

**KENDALL COUNTY BOARD AGENDA
ADJOURNED SEPTEMBER MEETING**

Kendall County Office Building, Rooms 209 & 210, Yorkville IL 60560

Tuesday, January 17, 2023 at 9:00 a.m.

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Determination of a Quorum
6. Approval of Agenda
7. Special Recognition
8. Public Comment
9. Consent Agenda
 - A. Approval of County Board Minutes from December 20, 2022
 - B. Standing Committee Minutes Approval
 - C. Approval of Claims in an amount not to exceed \$2,083,509.07
 - D. Approval of an Intergovernmental Agreement Between the State of Illinois, Illinois Emergency Management Agency and County of Kendall
 - E. Approval of Petition 22-24 a Request from Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191 for a Special Use Permit for a Dwelling Unit for a Watchman and Their Immediate Family and a Special Use Permit for Outdoor Storage at 5375 Route 34 (PIN: 03-18-403-015) in Oswego Township; Property is Zoned B-2 General Business District
 - F. Approval of Petition 22-26 a Request from Teodore Vargas for the Revocation of a Special Use Permit for a Home Occupation of a Manufacturer of Plaster or Cement Mantels and Similar Architectural Components with More than Two (2) Non-Resident Employees at 14816 Galena Road (West of 14870 Galena Road) (PIN: 01-03-100-005) in Little Rock Township; Property is Zoned A-1 Agricultural District with a Special Use Permit
 - G. Approve Resolution providing for spring road posting of certain county highways
 - H. Approve Resolution appropriating funds for the improvement of Schlapp Road Bridge
 - I. Approve Joint funding agreement for State-let construction work between Illinois Department of Transportation and Kendall County for the Schlapp Road Bridge Replacement
 - J. Approve Resolution authorizing the use of eminent domain to acquire certain parcels of land for roadway purposes related to the replacement of the Ridge Road Bridge
10. Old Business
11. New Business
 - A. Approval of the Reappointment of Michael ("Roger") R. Bonuchi as the appointed Emergency Services and Disaster Agency (ESDA) Coordinator of Kendall County
12. 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
 - I. EMA
13. Standing Committee Reports
 - A. Finance
 1. Approval of an Increase to Court Services Salaries and Salary Reimbursement from the Administrative Office of Illinois Courts
 - B. Highway
 1. Approval of final just compensation in the amount of \$70,000.00 for land acquisition by eminent domain in County of Kendall v. Borneman Trust, et al, Kendall County Circuit Court Case No. 19 ED 2
 2. Approve Preliminary engineering services agreement between Kendall County and HR Green, Inc. for stormwater improvements at Gates Creek and BNSF in the amount of \$71,710.12
 - C. Facilities & Technology

1. Approval of an Intergovernmental Agreement for the Sharing of Services, Staff and Equipment between the Village of Oswego, Kendall and Will Counties, Illinois, The Oswego Township, The Oswego Library District, The Oswego Fire Protection District, The Oswegoland Park District, Kendall County and Oswego Community Unit School District 308
14. Special Committee Reports
15. Liaison Reports
16. Other Business
17. Chairman's Report

Appointments

Scott Cryder – Lisbon-Seward Fire District – 3 year term – Expires January 2026

Jason Peterson – Workforce Development Board – 2 year term – Expires November 2024

18. Public Comment
19. Questions from the Press
20. Executive Session
21. 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
December 20, 2022**

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

The Kendall County Board Meeting was held at the Kendall County Office Building, Rooms 209 & 210, in the City of Yorkville on Tuesday December 20, 2022 at 6:00 p.m. The Clerk called the roll. Members present: Matt Kellogg, Zach Bachmann, Brian DeBolt, Elizabeth Flowers, Scott Gengler, Dan Koukol, Jason Peterson, Ruben Rodriguez, Brooke Shanley and Seth Wormley. Member(s) absent: None.

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

PLEDGE OF ALLEGIANCE

Karen Clevenger from the Veteran Assistance Commission of Kendall County led the Pledge of Allegiance.

INVOCATION

Jordan Gash, Pastor of Restore Church in Yorkville gave the invocation.

THE AGENDA

Member DeBolt moved approve the agenda. Member Koukol seconded the motion. Chairman Kellogg asked for a voice vote on the motion. All members present voting aye. Motion carried.

SPECIAL RECOGNITION

Village of Millbrook

Member DeBolt moved approve the Resolution Celebrating 20 Years of the Incorporation of the Village of Millbrook. Member Rodriguez seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. Motion carried.

A complete copy of Resolution 22-38 is available in the Office of the County Clerk.

Deb Schwemlein

Member Koukol moved approve the Resolution Honoring Deb Schwemlein. Member Gengler seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. Motion carried.

A complete copy of Resolution 22-39 is available in the Office of the County Clerk.

PUBLIC COMMENT

Steve Hindi from Showing Animals Respect and Kindness spoke about animals in Newark that are in a bad environment regarding their food and fencing.

Jordan Gash spoke about the Chaplin program and training that law enforcement is providing to their members to be available to help the public.

Scott Pugsley spoke about the Oswego Fire Protection District spending.

Rebecca Winchick spoke about backyard hens in Boulder Hill.

CONSENT AGENDA

Member Gengler removed Item C from the Consent Agenda.

Member DeBolt moved to approve the consent agenda of A. Approval of County Board Minutes from November 15, 2022 B. Standing Committee Minutes Approval; D. Approve Resolution for Maintenance Under the Illinois Highway Code appropriating \$700,000 for the purchase of bulk rock salt and general maintenance of highways; E. Approve resolution appropriating funds for the improvement of Collins Road and Minkler Road; F. Approve Joint Funding Agreement for State-Co Board 12/20/2022

Let Construction Work between Illinois Department of Transportation and Kendall County for the Collins Road Extension Project; G. Approve Phase III Construction Engineering Services Agreement between Kendall County and Hutchison Engineering, Inc. in the amount of \$260,000 for Ridge Road reconstruction between Theodore St. and Caton Farm Road; H. Approve Phase III Construction Engineering Services Agreement between Kendall County and HR Green, Inc. in the amount of \$1,453,347 for Collins Road Extension; I. Approval of final just compensation in the amount of \$73,515.00 for land acquisition by eminent domain in County of Kendall v. Willhite Trust, et al, Kendall County Circuit Court Case No. 22 ED 16. Member Rodriguez seconded the motion. Chairman Kellogg asked for a roll vote on the motion. All members present voting aye. **Motion carried.**

D) A complete copy of Resolution 22-40 is available in the Office of the County Clerk.

E) A complete copy of Resolution 22-41 is available in the Office of the County Clerk.

G) A complete copy of IGAM 22-50 is available in the Office of the County Clerk.

E) A complete copy of IGAM 22-51 is available in the Office of the County Clerk.

EXECUTIVE SESSION

Member DeBolt made a motion to go into Executive Session for (1) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity, (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, (5) the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired; 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 Koukol seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

OLD BUSINESS

101 W Fox St, Yorkville Property

Member DeBolt moved to forward the item to the next county board meeting. Member Wormley seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

NEW BUSINESS

Committee Assignments

Member DeBolt moved to approve the Kendall County Board Committee Assignments, Committee Chairman, and Liaisons. Member Koukol seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Meeting Calendar

Member Shanley moved to approve the Kendall County Board 2023 Meeting Calendar. Member Wormley seconded the motion.

Member Gengler moved to amend the motion to approve the Kendall County Board 2023 Meeting Calendar by changing the Finance & Budget meeting to the Thursday of the week before the 2nd County Board Mtg to after the 2nd County Board Mtg. Member DeBolt seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

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

Claims

Member DeBolt moved to approve claims in an amount not to exceed \$2,228,775.35. Member Gengler seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

COMBINED CLAIMS: ADMIN \$3,674.57; ANML CNTRL WRDN \$4,888.70; ASSMT \$669.99; BRD OF RVW \$3,550.00; CIR CT CLK \$6,322.77; CIR CRT JDG \$7,467.53; COMB CRT SVS \$9,336.71; CORONR \$2,578.55; CORR \$63,201.55; CNTY

ADMIN \$270,663.80; CNTY BRD \$26,472.86; CNTY CLK \$13,014.01; HIGHWAY \$798,831.07; TREASR \$3,199.05; ELECTION \$5,297.02; EMA DIR \$506.58; EMA \$1,019.62; FCLT MGMT \$48,704.59; GIS COORD \$2,482.22; HLTH & HMN SRV \$187,971.41; JURY \$709.61; MERIT \$16,999.86 PBZ SNR PLNNR \$4,519.95; PBZ \$1,695.65; PRSD JDGE \$8,324.42; PROB SPVSR \$13,884.49; PUB DFNDR \$1,411.78; ROE \$7,165.56; SHRF \$52,042.63; ST ATTY \$4,693.70; TECH \$7,946.02; TREASR \$789.00; UTIL \$27,429.68; VET \$1,103.95; FP \$275,979.68; SHF \$24,091.96; SHF \$54,134.81; CIVIL \$266,000.00.

ELECTED OFFICIAL & OTHER DEPARTMENT REPORTS

Sheriff

Undersheriff Richardson stated that they have begun the food service with Aramark Food Service and the inmates are happy.

County Clerk & Recorder

Revenue Report		11/1/22-11/30/22	11/1/21-11/30/21	11/1/20-11/30/20
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$574.00	\$1,058.50	\$1,120.00
MARFEE	County Clerk Fees - Marriage License	\$780.00	\$870.00	\$1,170.00
CIVFEE	County Clerk Fees - Civil Union	\$30.00	\$0.00	\$30.00
ASSUME	County Clerk Fees - Assumed Name	\$65.00	\$45.00	\$40.00
CRTCOP	County Clerk Fees - Certified Copy	\$2,020.00	\$2,128.00	\$1,844.00
NOTARY	County Clerk Fees - Notary	\$0.00	\$350.00	\$220.00
MISINC	County Clerk Fees - Misc	\$57.00	\$58.00	\$65.00
	County Clerk Fees - Misc Total	\$3,526.00	\$4,509.50	\$4,489.00
RECFEE	County Clerk Fees - Recording	\$21,171.00	\$36,204.00	\$37,983.00
	Total County Clerk Fees	\$24,697.00	\$40,713.50	\$42,472.00
CTYREV	County Revenue	\$48,645.75	\$54,383.75	\$24,962.00
DCSTOR	Doc Storage	\$12,229.00	\$21,312.50	\$22,256.00
GISMAP	GIS Mapping	\$38,850.00	\$67,502.00	\$70,442.00
GISRCD	GIS Recording	\$2,590.00	\$4,500.00	\$4,696.00
INTRST	Interest	\$133.92	\$34.16	\$31.48
RECMIS	Recorder's Misc	\$3,171.00	\$5,279.50	\$6,972.25
RHSP	RHSP/Housing Surcharge	\$10,332.00	\$19,053.00	\$20,160.00
TAXCRT	Tax Certificate Fee	\$2,720.00	\$2,720.00	\$1,440.00
TAXFEE	Tax Sale Fees	\$1,656.00	\$1,789.70	\$2,434.00
PSTFEE	Postage Fees			
CK # 19572	To KC Treasurer	\$145,024.67	\$217,288.11	\$195,865.73

County Clerk Debbie Gillette spoke about the upcoming Consolidated Primary Election.

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 TWELVE MONTHS ENDED 11/30/2022

<u>REVENUES*</u>	Annual <u>Budget</u>	2022 YTD <u>Actual</u>	2022 YTD% <u>%</u>	2021 YTD <u>Actual</u>	2021 YTD <u>%</u>
Personal Property Repl. Tax	\$465,000	\$1,288,936	277.19%	\$680,696	174.50%
State Income Tax	\$2,574,336	\$3,931,292	152.71%	\$3,316,158	144.20%
Local Use Tax	\$950,000	\$846,499	89.11%	\$1,015,542	112.80%
State Sales Tax	\$583,000	\$780,661	133.90%	\$735,649	138.80%
County Clerk Fees	\$350,000	\$371,698	106.20%	\$590,882	181.80%
Circuit Clerk Fees	\$1,250,000	\$1,193,582	95.49%	\$1,249,111	102.40%
Fines & Foreits/St Atty.	\$275,000	\$358,469	130.35%	\$282,287	102.60%
Building and Zoning	\$75,000	\$136,114	181.49%	\$149,129	219.30%
Interest Income	\$40,000	\$235,110	587.78%	\$26,220	26.20%
Health Insurance - Empl. Ded.	\$1,588,649	\$1,199,987	75.54%	\$898,771	64.90%
1/4 Cent Sales Tax	\$3,228,750	\$3,723,092	115.31%	\$2,601,364	84.60%
County Real Estate Transf Tax	\$450,000	\$635,113	141.14%	\$695,432	154.50%
Federal Inmate Revenue	\$1,898,000	\$1,335,680	70.37%	\$1,845,600	90.30%
Sheriff Fees	\$115,000	\$99,411	86.44%	\$81,296	58.10%
TOTALS	\$13,842,735	\$16,135,643	116.56%	\$14,168,136	106.60%
Public Safety Sales Tax	\$5,512,500	\$6,918,515	125.51%	\$7,098,805	135.20%
Transportation Sales Tax	\$6,000,000	\$6,918,515	115.31%	\$7,098,805	135.20%

****These are not final numbers for FY22, accruals will be made throughout December and January.**

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

To be on Budget after 12 months the revenue and expense should at 100%

EXPENDITURE
S

All General Fund Offices/Categories

\$36,908,818 \$35,063,090 95.00% \$29,560,620 98.80%

Clerk of the Court

Circuit Clerk Matt Prochaska explained the case numbers and the monthly report.

State's Attorney

State's Attorney Eric Weis stated that they are very busy on the criminal side and there is a Safe-T Act hearing today.

Coroner

Coroner Jacquie Purcell presented the monthly report.

Health Department

Executive Director RaeAnn VanGundy thanked the board for the employee appreciation lunch. Ms. VanGundy spoke about warming centers, Mental Health First Aid Training and their new van.

Regional Office of Education

Superintendent Chris Mehochko presented the report.

CHAIRMAN'S REPORT

Chairman Kellogg thanked everyone for the work with the employee appreciations.

County Administration recapped his meetings in Washington D.C. regarding the study for the train to go to Chicago, EPA regarding water, and Treasury regarding broadband.

Member Peterson moved to approve the appointment(s). Member Wormley seconded the motion. Chairman Kellogg asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Appointment(s)

- Tom LeCuyer – Zoning Board of Appeals – 5 year term – Expires December 2027
- Bill Ashton – Plan Commission – 3 year term – Expires December 2025
- Karin McCarthy-Lange – Plan Commission – 3 year term – Expires December 2025
- Nels Moe – Big Slough Drainage District – 3 year term – Expires December 2025
- Matthew Prochaska – Kendall Housing Authority – 5 year term – Expires December 2027
- Brooke Shanley – 708 Mental Health Board – 2 year term – Expires November 2024
- Zach Bachman – 708 Mental Health Board - alternate – 2 year term – Expires November 2024
- Brooke Shanley – Board of Health – 2 year term – Expires November 2024
- Scott Gengler – CMAP MPO Policy – 2 year term – Expires November 2024
- Ruben Rodriguez – CMAP MPO Policy - alternate – 2 year term – Expires November 2024
- Scott Koeppel – CMAP MPO Policy – alternate 2 – 2 year term – Expires November 2024
- Jason Peterson – CMAP Transportation Committee – 2 year term – Expires November 2024
- Fran Klaas – CMAP Transportation Committee – alternate - 2 year term – Expires November 2024
- Ruben Rodriguez – County Board Chaplin – 2 year term – Expires November 2024
- Scott Gengler - Juvenile Justice Council – 2 year term – Expires November 2024
- Seth Wormley – Soil and Water Conservation District – 2 year term – Expires November 2024
- Zach Bachman – Soil and Water Conservation District - alternate – 2 year term – Expires November 2024
- Matt Kellogg - University of Illinois Extension Board – 2 year term – Expires November 2024
- Ruben Rodriguez - University of Illinois Extension Board – 2 year term – Expires November 2024
- Brooke Shanley - University of Illinois Extension Board – 2 year term – Expires November 2024
- Seth Wormley - Upper Illinois River Valley Development Authority – 2 year term – Expires November 2024
- Jason Peterson - Veterans Assistance Commission of Kendall County – 2 year term – Expires November 2024
- Seth Wormley - Veterans Assistance Commission of Kendall County – alternate - 2 year term – Expires November 2024
- Scott Gengler - ISACo Large Counties Caucus – 2 year term – Expires November 2024
- Ruben Rodriguez - ISACo Large Counties Caucus – 2 year term – Expires November 2024
- Seth Wormley – Northwest Water Planning Alliance Executive Board – 2 year term – Expires November 2024
- Scott Koeppel - Northwest Water Planning Alliance Executive Board – alternate - 2 year term – Expires November 2024

Seth Wormley – Comprehensive Land Plan and Ordinance – 2 year term – Expires November 2024
Robyn Vickers – Merit Commission – filling vacancy Don Marrone – Expires August 2028

ADJOURNMENT

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

Approved and submitted this 21st day of December, 2022.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk

HIGHWAY COMMITTEE MINUTES

DATE: January 10, 2023
LOCATION: Kendall County Highway Department
MEMBERS PRESENT: Zach Bachman, Ruben Rodriguez, Brian DeBolt, Dan Koukol, & Scott Gengler
STAFF PRESENT: Michele Riley, John Burscheid and Francis Klaas
ALSO PRESENT: PJ Fitzpatrick, Kelly Farley, and Ryan Sikes

The committee meeting convened at 3:30 P.M. with roll call of committee members. All present. Quorum established.

Motion Rodriguez; second DeBolt, to approve the agenda as presented. Motion approved unanimously.

Motion DeBolt; second Koukol, to approve the Highway Committee meeting minutes from November 8, 2022. Koukol asked about monies that were spent to repair tires and rims. Klaas explained that Highway Department had replaced a cross-road culvert on Plainfield Road near Southfield Estates, and it settled a lot, causing damage to several vehicles. Motion to approve the minutes was approved unanimously by a voice vote.

Motion DeBolt; second Koukol to recommend approval of a resolution providing for spring road posting of certain county highways. Klaas explained that the County typically approves a resolution each year to protect several county highways that could be damaged by heavy loads during the spring thaw. Those roadways include Plattville-Chicago Road, Van Emmon Road, and Whitewillow Road. DeBolt wondered if the roads could be damaged right now, and whether the signs should be put up immediately. Klaas indicated that the posting would not be enforceable until the County Board passes the resolution. Rodriguez asked how the spring posting worked. Klaas stated that the statute only allows for a 90-day seasonal posting when roads can be damaged due to freeze/thaw, and during that time, the County limits truck loads to just 12 tons gross weight, by posting signs at each end of the roadway. Rodriguez also asked how the roads are chosen that get posted. Klaas said that the roads mentioned are ones that don't have sufficient base to withstand the heavier truck loads until after the spring thaw. Other county highways can withstand 80,000# loads year round. Upon consideration, motion was approved unanimously by a voice vote.

Motion DeBolt; second Gengler, to recommend approval of a resolution appropriating funds for the improvement of Schlapp Road Bridge. Rodriguez asked about the location of the project and how long it would take to complete. Klaas stated that the project is located at the intersection of Schlapp Road and Walker Road. Project is expected to take about 4 months. The intersection will be completely closed to all traffic, and detour route will be provided. Klaas further indicated that both items 7 and 8 on the agenda are related to the construction of this township bridge. Due to the fact that there are federal monies in the project, IDOT will actually be the lead agency for the project, and federal monies will pay for 80% of the project, while the remaining 20% will be split between the County and Na-Au-Say Township. The problem with IDOT being the lead agency is that they typically wait until the last minute to prepare the local agency agreement. In this case, item 7 is the appropriation resolution; and item 8 is the federal aid agreement. Because

we don't have the agreement in hand, the final version of both items are waiting on IDOT. Klaas expected to have the final documents ready for presentation at the January 17th County Board Meeting. He estimated that the total cost of the project would be approximately \$1.2 million. Federal monies would cover about \$950,000, while the remaining \$250,000 would be split between the County and the Township. The project is scheduled to go to letting on March 10, 2023. Koukol asked about the reasoning for replacing the bridge and who did the design. Klaas indicated that Willett Hofmann & Associates had discovered some major cracks in the existing triple-barrel box culvert during normal inspections, and had recommended replacement of the structure. Hampton, Lenzini & Renwick did the actual design for the new structure. It will be a replacement in kind, with the new structure also being a triple-barrel box culvert. New structure will be longer, providing for larger radius returns, which will help truck turning movements. Koukol asked how long this has been on the County's radar. Klaas thought it had been about 4 years. DeBolt asked what would happen if there was a delay in getting the monies from the State. Klaas indicated that this should not be a problem, since the money has already been programmed. Additionally, the State is committed to paying 80% of the project, even if it goes higher than the current estimated cost. Rodriguez asked about the timeline for the project. Klaas stated that construction should occur during the summer of 2023. Gengler asked where the local monies were coming from. Klaas stated that County's share would come from Transportation Sales Tax, while the Township was using their local funds to pay for their share. Klaas recommended that the Committee send both items 7 & 8 to the County Board for consideration. He indicated that, providing IDOT gets the necessary paperwork to the County, the Board would have adequate time to review the final documents before voting on the matters. After consideration, motion was approved unanimously by a voice vote.

Motion Koukol; second Rodriguez, to recommend approval of a joint funding agreement for State-let construction work between Illinois Department of Transportation and Kendall County for the Schlapp Road Bridge Replacement. Motion approved unanimously by a voice vote.

Motion DeBolt; second Gengler, to recommend approval of a preliminary engineering services agreement between Kendall County and HR Green, Inc. for stormwater improvements at Gates Creek and BNSF in the amount of \$71,710.12. Klaas described this as an old project that has been in the County's Multi-Year Plan for a long time. The problem is that there are hundreds of acres north of BNSF that all drain south to the RR and flow under the RR through an 18" metal culvert. This creates storm water problems in big rain events and could be an obstacle to development in the area north of the RR. Koukol pointed out that the Village of Oswego was entertaining a large development called Tuscany Station just north of the RR. It will drain towards this same outlet under the RR. Klaas indicated that this project will be very complicated due to the necessary coordination with both the railroad and with ComEd, which owns property immediately north of the railroad. The engineering agreement also includes quite a few hours for coordination with the Village of Oswego, to make sure they have a good comfort level with the improvements that will be proposed as part of this project. Koukol asked about the timeline for the project. Klaas was not entirely sure due to the coordination with all the different agencies previously mentioned. Rodriguez asked about disruption to the railroad. Klaas stated that the culvert pipe under the railroad would be jacked in place; and so there should not be any disruption whatsoever to the railroad. The Committee then discussed the conversation that the County and the Village have had a couple times about the jurisdiction of the borrow pit pond just north of the RR. DeBolt asked what the construction costs would be for the project. Klaas said it would be in the hundreds of thousands; but couldn't remember the exact number that had been programmed in the Multi-Year Plan. Rodriguez asked what the ultimate outlet was for all the

storm water. He also questioned how long the construction would take. Klaas confirmed that all this storm water heads south to the Fox River, and goes under Orchard Road near Fox Metro's pump station. He didn't think construction would take very long, but that would be determined in the engineering phase. Motion approved unanimously by voice vote.

Motion DeBolt; second Gengler to recommend approval of a resolution authorizing the use of eminent domain to acquire certain parcels of land for roadway purposes related to the replacement of the Ridge Road Bridge. Klaas provided an exhibit to the committee and described the project in some detail. There are just 4 parcels needed for the project, and one of them has already been acquired. The bridge is a separate project from the 4-lane improvement proposed on Ridge Road between Minooka and Joliet. Koukol asked what width would be acquired. Klaas stated that the County would be acquiring a total of 150' of right-of-way. This is consistent with the recommendations for the WIKADUKE Trail – which is Ridge Road. Rodriguez asked if the acquisition would require taking any residential property. Klaas indicated that all the acquisitions for the bridge would be in strictly agricultural areas. For the future 4-lane roadway improvements, it would be necessary to acquire strips of new right-of-way along residential areas; but he also indicated that there would be several ways to minimize some of the residential takings. Since the 4-lane improvement will be built later, there would be more time to address some of these residential impacts. Klaas also described the use of eminent domain, and how the County does not like to use this procedure; but sometimes it just becomes necessary to get a project completed. Upon consideration, the motion was approved unanimously by a voice vote.

The Committee reviewed a proposal that had come through the Administrative Office. An unknown company would like to place a 270' cell tower on the Highway Department property. Klaas reported that the proposed location is exactly where a future Highway Department Office is planned; so it would not be a good location. He advised the Committee that the only possibility for locating a tower of this type would be in the SE corner of the Highway Department site. Koukol asked if it had been before any other committees at this point, and Klaas didn't think it had. Gengler made a motion to table, second DeBolt. By roll call vote, the motion to table was approved unanimously.

Under Chairman's Report, Bachman appointed Ruben Rodriguez to be Vice Chairman of the Highway Committee.

In Other Business, Gengler asked about the proposed trail at the south end of the new Eldamain Bridge; and whether TAP funds could be used to complete the trail from the bridge to the Hoover Forest Preserve. Klaas stated that he has been working with the Forest Preserve recently to figure out the proposed alignment. He also pointed out that the bridge contract requires the contractor to put in a paved trail from the bridge to the Forest Preserve. If the Forest Preserve wants to extend the trail along Eldamain, they could certainly apply for TAP funds to help pay for a project of that kind.

Koukol asked for a brief update on the Collins Road Extension Project. Klaas stated that the project will go to letting on March 10, 2023. All parcels have to be acquired and certified by IDOT by January 25, 2023. He was confident this would happen. Koukol asked whether the same engineering company designed the Collins project and the Village's water main project. It was: HR Green. He was also interested in knowing the proposed zoning along Collins Road. No one had specific information on this. Klaas pointed out that Homer Tree Service was about to

begin the tree removal contract for the Collins Road Project. Rodriguez asked how many parcels were acquired for the project. Klaas thought there were 15 parcels total; and only a couple went right down to the end with the negotiations.

Gengler asked about the opening for the Eldamain Bridge. Klaas described the work yet to be done, and estimated that a bridge opening in May 2023 could be expected. Committee discussed some of the future connections for paths and trails between Hoover Forest Preserve and Fox River Bluffs Forest Preserve.

Motion DeBolt; second Rodriguez, to forward Highway Department bills for the month of January in the amount of \$594,026.55. Gengler asked about the Cullen & Associates bill, and whether it was a monthly bill. Klaas stated that it is a monthly bill of \$5,000, or \$60,000 annually. He thought the contract had been in place for 3 years, and it has been \$60,000 each year. Rodriguez asked if the Highway Department had any trouble during the diesel shortage. Klaas indicated Highway had an annual contract for both gas and diesel, and they have had no trouble with obtaining fuel.

Motion DeBolt; second Rodriguez, to adjourn the meeting at 4:18 P.M. Motion carried unanimously.

Respectfully submitted,



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

Action Items

1. Resolution providing for spring road posting of certain county highways
2. Resolution appropriating funds for the improvement of Schlapp Road Bridge
3. Joint funding agreement for State-let construction work between Illinois Department of Transportation and Kendall County for the Schlapp Road Bridge Replacement
4. Preliminary engineering services agreement between Kendall County and HR Green, Inc. for stormwater improvements at Gates Creek and BNSF in the amount of \$71,710.12
5. Resolution authorizing the use of eminent domain to acquire certain parcels of land for roadway purposes related to the replacement of the Ridge Road Bridge

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of January 9, 2023 – Unofficial until Approved

CALL TO ORDER

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

ROLL CALL

Committee Members Present: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez, Brooke Shanley, and Seth Wormley

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Boyd Ingemunson, Miguel Angel Fernandez, Jose Martinez, and Glenn Diller, Jr.

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Flowers made a motion, seconded by Member Rodriguez, to approve the minutes of the November 7, 2022, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from November 2022 and the end of fiscal year expenditure report.

Member Flowers asked about trends in building. The Committee reviewed the permit reports at this time.

REVIEW PERMIT REPORT

Review November 2022 Permit Report

The Committee reviewed the report.

Review December 2022 Permit Report

The Committee reviewed the report.

Review of End of Year Permit Report

The Committee reviewed the report.

Mr. Asselmeier noted that the number of new homes and total number of permits were relatively the same. The number of solar permits had increased. The number of manufacturing and

commercial permits decreased due partly to the annexation of the Cat property into Montgomery.

The number of new home permits in December tend to be lower than other months.

EXPENDITURE REPORT

The Committee reviewed the end of fiscal year escrow report and the expenditure report from December 2022.

Member Rodriguez asked about the balance in the escrow account for 1038 Harvey Road. Mr. Asselmeier responded that the property owner applied for a stormwater permit and the number on the report is the dollar amount that was in the escrow report as of November 30, 2022. A stormwater permit was never issued for this property.

Member Rodriguez asked what happens to the money. Mr. Asselmeier responded that the funds are used to cover WBK Engineering's cost to review the project. Once a permit is closed or the project is no longer under review. The remaining funds in the escrow account is returned to the applicant. An open stormwater permit is valid until December 31st of the third year following the issuance of a permit.

Member Koukol asked if the trash at the driveway at 1539 Collins could be removed. Mr. Asselmeier will check if the trash could be removed.

PETITIONS

Petition 22-24 Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191

Mr. Asselmeier summarized the request.

The Petitioner would like to provide housing for a watchman in one (1) of the units on the first floor of the southern, mixed use building on the subject property.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The southern, mixed use building was constructed in 1960. The subject property has been zoned B-2 since 1976. The existing dwelling units on the second floor are lawfully non-conforming.

The application materials, site plan, a picture of the mixed use building, a picture of the garage, a picture of the western fence, a picture of the eastern fence and, a picture of the existing monument sign was provided.

The property is approximately one point six-three (1.63) acres in size.

The existing land use is improved commercial.

The County's Future Land Use Map calls for the property to be Suburban Residential (Max 1 DU/Acre). The Village of Oswego's Future Land Use Map calls for the property to be Downtown.

Route 34 is an Arterial Road maintained by the Illinois Department of Transportation.

The Village of Oswego has a trail planned along Route 34 in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, vocational school, parking lot, and vacant.

The adjacent properties are zoned R-3, B-2, and B-3.

Nearby properties are zoned A-1, A-1 SU, R-3, R-3 SU, B-1, B-3 and B-3 SU in the County and R-2, R-3, R-4, and B-2 inside the Village of Oswego.

The R-3 special use to the east is for a church sign. The B-3 special use to the south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

EcoCAT Report not required because the property was not zoned A-1.

The NRI application was submitted on November 16, 2022. The LESA Score was 133 indicating a low level of protection. The NRI was provided.

Oswego Township was emailed Petition information on November 21, 2022.

The Village of Oswego was emailed Petition information on November 21, 2022.

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. The Oswego Fire Protection District submitted an email clarifying condition 2 regarding the living situation of the watchman. This email was provided.

ZPAC reviewed this proposal at their meeting on December 6, 2022. Mr. Rybski noted that the existing septic system was located near the front monument sign. The septic system was designed in 1987 for seven (7) bedrooms. Discussion occurred regarding the definition of Downtown Use in the Village of Oswego's plan. The Petitioner's Attorney said the Petitioner was agreeable to the proposed conditions, but may request clarification on the documents required for annual submittal as outlined in condition 2. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of five (5) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 14, 2022. Discussion occurred regarding the special use permits following the land or ceasing when the property was sold. Discussion occurred regarding limiting outdoor storage to certain items. Discussion occurred regarding which unit would be converted to watchman's quarters; this would likely be the easternmost unit. Only one (1) watchman's quarters would be allowed on the first floor. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the addition of a condition restricting outdoor storage to certain items by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on December 19, 2022. Other than the Petitioner's Attorney, no one else testified at the public hearing. Discussion occurred regarding the proof of verification that the tenant was a watchman for the property. It was noted that the owner would generate less revenue from a residential tenant than from a commercial tenant. A new certificate of occupancy would be required when the unit was converted to residential use and a new certificate of occupancy would be required if the unit was converted back to commercial use. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of four

(4) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

According to the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building. The specific unit where the watchman and their family would live was not identified.

The outside storage would consist of cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No information was provided regarding the number or amount of items parked or stored outdoors on the premises. The materials would be stored outdoors within the fenced area north of the garage.

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960. One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building.

The property is served by well and septic.

The driving area perpendicular and south of the garage is asphalt paved.

The site plan showed twenty-three (23) parking spaces around the mixed use building. One (1) parking space was marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal; this email was provided. The Illinois Department of Transportation submitted an email stating they were not requesting a right-of-way dedication for a trail and noted that an access permit would be required, if the property owner changed or added entrances. This email was provided.

According to the submitted materials, no additional impervious surface is planned.

No information was provided regarding lights.

One (1) existing monument sign was shown on the site plan. A picture of the sign was provided. The sign was approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans existed to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building. No information was provided regarding whether the storage business would have a sign or the placement of the sign.

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area.

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building.

According to the site plan, there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

No information was provided regarding noise control.

The site plan showed one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster was visible in the picture of the eastern fence.

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

The proposed 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 the site is developed in accordance with the submitted site plan, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to 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. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.

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. This is true, provided the screening created by the vinyl and cedar fences are maintained.

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. This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for

a watchman 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.” Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.

Staff recommended approval of the special use permits subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.
2. Items stored outdoors are limited to cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No junk or debris, as defined by the Kendall County Junk and Debris Ordinance, shall be stored outdoors on the property. **(Added at RPC)**.
3. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman **(Amended at ZPAC)**. Only one (1) watchman and the family of the one (1) watchman may reside on the first floor of southern, mixed use building shown in the submitted picture. **(Clarified at RPC)**.
4. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
5. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
6. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
7. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
8. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County’s Right to Farm Clause.
9. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
10. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.

11. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

The draft ordinance was provided.

Member Koukol provided a history of the property. He noted that the property has been improved greatly in recent years.

Member Koukol asked if the apartment was already in place. Mr. Asselmeier said that he was unsure an occupancy permit had been issued for the apartment.

Member Rodriguez stated his approval of the project.

Member Shanley said that she attended the Regional Planning Commission and expressed here support for the proposal.

Member Koukol asked if the Petitioner was agreeable to the conditions. Boyd Ingemunson, Attorney for Petitioner, responded yes.

Member Koukol made motion, seconded by Member Shanley, to recommend approval of the special use permits.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on January 17, 2023, on the consent agenda.

Petitions 22-26 Theodore Vargas

Mr. Asselmeier summarized the request.

On February 21, 2006, the Kendall County Board granted a special use permit for a home occupation of a manufacturer of plaster or cement mantels and similar architectural components with more than two (2) non-resident employees at the subject property. Ordinance 2006-09 was provided.

Condition 10 of the special use permit stated that if the manufacture of plaster or cement mantels and similar architectural components ceased, the special use permit would expire.

On December 13, 2022, the Petitioner submitted a request for voluntary revocation of the special use permit. This was provided.

The Petitioner plans to operate a custom steel fabrication and welding home occupation at the property. The home occupation would employ a maximum of two (2) non-resident employees, which is allowed under the Kendall County Zoning Ordinance without a special use permit. The Petitioner submitted the required home occupation affidavit for the new home occupation.

The draft revocation ordinance was provided.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

Staff recommended approval of the proposed special use permit revocation.

Member Koukol asked if the house had been divided off of the business portion of the property. Mr. Asselmeier responded yes. Member Koukol asked why the division occurred. Mr. Asselmeier speculated that the reason the division occurred was to obtain an address for the business building. The Petitioner owns both the house and business building.

Member Shanley made motion, seconded by Member Rodriguez, to recommend approval of the requested revocation.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on January 17, 2023, on the consent agenda.

NEW BUSINESS

Request for Guidance Regarding a Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN; 06-15-100-007)

Mr. Asselmeier summarized the issue.

In December 2022, the Department received a complaint of piles of material at least three feet (3') in height deposited without a permit at 8150 Schlapp Road. Complaint information was provided.

Upon review, a portion of the fill may be in the floodplain.

The property owner was given until January 7, 2023, to apply for a stormwater management permit or remove the fill.

On December 28, 2022, the property owner contacted the Department and requested additional time to remove the material. Due to the time of the year, the property owner likely will require several months to remove the materials.

Staff requests guidance as to how to proceed.

Glenn Diller, Jr., Property Owner, asked why the permit was required. Mr. Asselmeier explained the permit requirements in the Stormwater Management Ordinance.

Member Koukol asked if the piles were going to be temporary. Mr. Diller responded that the piles would be permanent and would be used for a private gun range.

Member Flowers asked about the timeline for removal. Mr. Asselmeier explained the current policy; Mr. Diller could not remove the piles within thirty (30) days even if he wanted to because of the time of the year. Mr. Diller did not want to remove the piles.

Mr. Diller asked about permit costs. Mr. Asselmeier responded that the permit application was One Thousand Two Hundred Fifty Dollars (\$1,250) plus the costs to prepare application submittal documents.

Member Rodriguez requested clarification on the location of the berm in relation to Schlapp Road. The berm is located on the south side of the property; Schlapp Road was to the west.

Mr. Diller said that he talked to the Kendall County Sheriff's Department regarding having a gun range. Private gun ranges are allowed, but gun ranges used as businesses required a special use permit.

Member Flowers asked about the timeline for applying for a stormwater permit. Mr. Asselmeier said that Mr. Diller could apply quickly, but Mr. Diller might not find a surveying company that can complete the plans within thirty (30) days.

Chairman Wormley suggested extending the deadline for dirt removal to March 31st with the expectation that the stormwater management permit be submitted within the next thirty (30) days. If Mr. Diller was making progress on the permit, an extension could be granted.

Member Koukol made motion, seconded by Member Flowers, to allow Mr. Diller to apply for the stormwater permit within thirty (30) days with the intent that the permit be issued by March 31, 2023, and to have a follow-up on the project at the April Planning, Building and Zoning Committee meeting. With a voice vote of five (5) ayes, the motion carried.

Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road

Mr. Asselmeier said this mobile home was for taking care of a family member needing medical care. No complaints have been filed with either the Planning, Building and Zoning Department or Health Department regarding this property.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the renewal.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Selection of Committee Vice-Chair

Chairman Wormley stated that Ruben Rodriguez would be the Vice-Chair of the Committee.

Approval to Reschedule the February 2023 Planning, Building and Zoning Committee Meeting

The February meeting conflicts with Lincoln's Birthday.

Member Rodriguez made a motion, seconded by Member Flowers, to reschedule the meeting to February 9, 2023, at 6:30 p.m. With a voice vote of five (5) ayes, the motion carried.

Review of 2023 Application Calendar

The Committee reviewed the application calendar.

Kendall County Regional Planning Commission Annual Meeting-February 4, 2023, at 9:00 a.m.

Mr. Asselmeier reported the Kendall County Regional Planning Commission Annual Meeting would be February 4th in the County Boardroom.

Kendall County Historic Preservation Commission Annual Meeting-February 15, 2023, at 6:00 p.m., at the Oswego Brewing Company at 61 Main Street, Oswego

Member Flowers reported the Kendall County Historic Preservation Commission Annual Meeting would be February 15th at the Oswego Brewing Company in Oswego. She discussed the Commission's wish to meet at various historic locations throughout the County. Mr. Asselmeier noted that a portion of downtown Oswego was added to the National Register of Historic Places and the meeting location was located inside the new historic district.

Review of Departmental Policies

Voluntary Compliance/Code Enforcement Policy

Debt-Free Applicant Policy

Stormwater Investigation Cost Policy

The Committee reviewed the policies and decided no changes were required.

OLD BUSINESS

Special Use Enforcement Update

Request for Guidance Regarding a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25 at 7275 Route 34 (PIN: 02-14-452-005) in Bristol Township; Committee Could Initiate Revocation of the Special Use Permit

Mr. Asselmeier provided the update.

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.
How Department Became Aware of Potential Violation: Annual Inspection
Current Status: No response after several months of attempts. Staff requests guidance as to how to proceed.

Mr. Asselmeier suggested posting the hearing sign to obtain a response.

Mr. Asselmeier explained the procedure of involuntary revocation of special use permits.

The property was sold in November 2021.

Member Shanley made a motion, seconded by Member Flowers, to initiate revocation of the special use permit.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

2. Ordinance 2006-09-Special Use Permit for Additional Non-Family Employees in a Home Occupation at 14816 Galena Road (Business Address) and 14870 Galena Road (Home Address)
Issue: Condition 10 requires the business to be a manufacturer of plaster or cement mantels and similar architectural components.
How Department Became Aware of Potential Violation: Annual Site Visit
Current Status: Resolved
3. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)
Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".
How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property
Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in February or March 2023.
4. Ordinance 2022-09-Special Use Permit for a Kennel at 3601 Plainfield Road
Issue: Installation of Berm and Landscaping by October 31, 2022.
How Department Became Aware of Potential Violation: Previous Deadline Extension Requests
Current Status: Berms and landscaping installed. They need to schedule a final occupancy inspection and resolve outstanding issues with the Oswego Fire Protection District.
5. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd
Issue: Condition 6 requires a right-of-way dedication
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.
Current Status: As of January 3, 2023, the County Highway Engineer is working with an engineer and property owner to complete the necessary documents for the dedication.

Discussion occurred regarding the ownership and operation at the property. The business appears closed for the season.

6. Ordinance 2012-26-Special Use Permit for YPAC
Issue: Condition 6 requires paved parking lot by 2014 with 28 parking spaces
How Department Became Aware of Violation: YPAC approached County for financial assistance in 2018.
Current Status: In compliance and case closed as of December 7, 2022.

7. Ordinance 2014-21-Special Use Permit for Peaceful Pathways Montessori School at 8250 Route 71
Issue: Condition 2 requires the gravel driveway to be paved with asphalt no later than May 15, 2017
How Department Became Aware of Violation: The Parcel ID number for the property was updated in 2021 and Staff discovered the condition.
Current Status: The property owner has until April 30, 2023, to pave the driveway. The property owner is also paving a portion of the parking area. The final inspection will occur after the paving of the parking area is complete.

8. Ordinance 2020-01-Special Use Permit for a Kennel and Veterinary at the Northeast Corner of Ridge and Bell Roads
Issue: Condition 2.A requires adherence to the site plan and lighting plan. The property owner has installed one (1) additional light on the northwest corner of the property and the fence for the play area seems further south than shown on the site plan.
How Department Became Aware of Violation: Complaint filed by a driver on Ridge Road.
Current Status: Property owner submitted an application for major amendment and variance to the special use permit. This request will be reviewed by the advisory boards in January 2023.

1038 Harvey Road Items

Approval to Issue New, Additional Citations at the Property

Approval to Request that the State's Attorney's Office Pursue the Collection of the Lien for Planning, Building and Zoning Related Penalties Issued Against the Property

Mr. Asselmeier provided a history of the property, pictures of the property, and the lien against the property.

Member Koukol asked if the business was closed. Mr. Asselmeier noted that 1038 Harvey Road was listed on the business' website and on the Illinois Secretary of State's website.

Member Koukol asked if the property had discussed annexing to the Village of Oswego. Miguel Angel Fernandez, Attorney for the Property Owner, said the owner had ceased operations. The property was the owner's personal residence and he had not taken any action on annexing to the Village of Oswego. Jose Martinez, Property Owner, said that he parks his work trucks at the property to power the vehicles.

Chairman Wormley expressed his concerns about the lack of following the Zoning Ordinance at the property. He asked where the new site was located. He asked why the salt pile was located on the property under the tarp.

Member Rodriguez urged Mr. Martinez to have another address for his business. He felt that the Mr. Martinez had no respect for the process. Mr. Martinez said that he was looking for a location for his trucks.

Member Shanley asked when and where the business moved. Mr. Martinez said the business was moved in November 2022 and that the business moved to Aurora. Member Shanley asked if steps existed to correcting the address. Chairman Wormley said a timeline could be discussed, but he discussed the existing lien and violations on the property. He noted the lack of follow-through on previous requests.

Chairman Wormley asked what the property owner would like the County to do at this time.

Member Rodriguez felt Mr. Martinez has not been truthful with the Committee.

Discussion occurred regarding the result of future investigations and the placement of future fines or liens on the property.

Mr. Fernandez stated that his client did not have the funds to annex to the Village of Oswego.

Member Rodriguez made motion, seconded by Member Flowers, to issue new citations and ask the State's Attorney's Office to pursue the collection of the existing lien.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

REVIEW VIOLATION REPORT

Review of Violation Report for December 2022

The Committee reviewed the violation report.

Review of FY 21-22 Inspection Report

The Committee reviewed the report.

Mr. Asselmeier provided a history of how citations were issued.

REVIEW PRE-VIOLATION REPORT

Review of Non-Violation Report for December 2022

The Committee reviewed the report.

The Committee discussed cases of chickens and the potential for a text amendment to allow chickens on parcels less than one (1) acre in size. All chicken investigations have been postponed until after the February Kendall County Regional Planning Commission Annual Meeting.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

None

REVIEW REVENUE REPORT

Review of November 2022 Revenue Report

The Committee reviewed the report.

Review of 2011-2022 Revenue Report

The Committee reviewed the report.

Review of December 2022 Revenue Report

The Committee reviewed the report.

Mr. Asselmeier provided a history of updating the Land Cash Ordinance.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Flowers made a motion, seconded by Member Shanley, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 8:22 p.m.

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



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: January 9, 2023

Amount: N/A

Budget: N/A

Issue: Petition 22-24 Request from Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191 for a Special Use Permit for a Dwelling Unit for a Watchman and Their Immediate Family and a Special Use Permit for Outdoor Storage at 5375 Route 34 (PIN: 03-18-403-015) in Oswego Township; Property is Zoned B-2 General Business District

Background and Discussion:

The Petitioners would like a special use permit for a dwelling unit for a watchman and a special use permit for outdoor storage at the subject property.

The record for the Petition can be found here, <https://www.kendallcountyil.gov/home/showdocument?id=25620>

The draft ordinance is attached.

Committee Action:

ZPAC-Approval with Condition (5-0-4), RPC-Approval with Condition (7-0-3), ZBA-Approval with Conditions (4-0-3), Oswego Township-No Comments, Village of Oswego-No Comments, Oswego Fire Protection District-Clarification on Where the Watchman Would Live (Incorporated into Conditions); PBZ Committee-Approval (5-0)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: January 10, 2023

ORDINANCE NUMBER 2023-_____

GRANTING A SPECIAL USE PERMIT FOR A DWELLING UNIT FOR A WATCHMAN AND THEIR IMMEDIATE FAMILY AND A SPECIAL USE PERMIT FOR OUTDOOR STORAGE AT 5375 ROUTE 34 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-18-403-015 IN OSWEGO TOWNSHIP

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue and special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 9:02.C.9 of the Kendall County Zoning Ordinance permits of dwelling units for watchmen and their immediate families, including caretakers as a special use in the B-2 General Business Zoning District; and

WHEREAS, Section 9:02.C.20 of the Kendall County Zoning Ordinance permits of outdoor storage provided such storage is screened from adjacent and surrounding properties as a special use in the B-2 General Business Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, since 1976, and remains currently located within the B-2 General Business Zoning District and consists of approximately 1.63 +/- acres located at 5375 Route 34 (PIN: 03-18-403-015), 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 owned by Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191 and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about November 17, 2022, Petitioner’s representative filed a petition for a special use permit for a dwelling unit for a watchman and their immediate family and a special use permit for outdoor storage at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on November 24, 2022, the Kendall County Zoning Board of Appeals conducted a public hearing on December 19, 2022, at 7:00 p.m., in the County Board Room of the Kendall 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 special use permits and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated December 19, 2022, 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 permits; 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, the special use permits shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special uses 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 for a dwelling unit for a watchman and their immediate family and a special use permit for outdoor storage at the subject property 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. Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on Exhibit C.
 - B. Items stored outdoors are limited to cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No junk or debris, as defined by the Kendall County Junk and Debris Ordinance, shall be stored outdoors on the property.
 - C. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman. Only one (1) watchman and the family of the one (1) watchman may reside on the first floor of southern, mixed use building shown in the picture attached hereto as Exhibit D.
 - D. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the pictures attached hereto as Exhibits E and F are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
 - E. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
 - F. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
 - G. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
 - H. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - I. The operator(s) of the business allowed by these special use permits shall follow all applicable

Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.

- J. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
 - K. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
 - L. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these special use permits.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of January, 2023.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

Exhibit A Legal Description

Lot 3 of Silver Wheel Subdivision 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 December 19, 2022 by a vote of four (4) in favor and zero (0) in opposition; Members Cherry, Prodehl, and Whitfield were absent.

FINDINGS OF FACT

*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 the site is developed in accordance with the submitted site plan, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to 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. **Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.***

*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. **This is true, provided the screening created by the vinyl and cedar fences are maintained.***

*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. **This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman 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.” Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.***

Recommendation

Approval Subject to the Following Conditions and Restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.
2. Items stored outdoors are limited to cars, boats, trailers, recreational vehicles, granite, and other

materials related to businesses housed on the property. No junk or debris, as defined by the Kendall County Junk and Debris Ordinance, shall be stored outdoors on the property.

3. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman. Only one (1) watchman and the family of the one (1) watchman may reside on the first floor of southern, mixed use building shown in the submitted picture.
4. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
5. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
6. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
7. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
8. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
9. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
10. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
11. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Vicinity Map
Not to Scale



Subject Property

PLAT OF SURVEY & TOPOGRAPHIC EXHIBIT

LOT 3 OF SILVER WHEEL SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5375 ROUTE 34, OSWEGO, ILLINOIS.

BENCHMARKS:

SOURCE BENCHMARK:
Village of Oswego Geodetic Control Network - Station # 0001 - Oswego Orchard.
Elevation= 608.92 (NAVD 88)

SITE BENCHMARK (SITE TBM)
Cross cut in top of curb adjacent to the Easterly property Line. (Location as noted)
Elevation= 632.89 (NAVD 88)

SURVEYOR'S NOTE:

THE LOCATIONS OF THE UNDERGROUND UTILITIES AS DEPICTED HEREON ARE BASED UPON MARKINGS BY TRI-COUNTY LOCATORS

- GAS — = gas line
- ST — = storm line
- SAN — = septic/sanitary line
- TEL — = tele-communications line
- CHN — = overhead wires
- W — = water line

SURVEYOR'S NOTE:

THE LOCATIONS OF THE UNDERGROUND UTILITIES AS DEPICTED HEREON ARE BASED UPON MARKINGS BY TRI-COUNTY LOCATORS

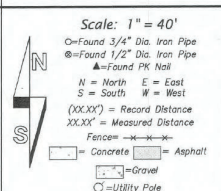
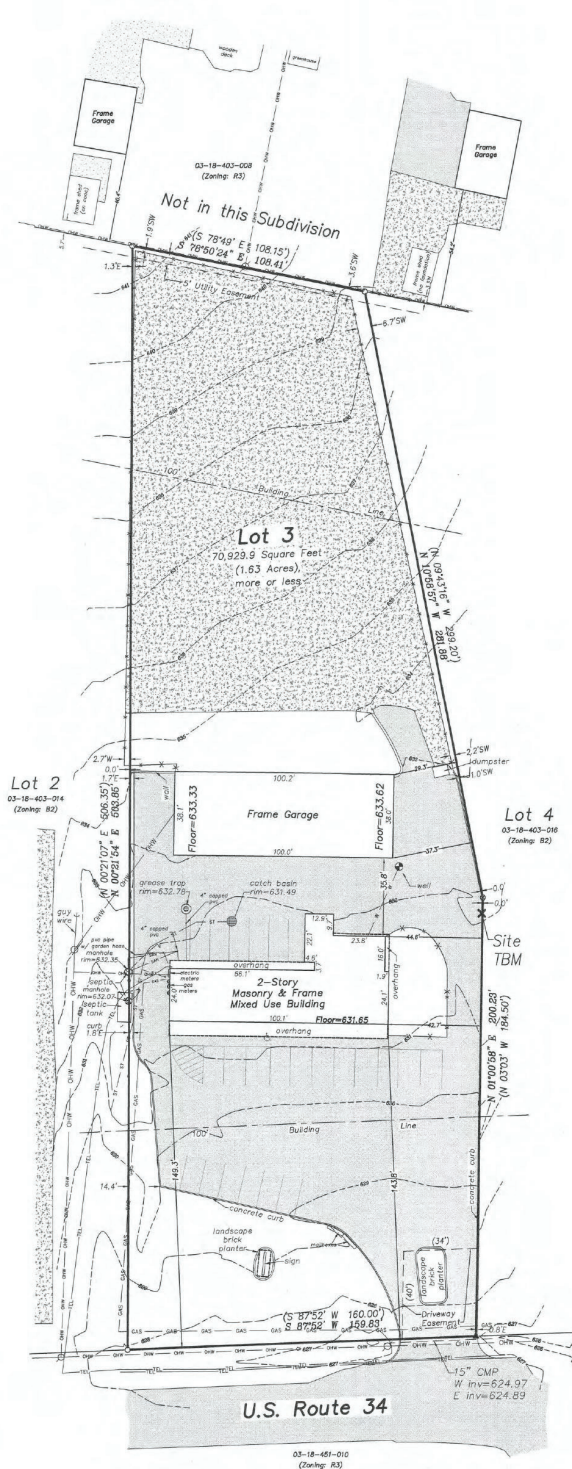
Kendall County Zoning Designations:

- B2 = General Business
- R3 = One Family Residential - 45,000 Sq Ft

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON NOVEMBER 16, 2022.



Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2024
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2024

TODD SURVEYING

Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client: Ingernunson Law Offices, Ltd.	
Book # 2169	Drawn By: J.S.L.H./Plat # 312
Reference: 2016-0509 FB2169	
Field Work Completed: 10/27/2022	
Rev. Date	Rev. Description
11/16/22	added topography
Project Number:	
2022-1141	

Exhibit D



Exhibit E



11/17/2022 13:43

Exhibit F



11/17/2022 13:46



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: January 9, 2023

Amount: N/A

Budget: N/A

Issue: Petition 22-26 Request from Teodore Vargas for the Revocation of a Special Use Permit for a Home Occupation of a Manufacturer of Plaster or Cement Mantels and Similar Architectural Components with More than Two (2) Non-Resident Employees at 14816 Galena Road (West of 14870 Galena Road) (PIN: 01-03-100-005) in Little Rock Township; Property is Zoned A-1 Agricultural District with a Special Use Permit

Background and Discussion:

On February 21, 2006, the Kendall County Board granted a special use permit for a home occupation of a manufacturer of plaster or cement mantels and similar architectural components with more than two (2) non-resident employees at the subject property. Condition 10 of the special use permit stated that if the manufacture of plaster or cement mantels and similar architectural components ceased, the special use permit would expire.

On December 13, 2022, the Petitioner submitted a request for voluntary revocation of the special use permit. The Petitioner plans to operate a custom steel fabrication and welding home occupation at the property. The home occupation would employ a maximum of two (2) non-resident employees, which is allowed under the Kendall County Zoning Ordinance without a special use permit. The Petitioner submitted the required home occupation affidavit for the new home occupation.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

The draft ordinance is attached.

Committee Action:

PBZ Committee-Approval (5-0)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: January 10, 2023

ORDINANCE NUMBER 2023-_____

**REVOKING A SPECIAL USE PERMIT FOR A HOME OCCUPATION OF A
MANUFACTURER OF PLASTER OR CEMENT MANTELS AND SIMILAR
ARCHITECTURAL COMPONENTS WITH MORE THAN TWO (2) NON-RESIDENT
EMPLOYEES GRANTED BY ORDINANCE 2006-09 AT 14816 GALENA ROAD
(PIN: 01-03-100-005) IN LITTLE ROCK 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 13:08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; 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 District and consists of approximately 1.64 +/- acres and is identified by Parcel Identification Number 01-03-100-005, also known as 14816 Galena Road, in Little Rock 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 Kendall County Board granted a special use permit through Ordinance 2006-09 on the subject property on February 21, 2006, for a home occupation of a manufacturer of plaster or cement mantels and similar architectural components with more than two (2) non-resident employees; and

WHEREAS, Teodore Vargas, is the owner of record of the subject property and shall hereinafter be referred to as “The Petitioner”; and

WHEREAS, The Petitioner no longer desires the special use permit and has stated in a letter as provided in attached Exhibit “B” that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

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

1. The Kendall County Board hereby revokes the special use permit for a home occupation of a manufacturer of plaster or cement mantels and similar architectural components with more than two (2) non-resident employees granted by Ordinance 2006-09 and revokes Ordinance 2006-09 in its entirety.
2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2006-09.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of January, 2023.

State of Illinois
County of Kendall

Zoning Petition
#22-26

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

Exhibit A

The Northerly 476.0 feet of the Easterly 464.0 feet (except the Northerly 426.0 feet of the Easterly 314.0 feet thereof) as measured along the East and North lines thereof, of the Northwest Quarter of the Northwest Fractional Quarter of Section 3, Township 37 North, Range 6 East of the Third Principal Meridian, in the Township of Little Rock, Kendall County, Illinois;

Date

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630.553.4179

We, Teodore and Theodore Vargas, are the owners of the parcel 01-03-100-005, more common known as 14816 Galena Road, Plano.

On February 21, 2006, the property was granted a special use (Ordinance 2006-09). The special use granted in 2006 was granted for the operation of a plaster and cement mantel home occupation with more than the allowed number of non-resident employees.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, we hereby voluntarily request that Kendall County revoke our special use on the above-referenced property. By signing below, we acknowledge that no public hearing shall be conducted for revocation of the special use. We understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, we hereby waive our right to a public hearing and formally request the above-referenced special use be removed from our property.

[Redacted Signature Line]
(Signatures)

12/13/2022
(Date)

Teodore Vargas
(Printed Names)

Attest [Redacted]
Notary Public



KENDALL COUNTY SHERIFF'S OFFICE

MONTH-END REPORT



DECEMBER

2022

Submitted by: Sheriff Dwight A. Baird

OPERATIONS DIVISION

POLICE SERVICES	December-20	December-21	November-22	December-22
Calls for Service	761	633	642	666
Police Reports	366	343	334	362
Total Arrests	84	54	137	141
Ordinance Citations Issued	0	0	1	0

TRAFFIC SERVICES

Traffic Contacts	356	363	668	400
Traffic Citations Issued	138	163	253	208
DUI Arrests	4	5	7	11

TRAFFIC CRASH INVESTIGATIONS

Property Damage	84	47	40	46
Personal Injury	8	9	13	16
Fatalities	0	1	0	0
TOTAL CRASH INVESTIGATIONS	92	57	53	62

VEHICLE USAGE

Total Miles Driven by Sheriff's Office	54,091	47,398	54,389	49,685
Vehicle Maintenance Expenditures	\$332	\$3,185	\$8,075	\$9,403
Fuel Expenditures	\$8,421	\$10,736	\$14,198	\$11,773
Fuel Gallons Purchased	4,356	3,625	4,204	4,252
Squad Damage Reports	0	0	1	0

AUXILIARY DEPUTIES

Ride-A-Long Hours	9	0	5	0
Auxiliary Hours	22	11	35	162
TOTAL AUXILIARY HOURS	30	11	40	162

EVIDENCE/PROPERTY ROOM

New Items into Property Room	89	78	109	141
Disposal Orders Processed	11	13	32	23
Items Disposed Of	55	118	91	111
Items Sent to Crime Lab for Processing	26	16	26	14
Pounds of Prescription Meds Collected from Drop Box	13	6	17	8

INVESTIGATIONS/COPS ACTIVITIES

Total Assigned Cases (Patrol/Invest)	50	42	35	20
Total Closed Cases (Patrol/Invest)	83	57	15	29
Total Open Cases (Patrol/Invest)	166	124	102	93
Community Policing Meetings/Presentations	16	21	23	20

Sex Offender / Violent Offenders Against Youth Registrations

Sex Offender Registrations	7	12	15	15
Sex Offender - Address Verifications Completed	0	0	3	0
Sex Offender - Address Verification Attempted	0	0	4	0
Total # of Sex Offenders- Jurisdiction	34	34	30	32
Total # of Sex Offenders- Entire County	83	96	90	90
Violent Offenders Against Youth Registrations	1	0	1	1
VOAY - Address Verification Completed	0	0	0	0
VOAY - Address Verification Attempted	0	0	0	0
Total # of VOAY- Jurisdiction	6	7	7	7
Total # of VOAY- Entire County	23	25	26	26

RECORDS DIVISION**SHERIFF SALES**

Sales Scheduled	0	9	6	16
Sales Cancelled	0	8	2	8
Sales Conducted	0	1	4	8

CIVIL PAPERWORK

Papers Filed/Received	144	135	108	123
Papers Served/Executed	126	115	81	87

REPLEVINS/LEVY	December-20	December-21	November-22	December-22
Replevin/Levy Scheduled	0	0	1	0
Replevin/Levy Conducted	0	0	1	0

SA, SUBPOENA & FOIA REQUESTS

Electronic and Recording Copy Requests	40	68	99	78
Accident Reports	16	30	13	21
Background Checks	24	19	25	17
Incidents	62	68	63	62
Subpoenas	3	1	2	5
TOTAL REQUESTS	145	186	202	183

WARRANTS

Total Warrants on File	1,681	1,782	1,681	1,647
New Warrants Issued	103	137	130	115
Total Warrants Served	100	102	139	128
Warrants Quashed	32	25	25	21

EVICCTIONS

Evictions Scheduled for Month	0	3	10	6
Evictions Cancelled	0	1	2	1
Evictions Conducted	0	2	8	5

FEES

Civil Process Fees	\$1,772	\$5,602	\$6,756	\$4,053
Sheriff Sales Fees	\$0	\$2,700	\$4,800	\$2,400
Records Fees/Fingerprinting	\$225	\$300	\$65	\$25
Bond Processing Fees	\$1,335	\$1,082	\$939	\$1,657
TOTAL FEES COLLECTED	\$3,332	\$9,683	\$12,560	\$8,135

CORRECTIONS DIVISION

JAIL POPULATION

New Intake Bookings	127	135	189	183
Inmates Released	127	147	187	186
Federal Inmate ADP	72	67	19	17
Kendall County Inmate ADP	57	66	59	58
Other Jurisdictions Inmate ADP	15	13	3	4
Average Daily Population	144	146	81	79
ADP of inmates housed in other Jurisdictions			7	7

JAIL MEALS

Number of Meals Prepared Consolidated/Aramark	13,019	13,231	7,565	7,571
Price Per Meal	\$1.31	\$1.36	\$2.77	\$3.08

INMATE TRANSPORTS

To and From Kendall County Courthouse	11	27	51	72
Other County Court Transports	0	3	2	0
Out of County Prisoner Pickups	7	5	12	12
To I.D.O.C	0	2	2	2
Medical/Dental Transports	3	18	3	3
Court ordered medical transports	0	2	2	1
Juvenile To and From Youth Homes/Courts	2	6	10	8
Federal Transports	5	15	3	5
To and From Kane County Jail			20	19
TOTAL INMATE TRANSPORTS	28	78	105	122

INMATE WORK CREWS

Number of Inmates	0	1	0	0
Number of Locations	0	1	0	0
Total Hours Worked	0	2	0	0

REVENUE

Amount Invoiced for Inmates Housed for Other Juris.	\$33,770	\$25,760	\$2,100.00	\$2,170
Amount Invoiced for Federal Housing	\$180,880	\$166,320	\$45,600	\$42,720
Amount Invoiced for Federal Court Transport	\$0	\$738	\$658	\$858
Amount Invoiced for Federal Medical Transport	\$8,621	\$5,780	\$198	\$227
TOTAL INVOICED	\$223,271	\$198,598	\$48,555	\$45,975

MEDICAL BILLING	December-20	December-21	November-22	December-22
Medical Contractual Services	\$20,203	\$19,240	\$19,796	\$20,809
Prescriptions	\$6,700	\$6,427	\$3,578	\$1,780
Medical	\$267	\$785	\$396	\$830
Dental	\$0	\$0	\$0	\$0
Emergency Medical Services	\$240	\$147	\$240	\$0
Medical Supplies	\$1,133	\$901	\$364	\$536
TOTAL MEDICAL BILLING	\$28,542	\$27,500	\$24,374	\$23,955

Housing Expense

Kane County Jail			\$20,250	\$1,5675
TOTAL HOUSING EXPENSE			\$20,250	

Outstanding FTA Fees

FTA Fees- Outstanding	\$375	\$150	\$1,125	\$825
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COURT SECURITY

Entries	7,419	8,283	9,001	9,186
Items X-rayed	2,247	3,419	4,067	4,485
Bond Call - In Person	3	5	3	8
Bond Call - Video	52	43	33	45
Kendall Prisoners	66	71	58	88
Other Prisoners	3	1	13	11
Arrests made at Courthouse	10	30	22	33
Contraband Refused	53	58	43	64

ELECTRONIC HOME MONITORING

TOTAL DEFENDANTS ORDERED TO EHM

Juvenile		12	5	7
Adult		67	70	67
TOTAL PARTICIPANTS		79	75	74

Orders

Presentenced		34	69	68
Bischof		40	36	32
Post Sentenced		5	6	6

Days Defendants Served on EHM

Juvenile		314	130	146
Adult		1,849	1,990	2,013
TOTAL DAYS		2,163	2,120	2,159

EHM VIOLATIONS

Juvenile		3	5	0
Adult		13	11	3
TOTAL VIOLATIONS			16	3

COST vs. COLLECTIONS

Cost		\$5,689	\$5,576	\$5,678
Collected		\$6,160	\$3,232	\$3,502

KCSO TRAINING

CORRECTIONS DIVISION

NATURE OF TRAINING

Addiction Treatment in the Justice Involved				3
Anti-Bias for Law Enforcement				2
CourtSmart				1
Dealing with Stress				3
Ethical Behaviors for Corrections Officers				2
Fire Extinguisher Refresher				4.75
Infectious & Communicable Diseases				1
Lexipol DTB's				16.5

Officer Wellness & Mental Health Awareness				2
Report Writing 1				2
Report Writing 2				1
Safety First: A Refresher in Facility Security				1
Stress & the World of Corrections				40
Stress Management for Correctional Officers				2
Supervising Inmates				21
Winter Shoot				68
Written Communication & Report Writing				19
TOTAL HOURS	20	38	118	189

OPERATIONS DIVISION December-20 December-21 November-22 **December-22**

NATURE OF TRAINING				
Annual Low Light Shoot				91
Annual Firearms Qualification				1
Basic Police Photography				16
Comprehensive DUI Awareness				8
CourtSmart				12.5
Crisis Communication				8
Financial Wellness				8
Firearms Restraining Orders Act Awareness				1
IVC Update & Review for Patrol Officers				8
Lead Homicide Investigators Re-Cert				32
LEADS Re-Cert				1.5
Lexipol DTB's				22.5
SAFE-T Act Update				112
Trauma Informed Response to Sexual Assault/Abuse				152
TOTAL HOURS	280	656	341	474

COURT SECURITY

NATURE OF TRAINING				
CourtSmart				2.5
Fire Extinguisher Refresher				1.25
Lexipol DTB's				4.5
Physical Security for Government Facilities				24
Supervising Inmates				5
Winter Shoot				16
Written Communication & Report Writing				5
TOTAL HOURS	4	16	17	58

ADMINISTRATION DIVISION

NATURE OF TRAINING				
FOIA Officer				4
Kendall County SAO Anti-Harassment Video				1
LEADS Certification				12
Policy #315				1
TOTAL HOURS	12	4	12	18

AUXILIARY

NATURE OF TRAINING				
Lexipol				11
OC Certification				12
TOTAL HOURS	0	0	2	23

PART TIMERS

NATURE OF TRAINING				
Annual Firearms Qualification				4
CourtSmart				3
Firearms Restraining Order Act Awareness				4
LEADS Certification				4
Lexipol DTB's				7.5
Mandatory Firearms Waiver				4
Trauma Informed Response to Sexual Assault/Abuse				16
TOTAL HOURS	0	8	11	43

Kendall County Clerk				
Revenue Report		12/1/22-12/31/22	12/1/21-12/31/21	12/1/20-12/31/20
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$536.00	\$1,068.50	\$1,550.50
MARFEE	County Clerk Fees - Marriage License	\$810.00	\$720.00	\$1,140.00
CIVFEE	County Clerk Fees - Civil Union	\$30.00	\$0.00	\$30.00
ASSUME	County Clerk Fees - Assumed Name	\$30.00	\$35.00	\$35.00
CRTCOP	County Clerk Fees - Certified Copy	\$1,766.00	\$1,418.00	\$1,744.00
NOTARY	County Clerk Fees - Notary	\$0.00	\$325.00	\$420.00
MISINC	County Clerk Fees - Misc	\$25.00	\$44.00	\$83.50
	County Clerk Fees - Misc Total	\$3,197.00	\$3,610.50	\$5,003.00
RECFEE	County Clerk Fees - Recording	\$19,275.00	\$37,059.00	\$51,982.00
	Total County Clerk Fees	\$22,472.00	\$40,669.50	\$56,985.00
CTYREV	County Revenue	\$44,217.00	\$57,279.50	\$66,042.75
DCSTOR	Doc Storage	\$11,219.00	\$21,741.50	\$30,557.50
GISMAP	GIS Mapping	\$35,610.00	\$68,910.00	\$96,690.00
GISRCD	GIS Recording	\$2,374.00	\$4,594.00	\$6,446.00
INTRST	Interest	\$134.22	\$42.41	
RECMIS	Recorder's Misc	\$683.50	\$9,124.25	\$10,000.00
RHSP	RHSP/Housing Surcharge	\$9,648.00	\$19,233.00	\$27,909.00
TAXCRT	Tax Certificate Fee	\$1,640.00	\$1,960.00	\$2,560.00
TAXFEE	Tax Sale Fees	\$25.00	\$501.10	\$303.25
PSTFEE	Postage Fees	\$0.00	\$344.51	
CK # 19589	To KC Treasurer	\$128,022.72	\$224,399.77	\$297,493.50
Death Certificate Surcharge sent from Clerk's office \$1380.00 ck # 19587				
Dom Viol Fund sent from Clerk's office \$140.00 ck 19588				

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 ONE MONTH ENDED 12/31/2022

<u>REVENUES*</u>	Annual <u>Budget</u>	2022 YTD <u>Actual</u>	2022 YTD% <u>%</u>	2021 YTD <u>Actual</u>	2021 YTD <u>%</u>
Personal Property Repl. Tax	\$915,000	\$88,351	9.66%	\$0	0.00%
State Income Tax	\$3,158,685	\$234,293	7.42%	\$0	0.00%
Local Use Tax	\$760,000	\$91,672	12.06%	\$0	0.00%
State Sales Tax	\$650,000	\$92,841	14.28%	\$0	0.00%
County Clerk Fees	\$350,000	\$24,697	7.06%	\$40,714	11.63%
Circuit Clerk Fees	\$1,050,000	\$100,849	9.60%	\$80,097	7.63%
Fines & Foreits/St Atty.	\$250,000	\$26,597	10.64%	\$19,277	7.71%
Building and Zoning	\$80,000	\$5,743	7.18%	\$12,456	15.57%
Interest Income	\$75,000	\$94,088	125.45%	\$100	0.13%
Health Insurance - Empl. Ded.	\$1,488,365	\$88,862	5.97%	\$83,760	5.63%
1/4 Cent Sales Tax	\$3,228,750	\$390,852	12.11%	\$275,728	8.54%
County Real Estate Transf Tax	\$450,000	\$48,646	10.81%	\$54,384	12.09%
Federal Inmate Revenue	\$584,000	\$45,600	7.81%	\$162,480	27.82%
Sheriff Fees	\$113,663	\$6,703	5.90%	\$8,697	7.65%
TOTALS	\$13,153,463	\$1,339,793	10.19%	\$737,691	5.61%
Public Safety Sales Tax	\$7,500,000	\$685,361	9.14%	\$0	0.00%
Transportation Sales Tax	\$7,500,000	\$685,361	9.14%	\$0	0.00%

****These are not FINAL monthly numbers for FY23, accruals will be made throughout December and January.**

*Includes major revenue line items excluding real estate taxes which are to be collected later. To be on Budget after 1 month the revenue and expense should at 8.33%

EXPENDITURES

All General Fund Offices/Categories

\$28,296,196 **\$1,141,830** **4.04%** **\$1,195,822** **3.98%**

Office of the Kendall County Coroner

**Monthly Report
December 2022**

* There were 19 hours of community service time served during the month of December.

* No Report.

Deaths Report to the M.E.		Deaths Investigations	
December 2022	24	December 2022	9
YTD	389	YTD	75

MEI Scene Investigations		Postmortem Examinations	
December 2022	7	December 2022	3
YTD	69	YTD	29

Manner of Death						
	Natural	Accident	Suicide	Homicide	Indeterminate	Pending
December 2022	17	1	2	0	0	4
YTD	347	13	19	2	2	6

Cremation Permits Issued	
December 2022	15
YTD	243

Case Number	MOD	COD	DOB	DOD	Autopsy	Scene
2022-0366	Natural	Neoplasm	01-10-1932	12-01-2022	None	No
2022-0367	Pending	Gun-Handgun	02-06-1968	12-03-2022	Full	Yes
2022-0368	Natural	Pulmonary-COPD	07-22-1933	12-04-2022	None	No
2022-0369	Suicide	Asphyxia-Strangulation-Hanging	01-01-1983	12-06-2022	None	Yes
2022-0370	Pending	Undetermined/Other	11-06-1979	12-07-2022	Full	Yes
2022-0371	Natural	Neoplasm	06-02-1946	12-09-2022	None	No
2022-0372	Natural	Cardiac-ASCVD-IHD	10-30-1935	12-12-2022	None	Yes
2022-0373	Natural	Nonspecific Natural	06-26-1948	12-13-2022	None	Yes
2022-0374	Suicide	Drug Death-Mixed Drug Toxicity	08-30-1943	12-14-2022	Toxicology	Yes
2022-0375	Natural	Neoplasm	04-29-1960	12-16-2022	None	No
2022-0376	Pending	Undetermined/Other	06-16-1947	12-16-2022	None	No
2022-0377	Natural	Cardiac	12-29-1946	12-16-2022	None	No
2022-0378	Accident	Fall	03-08-1942	12-17-2022	None	No
2022-0379	Natural	Nervous System	12-23-1941	12-17-2022	None	No
2022-0380	Natural	Nervous System	03-03-1938	12-17-2022	None	No
2022-0381	Pending	Undetermined/Other	02-03-1954	12-18-2022	Full	Yes
2022-0382	Natural	Cardiac	06-17-1944	12-20-2022	None	No
2022-0383	Natural	Nervous System	10-18-1915	12-09-2022	None	No
2022-0384	Natural	Cardiac	01-09-1938	12-20-2022	None	No
2022-0385	Natural	Neoplasm	06-04-1985	12-21-2022	None	No
2022-0386	Natural	Dementia-Alzheimers	03-16-1931	12-22-2022	None	No
2022-0387	Natural	Cardiac-Infarct NOS	04-15-1935	12-22-2022	None	No
2022-0388	Natural	Neoplasm	01-06-1937	12-27-2022	None	No
2022-0389	Natural	Neoplasm	04-02-1926	12-31-2022	None	No

INTERGOVERNMENTAL AGREEMENT FOR THE SHARING OF SERVICES, STAFF AND EQUIPMENT BETWEEN THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, THE OSWEGO TOWNSHIP, THE OSWEGO LIBRARY DISTRICT, THE OSWEGO FIRE PROTECTION DISTRICT, THE OSWEGOLAND PARK DISTRICT, KENDALL COUNTY AND OSWEGO COMMUNITY UNIT SCHOOL DISTRICT 308

THIS INTERGOVERNMENTAL AGREEMENT (*the “Agreement”*) by and between the Village of Oswego, Illinois (*“Oswego”*), a home rule municipal corporation of the State of Illinois; the Oswego Township (*“Township”*), a non-home rule unit of government of the State of Illinois; the Oswego Library District (*“Library”*), a non-home rule unit of government of the State of Illinois; the Oswegoland Park District (*“Park District”*), a non-home rule unit of government of the State of Illinois; the Oswego Fire Protection District (*“Fire Protection District”*); Kendall County (*“County”*), a non-home rule unit of government of the State of Illinois; and the Oswego Community Unit School District 308 (*“School District”*), a school district in the State of Illinois (sometimes collectively referred to as *“Governments”* or *“Parties”* or individually as *“Government”* or *“Party”*); entered into this ____ day of _____, 2022.

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government and school districts may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and,

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) provides that any powers, privileges, functions or authority exercised or which may be exercised by a public agency may be exercised, combined, transferred, or enjoyed jointly with another public agency; and,

WHEREAS, the Governments experience variations in workload from time to time that may strain an individual Government's resources; and,

WHEREAS, many tasks require the same knowledge, expertise, and equipment across Governments, and there are opportunities for the Governments to share different knowledge, expertise, and equipment; and,

WHEREAS, the Governments would benefit on occasion from a joint purchasing arrangement when they purchase the same or similar products or services; and,

WHEREAS, the essential goal of this Agreement is that the Governments cooperate with one another to provide high quality, cost effective services to their respective residents.

NOW, THEREFORE, in consideration of the mutual promises, obligations, and undertakings hereafter set forth, the Governments agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2. The Governments hereby designate their respective Leadership Representatives, as set forth by position title on Exhibit A, to coordinate with one another on an as needed basis, with regard to the services required for the effective, efficient operation of government services. The Leadership Representatives and/or their designees shall advise each other of the date and time such services are to be provided. The Governments shall independently determine whether they are able to offer assistance for all or a portion of the requested duration. No Government shall be obligated to provide assistance or participate in a shared or cooperative agreement.

Section 3. Personnel:

- A. Except when such assistance is requested under another intergovernmental agreement or shared service program, the Governments shall agree to reimburse hourly wages plus employer-paid benefits, inclusive of pension and taxes but exclusive of set-rate benefits including health insurance, for time worked assisting another Government. The Government shall provide an anticipated hourly rate for employees assisting another Government in advance of the shared service being initiated.
- B. Such shared staffing or service time may include remote assistance through the use of various technologies, so that the employee may remain at his or her place of employment to assist the other Government. Time assisting another Government shall be tracked in 15-minute increments and invoiced on a monthly basis to the requesting Government.
- C. Any Workers' Compensation or Liability Claim arising in the course a shared staffing period shall be paid by the Workers' Compensation Policy of the Government with whom the employee is employed on a regular basis.

Section 4. Equipment:

- A. Governments requesting the use of equipment shall work with the Leadership Representative or designee to receive authorization for the type of equipment requested and anticipated duration of use.
- B. The borrowing Government shall return the equipment in reasonably the same condition as when it was borrowed. In the event equipment is damaged during the course of such intergovernmental use, Leadership Representatives or their designee shall determine any compensation due to repair or replace the equipment.

Section 5: Purchases: The Leadership Representatives or their designees may also identify and pursue joint purchasing agreements, including joint bids, joint contracting, and piggybacking on purchases in accordance with their respective procurement policies and procedures.

Section 6: Shared facilities:

- A. Governments may request the use of another Government's facilities for operational or other needs on a temporary or permanent basis. The requesting Government(s) shall define the scope and purpose of the facilities sharing arrangement. The Government(s) receiving the request may determine whether the request can be accommodated and may elect whether to grant or deny the request. The Government(s) providing use of the facilities may require reimbursement of utility costs and rental payments, where applicable, prorated based on the usage of the facilities by the requesting Government(s).
- B. The Governments engaging in shared facilities requests shall comply with any facilities security requirements established by the Government that owns the facilities.

Section 7. Nothing in this Agreement shall be deemed to change or alter the jurisdiction of the Governments in any respect, including, their respective powers and duties.

Section 8. This Agreement and the rights of the Parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the units of government and school district as the Parties hereto.

Section 9. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois. In case any provision of this Agreement shall be declared and/or found invalid, illegal, or unenforceable by a court of competent jurisdiction, such provision

shall, to the extent possible, be modified by the court in such manner as to be valid, legal, and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 10. All notices required or permitted hereunder shall be in writing and may be given by (a) depositing the same in the United States mail, addressed to the Party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt, to the applicable individuals below:

If to the Village of Oswego: Village Administrator
Village of Oswego
100 Parkers Mill
Oswego, Illinois 60543

With a copy to: Karl Ottosen
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
1804 North Naper Blvd., Suite 350
Naperville, IL 60563

If to the Oswego Library District: Library Director
Oswego Public Library District
32 W. Jefferson St.
Oswego, IL 60543

If to the Oswego Fire Protection District: Fire Chief
Oswego Fire Protection District
3511 Woolley Road
Oswego, IL 60543

If to the Oswego Township: Township Supervisor
Oswego Township
99 Boulder Hill Pass
Montgomery, IL 60538

If to the Oswegoland Park District: Executive Director

Oswegoland Park District
313 E. Washington St.
Oswego, IL 60543

With a copy to: Derke Price
Ancel Glink
1979 N. Mill Street, Suite 207
Naperville, IL 60563

If to Kendall County:
County Administrator
Kendall County
111 W Fox St.
Yorkville, IL 60560

If to Oswego Community Unit School District 308:
Chief Financial Officer
Oswego CUSD 308
4175 Route 71
Oswego, IL 60543

With a copy to: Brittany Flaherty Theis
Whitt Law LLC
70 S. Constitution Drive
Aurora, IL 60506

Or any such other person, counsel, or address as any Party hereto shall specify pursuant to this Section from time to time.

Section 11. This Agreement may be executed in counterparts, all of which shall be deemed to be an original and all of which shall constitute one and the same Agreement.

Section 12. This Agreement represents the entire agreement between the Parties and there are no other promises or conditions in any other agreement whether oral or written, except to the extent there are separate intergovernmental agreements between any of the Parties with which this Agreement is not intended to conflict. Except as stated herein, this Agreement supersedes any other prior written or oral agreements between the Parties and may not be further modified except in writing acknowledged by each Party.

Section 13. Nothing contained in this Agreement, nor any act of any of the respective Governments 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 any of the Governments. Further, nothing in this Agreement should be interpreted to give any Government control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

Section 14. When performing pursuant to the terms of this Agreement, the Governments intend that any injuries to their respective employees shall be covered and handled exclusively by their Government's own workers' compensation insurance, or other applicable insurance, in place at the time of such injury. It is further agreed that all employee benefits, wage and disability payments, disability pension and workers' compensation claims, damage to or destruction of equipment, facilities, clothing, and related medical expenses of the Governments and their respective employees, which may result from their activities under this Agreement, shall be the responsibility of the Government which employs the employee making such a claim.

Section 15. The Parties shall defend, indemnify, and hold each other Party—and the other Parties' officials, officers, employees, agents, and representatives—harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, and costs of suit or defense, arising out of, resulting from, or alleged to arise out of or resulting from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Parties, and their officers, employees, and agents, in connection with their performance under this Agreement. The Parties' indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses to the extent arising out of or resulting from the

negligence, misconduct, or breach by any other Party, its officials, officers, employees, agents, or representatives. References to “losses, expenses, costs of suit or defense” do not include attorney’s fees.

Section 16. The Parties 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 respective insurance carrier(s) to the Parties at the addresses set forth herein, and immediate notice given by the affected Government to the other Parties. Before starting shared projects hereunder, the Parties shall obtain the following insurance at a minimum: (a) Workers’ Compensation, in compliance with the laws of the jurisdiction where the work is being performed, (b) Employer’s comprehensive general liability insurance for both personal injury and property damage in the minimum amount of \$1,000,000 for each accident, (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 combined single limit, and (d) Comprehensive excess liability insurance with a combined minimum single limit of \$1,000,000 for each occurrence, with a minimum \$1,000,000 aggregate. Certificates of such insurance detailing the coverage therein shall be available to the other Party upon execution of this Agreement. No Party waives its immunities or defenses, whether statutory nor common law by reason of the indemnification and insurance provisions contained in this Agreement.

Section 17. This Agreement shall be in full force and effect beginning February 1, 2023 through December 31, 2027; provided however, any Party may terminate this Agreement by providing thirty (30) calendar days’ advance written notice to the other Parties. In such a case, this Agreement shall remain in full force and effect as to and between the remaining Parties.

Section 18. This Agreement may be amended only with written consent of all Parties hereto.

Section 19. The Village of Oswego, the Oswego Library District, the Oswego Fire Protection District, the Oswego Township, the Oswegoland Park District, Kendall County and Oswego Community Unit School District 308 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.