**

Member Prochaska moved to approve the consent agenda of A) County Board minutes from September 17, 2019; B) standing committee minutes; C) claims in an amount not to exceed \$1,618,242.03; D) Petition 19-33-Request from the Kendall County Planning, Building and Zoning Committee for an amendment to Section 104 of the Kendall County Stormwater Management Ordinance by changing the definition of Bulletin 70 from the 1989 version of Bulletin 70 to the 2019 version of Bulletin 70; E) 2020 Comprehensive noxious weed work plan; F) release of minutes of the October 7, 2019 Planning, Building and Zoning executive session. Member Cesich seconded the motion. Chairman Gryder asked for a roll vote on the motion. All members present voting aye. Motion carried.

**C) COMBINED CLAIMS:** FCLT MGMT \$10,622.51, B&Z \$1,320.48, CO CLK & RCDR \$1,187.22, ED SRV REG \$6,247.84, SHRFF \$27,058.50, CRRCTNS \$424.84, MERIT \$250.00, EMA \$1,610.44, CRCT CT CLK \$3,760.73, JURY COMM \$1,351.56, CRCT CT JDG \$2,310.00, CRNR \$295.73, CMB CRT SRV \$2,405.40, PUB DFNDR \$597.97, ST ATTY \$3,209.14, SPRV OF ASSMNT \$22,142.91, CO TRSR \$176.31, EMLY HLTH INS \$6,220.57, OFF OF ADM SRV \$1,850.66, CO BRD \$622.96, TECH SRV \$5,015.76, FAC MGT UTLTS \$4,836.55, CAP EXPEND \$21,770.42, CAP IMPRV \$19,314.15, CO HWY \$14,528.93, CO BRDG \$17,452.83, TRNSPRT SALES TX \$1,255,864.40, HLTH & HMN SRV \$8,433.41, FRST PRSRV \$682.16, ELLIS HS \$245.41, ELLIS GRNDS \$288.48, ELLIS CMPS \$621.33, ELLIS RDNG LSSNS \$1,535.52, ELLIS BDAY PRTIES \$677.68, ELLIS PUB PRGMS \$51.44, SNRS CNTR \$325.00, ELLIS WDDNGS \$4,692.08, ELLIS 5K \$32.19, HOOVER \$1,430.98, ENV ED SCHL \$107.53, ENV ED NTRL BGNNGS \$538.73, ENV ED OTHR PUB PRGMS \$10.05, ENV ED LWS OF NTR \$156.77, NTRL AREA VLNTR \$13.23, GRNDS & NTRL RSCS \$4,154.61, PCKRLL PGTT FP \$51.60, ANML CNTRL EXPND \$358.64, ANML CNTRL EXPS \$217.73, CO RCDR DOC STRG \$278.98, SHRFF PREV ALCH CRM \$4,676.40, HIDTA \$59,309.85, CMSRY FND \$19,768.18, IDOT CPS GRNT \$55.00, CRT SEC FND \$366.72, CRNR \$171.03, PRBTN SRV \$3,377.80, KC DRG CT FND \$688.33, FMLY VIOL COORD CNCL \$2,290.04, GIS \$3,499.05, PUB SFTY \$55,424.96, VAC \$491.54, CRNR SPCL FND \$194.99, FP BND PRCDs '07 \$5,878.78, PRSRV IMPRV/MSTR PLN HOOVER \$4,697.00

**D)** A complete copy of Ordinance 19-26 is available in the Office of the County Clerk.

**OLD BUSINESS**

**Lakewood Springs Special Service Area 5**

Member Cesich moved to approve the a resolution requesting the State’s Attorney execute a modified agreement with the City of Plano, Illinois, Lakewood Springs Special Service Area 5, Delinquent Tax Parcels, LLC for the settlement of delinquent real estate taxes, interest, and costs for 200 lots located within Lakewood Springs. Member Vickers seconded the motion.

States’ Attorney Eric Weis explained that this agreement drops the number of lots from 214 to 200, 14 lots were in a different area and will be being paid directly.

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

A complete copy of Resolution 19-30 is available in the Office of the County Clerk.

**Vehicle Maintenance Contract Extension**

Member Cesich moved to approve an existing vehicle maintenance contract extension, to run from December 1, 2019 through November 30, 2021 with Gjovik Ford, Inc. Member Giles seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**NEW BUSINESS**

**Raffle Ordinance**

Member Gilmour moved to approve the an ordinance to amend Kendall County Ordinance 86-6 “Kendall County Raffle Ordinance”; last amended on August 5, 2014. Member Cesich seconded the motion.

County Clerk Debbie Gillette stated that the ordinance needed to be amended due to changes in the law. Raffle tickets are now allowed to be sold throughout the State of Illinois and this ordinance accounts for raffles that may last one year.

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

A complete copy of Ordinance 19-27 is available in the Office of the County Clerk.

**ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS**

**Sheriff**

Sheriff Baird updated the board on the second chance graduation which will be tomorrow. Waubensee had their first class last week 18 inmates attended. Effective October 1, 2019 the county will receive \$80 per day for inmates from the Marshall’s office.

**County Clerk**

Revenue Report		9/1/19-9/30/19	9/1/18-9/30/18	9/1/17-9/30/17
Line Item	Fund	Revenue	Revenue	Revenue
	County Clerk Fees	\$883.00	\$663.00	\$761.00
	County Clerk Fees - Marriage License	\$1,920.00	\$2,130.00	\$2,340.00
	County Clerk Fees - Civil Union	\$30.00	\$0.00	\$30.00
	County Clerk Fees - Misc	\$2,255.00	\$2,138.50	\$1,873.00
	County Clerk Fees - Recording	\$30,459.00	\$22,108.00	\$25,779.00
01010061205	Total County Clerk Fees	\$35,547.00	\$27,039.50	\$30,783.00
01010001185	County Revenue	\$34,389.25	\$35,259.75	\$33,856.25
38010001320	Doc Storage	\$17,770.00	\$13,260.00	\$15,242.00
51010001320	GIS Mapping	\$30,021.00	\$22,393.00	\$25,640.00
37010001320	GIS Recording	\$3,753.00	\$2,801.00	\$3,200.00
01010001135	Interest	\$12.64	\$12.22	\$23.83

Co Board 10/15/19

01010061210	Recorder's Misc	\$4,217.00	\$3,301.25	\$4,700.00
81010001320	RHSP/Housing Surcharge	\$15,894.00	\$11,934.00	\$13,698.00
37210001575	Tax Certificate Fee	\$560.00	\$280.00	\$320.00
37210001576	Tax Sale Fees	\$5.00	\$25.00	\$874.00
37210001577	Postage Fees	\$0.00		
CK # 18776	To KC Treasurer	\$142,168.89	\$116,305.72	\$128,337.08

**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 09/30/2019

<u>REVENUES*</u>	Annual <u>Budget</u>	2019 YTD <u>Actual</u>	2019 YTD <u>%</u>	2018 YTD <u>Actual</u>	2018 YTD <u>%</u>
Personal Property Repl. Tax	\$370,000	\$324,701	87.76%	\$296,689	74.17%
State Income Tax	\$2,221,490	\$2,207,814	99.38%	\$1,978,015	80.08%
Local Use Tax	\$685,000	\$676,433	98.75%	\$578,530	91.83%
State Sales Tax	\$550,000	\$440,442	80.08%	\$455,217	82.77%
County Clerk Fees	\$325,000	\$281,010	86.46%	\$294,317	73.58%
Circuit Clerk Fees	\$800,000	\$668,523	83.57%	\$618,033	72.71%
Fines & Foreits/St Atty.	\$325,000	\$197,219	60.68%	\$251,059	66.07%
Building and Zoning	\$68,000	\$73,535	108.14%	\$66,218	101.87%
Interest Income	\$150,000	\$279,191	186.13%	\$174,021	201.18%
Health Insurance - Empl. Ded.	\$1,265,420	\$998,335	78.89%	\$960,844	73.94%
1/4 Cent Sales Tax	\$3,105,000	\$2,577,428	83.01%	\$2,555,450	86.63%
County Real Estate Transf Tax	\$425,000	\$359,128	84.50%	\$368,607	83.77%
Federal Inmate Revenue	\$1,618,750	\$1,945,575	120.19%	\$995,432	119.61%
Sheriff Fees	\$177,340	\$136,351	76.89%	\$163,384	66.69%

<b>TOTALS</b>	<b>\$12,086,000</b>	<b>\$11,165,685</b>	<b>92.39%</b>	<b>\$9,755,816</b>	<b>84.12%</b>
<b>Public Safety Sales Tax</b>	<b>\$5,220,000</b>	<b>\$4,480,988</b>	<b>85.84%</b>	<b>\$4,390,027</b>	<b>86.62%</b>
<b>Transportation Sales Tax</b>	<b>\$5,000,000</b>	<b>\$4,480,988</b>	<b>89.62%</b>	<b>\$4,390,027</b>	<b>92.42%</b>

\*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 83.30%

**State’s Attorney**

State’s Attorney Eric Weis thanked those that came out to the domestic violence response team event.

**Coroner**

Description	**	Month: September (FY 2019)	Fiscal Year-to-Date	September 2018
Total Deaths		35	250	26/256
<b>Natural Deaths</b>		30	229	23/212
<b>Accidental Deaths</b>		1	6	1/12
<b>Pending</b>		2	2	0
<b>Suicidal Deaths</b>		1	11	2/6
<b>Homicidal Deaths</b>		1	1	0/1
<b>Undetermined</b>		0	1	0/2
<b>Toxicology</b>		5	24	2/28
<b>Autopsies</b>		5	18	1/25
<b>Cremation Authorizations</b>		14	130	23/157
<b>Scenes Responded to:</b>		<b>Transported by Coroner’s Office:</b>		<b>External Examinations:</b>
6		5		1
Pending – September 5, 2019, 36-year-old, White, Male, Oswego, Pending Toxicology Results Accident - September 5, 2019, 72-year-old, White, Female, Lisbon Twp., Blunt Force Injuries due to Motor Vehicle Collision Homicide – September 21, 2019, 1-year-old, White, Male, Joliet, Multiple Gunshot Wounds Suicide – September 21, 2019, 35-year-old, White, Male, Joliet, Multiple Gunshot Wounds Pending – September 30, 2019, 37-year-old, White, Male, Yorkville, Pending Toxicology Results				

**PERSONNEL/OFFICE ACTIVITY:**

1. On September 4, Coroner Purcell facilitated the Lights of Hope meeting for loved ones who have been impacted by an overdose related death.
2. On September 16, Chief Deputy Coroner Gotte presented at the IL Parks Law Enforcement Association (IPLEA) annual conference regarding the coroner’s system and responsibilities in Illinois.
3. On September 18, Coroner Purcell attended the Gift of Hope training and luncheon in Kankakee, Illinois.
4. On September 27, Coroner Purcell presented to the Science Careers Class at Oswego High School.
5. A total of 7.0 hours of community service were completed at the coroner’s office during the month of September.

**Health Department**

Dr. Tokars announced the last solid waste committee meeting will be held on November 20, 2019.

**STANDING COMMITTEE REPORTS**

**Planning, Building & Zoning**

**Petition 19-32**

Member Prochaska moved to approve a Petition 19-32-Request from John and Erin Sharkey and Theodore Parks to Relocate a Ten Foot Public Utility and Drainage Easement from the Northern Boundary Line of Lots 1 and 4 of Highgrove Subdivision to

the Northern Property Lines of Parcels 09-07-200-034 and 09-07-200-033 and Extend a Public Utility and Drainage Easement Along the Eastern Side of Parcel 09-07-200-033 in Seward Township. Member Kellogg 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 19-28 is available in the Office of the County Clerk.

#### **Part-Time Code Enforcement Officer Job Description**

Member Prochaska moved to approve the Part Time Code Enforcement Officer job description. Member Gilmour seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **PBZ Official Job Description**

Member Prochaska moved to approve the PBZ Official job description. Member Gilmour seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **Administration – Human Resources & Revenue/GIS**

##### **Recorded Document Policy**

Member Gilmour moved to approve the GIS Mapping recorded document policy. Member Cesich seconded the motion.

County Administrator Scott Koeppel stated that there have been some issues with review of legal descriptions that are part of recorded documents and with requests for information about those ahead of time. The GIS Department is good at mapping legal descriptions but are not attorneys or surveyors. They are limited as to how to adequately help people when there are issues. Legal opinion from the State's Attorney's office is reflected in the policy.

County Clerk Debbie Gillette stated that this directly affects the Recorder's office. The question was raised as to where citizens should go for help with the legal description. Mr. Koeppel said that the policy states four things that the GIS department will do to help find the errors in the legal description.

Member Prochaska moved to refer the GIS recorded document policy item to the COW meeting. Member Gilmour seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

##### **Blue Cross Blue Shield 2020 Health Insurance Plan**

Member Gilmour moved to approve the Blue Cross Blue Shield 2020 health insurance plan. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **Blue Cross Blue Shield / Dearborn 2020 Basic and Voluntary Life Insurance Plan**

Member Gilmour moved to approve the Blue Cross Blue Shield / Dearborn 2020 basic and voluntary life insurance plan. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **EyeMed 2020 Vision Plan**

Member Gilmour moved to approve the EyeMed 2020 vision plan. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **MetLife 2020 Dental Insurance Plan**

Member Gilmour moved to approve the MetLife 2020 dental insurance plan. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **MLR Premium Rebate Check**

Member Gilmour moved to approve a 2018 MLR premium rebate check refund 75/25 county/employee split. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **Economic Development**

##### **Revised EDC Recap Strategy Ordinance Discussion**

Member discussed the revolving loan fund recapture strategy. Key changes: different loans able to go to municipalities inside the county, loans to private businesses and interfund loans.

## Finance

### GIS Fee Increase

Member Kellogg moved to approve the 2020 GIS Fee Increase Ordinance. Member Cesich seconded the motion.

County Administrator Scott Koeppel stated that the fee would be increased to \$30. Recordings have been low and they have been deficit budgeting GIS for awhile

County Clerk Debbie Gillette stated that this directly affects the Recorder's office and the GIS Department is initiating the fee increase not the County Clerk. The ordinance does not state when the fee would be effective and it is not clearly stated where the \$30 and \$2 fee would go.

Member Prochaska moved to postpone the GIS Fee Increase Ordinance item to the first meeting in November. Member Cesich seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye.

**Motion carried.**

## SPECIAL COMMITTEE REPORTS

### Historic Preservation

County Administrator Scott Koeppel informed the board that the state is reviewing the Historic Preservation Ordinance soon.

### Board of Health

Member Giles stated that they looked at trying to change the board meeting dates and were unable to find another date.

### Chairman's Report

#### Announcement

Kristi Walker – TB Board – 2 year term – expires October 2021

#### QUESTIONS FROM THE PRESS

Jim Wyman from WSPY how much the county has to loan - \$1.8 million in the fund. Is the Economic Development Corporation active yet – no. Status of Lucky's Beef and Dogs - making ongoing payments. Has the Chairman heard that the Illinois Capital Projects will have the Eldamain Bridge on it?

#### EXECUTIVE SESSION

Member Gengler made a motion to go into Executive Session for (1) appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body; (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; and (11) litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. Member Cesich 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 Cesich seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 25th day of October, 2019.

Respectfully submitted by,  
Debbie Gillette  
Kendall County Clerk



**COUNTY OF KENDALL, ILLINOIS**  
**ADMIN HR MEETING**  
**County Office Building**  
**111 W. Fox Street, Room 210; Yorkville**  
**Monday, November 4, 2019**

**CALL TO ORDER** - Committee Chair Elizabeth Flowers called the meeting to order at 5:30p.m.

**ROLL CALL**

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

**Others in Attendance:** Meagan Briganti, Bob Jones, Scott Koepfel

**APPROVAL OF AGENDA** – Motion made by Member Prochaska second by Member Gilmour to approve the agenda. **With five members voting aye, the agenda was approved by a 5-0 vote.**

**APPROVAL OF MINUTES** – Motion made by Member Gilmour, second by Member Gengler to approve the October 16, 2019 minutes. **With five members voting aye, the minutes were approved by a 5-0 vote.**

**DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS**

- *Health Insurance* – Mr. Jones inquired about this year’s enrollment and if because things were not changing a passive enrollment could be done? Committee members were fine with that. Mr. Jones also asked about optional insurance plans like AFLAC and if the County would be continuing to offer those plans or if employees were expected to switch to the new BCBS Dearborn offering. The Committee decided to offer AFLAC for one more year, along with BCBS Dearborn. After next year BCBS Dearborn would be the only optional insurance offered. Finally, Mr. Jones inquired about a Benefit enrollment portal. The basic portal is free however to have files transferred directly to BSBS there is an additional \$4000 - \$6000 cost. Mr. Jones explained he didn’t need the additional upload for the additional fee. **The consensus of the Committee was to do a passive open enrollment, offer AFLAC for another year and do the basic open enrollment portal at no additional cost.**

**PUBLIC COMMENT** - None

## COMMITTEE BUSINESS

- *Alliant FY20 Insurance Renewal* – Dane Mall with Alliant the County’s insurance broker presented the County’s quote from ICRMT for Worker’s Compensation, Property and Liability Insurance. The quote represents a decrease in premium mainly because the Forest Preserve is going on their own policy. There are several Cyber Liability quotes attached in the packet. The quote that came in the lowest is from BCS. Mr. Mall and staff are recommending an increase in coverage levels from \$1 Million to \$3 Million. **Member Gilmour made a motion, second by Member Prochaska to forward FY19-20 Property, Liability and Worker’s Comp Insurance Renewal and FY 19-20 Cyber Liability Insurance renewal with BCS to the November 19, Board Meeting for approval. With all five members present in agreement the motioned carried.**
  
- *Kendall County Drug & Alcohol Testing Policy* – Ms. Johnson reviewed the changes requested by the Committee following the last meeting when the proposed Policy was reviewed. The changes made to the original policy are in bold. The first two changes have to do with safety sensitive positions. The language states that employees in those positions can be pre-employment tested and random drug tested. Language was added about post-accident testing and about off duty employees reporting to work under the influence. Language about the County reserving the right to post offer test remains in the policy. **Member Gilmour made a motion, second by Member Gengler to send the revised Drug & Alcohol Testing Policy to the SAO for review. With all five members present voting aye the motion carried.**
  
- *Discussion of Subscription for Aerial Imagery* – Ms. Briganti reported that after last month’s meeting she discovered an aerial imagery subscription company that would do fly overs of urban areas with greater resolution three times a year. They also give the County a copy and also do an oblique layer once a year. Ms. Briganti explained that the contract is set up a bit differently at \$25,000 annually for 4 years, however more data is received with better resolution. **There was consensus to prepare and RFP for aerial subscription.**

EXECUTIVE SESSION - None

ITEMS FOR COMMITTEE OF THE WHOLE - None

## ACTION ITEMS FOR COUNTY BOARD

- *Approval of ICRMT FY 19-20 Property, Liability and Workers Compensation Insurance Renewal in the amount of \$712,685*
  
- *Approval of Cyber Liability Coverage from BCS Company effective 12/1/2019 to 12/1/2020 in the amount of \$7,647*
  
- *Kendall County Drug & Alcohol Policy*

**ADJOURNMENT** – Member Gengler made a motion to adjourn the meeting, second by Member Prochaska. **With five members voting aye, the meeting adjourned at 6:23p.m.**

Respectfully Submitted,

Mera Johnson  
Risk Management and Compliance Coordinator

**COUNTY OF KENDALL, ILLINOIS  
FACILITIES MANAGEMENT COMMITTEE  
MEETING MINUTES  
WEDNESDAY, NOVEMBER 6, 2019**

Committee Chair Matt Kellogg called the meeting to order at 4:15 p.m.

**Roll Call:** Members Present: Amy Cesich, Matt Kellogg, Tony Giles  
Members Absent: Judy Gilmour, Audra Hendrix

**With enough members present, a quorum was formed to conduct business.**

Others Present: Facilities Management Director Jim Smiley, County Administrator Scott Koeppl

**Approve the October 9, 2019 Facilities Committee Meeting Minutes** – There were no changes to the October 9, 2019 minutes; Member Cesich made a motion to approve the minutes, second by Member Giles. **With enough present members voting aye, the minutes were approved.**

**Approval of Agenda** – Member Giles made a motion to approve the agenda. Member Cesich second the motion. **All Aye. Motion approved.**

**Public Comment** – None

**Old Business/Projects**

1. *Vending Machine Changes at County Office building & Courthouse* – Director Smiley notified Director Pulliam at IDHS that we will not pursue the contract due to the lack of accepting the proposed changes. Director Smiley has not received a response for Director Pulliam. **Project Complete.**
2. *Courthouse Roof Replacement Project* – Director Smiley stated the roof is done completely and the metal flashings were reinstalled. Mr. Smiley confirmed the lightning protection installed Friday, November 1, 2019. Jim stated all that remains is the manufacturer roof inspection.
3. *Animal Control Projects Update* – Director Smiley contacted vendors used on previous projects for pricing on demolition, cutting and installation of new window and door openings and new lighting. Mr. Smiley reviewed the bid amounts he received by going direct to vendors along with pricing from the public bid for the H.V.A.C. systems totaling \$180,000.00 to \$190,000.00 with the Committee. Director Smiley estimated the cost of a new HVAC system to be \$75,000.00 for the kennel area and he estimated \$15,000.00 for the office area which would bring the bid estimation down to the \$150,000.00 - \$160,000.00 range. Director Smiley stated the HVAC portion of the project will need go out to public bid due to the cost estimates exceeding the public bid threshold. The balance of the project will be treated as individual projects and falls under the bid threshold. The project can start as soon as January according to Animal Control Committee Chair Cesich. County Administrator Koeppl stated the projected capital budget for 2020 is \$100,000.00 and since Animal Control Committee will not meet again until after the 2020 budget is approved. CA Koeppl will need to increase the Animal Control capital expense line to \$190,000.00 as a worst case scenario to ensure this project will be completed. Consensus was to direct Director Smiley to proceed with getting prices for the remaining items needed. Then plan to start construction after January 1, 2020.

4. *Historic Courthouse Window Replacement - 2019* – Director Smiley informed the Committee the windows were installed. There was an issue with one of the windows where bricks had to be removed for installation. Director Smiley stated the bricks will need to be re-installed. Once brick work is replaced, the windows can be trimmed out and Brad will paint the windows interior trim.
5. *Sally Port Elevator Controls Project* – Director Smiley stated the new parts were supposed to arrive to the vendor last week. Director Smiley is waiting for background screens to be submitted from the vendor and is projecting the project to start next week. Director Smiley estimates the project to be completed by the end of the month.
6. *Courthouse Atrium UV Protection Project* – Director Smiley informed the Committee the window UV installation was completed. Mr. Smiley also stated while the lift was in the lobby KCFM staff relamped the hanging chandeliers with 72 bulbs to LED lighting. **Project Complete.**
7. *Public Safety Center – Jail Duct Cleaning* – Director Smiley stated HVAC ducts were cleaned in cell blocks C, D and E. **Project Complete**
8. *KCFM Truck Disposals* – Director Smiley has not had time to discuss the truck disposals being part of the next sheriff's office vehicle auction, but plans to try and arrange this by the end of the year.

### **New Business/Projects**

#### 1. *Chair's Report*

- a. *Solar Project Update* – County Administrator Koeppel informed the Committee they are working with GRNE Energy to apply for a new special use permit. Kendall County is asking for the fencing material to go from composite to wood and to go back to the original landscaping plan facing west towards the Rush Copley side of Beecher Road. If the County gets the new special use permit approved by the City of Yorkville, the difference in costs are significantly less. Once this is approved, the County will have to decide how these cost differences will be paid. Kendall County could agree to re-structure the Purchase Power Agreement (PPA) or to pay the difference. The project is anticipated to be online early next year. CA Koeppel also stated they are still working on the tax exemption for materials that are currently being reviewed in Springfield.
- b. *Dewberry Proposal for County Office Building Projects* – Director Smiley was directed to get a quote from Dewberry for design services to modernize the county board room and electronic systems along with adding card access to the outside doors and each main hallway. Chair Kellogg explained this was done due to cost estimates to flip flop the county board room with the recorder's office along with electronic systems replacement and addition of card access coming in much higher than anticipated. Plus Dewberry has in house capability to design and engineer the entire project. Dewberry submitted an A/E proposal of \$46,100.00 and the electric panel alternate is \$1,500.00 for the scope of the work discussed. Director Smiley informed the Committee this is a fixed price quote and not based on a percentage of the cost of construction. Motion by Member Cesich to move forward with Dewberry and send the proposal for State's Attorney's review and once complete forward to the County Board. Second by Member Giles. **All members present voting aye, Motion Carried.**
- c. Approve 1 year extension of the existing lease for the Kane County Workforce Development Program office #221, 223 & 225 at the Health & Human Services facility. The Committee approved the 1<sup>st</sup> 1 year extension option. Director Smiley will send Kane County Workforce Development a letter confirming this decision.

- d. Approve 1 year extension of the existing lease for the CASA Kendall County office #228 at the Health & Human Services facility. The Committee approved the 1<sup>st</sup> 1 year extension option. Director Smiley will send CASA a letter confirming this decision.
  - e. Approve Mutual Ground lease for review by Mutual Ground for New Space at the Courthouse. The Committee approved to have the State's Attorney's Office (SAO) send new lease to Mutual Ground for their review. Consensus of the Committee was to also have the SAO send the completed lease to the County Board for approval.
  - f. Mutual Ground Memorandum of Understanding Review for new lease. Motion by Member Giles to forward Mutual Ground Memorandum of Understanding to the County Board for approval once the lease is received back by Mutual Ground. Second by Member Cesich. **All members present voting aye, Motion Carried.**
  - g. Forest Preserve Lease – Chair Kellogg informed the Committee he spoke with the State's Attorney about the Forest Preserve Lease and determined the actual office space used by the Forest Preserve is 789 sq. ft. This would bring the lease cost to approximately \$24,000.00 per year. Committee consensus was to have CA Koeppel discuss with Forest Preserve Director Dave Guritz using some of their Forest Preserve space for storage of County documents to help defer lease costs. Assistant Christina Wald was directed to call for storage unit costs. CA Koeppel and Director Smiley will work to create a Memorandum of Understanding (MOU) to go along with the lease. This will be brought back next month for approval of the MOU to go to the State's Attorney's Office for review.
2. *Public Safety Center:*
- a. *Phone Paging Issues* – Director Smiley informed the Committee a paging issue over telephone sets was detected. Mr. Smiley stated the problem was a defective analog port. Another available port was programmed to replace the defective port. Director Smiley did remind Committee Members a new phone system will be needed in the future and has been proposed in the capital budget dating back to 2013. **Project Complete.**
  - b. *New Phone Installation* – Director Smiley stated a request for a new phone extension to be set up in the medical area in the jail was completed. The Sheriff's office paid for the work to be done. **Project Complete.**
  - c. *Attendance Line Setup* - Director Smiley informed the Committee a request to have an attendance line created for the Sheriff's Office was received. Mr. Smiley explained this extension would distribute the calls received to automatically be emailed to various individuals as designated by the sheriff's office. Director Smiley programmed the phone system and Technology services setup the distribution email address so messages would automatically forward. **Project Complete.**
3. *Public Safety Center Boiler Cleaning* – Director Smiley stated the boilers in the jail addition of the Public Safety Center were not working properly and needed to be cleaned. The boilers were dismantled, soot brushed out and new gaskets were installed and the burners were recalibrated. The boilers were started back up and are working properly now. **Project Complete.**
4. *Carpet Replacement Projects at the Courthouse* – Director Smiley received pricing for a remaining project this year. Mr. Smiley hopes to have this ordered this week.
5. *Historic Courthouse Fire Alarm System Troubleshooting* – Director Smiley informed the Committee he received random trouble alarms. It was discovered the outputs losing power so a replacement panel will need to be installed. Mr. Smiley is in process of obtaining pricing. Panel is still working for fire alarm conditions.

6. KenCom Network Clock Cable Run – Director Smiley was asked by KenCom Director Lynette Bergeron to install a new cable for the new “Viper” phone system to ensure the clock is always running on current time. This needs to be completed in the next few weeks. Committee consensus was ok with this work being done.
7. KCFM Staff Leave – Director Smiley informed the Committee an employee will be going on FMLA for 3 months. Mr. Smiley stated winter snowfall is a concern. However, the contract with the snowplow vendor has costs outlined to have the vendor shovel walks at a cost of .04 cents per square foot. Jim estimates this will cost less than \$500.00 per snow event to have the vendor complete. Director Smiley plans to have the Fox street KCFM tech help at the route 34 campus for the initial morning cleanups while the vendor does the walks at the Fox street campus. Mr. Smiley stated KCFM tech will return to the County Office Building to maintain the walks throughout the day as needed. Consensus of the Committee was to go ahead and utilize the vendor as planned even though additional costs were not budgeted in the 2020 budget for this work.

### **Staffing/Training/Safety**

- *Reportable Labor Hours* – Reports were included in the packet.

### **Other Items of Business**

- *CMMS Charts* – Reports were included in the packet for:
  - Reported versus Completed Work Orders, Reported by Building Current Month
  - Work Orders by Work Type Current month

### **Questions from the Media** – None

### **Executive Session** – None

**Adjournment** – Chair Kellogg asked if there was a motion to adjourn. Member Giles made a motion to adjourn the meeting, second by Member Cesich. **With all members present voting aye, the meeting adjourned at 5:00 p.m.**

Respectfully submitted,

Christina Wald  
Administrative Assistant

## HIGHWAY COMMITTEE MINUTES

**DATE:** November 12, 2019  
**LOCATION:** Kendall County Highway Department  
**MEMBERS PRESENT:** Scott Gryder, Amy Cesich, and Matt Prochaska  
**STAFF PRESENT:** Ginger Gates and Fran Klaas  
**ALSO PRESENT:** Ryan Sikes and PJ Fitzpatrick

The committee meeting convened at 3:32 P.M. with roll call of committee members. Gilmour and Kellogg absent. Quorum established.

Motion Cesich; second Prochaska, to approve the agenda as presented. Motion approved unanimously.

Motion Prochaska; second Cesich, to approve the Highway Committee meeting minutes from October 8, 2019. Motion approved unanimously.

Motion Cesich; second Prochaska to recommend approval of the low bid of Arneson Oil Company to provide 15,000 gallons of gas at \$2.152/gallon and 20,000 gallons of diesel fuel at \$2.546/gallon to the Highway Department for fiscal year 2020. Motion approved unanimously.

Motion Cesich; second Prochaska to recommend approval of a resolution accepting the low bid of Corrective Asphalt Materials, LLC in the amount of \$129,708.50 for crack filling on various county highways. Klaas reported that this was a single bidder due to the proprietary nature of the material; but the Highway Department has had excellent results with this type of product, and recommended approval of the bid. He also provided additional information on some of the different types of crack fillers used on roadways, and why the Highway Department continues to use this particular crack filling material. Motion approved unanimously.

Motion Prochaska; second Cesich to recommend approval of an ordinance establishing an altered speed zone on Rogers Road in Fox Township. Klaas reported that this speed zone would only be applied from Finnie Road to Whitfield Road ( $\pm 1,700'$ ). It is necessary so that the signing for the curves meets the requirements of the Manual on Uniform Traffic Control Devices (MUTCD). Klaas reminded the Committee that the County Board sets speed limits on all county highways and township highways. Motion approved unanimously.

Motion Prochaska; second Cesich to recommend approval of a Preliminary Engineering Services Agreement between Kendall County and Hampton, Lenzini and Renwick, Inc. in the amount of \$43,500 for replacement of the River Road Bridge over the Rob Roy Creek using Township Bridge Program Funds. Klaas reported that the TBP funds would be used to cover 80% of the cost of this project. Gryder asked about the proposed width of the new structure. Klaas reported that it would have to meet all IDOT policies for a two-lane road. Additionally, Plano has made some inquiries about providing for pedestrian or bicycle facilities along River Road so that users could go from the Farnsworth House to and from the City of Plano. The Committee also discussed the large amount of traffic on River Road, the fact that it used to be a County Highway, and whether additional thought should be given to improving this corridor. Motion approved unanimously.



Under Chairman's Report, Gryder reported that he has had quite a bit of feedback about speed limits on county highways... some wanting faster speeds, others wanting lower speeds with more controls. Klaas indicated that speed limits were probably the number one complaint that his department gets from the public.

Prochaska reported that there is some indication there might be a second round of funding for highway projects subsequent to Rebuild Illinois, and suggested that the County prepares a list of secondary projects in anticipation of a call for projects. Klaas said that he is working on additional long-range projects that could be brought to the Committee.

Klaas reported that he is working on the Long Range Plan update, and could post a draft copy soon. He suggested that because of the influx of \$35 million of Rebuild Illinois money for both Eldamain Road and Collins Road, the 5-Year Plan should also get an update... even though the plan was just revised 2 months ago. Committee agreed this was a good idea to update both the 5-Year Plan and Long Range Plan. Committee discussed various projects and funding on multiple County Highways. Gryder suggested that these discussions could take place at the December Highway Committee meeting, and asked Klaas to make a power point presentation.

Motion Cesich; second Prochaska to forward Highway Department bills for the month of November in the amount of \$182,139.79 to the Finance Committee for approval. By roll call vote, motion approved unanimously.

Motion Cesich; second Prochaska to adjourn the meeting at 4:10 P.M. Motion carried unanimously.

Respectfully submitted,



Francis C. Klaas, P.E.  
Kendall County Engineer

### **Action Items**

1. Low bid of Arneson Oil Company to provide 15,000 gallons of gas at \$2.152/gallon and 20,000 gallons of diesel fuel at \$2.546/gallon to the Highway Department for fiscal year 2020
2. Resolution accepting the low bid of Corrective Asphalt Materials, LLC in the amount of \$129,708.50 for crack filling on various county highways
3. Ordinance establishing an altered speed zone of 45 mph on Rogers Road in Fox Township
4. Preliminary Engineering Services Agreement between Kendall County and Hampton, Lenzini and Renwick, Inc. in the amount of \$43,500 for replacement of the River Road Bridge over the Rob Roy Creek using Township Bridge Program Funds

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 & 210***

***111 W. Fox Street, Yorkville, Illinois***

**6:30 p.m.**

**Meeting Minutes of November 12, 2019 – Unofficial until approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Prochaska at 6:30p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers (arrived at 6:45 p.m.), Scott Gengler, Matthew Prochaska (Chairman), and Robyn Vickers

Committee Members Absent: Judy Gilmour and Matt Kellogg (Vice-Chairman)

Also Present: Matt Asselmeier (Senior Planner), Thomas Zurliene, Tyler Zurliene, Caitlin Paloian, Dr. Amaal Tokars, and Steve Gengler

With two (2) members of the Committee present, Chairman Prochaska exercised County Rule 14.D and appoint Member Vickers to create a quorum.

**APPROVAL OF AGENDA**

Member Gengler made a motion, seconded by Member Vickers, to approve the agenda with an amendment to move Petition 19-35 to the second item under Petitions. With a voice vote of four (4) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Gengler made a motion, seconded by Member Vickers, to approve the minutes of the October 7, 2019, meeting. With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

*Review of Expenditures from the Prior Month*

The Committee reviewed the Expenditure Report. Member Gengler made a motion, seconded by Member Vickers, to forward the expenditures to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

**PETITIONS**

*19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties (Owner) and Thomas and Zurliene and Tyler Zurliene on Behalf of TZ Landscaping (Tenant)*

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate their landscaping business at the subject property.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a  
Page 1 of 20

landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The area subject to the special use permit is approximately ten (10) acres in size, but the business will be operating only on a small portion of the property.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date,

no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.

The Kendall County Regional Planning started their review of this proposal at their meeting on July 24, 2019. Discussion occurred regarding the nature, location, and timing of installation of fencing, berming, and plantings. Discussion also occurred regarding the location and timing for construction of a new pole barn on the building. The Petitioners requested a layover in order to add greater specificity to their site plan and landscaping.

On August 23, 2019, the Petitioners submitted a revised site plan, which was provided. Also on August 23, 2019, Staff responded with an email outlining several defects with the site plan and with additional questions. This email was provided. The matter was laid over until the September meeting.

On September 18, 2019, the Petitioners submitted another revised site plan, which was provided. This site plan did not include contours and the proposal was laid over until the October meeting.

On October 15, 2019, the Petitioners submitted another revised site plan, which was provided. The Kendall County Regional Planning Commission reviewed this Petition at their meeting on October 23, 2019, with the revised site plan of October 15<sup>th</sup>. The Petitioners agreed with the proposed Findings of Fact and conditions proposed by Staff. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor and zero (0) in opposition. Two (2) members of the Commission were absent.

The Kendall County Zoning Board of Appeals opened the public hearing on this proposal on July 29, 2019. Because of site plan defects, the hearing was continued until September 30, 2019, and October 28, 2019. The minutes of the July 29<sup>th</sup> and September 30<sup>th</sup> hearings for this Petition only were provided. At the October 28, 2019, portion of the hearing, nobody testified in opposition to the request and the Petitioners agreed to follow the proposed conditions and restrictions. The Kendall County Zoning Board of Appeals recommended approval with conditions proposed by Staff with a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing/meeting were provided.

The Petitioners submitted revised site plans on September 18<sup>th</sup> and October 15<sup>th</sup>. According to these site plans, the Petitioners will demolish the crib on the east side of the property and construct a new sixty foot by one hundred twenty foot (60'X120') building at approximately the same location as the crib. The new building will be approximately thirty-one feet (31') feet off of the eastern property line. Restrooms will be placed inside the building; portable restrooms will be used until completion of the new building. No date was provided regarding the demolition of the crib. The construction of the new building will occur within three (3) years of the landscaping business acquiring ownership of the property.

The site plans also provided for storage area for sand, rock, gravel, soil, and mulch. The concrete storage area will be ninety feet by fifteen feet by six feet (90'X15'X6') and will be

installed by March 2020. Two (2) shipping containers will be onsite. The containers will each be eight feet by forty feet (8'X40'). A brick area will be thirty feet by thirty feet (30'X30'). A thirty foot by sixty foot (30'X60') debris area is also planned to store concrete waste, brick waste, grass clippings, and branches. This debris eventually will be hauled offsite. The debris area will use the same type of encasements as the gravel, soil, and mulch area. A new gas area measuring ten feet by fifteen feet (10'X15') will be installed.

Any new buildings constructed onsite will require building permits. If the existing buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

The site plan shows parking east of the existing house. This parking area will need to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. The parking area will be forty-five feet by sixty feet (45'X60'). No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. The Petitioners plan to install security lights with the new building. No specifics about the lights was provided.

The Petitioners plan to install one (1) five foot by six foot (5'X6') sign north of the berm. No information was provided regarding the height of the sign.

According to the site plans, the Petitioners plan to install one hundred twenty-four (124) Techny Arborvite along the western, eastern, and southern portions of the site. The Arborvitae will be three feet (3') in height at the time of planting. They will be planted approximately ten feet (10') apart and will be fifteen to twenty feet (15'-20') from the property line. They will grow approximately fifteen feet (15') in height. Planting will occur by October 2020.

None of the existing trees along Route 52 will be removed.

A berm three feet (3') in height and six feet (6') in width will be installed for a length of fifty feet (50') east of the driveway. The berm will be made of dirt and seed. The berm will be installed by October 2020.

The property drains to the south of the proposed business operations. The Petitioners did not provide any additional information regarding contours, drainage, or dimensions of impervious surface. A stormwater management permit will be required.

The approved Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general

area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location and size septic field are unknown. The Petitioners may have to upgrade the septic system because of the new use of the property.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the Petitioners comply with all applicable laws, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan (dated October 14, 2019).
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
4. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
5. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
6. One hundred twenty-four (124) Techny Arborvitae shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitae shall be installed by October 2020. Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

7. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
8. Equipment and vehicles related to the business may be stored outdoors.
9. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
14. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

A draft ordinance was provided.

Chairman Prochaska asked if Erb Properties, LLC agreed to these conditions. One of the Zurlienes responded that they (TZ Landscaping) intends to purchase the property. They agreed with the proposed conditions.

Member Vickers made a motion, seconded by Member Gengler, to forward this Petition to the County Board.

The votes were as follows:

Yeas (3): Gengler, Vickers, and Prochaska  
 Nays (0): None  
 Abstain (0): None

Absent (3): Flowers, Gilmour, and Kellogg

The motion carried. The proposal will go to the County Board on November 19, 2019.

19 – 35 – John and Laura Gay

Mr. Asselmeier summarized the request.

John and Laura Gay would like to establish a kennel, The Pets Home Pet Resort and Spa, at the subject property which they own at 3601 Plainfield Road. They are also requesting a variance to allow the kennel to be approximately thirty feet, six and one half inches (30'-6 ½") from property zoned other than residential at the kennel's closest point with neighboring property.

The property is approximately five (5) acres in size and the special use area is approximately four point seven (4.7) acres in size.

The existing land use is agricultural and single-family residential. The future land use is suburban residential. There are no trails planned in the area. There are no floodplains or wetlands on the property, but Morgan Creek runs along the northern boundary of the property.

The adjacent land uses are agricultural, farmstead, and single-family residential. The adjacent zoning is A-1. The Land Resource Management Plan calls for the area to be suburban residential with commercial to the south of the property. The adjacent zonings are A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on July 22, 2019, and found no protected species or sites in the vicinity.

NRI application submitted on September 12, 2019. The LESA Score was 170 indicating a low level of protection.

Oswego Township was emailed information on September 23, 2019. On October 9, 2019, Oswego Township submitted comments regarding this proposal. They do not object to the proposal, but would like adequate screening around the property.

Oswego Fire Protection District was emailed information on September 23, 2019. They requested the building to be fire alarmed. They requested the building to be sprinkled. They also requested turn-around capabilities for fire apparatus on the subject property. The Petitioners agreed to amend their site plan to have a turn-around area and submitted a revised site plan to that effect.

The Village of Oswego was emailed information on September 23, 2019.

ZPAC met on this proposal on October 1, 2019. Discussion occurred regarding the Oswego Fire Protection District's requests. The Petitioners stated they would examine the Oswego Fire Protection District's requests. The Highway Department requested a fifteen foot (15') right-of-way dedication along the entire existing frontage of Plainfield Road to be used as Plainfield Road right-of-way. Discussion occurred regarding the number of vehicle trips at the property. The



Health Department requested to work with the Petitioners regarding their well and septic systems. ZPAC recommended approval by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The ZPAC minutes were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 23, 2019. Discussion occurred about future land uses in the area, the need for appropriate screening and fencing, having the animals inside after dusk to reduce noise, and the number of employees at the site during and after hours of operation. A neighbor, John Constantine, requested that the Commission approve the requested special use permit. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variance with the conditions proposed by Staff with a vote of seven (7) in favor and zero (0) in opposition. Two (2) members of the Commission were absent.

The Kendall County Zoning Board of Appeals held a public hearing on this request on October 28, 2019. No members of the public testified in favor or in opposition to the request. The Kendall County Zoning Board of Appeals recommended approval with conditions by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of this hearing/meeting were provided.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance is required to the distance from the kennel to non-residentially zoned property.

According to the information provided to the County, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the site plan, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. The building shall consist of fourteen (14) rooms including a lobby, manager's office, restroom, bathroom, break room, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the southeast and northeast. The fenced area would be approximately six hundred twenty (620) square feet in size and serve as a play area for the pets.

Building and Occupancy Permits will be required for the new building.

The Petitioner indicated that they are working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road and curb cut already exists for the proposed driveway for the kennel. The Petitioners are going to remove an existing driveway connection on the property. If this removal occurs, there would be one (1) dedicated entrance for the residence and one (1) dedicated entrance for the kennel.

The Petitioners believe most of the traffic generated by the proposed business will occur in the

morning and early evening when patrons drop-off and pick-up their pets.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible. The parking lot would access Plainfield Road through a twenty-two foot (22') wide asphalt driveway.

The Petitioners plan to installed three (3) lights along the driveway and in the parking lot. These lights are twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Four (4) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that might be installed were provided. The exact light fixtures are not known.

The Petitioners plan to have one (1) sign along Plainfield Road.

The Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials. The specific location of the plants can be found on the site plan.

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

The Petitioners plan to install an eight foot by ten foot (8' X 10') refuse enclosure at the northeastern end of the parking lot. The enclosure is proposed to be six feet (6') tall surrounded by brick with a steel gate for access. Refuse will be picked up weekly.

If approved, this would be the fifth active special use permit for a kennel in unincorporated Kendall County.

The approved Findings of Fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. As noted in the previous finding, the proposed special use

will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed of hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related stormwater, drainage, well, and septic systems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that the variance is approved regarding distance to non-residentially zoned or use properties, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”

The approved Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is triangular in shape and combined with its size of approximately five (5) acres makes it difficult for any use to be greater than one hundred fifty feet (150') from any non-residentially zoned property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The configuration of this property is unique among A-1 zoned properties. Most A-1 zoned properties are larger and more rectangular in shaping than the subject property giving them more space for uses to be away from non-residentially zoned property.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners did not create the configuration of the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. Provided the site is developed as proposed, the granting of the variation will not be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Provided all applicable permits are secured, no threats to public safety should arise. The proposed use will not cause an impairment of light or air to adjacent property.

Increased traffic congestion is not anticipated. If developed as proposed, property values should not be impaired.

Staff recommends approval of the requested special use permit for a kennel and variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan (provided in the application materials). The site plan shall be adjusted to accommodate a turn-around area for emergency vehicles (shown in the revised site plan). The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in condition 2.
2. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
3. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
4. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
5. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan (provided in the application materials). The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in condition 2.
6. A maximum of one hundred (100) pets may be on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
9. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
10. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
11. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
12. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
13. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.

14. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The draft ordinance was provided.

The Petitioners had two (2) changes to the site plan, one (1) regarding the fence and the other change regarded the turn-around area.

Member Flowers arrived at this time (6:45 p.m.).

Caitlin Paloian, Attorney for the Petitioners, explained that the Petitioners wanted to install an eight foot (8') tall vinyl fence instead of a six foot (6') tall wood fence around the pet play area. The Petitioners believe that this change is in harmony with Oswego Township's request for proper screening. The fence would be a vinyl cover over wood. The fence would be white in color. The Petitioners would like to retain the turn-around area. No new access onto Plainfield Road would be required and no additional traffic would be generated by retaining the turnaround area. The Petitioners also do not want to back out of their driveway onto Plainfield Road.

The building will be alarmed and sprinklered.

Member Flowers made a motion, seconded by Member Gengler, to recommend approval of the Petition with the conditions proposed by Staff, the fence amendment requested by the Petitioner, and the access amendment requested by the Petitioner.

The votes were as follows:

Yeas (4):      Flowers, Gengler, Vickers, and Prochaska  
Nays (0):      None  
Abstain (0):   None  
Absent (2):    Gilmour and Kellogg

The motion carried. The Petitioners will revise their site plan for the County Board meeting. The proposal will go to the County Board on November 19, 2019.

19 – 31 – Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical

Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.

7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting were provided.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10<sup>th</sup> meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The

Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 30, 2019. Planning, Building and Zoning Committee Chairman Matthew Prochaska, Commander Jason Langston of the Kendall County Sheriff's Department, and Kendall Township Supervisor Steve Gengler were the only members of the public in attendance. The Zoning Board of Appeals recommended approval of the proposal with the amendment that cannabis business be in stand-alone buildings and that certain cannabis uses be in the B-3 District. The minutes of the meeting were provided.

Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10<sup>th</sup> on August 28, 2019. On October 1, 2019, the townships were notified of the recommendation of the Kendall County Zoning Board of Appeals and their right to file a formal objection to this proposal. No township filed a formal objection. However, Oswego Township requested that no cannabis sales related business be located in Boulder Hill. Kendall Township requested that adult-use cannabis businesses not be allowed in the B-3 District, but they had no objection to medical cannabis business being allowed in the B-3 District. The correspondence from Oswego Township and Kendall Township were provided.

It has come to Staff's attention that the Cannabis Regulation and Tax Act set the hours of operation for adult-use cannabis dispensing organization at 6:00 a.m. until 10:00 p.m. Accordingly, we request that the proposal be amended to remove the hours of operation of 6:00 a.m. until 8:00 p.m.

The proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC, changes made at the September 10<sup>th</sup> meeting, the change proposed by the Kendall County Regional Planning Commission, and the recommendation of the Kendall County Zoning Board of Appeals were provided.

Maps showing the potential location of cannabis uses were provided.

Dr. Amaal Tokars, Kendall County Health Department, provided information on cannabis dispensary locations in California.

Steve Gengler, Kendall Township Supervisor, said a that neighbor to the township building is considering a cannabis related business license.

The consensus of the Committee was that setbacks be measured from the cannabis use and not the property line of the cannabis use.

Chairman Prochaska left the meeting at this time and Member Flowers assumed the Chair (7:10 p.m.).

Chairman Prochaska returned to the meeting at this time (7:12 p.m.).

Chairman Prochaska made a motion, seconded by Member Flowers to have cannabis uses in



stand-alone buildings only. Discussion occurred regarding the variance process and the text amendment process. Discussion occurred regarding security for stand-alone buildings. Discussion occurred regarding possible locations for cannabis uses and the availability of stand-alone buildings. The consensus of the Committee was craft growers should be in stand-alone buildings. The Committee did not take a formal position on stand-alone buildings for other cannabis uses.

The consensus of the Committee was to include the language requested by the Kendall County Sheriff's Department regarding security systems in each cannabis use.

The consensus of the Committee was to approve craft growers as special uses in the A-1, M-1, and M-2 Districts and the setback should be one thousand feet (1,000') as measured from the cannabis use.

The consensus of the Committee was to add public libraries and game arcades to which admission is not restricted to persons twenty-one (21) years of age or older to the list of protected establishments.

The consensus of the Committee was to have setbacks be two thousand five hundred feet (2,500') as measured from the cannabis use for adult-use cannabis cultivation centers and medical cannabis cultivation centers.

The consensus of the Committee was to remove the barbed wire fencing requirement; the fence would remain at eight feet (8') in height for adult-use cannabis cultivation centers and medical cannabis cultivation centers.

The majority opinion of the Committee was that adult-use cannabis cultivation centers and medical cannabis cultivation centers should be special uses in the M-1 and M-2 Districts. The minority report of the Committee was that adult-use cannabis cultivation centers and medical cannabis cultivation centers should also be a special use in the A-1 District in addition to the M-1 and M-2 Districts.

The consensus of the Committee was to change the hours of operation for adult-use cannabis dispensing organizations and medical dispensing organizations to 6:00 a.m. until 10:00 p.m. to comply with State law.

The consensus of the Committee was to have the setbacks be one thousand feet (1,000') from protected uses and two hundred fifty feet (250') from residentially zoned or used properties as measured from the cannabis use for adult-use cannabis dispensing organization and medical dispensing organizations.

The consensus of the Committee was to have the setbacks be one thousand five hundred feet (1,500') from protected uses and two hundred fifty feet (250') from residentially zoned or used properties as measured from the cannabis use for adult-use cannabis infuser organizations, adult-use cannabis processing organizations, and adult-use cannabis transporting organizations.

The consensus of the Committee was to have adult-use cannabis dispensing organizations, medical dispensing organizations, adult-use cannabis infuser organizations, and adult-use cannabis processing organizations as special uses in the M-1 and M-2 Districts.

Chairman Prochaska favored that cannabis uses on B-3 zoned properties should be within one

thousand feet (1,000') of an interstate highway interchange. Member Gengler favored not allowing certain cannabis uses in the B-3 District entirely. Members Vickers and Flowers favored allowing certain cannabis uses in the B-3. A minority report will be prepared regarding the placement with the one thousand foot (1,000') location restriction or outright restriction of adult-use cannabis dispensing organizations, medical dispensing organizations, adult-use infuser organizations, and adult use cannabis processing organizations as special uses in the B-3 District.

The consensus of the Committee was not to allow onsite consumption of cannabis products by members of the public.

Steve Gengler, Kendall Township Supervisor, reminded the Committee that cannabis uses were never considered when the County zoned certain properties B-3.

The consensus of the Committee was that adult-use cannabis transporting organizations should be special uses in the M-1 and M-2 Districts with setbacks be at fifteen hundred feet (1,500') from protected uses and two hundred fifty feet (250') from residentially zoned and used properties as measured from the cannabis use. The Committee also agreed that this use can only transport cannabis unless allowed by the special use permit.

Member Flowers made a motion, seconded by Member Vickers, to issue a neutral recommendation and inclusion of the minority reports.

The votes were as follows:

Yeas (4): Flowers, Gengler, Vickers, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (2): Gilmour and Kellogg

The motion carried. The proposal will go to the Committee of the Whole on November 14, 2019.

**NEW BUSINESS**

Recommendation on 2019 Noxious Weed Annual Report

Member Flowers made a motion, seconded by Member Gengler, to recommend approval of the Annual Report.

The votes were as follows:

Yeas (4): Flowers, Gengler, Vickers, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (2): Gilmour and Kellogg

The motion carried. The proposal will go to the Committee of the Whole on November 14, 2019.

Review of Fiscal Year 2019-2020 Application Timetable

The Committee reviewed the application timetable.

Member Flowers made a motion, seconded by Member Gengler, to approve of the application timetable.

The votes were as follows:

Yeas (4): Flowers, Gengler, Vickers, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (2): Gilmour and Kellogg

The motion carried.

Approval of Plumbing Inspection Contract Between Kendall County and Randy Erickson, D.B.A. Erickson Construction

Mr. Asselmeier summarized the request.

Kendall County's contract with Randy Erickson, D.B.A Erickson Construction expires in December 2019.

The redlined and clean copies of the contract were provided. The proposed contract is for three (3) years with an additional one (1) year option.

The only change from the current contract is the insurance language. As was discussed with the Committee in June and July. Mr. Erickson would need to raise his fee from One Hundred Forty Dollars (\$140) per inspection to One Hundred Fifty Dollars (\$150) per inspection. Accordingly, the County would need to raise the plumbing inspection fee to One Hundred Sixty Dollars (\$160) to cover the Ten Dollar (\$10) difference. This fee increase will be discussed when the Building Codes are reviewed later this winter.

Member Flowers made a motion, seconded by Member Gengler, to forward the contract to the County Board with the inspection fee increase amendment.

The votes were as follows:

Yeas (4): Flowers, Gengler, Vickers, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (2): Gilmour and Kellogg

The motion carried. The proposal will go to the County Board on November 19, 2019.

Approval to Authorize the Chairman of the Planning, Building and Zoning Committee to Send a Letter to the United City of Yorkville Requesting that the United City of Yorkville Amend Their Future Land Use Map for Properties Along Eldamain Road

Chairman Prochaska summarized the issue.

Due to the Illinois Department of Transportation's funding of the Eldamain Road bridge, Chairman Prochaska felt sending the request to the United City of Yorkville was appropriate.

Member Vickers made a motion, seconded by Member Gengler, to authorize the Chairman to send the letter as requested.

The votes were as follows:

Yeas (4): Flowers, Gengler, Vickers, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (2): Gilmour and Kellogg

The motion carried.

### **OLD BUSINESS**

#### **Zoning Ordinance Project Update**

Mr. Asselmeier has completed his review of the document. The Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1,2, 3, 4, 5, 6, 7, 8, 9, 10, and 12; they will be reviewing Sections 11, 13, and 14 at their meeting in December.

#### **Update on Amendment to Zoning Ordinance Pertaining to Citation Authority**

The Committee reviewed the proposed changes and felt that the procedure outlined in the proposal was satisfactory, including abolishing the Code Hearing Unit. They also felt that having the enforcement and fine information in one (1) location in the Zoning Ordinance was preferred.

Without objection, the Committee agreed to initiate a text amendment to the Zoning Ordinance as outlined in the proposal.

### **NEW BUSINESS**

#### **Approval of Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of November 2019**

A second meeting was not necessary.

### **REVIEW VIOLATION REPORT**

The Committee reviewed the Violation Report. The Committee requested an update on 45 Cheyenne Court.

### **REVIEW NON-VIOLATION COMPLAINT REPORT**

The Committee reviewed the report.

### **UPDATE FROM HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier reported that the Illinois Historic Preservation Agency completed their review of the Historic Preservation Ordinance and the Historic Preservation Commission will be meeting on November 18<sup>th</sup> to discuss the comments.

### **REVIEW PERMIT REPORT**

The Committee reviewed the report.

### **REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS**

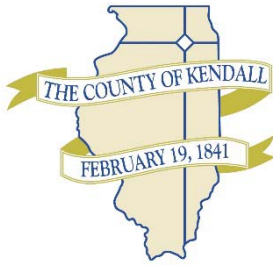
None

Mr. Asselmeier noted that the Land Cash Ordinance will be discussed at the Committee of the Whole on November 14, 2019.

**ADJOURNMENT**

Member Flowers made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 8:13 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner



# Kendall County Agenda Briefing

**Committee:** Planning, Building and Zoning

**Meeting Date:** November 12, 2019

**Amount:** N/A

**Budget:** N/A

**Issue:** Petition 19-26-Request from Edward and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant) for a Special Use Permit for a Landscaping Business at 276 U.S. Route 52 (PIN: 09-13-400-006) in Seward Township

## **Background and Discussion:**

Petitioners are requesting an A-1 Special Use to operate their landscaping business at the subject property.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners.

Record for Petition - <https://www.co.kendall.il.us/wp-content/uploads/Petition-19-26.pdf>

Draft ordinance and conditions are attached.

Information from Seward Township and Village of Shorewood attached.

## **Committee Action:**

ZPAC-Forward (7-0-3); KCRPC-Approval with Conditions (7-0-2); ZBA-Approval with Conditions (5-0-2); Seward Township-Approval with Concerns; Village of Shorewood-Denial; Minooka Fire Protection Dist.-No Comments; PBZ Committee-Approval with Conditions (3-0-3)

## **Staff Recommendation:**

Approval with Conditions

**Prepared by:** Matthew H. Asselmeier, AICP

**Department:** Planning, Building and Zoning Department

**Date:** November 13, 2019

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A  
LANDSCAPING BUSINESS AT 276 ROUTE 52 ROAD AND IDENTIFIED BY PARCEL  
IDENTIFICATION NUMBER 09-13-400-006 IN SEWARD TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 7.01.D.28 of the Kendall County Zoning Ordinance permits the operation of landscaping businesses as a special use with certain restrictions in the A-1 Agricultural Zoning District; 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 10.0 acres located at 276 Route 52 (PIN: 09-13-400-006) 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 Erb Properties, LLC represented by Edward and Robert Baltz and is leased to TZ Landscaping, LLC represented by Thomas and Tyler Zurliene and collective shall hereinafter be referred to as “Petitioners”; and

WHEREAS, on or about June 20, 2019, Petitioners’ representative filed a petition for a Special Use Permit allowing the operation of a landscaping business at the subject property; and

WHEREAS, following due and proper notice by publication in the Herald News not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on July 29, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, which said public hearing was continued to September 30, 2019, and continued again to October 28, 2019, at which the Petitioners’ attorney presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition; 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 special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated October 28, 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 neutral recommendation of the requested special use permit with conditions; 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

WHEREAS, this special use permit shall be treated as a covenant running with the land and is binding on the

successors, heirs, and assigns as to the same special use conducted on the property; 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 special use permit allowing the operation of a landscaping business on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C.
  - B. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
  - C. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
  - D. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
  - E. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
  - F. One hundred twenty-four (124) Techny Arborvitae shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitae shall be installed by October 2020. Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
  - G. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
  - H. Equipment and vehicles related to the business may be stored outdoors.
  - I. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
  - J. No landscape waste generated off the property can be burned on this site.



- K. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
  - L. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
  - M. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
  - N. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
  - O. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
  - P. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
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 special use permit.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of November, 2019.

Attest:

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Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

**TZ Landscaping, LLC**

**Legal Description for 276 Rt. 52, Minooka, IL 60447**

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 544 00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS

## Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on October 28, 2019, by a vote of five (5) in favor and zero (0) in opposition. Chairman Mohr and Member Cherry were absent.

### FINDINGS OF FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications.

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location and size septic field are unknown. The Petitioners may have to upgrade the septic system because of the new use of the property.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided the Petitioners comply with all applicable laws, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.***

### RECOMMENDATION

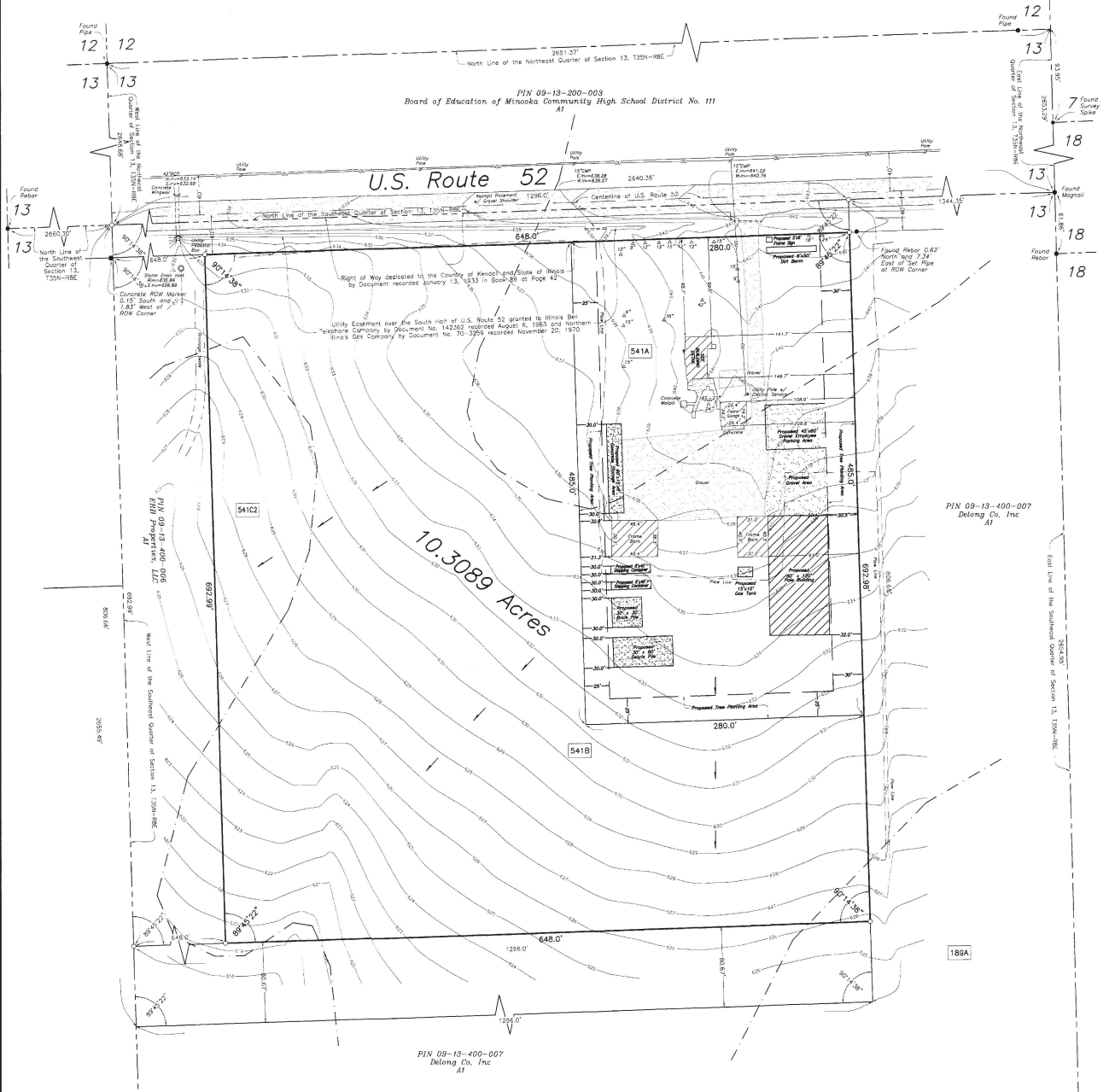
Approval subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plans submitted on September 18, 2019 and dated October 14, 2019.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
4. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning

Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.

5. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
6. One hundred twenty-four (124) Techny Arborvitaes shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitaes shall be installed by October 2020. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
7. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
8. Equipment and vehicles related to the business may be stored outdoors.
9. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
14. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

# ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



**FLOODPLAIN STATEMENT:**

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0145H with an effective date of January 5, 2014.

**WETLANDS STATEMENT:**

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

**DEVELOPER:**  
T.Z. Landscaping, LLC  
Thomas and Tyler Zurlene  
1001 Lorne Court  
Shorewood, Illinois 60404

**PROPERTY LOCATION:**  
PIN: 09-13-400-006  
276 US Highway 52  
Minooka, Illinois 60447

**AREA TO BE REZONED:**  
10.3089 Acres

**PRESENT ZONING:**  
A-1

**PROPOSED ZONING:**  
A-1, SU



**SCALE**  
1"=50'

**LEGEND:**

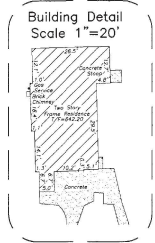
- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete Right of Way Monument
- Indicates Line of Fence
- Indicates Overhead Utilities
- Indicates Soils Boundary
- ⊙ Indicates Tree Location and Diameter
- ⊙ Indicates Spot Elevation
- Indicates Contour Elevation
- Indicates Direction of Flow

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

The East Half of the North 806.65 feet of the West 1298.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.

**SOILS (From Web Soil Survey)**

189A	Morinton Silt Loam, 0%–2% slopes
S41A	Graymont Silt Loam, 0%–2% slopes
S41B	Graymont Silt Loam, 2%–5% slopes
S41C	Graymont Silt Loam, 5%–10% slopes, eroded



PIN: 09-13-400-006

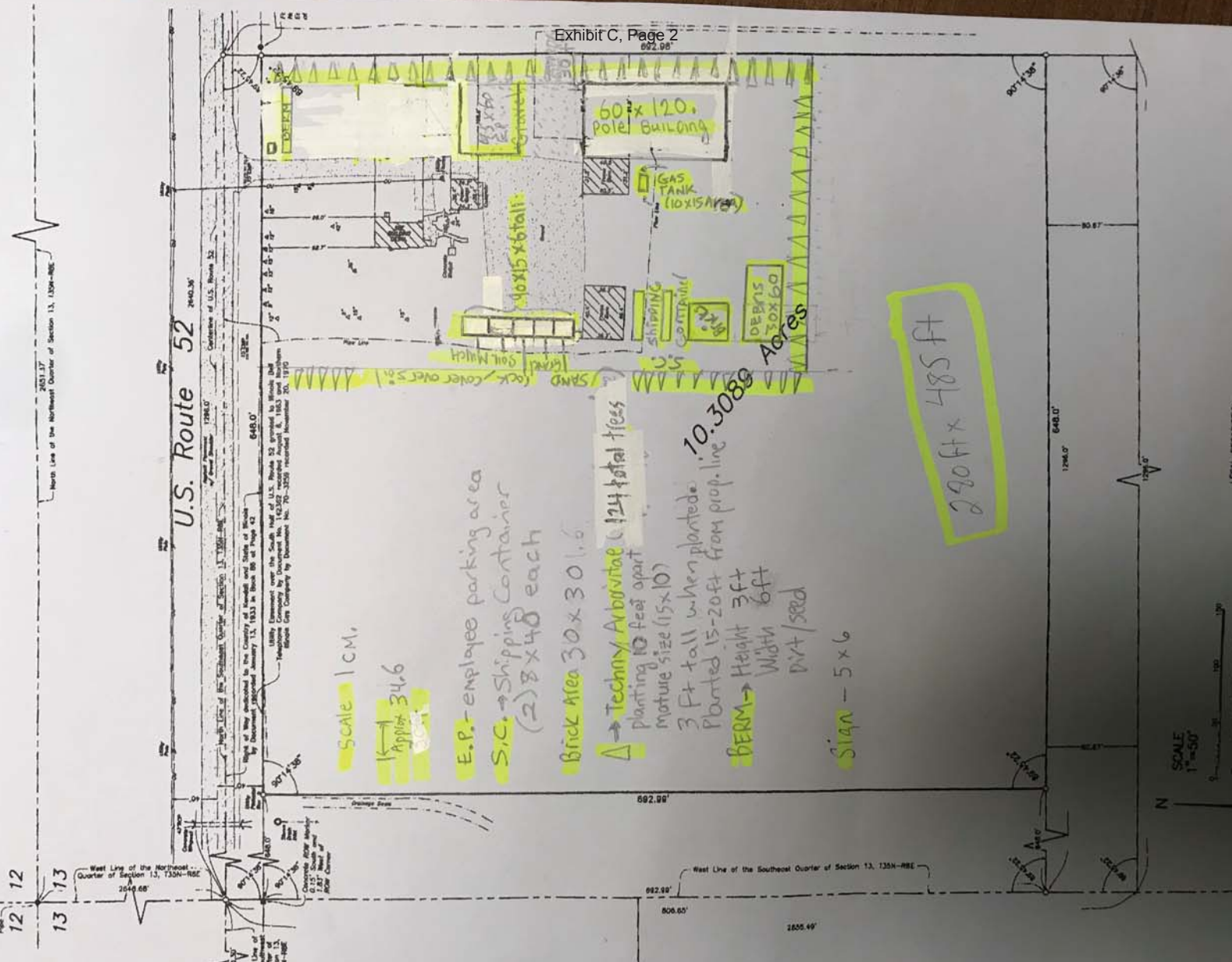
October 14, 2019

JOB NO.	1910D
JOB NAME	ERB PROPERTIES
DWG FILE	19100B
REVISION DATE	10-14-2019

NOTE: Plat revised October 14, 2019 as to show proposed improvements.

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING — TOPOGRAPHIC MAPPING — Lic.#184-002775

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580



North Line of the Northeast Quarter of Section 13, 135N-88E

U.S. Route 52

Centerline of U.S. Route 52

SCALE 1 CM.

APPROX 34.6 ACRES

E.P. - employee parking area  
S.C. - Shipping Container  
(2) 8 x 40 each

BRICK AREA 30 x 30 x 6

TECHNICAL ARBORVITAE (124 total trees)  
Planting 10 feet apart  
mature size (15 x 10)  
3 Ft tall when planted.  
Planted 15-20ft from prop. line

BERM - Height 3ft  
Width 6ft  
Dirt/seed

SIGN - 5 x 6

280 ft x 485 ft

SCALE 1" = 50'

LEGAL DESCRIPTION

**Chrissy\_Kelley**

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**From:** Chrissy\_Kelley  
**Sent:** Tuesday, July 2, 2019 8:31 AM  
**To:** Matt Asselmeier  
**Subject:** RE: Kendall County Zoning Petition 19-26

**Importance:** High

Matt,

In response to the submitted request for a Special Use to operate a Landscape Business at 276 Route 52, I offer the following:

1. While the Village's Future Land Use Plan calls for Commercial uses on the subject property, this use is industrial in nature as it is essentially a storage yard. They do not have employees onsite and they do not even have access to the house for restroom facilities. This use would be considered Business Park use in our Future Land Use Plan. As such, we are opposed to granting the Special Use as it is inconsistent with our Comprehensive Plan.
2. Per Kendall County's regulations, the operation of a business should be within an enclosed building. If this Special Use is granted with the ability to store materials outside, the Village would recommend installation of an 8-foot tall privacy fence to screen the storage of all materials stored outside.
3. The existing property lacks proper maintenance. For example, there is a large hole in the roof of the eastern barn and other dilapidation of the structures can be seen in the photographs. In fact, as a way to compensate for the lack of maintenance, the business has put at least one cargo container onsite. Additionally, there is a brush pile and other piles of debris throughout the property. The application states that this property has been occupied by the business for seven years but it appears that the property has been allowed to fall into disrepair. If this Special Use is granted, we would recommend that these property maintenance issues be addressed as a condition of approval.
4. It appears that there has been impervious area added since the business began operating at this location. If the Special Use were granted, the Village recommends evaluating the amount of impervious that has been added already plus the addition of compacted gravel for the parking lot to determine if detention or BMPs would be needed.
5. A double-sided sign could serve the purpose of creating exposure for the business from both directions on Route 52. The Village would oppose granting a variance for two signs, as no hardship has been presented.

In summary, the Village opposes granting the Special Use for a landscape storage yard at the subject property. However, if the County were to approve the Special Use, the Village recommends the following conditions: 1) install an 8-foot tall privacy fence to fully screen the materials being stored outside; 2) properly maintain the existing structures and clean up the debris on the property; and 3) ensure adequate stormwater management of existing and proposed impervious area. With regard to the sign variance, the Village opposes erecting two signs when a double-sided sign can serve the same purpose.

Please let me know if I can offer any clarifications.

Regards,

Kelley Chrissy, AICP  
*Economic Development Director*



Village of Shorewood

## SEWARD TOWNSHIP PLAN COMMISSION MINUTES

JULY 22, 2019

The Seward Township Plan Commission met on July 22, 2019 to review a request submitted to Kendall County by TZ Landscape, requesting a special use permit to operate a Landscape business at 276 Route 52. Members present included Rob Lombardo, Jessica Nelsen, Daniel Dugan and Suzanne Casey. Elaine Beutel was absent. Following the pledge to the Flag, Chairman Lombard commenced the discussion of the landscape business special use permit request.

Other documents available for committee review included a document from the Village of Shorewood summarizing their concerns regarding the granting of the permit for the proposed landscape business, as well a communication sent to Matt Asselmeier from the City of Joliet, also objecting to the approval.

A summary of the discussion by the Seward Township committee with the TZ Landscape representative present addressed the following issues:

- The burning of materials/spoils brought in from other property.
- The sound, organized management of the land/property, including recommendations for the berm at Route 52 and for the trees planted on the other 3 perimeter property lines.
- An organization of materials on the property, with proper storage available for said materials.
- The maintenance of buildings, so that the structures are not falling down and in need of major repair.
- Proper parking for employee vehicles available in an organized parking area of the property.
- Well and Septic were also questioned.

After a discussion, the TZ Landscape representative assured the committee that it was his intention to clean up the property and organize his daily operation with the necessary materials and planning, once he gained ownership of the property. He did not want to assume any of that until he knew he could own the property and operate his business from there with the necessary permit.

The Seward Township Board will be meeting at 7:30 Monday night, immediately following this meeting, and this recommendation will be provided to them.

Minutes of this meeting will be provided to Matt Asselmeier on Tuesday, July 23 for his use at the Regional Plan Commission meeting on Wednesday, July 24.

Minutes submitted by:

Suzanne Casey

July 22, 2019



STATE OF ILLINOIS  
Kendall County  
Town of Seward

A Special meeting of the Board of Trustees met at the office of the Town Clerk at Seward Town Hall on July 22, 2019. This meeting was to review a request by TZ Landscapers to open a business on 276 Route 52.

Present:

Mrs. Jean Homerding, Supervisor  
Ms Sharleen Smith, Clerk  
Mr. Tom Fleming, Trustee  
Mr. Phil Chaney, Trustee  
Mr. Jim Martin, Trustee

Absent: Dan Roberts, Trustee

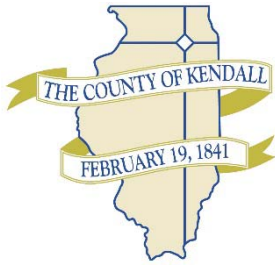
Jean Homerding, Chairperson and Sharleen Smith, Clerk conducted the following business.

The Seward Township Special Meeting on July 22, 2019 meeting was called to order at 7:30 p.m. All Trustees were present except Dan Roberts. The Board met to discuss the recommendation from the Seward Township Plan Commission on TZ Landscapers to operate a business a 276 Route 52. A representative from TZ Landscapers was present to address concerns and questions. He indicated that once he was able to purchase the property (approximately 10 acres) and obtain the correct permits he would clean up the place, put up a berm on three sides with trees, take down 1 barn and replace it with a pole barn for storage of trucks. There will be 1 sign per Kendall County zoning rules. This will not be a retail business so there will be no customers creating a traffic problem on Route 52. Jim Martin made a motion to recommend the Special Use Permit and Phil Chaney seconded. All members voting Aye, motion carried.

Sharleen Smith will forward a copy of these minutes to Suzanne Casey of the Seward Township Plan Commission and to Matt Asselmeier of the Regional Plan Commission.

The Special session was adjourned at 7:41pm after a motion was made by Tom Fleming and seconded by Phil Chaney. All members voting Aye, motioned carried.

Attest  
Sharleen Smith  
Clerk



# Kendall County Agenda Briefing

**Committee:** Planning, Building and Zoning

**Meeting Date:** November 12, 2019

**Amount:** N/A

**Budget:** N/A

**Issue:** Petition 19-35-Request from John and Laura Gay for a Special Use Permit for a Kennel and a Variance to Section 7.01.D.27 of the Kendall County Zoning Ordinance Allowing a Kennel to Be Placed 30 Feet 6 1/2 Inches Instead of 150 Feet from Lots Zoned Other Than Residential at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego Township

**Background and Discussion:**

Petitioners are requesting an A-1 Special Use to operate a kennel at the subject property.

Record for Petition - <https://www.co.kendall.il.us/wp-content/uploads/Petition-19-35.pdf>

Draft ordinance and conditions are attached.

**Committee Action:**

ZPAC-Approval (7-0-3); KCRPC-Approval with Conditions (7-0-2); ZBA-Approval with Conditions (5-0-2); Oswego Township-No Objections; Village of Oswego-No Comments; Oswego Fire Protection Dist.-Approval with Conditions; PBZ Committee-Approval with Conditions (4-0-2)

**Staff Recommendation:**

Approval with Conditions

**Prepared by:** Matthew H. Asselmeier, AICP

**Department:** Planning, Building and Zoning Department

**Date:** November 14, 2019

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A KENNEL AND A VARIANCE TO SECTION 7.01.D.27 OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW A KENNEL TO BE LOCATED THIRTY FEET SIX AND ONE HALF INCHES FROM THE LOT LINE OF LOTS ZONED OTHER THAN RESIDENTIAL OR SHOWN ON THE LAND RESOURCE MANAGEMENT PLAN MAP AS NON-RESIDENTIAL FOR A 5.0 ACRE +/- PARCEL LOCATED AT 3601 PLAINFIELD ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-28-100-004 IN OSWEGO TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variations and place conditions on variations and provides the procedure through which variations are granted; and

WHEREAS, Section 7.01.D.27 of the Kendall County Zoning Ordinance permits the operation of kennels as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.27 of the Kendall County Zoning Ordinance requires kennels to be located a minimum of 150 feet from the lot line of lots zoned other than residential or shown on the Land Resource Management Plan Map as non-residential; 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 5.0 acres located at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego 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 John and Laura Gay and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about September 18, 2019, Petitioner’s representative filed a petition for a Special Use Permit allowing the operation of a kennel at the subject property and a variance to Sections 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel to be placed no closer than 30 feet 6 ½ inches from the lot line of lots zoned other than residential or shown on the Land Resource Management Plan Map as non-residential; and

WHEREAS, following due and proper notice by publication in the Beacon News and Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on October 28, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested special use permit and variance and zero members of the public testified in favor or in opposition; 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 special use permit and variance with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals,

dated October 28, 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 special use permit and variance with conditions; 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

WHEREAS, this special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; 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 special use permit and variance allowing the operation of a kennel on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan attached hereto as Exhibit C. The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in Condition B.
  - B. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
  - C. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
  - D. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
  - E. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan attached hereto as Exhibit C. The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in Condition B.
  - F. A maximum of one hundred (100) pets may be on the subject property at any time.
  - G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.

- H. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
  - I. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
  - J. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
  - K. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
  - L. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
  - M. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
  - N. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
  - O. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
  - P. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
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 special use permit and variance.

IN WITNESS OE, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of November, 2019.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHWEST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE ; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on October 28, 2019, by a vote of five (5) in favor and zero (0) in opposition. Chairman Mohr and Member Cherry were absent.

**FINDINGS OF FACT-SPECIAL USE**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed of hours of operation will also prevent injury to neighboring land uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related stormwater, drainage, well, and septic systems.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided that the variance is approved regarding distance to non-residentially zoned or use properties, the special use would conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses."***

## FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations.

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The subject property is triangular in shape and combined with its size of approximately five (5) acres makes it difficult for any use to be greater than one hundred fifty feet (150') from any non-residentially zoned property.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The configuration of this property is unique among A-1 zoned properties. Most A-1 zoned properties are larger and more rectangular in shaping than the subject property giving them more space for uses to be away from non-residentially zoned property.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The Petitioners did not create the configuration of the subject property.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **Provided the site is developed as proposed, the granting of the variation will not be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Provided all applicable permits are secured, no threats to public safety should arise. The proposed use will not cause an impairment of light or air to adjacent property. Increased traffic congestion is not anticipated. If developed as proposed, property values should not be impaired.***

## RECOMMENDATION

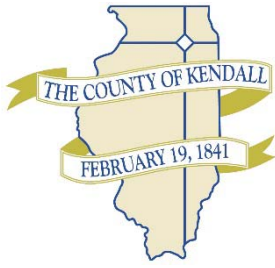
Approval with the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan, security plan, landscaping plan, and lighting plan. The site plan shall be adjusted to accommodate a turn-around area for emergency vehicles. The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in condition 2.
2. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
3. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
4. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
5. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan. The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in condition 2.



6. A maximum of one hundred (100) pets may be on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
9. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
10. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
11. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
12. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
13. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.





# Kendall County Agenda Briefing

**Committee:** Planning, Building and Zoning

**Meeting Date:** November 12, 2019

**Amount:** N/A

**Budget:** N/A

**Issue:** Approval of 2019 Noxious Weed Annual Report

**Background and Discussion:**

Kendall County is required by Illinois law to submit a Noxious Weed Annual Report to the State by December 1st of each year. Attached please find the proposed 2019 Noxious Weed Annual Report.

During 2019, the Kendall County, Planning, Building and Zoning Department received zero (0) complaints of noxious weeds. In 2018, the Department received one (1) complaint.

**Committee Action:**

PBZ Committee-Approval (4-0-2)

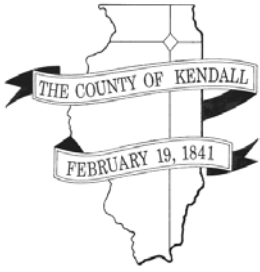
**Staff Recommendation:**

Approval

**Prepared by:** Matthew H. Asselmeier, AICP

**Department:** Planning, Building and Zoning Department

**Date:** November 13, 2019



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**KENDALL COUNTY  
NOXIOUS WEED ANNUAL REPORT  
2019**

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As required by the Illinois Noxious Weed Law (505 ILCS 100), the County of Kendall submits the following Annual Report from November 1, 2018 to October 31, 2019.

During the reporting period:

1. Kendall County sent letters to each township and municipality located within Kendall County asking that they report noxious weed cases and investigations to the Kendall County Planning, Building and Zoning Department. A copy of the letter is attached.
2. Kendall County received zero (0) complaints of noxious weeds within the County.
3. Kendall County received (0) requests for assistance in the investigation of noxious weed infestations.
4. Kendall County eradicated zero (0) acres of noxious weeds.
5. Kendall County quarantined zero (0) acres of property.
6. Kendall County received zero (0) requests for advice from persons responsible for controlling and eradicating noxious weeds.
7. Kendall County published zero (0) notice to individuals regarding noxious weeds.
8. Kendall County published the General Notice in the Kendall County Record on March 14, 2019. A copy of the Certificate of Publication is attached.
9. Kendall County prepared and adopted a Comprehensive Work Plan for 2020.
10. Kendall County cooperated, when requested, with Federal, State and local authorities in carrying out the provisions of the Illinois Noxious Weed Law.

This Noxious Weed Annual Report was approved by the Kendall County Board on November 19, 2019.

Respectively Submitted,

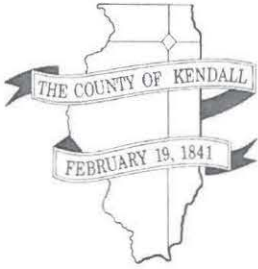
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Scott R. Gryder  
Kendall County Board Chairman

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Date

Encs: September 3, 2019 Letter to Municipalities and Townships  
General Notice Certificate of Publication



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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September 3, 2019

RE: Illinois Noxious Weed Law

Dear Township Supervisors and Mayors:

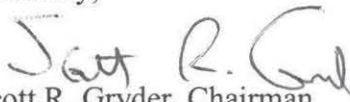
Kendall County is preparing to work on its annual report and comprehensive work plan as required by the Illinois Noxious Weed Law (505 ILCS 100). In order to comply with State law, we request that you inform us of any noxious weed cases that you received over the last twelve months, the location of the complaint and if the complaint was resolved. Please send this information to Matthew Asselmeier, Kendall County Senior Planner, 111 W. Fox Street, Yorkville, IL 60560 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us) by **October 3, 2019**.

**We do not request that you undertake any additional work related to the enforcement of the Illinois Noxious Weed Law or that you alter your procedures for process noxious weed complaints except that you inform us of noxious weed complaints.**

Kendall County hopes to partner with each township and municipality in order to comply with this law. A list of State of Illinois recognized noxious weeds is included with this letter.

If you have any questions, please contact Mr. Asselmeier at 630-553-4139.

Sincerely,

  
Scott R. Gryder, Chairman  
Kendall County Board

Enc: List of Noxious Weeds

### Section 220.60 Noxious Weeds

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum almum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria labata*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

Certificate of the Publisher

Kendall County Record

Description: ILLINOIS NOXIOUS WEED LAW  
1623455

KENDALL COUNTY PLANNING, BUILDING, ZONING  
ROOM 203  
111 W. FOX STREET  
YORKVILLE IL 60560

Shaw Media certifies that it is the publisher of the Kendall County Record. The Kendall County Record is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Yorkville, County of Kendall, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Kendall County Record, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 03/14/2019

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its publisher, at Yorkville, Illinois, on 14th day of March, A.D. 2019

Shaw Media By:



Laura Shaw, Publisher

Account Number 10101009

Amount \$104.78

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN PURSUANT TO THE "ILLINOIS NOXIOUS WEED LAW" to the owners, occupants, agents and public officials in charge or control of any land in Kendall County that they are required to control or eradicate all NOXIOUS WEEDS growing upon land under their control prior to the blooming, maturing of seed or other propagating of such weeds.

**NOXIOUS WEEDS:**

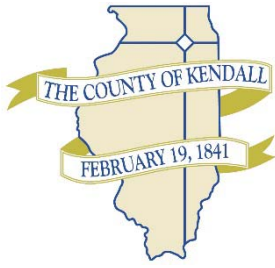
- a) Marijuana (Cannabis sativa L.);
- b) Giant Ragweed (Ambrosia trifida L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (Ambrosia artemisiifolia L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (Cirsium arvense);
- e) Perennial Sowthistle (Sonchus arvensis);
- f) Musk Thistle (Carduus nutans);
- g) Perennial members of the sorghum genus, including johnsongrass (Sorghum halepense), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (Pueraria lobata).

NOTICE IS FURTHER GIVEN that if the persons responsible for the control of any lands in Kendall County fail to comply with the provisions of the Illinois Noxious Weed Law the Control Authority of Kendall County or the Department of Agriculture of the State of Illinois will take any necessary action to control or eradicate such weeds and the cost thereof will be assessed against the owner of the land involved. If unpaid for 6 months or longer, such assessment shall become a lien upon the property.

Date at Yorkville, Kendall County, Illinois, this 5th day of March, 2019.

Signed: Scott R. Gryder  
Kendall County Weed Control Authority

(Published in Kendall County Record March 14, 2019)  
1623455



# Kendall County Agenda Briefing

**Committee:** Planning, Building and Zoning

**Meeting Date:** November 12, 2019

**Amount:** N/A

**Budget:** N/A

**Issue:** Approval of Plumbing Inspection Contract Between Kendall County and Randy Erickson, D.B.A. Erickson Construction for a Period of Three Years with One Additional One Year Option; Plumbing Inspection Fees Would Increase from \$140 Per Inspection to \$150 Per Inspection

**Background and Discussion:**

Kendall County's contract with Randy Erickson, D.B.A Erickson Construction expires in December 2019.

The proposed contract is attached. The proposed contract is for three (3) years with an additional one (1) year option.

The only changes from the current contract are updated insurance language and an increase in the fee of plumbing inspections from One Hundred Forty Dollars (\$140) per inspection to One Hundred Fifty Dollars (\$150) per inspection.

The County currently charges One Hundred Fifty Dollars (\$150) per inspection. If this contract is approved as proposed, the County may want to consider raising the plumbing inspection fee to One Hundred Sixty Dollars (\$160) to cover the Ten Dollar (\$10) difference when the Building Codes are reviewed later this winter.

**Committee Action:**

PBZ Committee-Approval (4-0-2)

**Staff Recommendation:**

Approval

**Prepared by:** Matthew H. Asselmeier, AICP

**Department:** Planning, Building and Zoning Department

**Date:** November 13, 2019



## **PLUMBING INSPECTIONS AGREEMENT BETWEEN KENDALL COUNTY, ILLINOIS AND RANDY ERICKSON, D.B.A. ERICKSON CONSTRUCTION**

THIS Agreement is entered into the day and year set forth below between *KENDALL COUNTY, ILLINOIS* (hereinafter "Kendall County") and RANDY ERICKSON, d.b.a ERICKSON CONSTRUCTION, with its principal offices at 1218 Lakewood Drive, Somonauk, IL 60552 (hereinafter referred to as "Inspector"). In consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, the parties hereto agree as follows:

1. **Scope of Services:** Inspector will provide Kendall County with necessary inspection services to ensure the adherence to minimum regulations governing the design, installation and construction of plumbing systems to protect the public health against the hazards of inadequate, defective or unsanitary plumbing installations. In doing so, Inspector shall perform inspections of properties in conformance with the, Kendall County Building Code and Illinois State Plumbing Code, 2004 (77 Ill. Adm. Code 890), as may be amended from time to time. Such inspections shall include, but not be limited to, rough plumbing inspections, under floor plumbing inspections, final plumbing inspections before occupancy, and necessary re-inspections along with any other inspections that are requested by Kendall County to ensure compliance with, and enforcement of, the Kendall County Building Code and Illinois State Plumbing Code.
2. Inspections must be completed using the proper Kendall County reports/forms. Prior to the commencement of any requested inspection, Kendall County will prepare and provide all necessary inspection reports/forms for use by the inspector. Following an inspection, the original, completed inspection reports/forms shall be returned to the Kendall County Planning, Building & Zoning Department within twenty-four (24) hours after completion of the inspection.
3. Fees & Reimbursements for the above described work shall be a \$150.00 flat fee per inspection or re-inspection performed, regardless of size, type or time necessary to complete inspection. Inspector shall issue monthly invoices to Kendall County for his services, unless no inspections were performed in a given month.
4. Payment shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 *et seq.*).
5. Kendall County shall provide notice at least one (1) business day prior to when there is a foreseeable need for an inspection to take place. However, should an emergency inspection be necessary as determined by a Kendall County Code Official, Vender agrees to provide such service upon notification.
6. Inspector's availability is to be 12:00 PM – 4:30 P.M., Monday – Friday, except on County Holidays. Inspector must also be available in the case of emergency as determined by the Kendall County Code Official.

7. Inspector must make himself available to testify in any court proceedings within Kendall County in respect to plumbing inspections and enforcement of the Kendall County Building Code and Illinois State Plumbing Code.
8. Inspector must provide a current telephone number at all times to the Kendall County Administration office, and be available at that number to communicate with Planning, Building & Zoning Department staff.
9. Should inspector not be available to perform inspections at any time, Inspector is to provide the County with notice of his unavailability at least forty eight (48) hours in advance.
10. Inspector shall maintain an Illinois Plumbers license in good standing at all times and shall upon demand provide a copy to Kendall County at no additional cost. As of the time of signing this Agreement, Inspector is certifying that his plumbing license is current and in good standing.
11. Inspector shall not subcontract the services provided under this agreement to a third-party inspector without the prior written consent of Kendall County. It is also understood and agreed that Randy Erickson shall be the only inspector authorized to perform inspections on behalf of Erickson Construction pursuant to this contract, and that he shall not employ another inspector to fulfill the duties prescribed herein.
12. Inspections performed under this Agreement shall be completed using Inspector's own equipment, tools and vehicles, and Kendall County shall not be responsible for reimbursing the Inspector for mileage or any other expenses incurred.
13. Inspector is an Independent Inspector and is not an employee of, partner of, agent of, or in a joint venture with Kendall County. Inspector understands and agrees that Inspector is solely responsible for paying all wages, benefits and any other compensation due and owing to Inspector's officers, employees, and agents for the performance of services set forth in the Agreement. Inspector further understands and agrees that Inspector is solely responsible for making all required payroll deductions and other tax and wage withholdings pursuant to state and federal law for Inspector's officers, employees and/or agents who perform services as set forth in the Agreement. Inspector also acknowledges its obligation to obtain appropriate insurance coverage for the benefit of Inspector, Inspector's officers, employees and agents and agrees that Kendall County is not responsible for providing any insurance coverage for the benefit of Inspector, Inspector's officers, employees and agents. Inspector hereby indemnifies and agrees to waive any right to recover alleged damages, penalties, interest, fees (including attorneys' fees), and/or costs from Kendall County, and their past, present and future board members, officials, employees, insurers, and agents for any alleged injuries that Inspector, its officers, employees and/or agents may sustain while performing services under the

Agreement. Inspector shall exercise general and overall control of its officers and employees.

14. This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. 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.
15. Inspector agrees to indemnify and hold harmless, and defend with counsel of Kendall County's own choosing, Kendall County, including their past, present, and future board members, elected officials, insurers, employees, and agents from and against claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to reasonable attorneys' fees and other legal expenses, which Kendall County, their board members, elected officials, insurers, employees, and/or agents may sustain, incur or be required to pay arising out of Inspector's performance or failure to adequately perform its obligations pursuant to this Agreement.

Nothing contained herein shall be construed as prohibiting Kendall County, its past, present, and future board members, elected 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. Kendall County's participation in its defense shall not remove Inspector's duty to indemnify, defend, and hold Kendall County harmless, as set forth above.

Kendall County does not waive its defenses or immunities under the Local Government and Governmental Employees Tort Immunity Act (745 ILCS 10/1 *et seq.*) by reason of indemnification or insurance. Indemnification shall survive the termination of this contract.

16. Inspector 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 Inspector to Kendall County at the address set forth below for receipt of notice. Before starting work hereunder, Inspector shall deposit with Kendall County certificates evidencing the insurance it is to provide hereunder:

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with

limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Inspector has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

If the Inspector maintains broader coverage and/or higher limits than the minimums shown above, Kendall County requires and shall be entitled to the broader coverage and/or the higher limits maintained by the Inspector. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to Kendall County.

### **Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions:

#### **Additional Insured Status**

Kendall County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Inspector including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Inspector's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used).

#### **Primary Coverage**

For any claims related to this contract, the Inspector's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 as respects Kendall County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by Kendall County, its officers, officials, employees, or volunteers shall be excess of the Inspector's insurance and shall not contribute with it.

#### **Notice of Cancellation**

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to Kendall County.

#### **Waiver of Subrogation**

Inspector hereby grants to Kendall County a waiver of any right to subrogation which any insurer of said Inspector may acquire against Kendall County by virtue of the payment of any loss under such insurance. Inspector agrees to obtain any

endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not Kendall County has received a waiver of subrogation endorsement from the insurer.

#### Self-Insured Retentions

Self-insured retentions must be declared to and approved by Kendall County. Kendall County may require the Inspector to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or Kendall County.

#### Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to Kendall County.

#### Verification of Coverage

Inspector shall furnish Kendall County with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to Kendall County before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Inspector's obligation to provide them. Kendall County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

#### Special Risks or Circumstances

Kendall County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

Kendall County shall be named as Additional Insured 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 shall be designated as the certificate holder.

17. Neither party will be responsible to the other for damage, loss, injury, or interruption of work if the damage, loss, injury, or interruption of work is caused solely by conditions that are beyond the reasonable control of the parties, and without the intentional misconduct or negligence, of that party (hereinafter referred to as a "force majeure event"). To the extent not within the control of either party, such force majeure events may include: acts of God, acts of any governmental authorities, fire, explosions or other casualties, vandalism, riots or war, and unavailability of parts, materials, or supplies. A party claiming a force majeure event ("the claiming party") shall promptly notify the other party in writing, describing the nature and estimated duration of the claiming party's inability to perform due to the force majeure event. The cause of such inability to perform will be remedied by the claiming party with all reasonable dispatch.

18. Upon the occurrence of any material default or breach of Agreement by either party, the injured party (i.e., the non-breaching and/or non-defaulting party) may, at its option, upon notice to the other in writing, declare this Agreement to be in default, and at any time thereafter, so long as the other party shall not have remedied or caused to be remedied all outstanding defaults and/or breaches within a reasonable period of time as determined by Kendall County, the injured party may elect, in accordance with law and any other Agreement between the parties to: (a) Proceed by appropriate court action at law or in equity to enforce performance by the defaulting party of its obligations under this Agreement and/or to recover damages for breach thereof; and/or (b) By notice in writing to the defaulting party, cancel or terminate this Agreement. In any action with respect to this Agreement, the parties are free to pursue any legal remedies at law or in equity. If Kendall County is required to take legal action to enforce performance of any of the terms, provisions, covenants and conditions of this Agreement, and by reason thereof, Kendall County is required to use the services of an attorney, then Kendall County shall be entitled to reasonable attorneys' fees, court costs, and expenses incurred by Kendall County pertaining thereto and in enforcement of any remedy, including costs and fees relating to any appeal.
19. Inspector agrees to comply with any and all applicable federal, state or local laws and regulatory requirements and to secure such licenses as may be required for its employees to conduct business in the state, municipality, county, or location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.
20. Inspector certifies that Inspector, 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).
21. Inspector, 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.
22. Nothing contained in this Agreement, nor any act of Kendall County or Inspector pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the Inspector.
23. When performing inspections under the terms of this Agreement, the Inspector intends that any injuries to its respective employees shall be covered and handled exclusively by Inspector's own worker's compensation insurance in place at the time of such injury. 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 inspector, which may result from its activities under this Agreement, shall be the responsibility of inspector.

24. This Agreement represents the entire understanding between the parties hereto, and any modification or amendment hereof must be made in writing, and executed by both parties hereto. Furthermore, this Agreement supersedes any prior written or oral agreements between the parties, and there are no other promises or conditions in any other agreement whether oral or written.
25. Neither party shall assign, sublet, sell, or transfer its interest in this Agreement without the prior written consent of the other.
26. Any notice required or permitted to be given pursuant to this Agreement shall be duly given if sent by fax, certified mail, or courier service and received, in the case of notice to Kendall County, Kendall County Planning Building & Zoning Department, Attention: Code Enforcement Official, 111 West Fox Road, Room 203, Yorkville, Illinois, 60560, fax: (630) 553-4179 with copy sent to: County Administrator, 111 West Fox Road, Room 316, Yorkville, Illinois, 60560 and to Kendall County State's Attorney, 807 John Street, Yorkville, Illinois, 60560, fax (630) 553-4204. And, in the case of Inspector, to: Randy Erickson, d.b.a Erickson Construction, 1218 Lakewood Drive, Somonauk, IL 60552.
27. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.
28. Kendall County and Inspector each hereby warrant and represent that their respective signatures set forth below 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.
29. 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 Inspector. In the event of a default due to non-appropriation of funds, Kendall County has the right to terminate the Agreement upon providing thirty (30) days written notice to Inspector. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.
30. This Agreement shall be in full force and effect for a period of three (3) years from the date of the last signature below, however it may be renewed for subsequent one (1) year terms upon written agreement signed by both parties.

31. This Agreement may be terminated by Kendall County upon written notice delivered to Inspector at least thirty (30) calendar days prior to the effective date of termination. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.

**IN WITNESS WHEREOF**, the parties hereto caused this Agreement to be executed as set forth below.

**RANDY ERICKSON, D.B.A  
ERICKSON CONSTRUCTION**

BY: \_\_\_\_\_

NAME: RANDY ERICKSON

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**KENDALL COUNTY, ILLINOIS**

BY: \_\_\_\_\_

NAME: SCOTT R. GRYDER

TITLE: KENDALL COUNTY BOARD  
CHAIRMAN

DATE: \_\_\_\_\_



## KENDALL COUNTY, ILLINOIS MEETING SCHEDULE 2020

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

<b>MONDAY</b>		
Administration HR	1 <sup>st</sup> Monday of the month	5:30pm
Facilities Management	1 <sup>st</sup> Monday of the month	4:00pm
Zoning Board of Appeals	1 <sup>st</sup> Monday following Plan Commission Meeting	7:00pm
Law, Justice and Legislation <i>Location: Courthouse, 807 W. John Street</i>	2 <sup>nd</sup> Monday of the month	3:15pm
Health & Environment	3 <sup>rd</sup> Monday of the month	3:00pm
Historic Preservation	3 <sup>rd</sup> Monday of the month	6:30pm
Planning, Building & Zoning	Monday of the week before 2 <sup>nd</sup> Board Meeting	6:30pm
<b>TUESDAY</b>		
County Board (1 <sup>st</sup> Mtg)	1 <sup>st</sup> Tuesday of the month	6:00pm
ZPAC	1 <sup>st</sup> Tuesday of the month	9:00am
Highway Department <i>Location: HWY, 6780 Route 47</i>	2 <sup>nd</sup> Tuesday of the month	3:30pm
County Board (2 <sup>nd</sup> Mtg)	3 <sup>rd</sup> Tuesday of the month	9:00am
Tax Board of Review <i>Location: 111 W. Fox Street; Rm 303A</i>	Varies	1:00pm
<b>WEDNESDAY</b>		
Administration HR	3 <sup>rd</sup> Wednesday of the month	5:30pm
Animal Control	4 <sup>th</sup> Wednesday of the month	8:30am
Regional Planning Commission	4 <sup>th</sup> Wednesday of the month	7:00pm
Comprehensive Land Plan & Ordinance	4 <sup>th</sup> Wednesday of the month	5:00pm
<b>THURSDAY</b>		
Committee of the Whole	Thursday of the week before the 2 <sup>nd</sup> County Board Meeting	4:00pm
Finance (1 <sup>st</sup> Mtg)	Thursday of the week before the 2 <sup>nd</sup> County Board Meeting	5:00pm
Finance (2 <sup>nd</sup> Mtg)	Thursday of the week after the 2 <sup>nd</sup> County Board Meeting	5:00pm
Labor & Grievance	Thursday of the week of the 2 <sup>nd</sup> County Board Meeting	5:30pm
<b>FRIDAY</b>		
Economic Development	Last Friday of the month	9:00am

## **New GIS Policy Notice**

**After the recording of a document\* that contains a legal description, an employee of the GIS Department may review the legal description.**

**If mapping errors are found that prompts a re-recording, an employee of the GIS Department may provide an image of the map and identify the following information.**

- 1) The legal description does not create a closed boundary.**
- 2) The legal description includes property not owned by the document's Grantor.**
- 3) The legal description splits property.**
- 4) The legal description contains critical errors that prevent mapping.**

**It is up to the attorney, title company employee, or other member of the public to consult with a licensed professional land surveyor on how to correct the errors.**

**For additional information, please see the full policy adopted by the County Board in November 2019.**

**\* Kendall County GIS cannot review legal descriptions prior to recording. Legal descriptions should be verified by the surveyor or attorney who drafted the document.**

**Kendall County GIS Department Policy on Reviewing Legal Descriptions**

**(Effective November \_\_, 2019)**

***Please be advised that this Policy is not intended to and does not create a contract of employment, express or implied, and this Policy does not alter the employment at-will relationship with Kendall County. This policy applies to all employees and interns of the Kendall County GIS Department, and it supersedes any and all other policies regarding or relating to review of legal descriptions previously adopted by the Employer.***

According to the Illinois Professional Land Surveyor Act (225 ILCS 330/1, et seq.), only a licensed professional land surveyor may prepare a legal description. Given that statutory restriction, an employee of the Kendall County GIS Department may not:

- 1) prepare a full legal description;
- 2) review a legal description prior to recording of a document; or
- 3) provide advice on how to solve any error in a legal description.

If, after the recording of a document, a private attorney, title company employee, or other member of the public is notified by a County department or office of an error in the document's legal description, they may request the GIS Department to map the legal description. The GIS employee may provide the requester with an image of the map. The GIS employee may not provide any further information or opinion to the requester on the results of the mapping other than to identify the following:

- 1) The legal description does not create a closed boundary.
- 2) The legal description includes property not owned by the document's Grantor.
- 3) The legal description splits property.
- 4) The legal description contains critical errors that prevent mapping.

Kendall County does not map based on intent, and thus, the legal description on the recorded document must reflect the subject property at the time of recording.

Notwithstanding this policy, Kendall County GIS Department employees may provide assistance to other Kendall County departments and offices in accordance with applicable law.

**Receipt of Kendall County GIS Department Policy on Reviewing Legal Descriptions**

Your signature below affirms that you have received a copy of the Kendall County GIS Department Policy on Reviewing Legal Descriptions, which is effective November \_\_\_\_, 2019. By signing this acknowledgment form, you affirm that you have read and will abide by the Kendall County GIS Department Policy on Reviewing Legal Descriptions.

**BY SIGNING BELOW, YOU ALSO UNDERSTAND THAT YOUR EMPLOYMENT WITH KENDALL COUNTY, ILLINOIS REMAINS EMPLOYMENT "AT-WILL", WHICH MEANS THAT YOUR EMPLOYMENT MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT CAUSE. YOU FURTHER UNDERSTAND THAT NOTHING IN THE KENDALL COUNTY GIS DEPARTMENT POLICY ON REVIEWING LEGAL DESCRIPTIONS IS INTENDED TO AND/OR DOES CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED.**

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Signature of Employee

Date

*This form is to be signed and returned to the employee's immediate supervisor.*

<b>Kendall County Clerk</b>				
<b>Revenue Report</b>		<b>10/1/19-10/31/19</b>	<b>10/1/18-10/31/18</b>	<b>10/1/17-10/31/17</b>
<b>Line Item</b>	<b>Fund</b>			
	County Clerk Fees	\$ 984.00	\$ 739.00	\$ 800.50
	County Clerk Fees - Marriage License	\$ 1,560.00	\$ 1,560.00	\$ 1,500.00
	County Clerk Fees - Civil Union	\$ -	\$ -	\$ -
	County Clerk Fees - Misc	\$ 3,075.00	\$ 2,580.50	\$ 2,070.50
	County Clerk Fees - Recording	\$ 33,694.00	\$ 25,060.00	\$ 26,987.00
01010061205	Total County Clerk Fees	\$ 39,313.00	\$ 29,939.50	\$ 31,358.00
01010001185	County Revenue	\$ 33,311.50	\$ 55,299.25	\$ 33,679.25
38010001320	Doc Storage	\$ 19,596.00	\$ 14,740.00	\$ 15,938.50
51010001320	GIS Mapping	\$ 33,085.00	\$ 24,890.00	\$ 26,866.00
37010001320	GIS Recording	\$ 4,139.00	\$ 3,400.00	\$ 3,356.00
01010001135	Interest	\$ 21.12	\$ 21.15	\$ 15.51
01010061210	Recorder's Misc	\$ 3,742.25	\$ 2,596.00	\$ 3,342.00
81010001320	RHSP/Housing Surcharge	\$ 17,712.00	\$ 13,302.00	\$ 14,409.00
37210001575	Tax Certificate Fee	\$ 1,000.00	\$ 920.00	\$ 480.00
37210001576	Tax Sale Fees	\$ 15.00	\$ 100.00	
37210001577	Postage Fees	\$ -		
CK # 18796	To KC Treasurer	\$ 151,934.87	\$ 145,207.90	\$ 129,444.26
Death Certificate Surcharge sent from Clerk's office \$1608.00 ck # 18794				
Dom Viol Fund sent from Clerk's office \$260.00 ck # 18795				



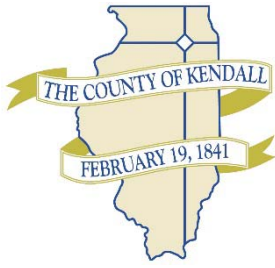
KENDALL COUNTY CORONER  
 ————— JACQUIE PURCELL —————

Description	**	Month: October (FY 2019)	Fiscal Year-to- Date	October 2018
Total Deaths		31	281	29/285
<b>Natural Deaths</b>		27	257	26/238
<b>Accidental Deaths</b>		1	8	3/15
<b>Pending</b>		0	0	0
<b>Suicidal Deaths</b>		2	13	0/6
<b>Homicidal Deaths</b>		1	2	0/1
<b>Undetermined</b>		0	1	0/2
<b>Toxicology</b>		2	26	3/31
<b>Autopsies</b>		2	20	3/28
<b>Cremation Authorizations</b>		12	169	17/176
<b>Scenes Responded to:</b>		<b>Transported by Coroner's Office:</b>		<b>External Examinations:</b>
4		3		2
Suicide – October 3, 2019, 44-year-old, White, Male, Oswego Twp., Asphyxia due to Hanging Accident - October 16, 2019, 93-year-old, White, Female, Oswego, Intertrochanteric Fracture of the Left Proximal Femur due to a Fall Homicide – October 17, 2019, 35-year-old, White, Female, Plano, Gunshot Wound to the Head Suicide – October 17, 2019, 40-year-old, White, Male, Plano, Gunshot Wound to the Head				

**PERSONNEL/OFFICE ACTIVITY:**

1. On October 2, Coroner Purcell facilitated the Lights of Hope meeting for loved ones who have been impacted by an overdose related death.
2. On October 7, Coroner Purcell presented a training for the staff of Senior Services Associates at the Beecher Center in Yorkville.
3. On October 10, Coroner Purcell presented for Operation Impact at Oswego East High School.
4. On October 11, Chief Deputy Coroner Gotte provided firearm training and annual qualifications for Deputy Coroner Jessica Gotte and Deputy Coroner Dave Jordan.
5. On October 27, Coroner Purcell provided a presentation and hands-on demonstration at the Sugar Grove Library as part of the NIU Teen STEM Café.
6. On October 29, Coroner Purcell presented to the Health Class at Oswego High School.
7. A total of 16.0 hours of community service were completed at the coroner's office during the month of October.

————— CARORUM AD CURAM —————



# Kendall County Agenda Briefing

**Committee:** Planning, Building and Zoning

**Meeting Date:** November 12, 2019

**Amount:** N/A

**Budget:** N/A

**Issue:** Petition 19-31-Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

**Background and Discussion:**

Proposal Repeals Previously Adopted Medical Cannabis Related Zoning Ordinances; Adds Definitions for Recreational Cannabis Related Uses; Adds Definitions for Medical Cannabis Related Uses; Designates the Zoning Districts Where Recreational and Medical Cannabis Uses May Occur by Special Use Permit with Restrictions; Updates Appendix 9 to Reflect the Addition of Recreational and Medical Cannabis Related Uses; Corrects Citation Errors to the Zoning Ordinance Caused by the Addition of Recreational and Medical Cannabis Related Uses

See attached memo for summary, minor report, and draft ordinance.

Record for Petition - <https://www.co.kendall.il.us/wp-content/uploads/Petition-19-31.pdf>

**Committee Action:**

See draft memo for summary of actions.

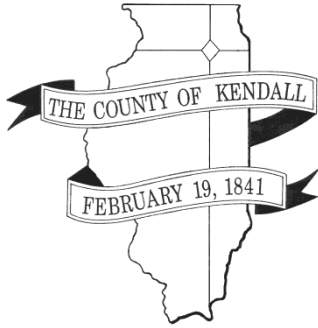
**Staff Recommendation:**

Approval

**Prepared by:** Matthew H. Asselmeier, AICP

**Department:** Planning, Building and Zoning Department

**Date:** November 14, 2019



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

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To: Kendall County Board  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: November 14, 2019  
Re: Petition 19-31-Request by the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 30, 2019. Planning, Building and Zoning Committee Chairman Matthew Prochaska, Commander Jason Langston of the Kendall County Sheriff's Department, and Kendall Township Supervisor Steve Gengler were the only members of the public in attendance. The Zoning Board of Appeals recommended approval of the proposal with the amendment that cannabis business be in stand-alone building and that certain cannabis uses be in the B-3 District.

Townships were notified of this proposal and a combined meeting of the Regional Planning



Commission and Planning, Building and Zoning Committee scheduled for September 10<sup>th</sup> on August 28, 2019. On October 1, 2019, the townships were notified of the recommendation of the Kendall County Zoning Board of Appeals and their right to file a formal objection to this proposal. No township filed a formal objection. However, Oswego Township requested that no cannabis sales related business be located in Boulder Hill. Kendall Township requested that adult-use cannabis businesses not be allowed in the B-3 District, but they had no objection to medical cannabis business being allowed in the B-3 District.

In summary, the amended proposal is as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, and M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, places of worship, public libraries, and game arcades to which admission is not restricted to persons twenty-one (21) years of age older. The distance shall be measured from the cannabis use. The use must be in stand-alone buildings.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously as measured from the cannabis use. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act. There will be a minority report regarding these uses in the A-1 Zoning District.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. Hours of operation will be from 6:00 a.m. until 10:00 p.m. There will be minority reports prepared regarding allowing these types of cannabis uses within one thousand feet (1,000') of an interstate highway interchange and not allowing these types of cannabis uses in the B-3 Zoning Districts. Onsite consumption of cannabis by members of the public would not be allowed.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially.

They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. All distances are measured from the cannabis use. There will be minority reports prepared regarding allowing this type of cannabis use within one thousand feet (1,000') of an interstate highway interchange and not allowing this type of cannabis use in the B-3 Zoning Districts.

7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. All distances are measured from the cannabis use. There will be minority reports prepared regarding allowing this type of cannabis use within one thousand feet (1,000') of an interstate highway interchange and not allowing this type of cannabis use in the B-3 Zoning Districts.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

The Committee unanimously issued a neutral recommendation.

The draft ordinance is attached.

If you have any questions, please let me know.

MHA

ENCs.: Draft Ordinance

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**TEXT AMENDMENTS TO THE KENDALL COUNTY ZONING ORDINANCE  
PERTAINING TO ADULT-USE CANNABIS AND MEDICAL CANNABIS RELATED USES**

WHEREAS, the State of Illinois enacted the Compassionate Use of Medical Cannabis Program Act, which pertains to the possession, use, cultivation, transportation, and dispensing of medical cannabis, which became effective January 1, 2014; and

WHEREAS, pursuant to the Compassionate Use of Medical Cannabis Program Act, Kendall County may enact reasonable zoning ordinances or resolutions not in conflict with the Compassionate Use of Medical Cannabis Program Act, regulating medical cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of Kendall County that Kendall County deems sensitive; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act, which pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Cannabis Regulation and Tax Act, Kendall County may enact reasonable zoning ordinances or resolutions not in conflict with the Cannabis Regulation and Tax Act, regulating cannabis business establishments, including rules adopted governing time, place, manner, and locations in the unincorporated portions of Kendall County that Kendall County deems sensitive; and

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on August 26, 2019, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, submitted text amendments to the Kendall County Zoning Ordinance amending Sections 3.02, 7.01.D, 9.04.C, 10.01.C, and Appendix 9 by deleting the regulations contained in Ordinances 2014-28, 2014-31, and 2017-28 and adding adult-use cannabis business establishment, adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, adult-use cannabis transporting organization or transporter, medical cannabis cultivation center or cultivation center, and medical cannabis dispensing organization or dispensing organization or dispensary to list of definitions and list of special uses in certain zoning districts with conditions, updating to Appendix 9 to reflect these additions, and citation corrections to reflect these additions; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 5, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on September 30, 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 text amendment and zero members of the public testified in favor of the request, zero members of the public testified in opposition to the request, and three members of the public provided general comments and questions on the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on September 30, 2019; 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 forwarded to the Kendall County Board a neutral recommendation of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and 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, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Ordinance 2014-28 Pertaining to Medical Cannabis Cultivation Centers, Ordinance 2014-31 Pertaining to Medical Cannabis Dispensing Organizations, and Ordinance 2017-28 Amending the Expiration Dates of Ordinance 2014-28 and Ordinance 2014-31 are hereby repealed in their entirety.
- III. Amended Text: Section 3.02 is amended by adding the following definitions in the appropriate places alphabetically in the list of definitions:

“ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

**MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

**MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY.** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.”

IV. Amended Text: Section 7.01.D is amended by adding the following use alphabetically to the list of special uses in the A-1 Agricultural District:

“Adult-Use Cannabis Craft Grower subject to the following conditions:

1. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. On properties zoned M-1 or M-2, Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the

Cannabis Regulation and Tax Act.

6. At the time of application, the Petitioner shall submit the following information:
  - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - b. Information on the proposed structure the facility will be located, total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction and building code compliance.
  - c. Anticipated number of employees and customers.
  - d. Anticipated parking demand and available parking supply.
  - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - f. Site design, including access points and internal site circulation.
  - g. Proposed signage plan.
  - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
8. This use shall be in a stand-alone building.
9. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
10. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

- V. Amended Text: Section 9.04.C is amended by adding the following uses alphabetically to the list of special uses in the B-3 Highway Business District, M-1 Limited Manufacturing District, and M-2 Heavy Industrial District:

“Adult-Use Cannabis Dispensing Organization subject to the following conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.

6. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
7. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
9. At the time of application, the Petitioner shall submit the following information:
  - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - c. Hours of operation.
  - d. Anticipated number of employees and customers.
  - e. Anticipated parking demand and available parking supply.
  - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - g. Site design, including access points and internal site circulation.
  - h. Proposed signage plan.
  - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing light, search light, spot lights, or other similar lighting systems may be used on the exterior of the building.
11. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by an Adult Use Cannabis Dispensing Organization, such as bags, sacks, totes, or boxes shall be opaque and identify the name of the Adult Use Cannabis Dispensing Organization.
12. Hours of operation are 6:00 a.m. until 10:00 p.m.
13. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
15. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Infuser Organization subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the

- property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
  5. On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  6. On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  7. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  8. At the time of application, the Petitioner shall submit the following information:
    - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - c. Hours of operation.
    - d. Anticipated number of employees and customers.
    - e. Anticipated parking demand and available parking supply.
    - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - g. Site design, including access points and internal site circulation.
    - h. Proposed signage plan.
    - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Processing Organization subject to the following conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the



- property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
  5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  6. At the time of application, the Petitioner shall submit the following information:
    - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - c. Hours of operation.
    - d. Anticipated number of employees and customers.
    - e. Anticipated parking demand and available parking supply.
    - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - g. Site design, including access points and internal site circulation.
    - h. Proposed signage plan.
    - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Dispensing Organization subject to the following conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis

- Dispensing Organizations.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
  6. At the time of application, the Petitioner shall submit the following information:
    - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - c. Hours of operation.
    - d. Anticipated number of employees and customers.
    - e. Anticipated parking demand and available parking supply.
    - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - g. Site design, including access points and internal site circulation.
    - h. Proposed signage plan.
    - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
  8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
  9. Hours of operation are 6:00 a.m. until 10:00 p.m.
  10. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply."

VI. Amended Text: Section 10.01.C is amended by adding the following uses alphabetically to the list of special uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District:

"Adult-Use Cannabis Craft Grower subject to the conditions contained in Section 7.01.D.

Adult-Use Cannabis Cultivation Center subject to the following conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (2,500') of the property

- line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  5. At the time of application, the Petitioner shall submit the following information:
    - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - c. Anticipated number of employees and customers.
    - d. Anticipated parking demand and available parking supply.
    - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - f. Site design, including access points and internal site circulation.
    - g. Proposed signage plan.
    - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  6. No outdoor storage is allowed.
  7. Electronic message boards and temporary signs are not allowed.
  8. Fences must be a minimum of eight feet (8') tall.
  9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Cultivation Center subject to the following conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
5. At the time of application, the Petitioner shall submit the following information:
  - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - c. Anticipated number of employees and customers.
  - d. Anticipated parking demand and available parking supply.
  - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - f. Site design, including access points and internal site circulation.
  - g. Proposed signage plan.
  - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
6. No outdoor storage is allowed.
  7. Electronic message boards and temporary signs are not allowed.
  8. Fences must be a minimum of eight feet (8') tall.
  9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  11. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
  - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.

- c. Hours of operation.
  - d. Anticipated number of employees and customers.
  - e. Anticipated parking demand and available parking supply.
  - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - g. Site design, including access points and internal site circulation.
  - h. Proposed signage plan.
  - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply."

VII. Appendix 9-Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.

VIII. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.

IX. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

IN WITNESS OE, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of November, 2019.

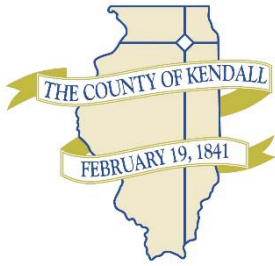
Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Scott R. Gryder



# Kendall County Agenda Briefing

**Committee:** Admin HR

**Meeting Date:** Monday November 4, 2019

**Amount:** ICMRT Premium - \$663,686 BCS Cyber - \$7,647

**Budget:** 100-2-000-6710

**Issue:** Approval of ICRMT FY 19-20 Property, Liability and Workers Compensation Insurance Renewal in the amount of \$663,686  
Approval of Cyber Liability Coverage from BCS Company effective 12/1/2019 to 12/1/2020 in the amount \$7,647

## **Background and Discussion:**

Dane Mall with Alliant the County's insurance broker presented the County's quote from ICRMT for Worker's Compensation, Property and Liability Insurance. The quote represents a decrease in premium mainly because the Forest Preserve is going on their own policy with ICRMT. There are several Cyber Liability quotes. The quote that came in the lowest is from BCS. Mr. Mall and staff are recommending an increase in coverage levels from \$1 Million to \$3 Million.

## **Committee Action:**

Member Gilmour made a motion, second by Member Prochaska to forward FY19-20 Property, Liability and Worker's Comp Insurance Renewal and FY 19-20 Cyber Liability Insurance renewal with BCS to the November 19, Board Meeting for approval. With all five members present in agreement the motioned carried.

## **Staff Recommendation:**

Staff recommends approval of the renewal with additional increased Cyber Insurance coverage.

**Prepared by:** Mera Johnson - Risk Management & Compliance Coordinator

**Department:** Administrative Services

**Date:** November 14, 2019



## Kendall County

# Insurance Proposal

Presented by:  
Dane Mall  
Lead Public Entity Risk Advisor  
Account Executive

Samantha Shock, AINS, CISR  
Account Manager

November 18, 2019

Services may be provided by Mesirow Insurance Services, Inc., an Alliant-owned company, and Alliant Insurance Services, Inc.  
353 N Clark St 11th fl  
Chicago, IL 60654  
O (312) 595-6200  
CA License No. 0803093 | 0C36861

[www.alliant.com](http://www.alliant.com)

## Your Service Team

Michael J. Mackey  
Executive Vice President-Producer

Michael.Mackey@alliant.com

Phone: (312) 595-7900

Daniel Mackey  
Senior Vice President Producer

Daniel.Mackey@alliant.com

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Dane Mall  
Lead Public Entity Risk Advisor  
Account Executive

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Account Manager

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Phone: (312)837-4403

Larry Rosen  
Claims Advocate-Lead Risk  
Management Services

Larry.Rosen@alliant.com

Phone: (312)595-8111

Jacqui Norstrom  
Senior Vice President- Surety

Jacquelyn.Norstrom@alliant.com

Phone: (312)595-6976



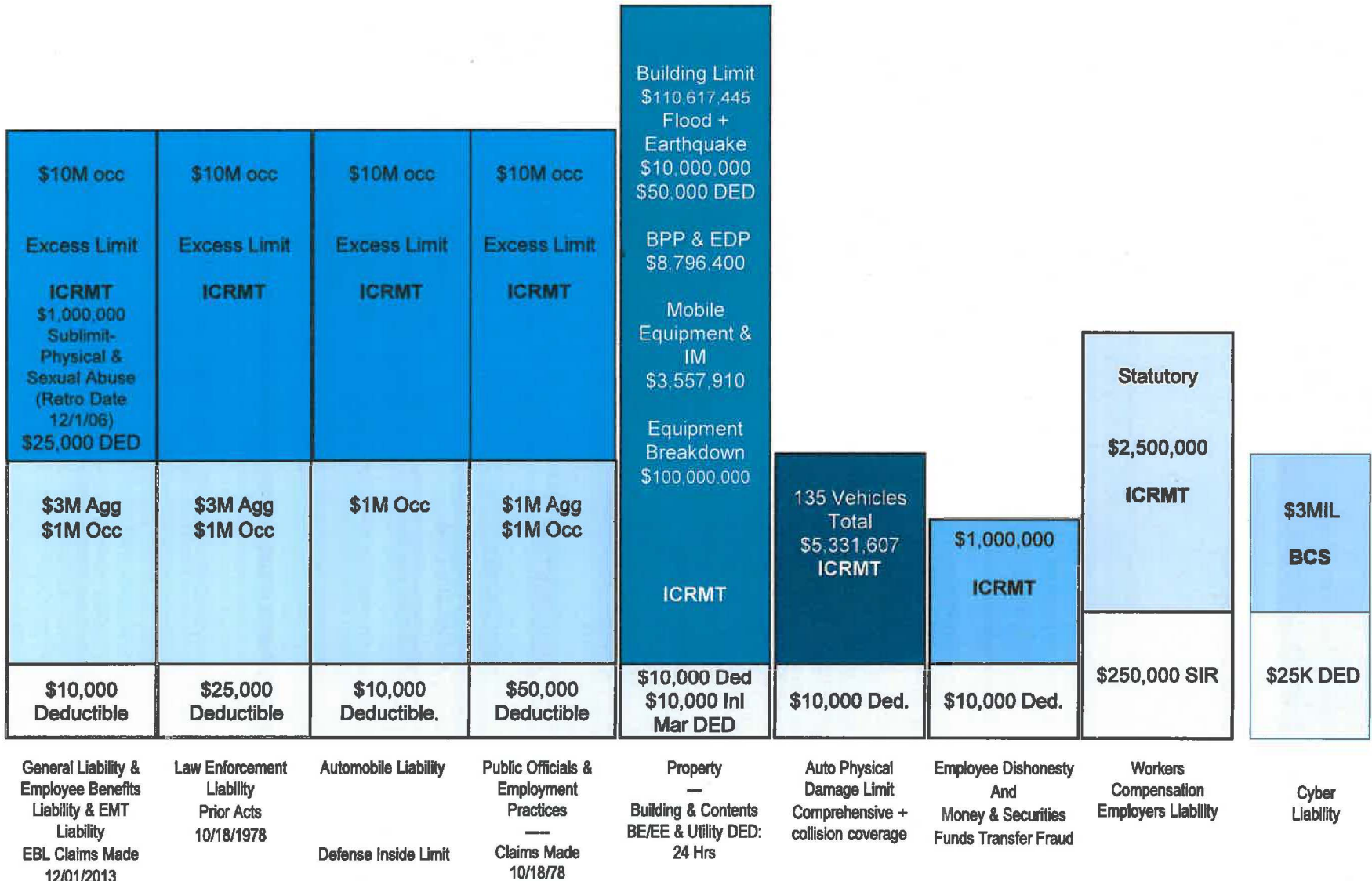
## Premium Summary

	<u>ICRMT</u>	<u>ICRMT</u>
	<b>2018/2019 Renewal Premium</b>	<b>2019/2020 Renewal Premium</b>
Package - ICRMT	\$515,669	\$507,508
Flood and Earthquake	Included	Included
Property	Included	Included
Inland Marine	Included	Included
Crime	Included	Included
Machinery Breakdown	Included	Included
General Liability	Included	Included
Business Auto	Included	Included
Law Enforcement	Included	Included
Public Officials Liability	Included	Included
Employment Practices Liability	Included	Included
Excess Liability	Included	Included
	<u>ICRMT</u>	<u>ICRMT</u>
Workers Compensation	\$175,443	\$156,177
	<u>ICRMT</u>	<u>ICRMT</u>
<b>Annual Sub Total</b>	<b>\$691,112</b>	<b>\$663,685</b>
Cyber Liability	\$6,132	\$7,498
<b>Annual Sub Total</b>	<b>\$697,244</b>	<b>\$671,183</b>
<i>Broker Service Fee</i>	<i>\$49,000</i>	<i>\$49,000</i>
	<u>Alliant/Mesirow</u>	<u>Alliant/Mesirow</u>
	<b>\$746,224*</b>	<b>\$720,183</b>

\*Includes policy fees and surplus lines taxes/fees if applicable

# Kendall County

## 12/1/2019 – 12/1/2020



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All coverages and exclusions are not included on this page. Please refer to policy for all applicable terms and conditions. Additional limits and/or changes may be available after review and acceptance by insurer. Chart is not to scale.

## Request to Bind Coverage

### Kendall County

We have reviewed the proposal and agree to the terms and conditions of the coverages presented. We are requesting coverage to be bound as outlined by coverage line below:

Coverage Line	Bind Coverage for:
ICRMT Package	<input type="checkbox"/>
Cyber Liability: BCS	<input type="checkbox"/>
Option \$3M with \$25K retention	<input type="checkbox"/>

*This Authorization to Bind Coverage also acknowledges receipt and review of all disclaimers and disclosures, including exposures used to develop insurance terms, contained within this proposal*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed / Typed Name

**This proposal does not constitute a binder of insurance. Binding is subject to final carrier approval. The actual terms and conditions of the policy will prevail.**



# Kendall County Office of the Sheriff



## INTEROFFICE MEMORANDUM

**TO: KENDALL COUNTY BOARD**

**FROM: COMMANDER BOBBY RICHARDSON** *BR*

**SUBJECT: ADVANCED CORRECTIONAL HEALTHCARE 2020 CONTRACT**

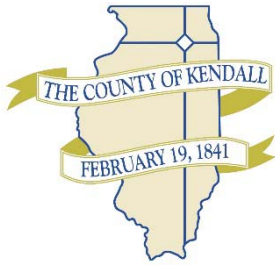
**DATE: 11/06/2019**

**CC: SHERIFF DWIGHT BAIRD AND CHIEF MICHAEL PETERS**

The Kendall County Sheriff's Office and the County of Kendall maintain a mutually beneficial partnership with the Advanced Correctional Healthcare (ACH). ACH currently provides our medical care within the Kendall County Sheriff's Office jail. With that medical care comes nursing care, mental healthcare, weekly doctor visits, on call staff, and many other amenities that serve to assist the inmates we house within the facility.

We currently have a License Practical Nurse (LPN) within our facility for 8 hours a day 6 days a week, and 12 hours of coverage one day a week. Currently the cost for the medical services provided for fiscal year 2019 are \$184,569.33. We are looking to increase the hours of the LPN from 60 hours to 76 hours a week. This coverage would allow us to have a LPN on site for 12 hours a day Monday through Friday, and 8 hours a day on both Saturday and Sunday. The cost increase to cover the difference in hours worked from 60 hours to 76 hours would be an increase of \$43,004.31 over the proposed \$190,106.42 for the current coverage for a total of \$233,110.68. The total for fiscal year 2020 is based on the contract starting January 1<sup>st</sup>, 2020 and running through November 30<sup>th</sup>, 2020. The month of December 2019 will be billed at \$15,380.86 which was the agreed upon amount from the previous signed contract. This would make for a total of \$229,065.65 which is lower than the previously approved amount of \$233,110.68 for fiscal year 2020. This contract term is to align the contract with the term of the board. With the additional coverage we would reduce the liability on correctional staff, and offer access to medical personnel for inmates that enter our facility in the afternoon. Currently if they enter our facility after 2:00pm Monday through Thursday they will not be seen by medical personnel until the following morning, unless an emergency arises.

We would like to waive the bid process due to ACH being a professional service that is currently providing the vital role of administering the medical treatment for the inmates housed in the Kendall County Jail, and is doing so with excellent quality and professionalism. We have previously consulted with the States Attorney's office and they feel that this is a professional service that by statute would be allowed to waive the bid process. This contract was reviewed by the States Attorney's Office and they recommended some change to language provided in the current contract. ACH allowed for all of the recommended changes to the language in the contract except the language discussing the changes to the insurance coverage that ACH would be required to carry. We feel that the insurance that is currently carried by ACH is sufficient and we recommend it to stay status quo.



# Kendall County Agenda Briefing

**Committee:** Economic Development Committee

**Meeting Date:** 10/25/2019

**Amount:** NA

**Budget:** NA

**Issue:** Approval of an Ordinance Amending the Kendall County Revolving Loan Fund Recapture Strategy

## **Background and Discussion:**

In October of 2016, Kendall County received a letter from DCEO concerning the revolving loan fund. In 2017, the County Board amended the revolving loan fund recapture strategy. Later in 2017 the County Board returned to the 2006 recapture strategy. After several months of discussion the Economic Development Committee is recommending that the rules be further amended to include private business, municipal, and inter-county fund loans.

At the October 25th Economic Development Committee meeting the committee made changes including the following:

1. Increased interest in TIF districts was removed
2. The language for the Economic Development Committee recommendation of an interest rate was updated.
3. Superfluous language in the county inter-fund loan section was removed.

## **Committee Action:**

The Committee recommend unanimous approval and forwarded the item to the full County Board for final approval.

## **Staff Recommendation:**

Staff is in favor of the increased flexibility of the amended rules. Staff recommends approval.

**Prepared by:** Scott Koeppel

**Department:** Administrative Services

**Date:** 11/07/2019

**ORDINANCE NUMBER 2019 - \_\_\_\_\_**

**AN ORDINANCE AMENDING  
THE KENDALL COUNTY REVOLVING LOAN FUND RECAPTURE STRATEGY**

**WHEREAS**, Kendall County, Illinois (Kendall County) maintains a Revolving Loan Fund (RLF), which was capitalized by the Illinois Department of Commerce and Economic Opportunity's (DCEO) Community Development Assistance program (CDAP), which was in turn funded by the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Program established under the Federal Housing Community Development Act of 1974; and

**WHEREAS**, HUD recently advised DCEO to review and improve its administration of the RLF program and, per HUD Notice CPD-04-11 issued on October 27, 2004, an RLF capitalized prior to October 1, 1992 no longer holds a federal identity and, thus, may be expended in any manner deemed appropriate by the community; and

**WHEREAS**, Kendall County's RLF was last capitalized prior to October 1, 1992; and

**WHEREAS**, on or about October 11, 2016, the DCEO notified Kendall County that Kendall County's RLF is considered dissolved and no further reporting to DCEO is required; and

**WHEREAS**, the DCEO also notified Kendall County that Kendall County may use the remaining funds in the RLF in whatever manner it deems appropriate; and

**WHEREAS**, as of the date of adoption of this Ordinance, Kendall County has approximately a \$1,872,221.07 reserve balance in its RLF; and

**WHEREAS**, Kendall County previously adopted a RLF Strategy in October of 2006, which complied with DCEO rules and regulations; and

**WHEREAS**, the Kendall County Board wants to amend the parameters and procedures for the application, distribution, use, and collection of Kendall County's RLF funds now that Kendall County's RLF is no longer subject to DCEO rules and regulations; and

**NOW, THEREFORE, BE IT ORDAINED**, by this County Board of Kendall County, Illinois that:

1. The Kendall County Board hereby amends its RLF Strategy (previously approved in October of 2006) and replaces it with the Kendall County Revolving Loan Fund Recapture Strategy ("the Strategy"), which is attached hereto as **Exhibit 1** and incorporated herein by reference.

2. This Ordinance and the Strategy shall be in full force and effective immediately upon its adoption as provided by law.

3. The sections, paragraphs, sentences, clauses and phrases of this Ordinance and the Strategy are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance and/or the Strategy are declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance and the Strategy.

4. This Ordinance and the Strategy may be amended or repealed only by a majority vote of the Kendall County Board members present for said vote.

ADOPTED and APPROVED this 19<sup>th</sup> day of November, 2019.

Approved:

Attest:

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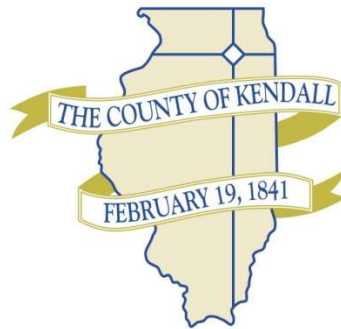
Scott R. Gryder  
Kendall County Board Chairman

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Debbie Gillette  
Kendall County Clerk

**KENDALL COUNTY ORDINANCE NO. 19-\_\_\_\_\_**  
**EXHIBIT 1**

**COUNTY OF KENDALL**  
**REVOLVING LOAN FUND PROGRAM**  
**RECAPTURE STRATEGY**



Kendall County  
Office of Administrative Services  
111 West Fox Street, Room 316  
Yorkville, IL 60560  
Phone: 630.553.4171  
Fax: 630.553.4214  
[kendallede@co.kendall.il.us](mailto:kendallede@co.kendall.il.us)

*Adopted: November 19, 2019*



## **KENDALL COUNTY REVOLVING LOAN FUND RECAPTURE STRATEGY**

### **A. Background**

1. Kendall County, Illinois (Kendall County) maintains a Revolving Loan Fund (RLF), which was capitalized by the Illinois Department of Commerce and Economic Opportunity's (DCEO) Community Development Assistance program (CDAP), which was in turn funded by the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Program established under the Federal Housing Community Development Act of 1974.
2. HUD recently advised the DCEO to review and improve its administration of the RLF program and, per HUD Notice CPD-04-11 issued on October 27, 2004, an RLF capitalized prior to October 1, 1992 no longer holds a federal identity and, thus, may be expended in any manner deemed appropriate by the community.
3. Kendall County's RLF was last capitalized prior to October 1, 1992.
4. On or about October 11, 2016, the DCEO notified Kendall County that Kendall County's RLF is considered dissolved and no further reporting to DCEO is required. Also, the DCEO notified Kendall County that Kendall County may use the remaining funds in the RLF in whatever manner it deems appropriate.
5. Accordingly, the Kendall County Board has adopted this Revolving Loan Fund Recapture Strategy ("the Strategy") to amend and update the parameters and procedures for the continued application, distribution, use, and collection of Kendall County's RLF funds.

### **B. Revolving Loan Fund Goals and Objectives**

Kendall County hereby adopts the following goals and objectives for its RLF and the RLF loans granted by Kendall County pursuant to the Strategy:

1. The RLF and RLF loans should stimulate economic growth in Kendall County by assisting with the retention and growth of the existing industrial and commercial base in Kendall County; by providing needed equity to new start-up businesses in Kendall County; and by providing an incentive for established businesses to relocate to Kendall County.
2. The RLF and RLF loans should assist new or existing Kendall County businesses in creating and retaining jobs.
3. The RLF and RLF loans should increase the Kendall County property and sales tax base.

4. The RLF and RLF loans should provide businesses with the opportunity to expand business activities in Kendall County.
5. The RLF and RLF loans should encourage partnerships local, private, financial institutions, Kendall County, and the business seeking the loan.
6. The RLF and RLF loans should encourage and leverage loans to municipalities to create or expand their own Revolving Loan Funds.
7. The RLF and RLF loans should assist Kendall County in growing the Kendall County Revolving Loan Fund.

**C. Procedures for Application and Management of RLF Loans**

Kendall County hereby adopts the following procedures for the application and management of RLF loans granted by Kendall County pursuant to the Strategy:

1. Pre-Application Procedures.
  - a. Any business or municipality interested in applying for a Kendall County RLF loan should contact Kendall County’s Economic Development staff to begin the pre-application stage for a Kendall County RLF loan.
  - b. Kendall County’s Economic Development staff will then provide and assist the potential applicant with completing Kendall County’s RLF pre-application questionnaire. A true and correct copy of the Kendall County RLF pre-application questionnaire is attached hereto as **Exhibit A.**
  - c. Upon the applicant’s completion of the pre-application, Kendall County’s Economic Development staff will promptly present the applicant’s pre-application questionnaire to the Kendall County Board’s Economic Development Committee (“Committee”). The Committee will review the applicant’s pre-application and determine (by a majority vote of the Committee members present) whether to advance the applicant to the RLF application stage, which is set forth in Section C(2) below.
2. Application Procedures.
  - a. Upon approval of the pre-application, Kendall County’s Economic Development staff will provide and assist an applicant with completing Kendall County’s RLF loan application. A true and correct copy of the Kendall County RLF loan application is attached hereto as **Exhibit B.**
  - b. Upon the applicant’s completion of the RLF loan application, Kendall County’s Economic Development staff will promptly present the

applicant's RLF loan application to the Committee. The Committee will then review the loan application. The Committee may request additional information, reschedule the vote, and/or vote on whether it is recommending approval or denial of the applicant's RLF loan application. The Committee's recommendation for approval of the applicant's RLF loan application requires a majority vote of the Committee members present for said vote.

- c. If the Committee provides a positive recommendation, the applicant's RLF loan documents (e.g. amortization schedules, commitment agreements, liens, title policies, security recordings, transfer tax declarations, and security releases) will be presented to the Kendall County Board (County Board or Board). The County Board will then review the loan documents. The County Board may request additional information, reschedule the vote, and/or vote on whether to approve or deny the applicant's RLF loan application. Votes required for passage of each type of loan is specified under the section.

3. Post-Loan Approval/Collection Procedures

- a. Kendall County's Economic Development staff shall be responsible for the following duties regarding and relating to Kendall County's approved RLF loans:
  - i. Oversee loan processing by performing tasks including, but not limited to the following:
    - A. Gather all of the necessary terms and information required to complete the loan documents;
    - B. Prepare the loan's amortization schedule;
    - C. Provide all loan terms and amortization schedules to Kendall County's legal counsel who will prepare the loan documents (e.g., commitment agreements, liens, title policies, security recordings, transfer tax declarations, amortization schedules and security releases);
    - D. Coordinate and administer the loan closing and recording of all required loan documents;
    - E. Maintain copies of all executed loan documents; and
    - F. Any other duties reasonably necessary to process Kendall County RLF loans.
  - ii. Monitor repayments and all special conditions placed on the RLF loans;
  - iii. Timely notify the Committee and Kendall County's legal counsel of any and all RLF loan delinquencies;

- iv. Prepare and provide reports and documents, as requested by the County Administrator, Kendall County Board and/or Kendall County's legal counsel regarding or related to Kendall County's RLF loans; and
  - v. Serve as the primary contact between Kendall County and the borrowers regarding or relating to Kendall County's RLF loans.
- b. The Kendall County Treasurer's Office shall assist the Kendall County Economic Development staff with monitoring repayment and overseeing collections for all Kendall County RLF loans.
  - c. Kendall County is prohibited from forgiving any loan granted through the RLF.
  - d. Kendall County shall pursue all legal remedies to collect and recover debts due from delinquent loans. The Kendall County Board shall initiate any legal remedies. Legal remedies may include all remedies set forth in the applicable loan documents as well as any and all other remedies permitted pursuant to federal and state laws, including, but not limited to, efforts to collect and pursue the interests of the RLF through bankruptcy court. The Kendall County State's Attorney's Office and/or legal counsel designated by the Kendall County State's Attorney, shall represent Kendall County in all such collection proceedings.
  - e. Kendall County and its elected offices may obtain reimbursement from the RLF for their reasonable and necessary administrative expenses related to the RLF and RLF loans.
    - i. Permitted administrative expenses may include, but are not limited to salaries, supplies, and utilities.
    - ii. To obtain reimbursement for administrative expenses, the expenses must be documented in writing (e.g., a receipt, bill or invoice) and reimbursement must be pre-approved by a majority vote of Kendall County Board members present for said vote.
    - iii. Not more than ten percent (10%) of the annual revenue to Kendall County's RLF account, or a maximum of \$5,000, whichever is less, may be used for reimbursement of administrative expenses on an annual basis from December 1 through November 30<sup>th</sup> of the following year.
    - iv. Reimbursements are approved through the annual budget process.

#### **D. Revolving Loan Fund Guidelines**

Kendall County hereby adopts the following guidelines for its RLF and the RLF loans granted by Kendall County pursuant to the Strategy:

1. All projects funded, directly or indirectly, with Kendall County RLF monies must be located in Kendall County. No RLF loans shall be approved for projects outside of Kendall County.
2. The Kendall County RLF will provide three different categories of RLF loans: private business RLF loans, municipal RLF loans, and Kendall County inter-fund RLF loans for non-economic development purposes. Only when at least Four Hundred Thousand Dollars (\$400,000) in the total amount of funds available in the RLF shall municipal and inter-fund loans be given, and shall not draw down to less than Four Hundred Thousand Dollars (\$400,000). The guidelines for each category of loan is as follows:

##### **a. Private Business RLF Loans**

- i. Private Business RLF loans may only be used to assist the existing industrial and commercial base in Kendall County, startup businesses in Kendall County and/or established businesses relocating to Kendall County.
- ii. Private Business RLF loans will be reviewed and processed on a first come, first serve basis as Kendall County expects to receive more applications for more money than is available in the RLF.
- iii. Private Business RLF loan applications that demonstrate the greatest potential for meeting the goals and objectives of the RLF Strategy will be given the highest priority.
- iv. Private Business RLF loan funds may only be used for the following purposes:
  1. Site development/infrastructure extension costs;
  2. Construction of new facility or additions;
  3. Renovation of existing facilities;
  4. Leasehold improvements;
  5. Purchase of new or used machinery or equipment; and/or
  6. Working Capital.
- v. Projects of a speculative nature are ineligible for Private Business RLF loan funding.
- vi. Private Business RLF loans shall not exceed \$100,000 per loan.

- vii. Private Business RLF loans shall have a term of at least three (3) years and no more than seven (7) years.
- viii. Private Business RLF loans must have an interest rate between the Federal Prime rate (Prime Rate) and the Prime Rate plus three percent (3%), but may be no less than two percent (2%). The Economic Development Committee shall recommend an interest rate to the Kendall County Board, which shall set the interest rate. The Prime Rate shall be calculated as the Prime rate that exists on the day the loan application is approved by the County Board.
- ix. Full pre-payment is allowed without penalty where only principal and accrued interest to date is due.

**b. Municipal RLF loans**

- i. Kendall County may award Municipal RLF loans only to applicants who are units of municipal governments (as defined in Article VII, Section 1 of the Illinois Constitution of 1970, as amended), which are located in Kendall County.
- ii. Municipal RLF loans will be reviewed and processed on a first come, first serve basis as Kendall County expects to receive more applications for more money than is available in the RLF.
- iii. Municipal RLF loan applications that demonstrate the greatest potential for meeting the goals and objectives of the RLF Strategy will be given the highest priority.
- iv. Kendall County's Municipal RLF loan funds must be used for economic development purposes within Kendall County. "Economic development purposes" are defined as a project that satisfies one or more of the following goals, as determined by the Economic Development Committee:
  - 1. The project will result in the increase in Equalized Assessed Value for the property located in Kendall County where the project is to be completed;
  - 2. The project creates or retains jobs in Kendall County; and/or
  - 3. The project directly supports another project that accomplishes either (D)(2)(b)(1) or (D)(2)(b)(2) above.

- v. Municipal RLF loans shall have a term of at least three (3) years and no more than seven (7) years.
- vi. The Economic Development Committee shall recommend an interest rate for all Municipal RLF loans to the County Board for final approval. Recommendations shall be no higher than the Federal Prime Rate and no lower than the Federal Funds Rate.
- vii. A Municipal RLF loan shall not exceed \$750,000:
- viii. Full pre-payment of Municipal RLF loans is allowed without penalty where only principal and accrued interest to date is due.

**c. County Inter-Fund RLF Loans**

- i. County Inter-Fund RLF Loans must be used by Kendall County for specific projects funded by Kendall County, which have a defined cost and time frame at the time of loan approval.
- ii. County Inter-Fund RLF Loans shall be for emergency or cash flow purposes when the expense cannot be paid from other Kendall County funds. The Kendall County Board shall make this determination.
  - 1. An “emergency purpose” is defined as an unforeseen, non-budgeted expense.
  - 2. A “cash flow purpose” is defined as a budgeted project where the budgeted County fund does not have the cash on hand to complete the project.
- iii. A County Inter-Fund RLF Loan amount shall not exceed \$750,000.
- iv. A maximum combined total of \$750,000 of Kendall County’s RLF may be loaned by Kendall County to itself at any time for County Inter-Fund RLF Loans.
- v. County Inter-fund RLF Loans require approval of a majority vote of the full County Board.
- vi. For each approved County Inter-Fund RLF Loan, Kendall County must record a loan document with the Kendall County Clerk’s Office. The loan document must be approved by a majority vote of the full County Board at the time the actual loan is approved by

the County Board. The loan document must specify the receiving Kendall County fund; the project name; a description of the project and what the Kendall County Inter-Fund RLF loan will be used for; the total loan amount; the term of the loan; and the interest rate.

- vii. Kendall County must deposit the County Inter-Fund RLF Loan amounts into the specific Kendall County fund, which Kendall County designated to fund the specific project at issue. Kendall County shall not use the County Inter-Fund RLF loan amounts for any purpose other than for the specific project and purpose identified in Kendall County's loan document.
- viii. County Inter-Fund RLF Loans may not have a term exceeding two (2) years. This is to maintain funds in the RLF for the main purpose of economic development.
- ix. Kendall County must begin repayment of its County Inter-Fund RLF loan within twelve (12) months after the County Board approved the loan.
- x. County Inter-Fund RLF Loans shall have an interest rate at least equal to the Federal Fund Rate at the time the Inter-Fund RLF Loan is approved by the County Board. The County Board may approve an interest rate above the Federal Fund Rate at the time it approves the loan.



**KENDALL COUNTY  
RF PRE-APPLICATION FACT SHEET**

To qualify as a RF project, you will be asked to provide the following information in convenient format for your company. Please mark attachments with corresponding numbers below. We would like to review these documents with your bank or lending institution participating in the project. Please return to: Kendall County Administration / Economic Development [kendallede@co.kendall.il.us](mailto:kendallede@co.kendall.il.us) or fax number (630) 553-4214. **If pre-approved, an Application for Revolving Fund Financial Assistance must be completed and submitted to the Kendall County Office of Administrative Services.**

Business Name: \_\_\_\_\_  
Legal Name of Borrower: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_  
Type of Business/Products Produced, Services Provided:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of Years in Business: \_\_\_\_\_  
Number of Years Operating at Present Business Address: \_\_\_\_\_  
Business Ownership:   \_\_\_ Sole Proprietorship   \_\_\_ Partnership  
                                  \_\_\_ Corporation                   \_\_\_ Other(specify)\_\_\_\_\_

Principal Owners (Individuals, Address, and Phone of Those Owning 20% or more)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General location of project:  
\_\_\_\_\_

EXHIBIT A

Describe company product or service provided at the project site

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Describe proposed use of loan funds:

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Collateral/Security offered for RF Loan:

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Total number of jobs the company will create or retain in Kendall County:

Created:                      Retained:                      Total Number of all jobs:

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Number of jobs for low and moderate income individuals:

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Estimated date to complete job creation and retention above:

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Present Number of Employees:

Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_

Anticipated Number of Employees:

1 Year Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_

2 Year Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_

Total loan funds requested (Max \$15,000 x number of jobs created/retained, or 49% total project cost, whichever is less):

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Approached Lending Institution?                      Yes \_\_\_\_\_                      No \_\_\_\_\_

If Checked "No", Please Explain:

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If Checked "Yes", Please Complete the Following:

Name of Lending Institution:

Address:

Contact Person/Title:

Phone Number:

Please State the Amount, Interest Rate, and Term of the lender's loan:

Permission to contact lender (authorized signature here):

**Site Regulations**

Will any of the project activities be located in a special flood hazard area?

Yes \_\_\_\_\_ No \_\_\_\_\_

Is the site annexed to a municipality?

Yes \_\_\_\_\_ No \_\_\_\_\_

What is the current zoning for the site? \_\_\_\_\_

Is the site currently zoned for the project's proposed activities?

Yes \_\_\_\_\_ No \_\_\_\_\_

If No, what is the anticipated date zoning will be finalized? \_\_\_\_\_

**Business Cash Flow**

**Revenue**

Prior Years		Current Year	
2 Yr	1 Yr	YTD @ mm/dd/yyyy	Projected Year End

Next Projected Year					
JAN	FEB	MAR	APR	MAY	JUN
JUL	AUG	SEP	OCT	NOV	DEC

EXHIBIT A

**Operating Expense**

Prior Years		Current Year	
2 Yr	1 Yr	YTD @ mm/dd/yyyy	Projected Year End

Next Projected Year					
JAN	FEB	MAR	APR	MAY	JUN
JUL	AUG	SEP	OCT	NOV	DEC

**Business Loans & Credit**

Institution/Bank				
Value				
Vehicles/Equipment/Land				
Purchase Amount				
Est. Current Value				
Balance Owed				
Term (start and end year)				
Payment Amount				
Required Payments/Year				

**Business Assets**

Institution/Bank				
Current Liquid Asset (checking acct., life insurance, etc.)				
Value				
Vehicles/Equipment/Land				
Purchase Amount				
Est. Current Value				
Balance Owed				

EXHIBIT A

**Personal Loans & Credit**

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Institution/Bank				
Value				
Vehicles/Equipment/Land				
Purchase Amount				
Est. Current Value				
Balance Owed				
Term (start and end year)				
Payment Amount				
Required Payments/Year				

**Personal Assets**

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Institution/Bank				
Current Liquid Asset (checking acct., life insurance, etc.)				
Value				
Vehicles/Equipment/Land				
Purchase Amount				
Est. Current Value				
Balance Owed				

EXHIBIT A

**Please provide a credit report from one of 3 credit bureaus within the last 60 days.**

[www.equifax.com](http://www.equifax.com)

[www.transunion.com](http://www.transunion.com)

[www.experian.com](http://www.experian.com)

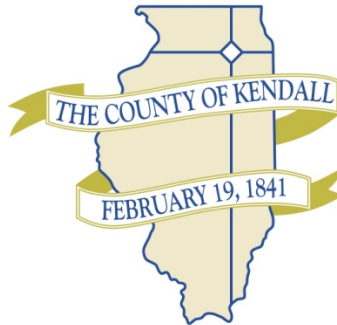
**\*\*\*Please redact your entire Social Security Number (SSN) prior to submitting a credit report or any other document containing a portion of or an entire SSN. \*\*\***

**\*\*\*If any or all of a SSN is identified on any document prior to submitting to the Administrative Office, our office will redact any and all references to a SSN upon receipt of said documents**

**Please provide business references**

Contact Name			
Business Name			
Address			
City, State, Zip			
Phone			
Nature of Relationship			

**COUNTY OF KENDALL**  
**REVOLVING FUND PROGRAM**  
**APPLICATION**



Kendall County  
Office of Administrative Services  
111 West Fox Street, Room 316  
Yorkville, IL 60560  
Phone: 630.553.4171  
Fax: 630.553.4214  
[kendallesc@co.kendall.il.us](mailto:kendallesc@co.kendall.il.us)

*Revised: June 2016*

## COUNTY OF KENDALL RF APPLICATION

Please attach the following:

- Project Budget Summary with detailed Source and Uses breakdown
- Project Profit and Loss Projections for next 3 years
- Company Profit and Loss Statement
- Company Balance Sheet
- Company Profit and Loss Projections
- Current Indebtedness and Tax Statements
- Personal Financial Statements
- Land and Building Information
- Brief History of Company and Marketing Information
- Letter of Commitment for Leveraging and Job Creation
- Listing Of Job Classifications, Salary Ranges, And Number of Positions as a Separate Attachment)

\*NOTE: At least 51 percent of all jobs created and/or retained must be filled by individuals meeting low-to-moderate income guidelines as established by the Illinois Department of Commerce and Community Affairs (Please see attached "Employer Job Certification" Form at back of this application).

### A. Activity Detail

1. Property Acquisition

Applicable to Project?      Yes \_\_\_\_\_      No \_\_\_\_\_

If "Yes", complete items below.

Address (If Different From Business Address): \_\_\_\_\_

Phone Number (If Different From Business Phone): \_\_\_\_\_

Applicant: \_\_\_\_\_ Owns \_\_\_\_\_ Leases Business Property

If Leased, Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Terms of Lease: \_\_\_\_\_ (Attach Copy of Lease)

Property Size: \_\_\_\_\_ (Sq.Ft./Acreage)

Existing Buildings: Total Square Footage Occupied: \_\_\_\_\_

Approximate Year Constructed: \_\_\_\_\_

Proposed Buildings/Expansions: \_\_\_\_\_ Sq.Ft.

Assessed Valuation of Property: \$ \_\_\_\_\_ (Most Recent Year)



EXHIBIT B

Real Estate Taxes Paid: \$ \_\_\_\_\_ 20\_\_\_\_

2. Description of Machinery / Equipment Acquisition for Project

Applicable to Project? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", Complete items below.

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Item Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

3. Description of Working Capital Expenditures (inventory, payroll, etc.)

Applicable to Project? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", Complete items below.

Activity Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Activity Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Activity Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

Activity Description \_\_\_\_\_

Estimated Cost \$ \_\_\_\_\_

**B. Total Estimated Project Cost**

Site Acquisition	\$ _____
Site Improvements	\$ _____
New Construction	\$ _____
Building Renovations	\$ _____
Capital Equipment	\$ _____
Inventory/Working Capital	\$ _____
Other Associated Project Costs	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>

**Estimated Target Dates**

Begin Project \_\_\_\_\_  
 Complete Project \_\_\_\_\_  
 Occupancy/Start Up \_\_\_\_\_

**Project Financing**

Approached Lending Institution? Yes \_\_\_\_\_ No \_\_\_\_\_

If Checked "No", Please

Explain \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If Checked "Yes", Please Complete the Following:

Name of Lending Institution \_\_\_\_\_

Address \_\_\_\_\_

Contact Person/Title \_\_\_\_\_

Phone Number \_\_\_\_\_

Please State the Amount, Interest Rate, and Term of the lender's loan: \_\_\_\_\_

**Commitment**

Please attach lender commitment letter (must indicate that RF funds are needed)

Selecting one of the following, provide detailed justification on an attached sheet for the need for RF funds:

- { } FINANCING GAP – This argument will demonstrate that a business can raise only a portion of the financing necessary to complete the project. Reference the documentation within the application which supports this argument.
- { } RATE OF RETURN – This assumes that full financing is available but the rate of return is insufficient to induce development. Provide the rationale and cite supporting documentation.
- { } LOCATIONAL – This argument is used when firm is considering multi-state location options. CDAP funds are needed to equalize cost factor variations between sites. This requires disclosures for each site under consideration. This application must contain this supporting documentation.

**C. Requested Use and Loan Amount Through Kendall County Economic RF:**

Use: \_\_\_\_\_ (unit of government) Amount: \$ \_\_\_\_\_

*Listed Other Financing, Use and Amount, Required For Project:*

Bank Loan	Use: _____	Amount \$ _____
SBA Loan	Use: _____	Amount \$ _____
Other	Use: _____	Amount \$ _____

**Total**                    \$ \_\_\_\_\_

**CERTIFICATION**

**AGREEMENT**

The agreement applied for the loan indicated in this application to be used in connection with the project described herein. All statements made in this application are true and are made for the purpose of obtaining this loan. Verification may be obtained from any source named in this application. The applicant agrees to abide by all Kendall County Economic Development Commission RF Requirements. The Applicant agrees to furnish any additional information to the County of Kendall, Illinois as needed to review and consider this loan request.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

# EMPLOYER JOB CERTIFICATION FORM

Name of Firm: \_\_\_\_\_

I/We hereby certify that we will retain/create jobs, at least 51 percent of which will go to persons of low-to-moderate income. The number of Full Time Equivalent (FTE) jobs we intend to retain = \_\_\_\_\_; the number of Full Time Equivalent (FTE) jobs we intend to create=\_\_\_\_\_. Of the figure(s) previously indicated, at least 51 percent or \_\_\_\_\_ Full Time Equivalent (FTE) jobs will go to low-to-moderate income persons as documented by complete Employee Certification Forms. I/We further certify that these jobs will be retained and/or created within two (2) years of the applicants approved Kendall County Economic Development Commission Revolving Fund (RF) Application.

Signed: \_\_\_\_\_

Owner

\_\_\_\_\_

Owner

\_\_\_\_\_

Owner

\_\_\_\_\_

Owner

\_\_\_\_\_

Date

**\*\* ONLY COMPLETE FOR CONSTRUCTION LOANS\*\***

## **CDAP REVOLVING FUND ENVIRONMENTAL REVIEW CHECK LIST**

Kendall County Economic Development Commission Revolving Fund Projects are generally subject to Environmental Reviews by certain state and federal agencies. In order for them to clear your project for development, we need for you to submit the following information listed below (please put a check mark to the left of the item that is attached):

1. \_\_\_\_\_ Map showing geographical location of project area-in relation to County boundaries;
2. \_\_\_\_\_ A U.S. Geological Survey Quad (USGS) Map showing the precise location of the project (i.e., county/township/ range and section);
3. \_\_\_\_\_ Site plan map(s) showing specifics of proposed undertaking;
4. \_\_\_\_\_ Current photos of all standing structures within the project area;
5. \_\_\_\_\_ Project address (es);
6. \_\_\_\_\_ Total acres to be acquired, if applicable;
7. \_\_\_\_\_ Current land use of property to be acquired;
8. \_\_\_\_\_ County/City zoning designation of the site;
9. \_\_\_\_\_ Steps to be taken to rectify any disturbances of surface and subsurface drainage systems which could accelerate erosion problems;
10. \_\_\_\_\_ Identification of the materials, production processes and products;
11. \_\_\_\_\_ Anticipated production rates;
12. \_\_\_\_\_ Anticipated water use and wastewater discharge;
13. \_\_\_\_\_ Anticipated quality of waste water (characteristics);
14. \_\_\_\_\_ Volume of solvents or degreasers used in the process;
15. \_\_\_\_\_ Air emission sources and control equipment;
16. \_\_\_\_\_ Volumes and types of hazardous or solid waste generated;
17. \_\_\_\_\_ Determination of whether sewer or water main extensions will be required;
18. \_\_\_\_\_ Name and telephone number of manufacturer's representative (plant manager or environmental engineer).