CALL TO ORDER

ROLL CALL: Amy Cesich, Lynn Cullick, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the July 8, 2013 meeting.

EXPENDITURE REPORT - (handed out at meeting)

CITIZENS TO BE HEARD

PETITIONS
None

OLD BUSINESS

NEW BUSINESS
Response to Insurance Service Office (ISO) survey and reclassification
Junk and other waste matter on private property to be a nuisance- 1968
Inoperable Motor Vehicles Ordinance #88-15
Intergovernmental Agreement with the Village of Millbrook
Intergovernmental Agreement with the Village of Plattville
LTA Grant Discussion- Pay as we Grow application- approval of a resolution to be passed by the County Board

PUBLIC COMMENT

UPDATE ON HISTORIC PRESERVATION

PROJECT STATUS REPORT
PERMIT REPORT
REVENUE REPORT
CORRESPONDENCE

EXECUTIVE SESSION: 5 ILCS 120/2(c)(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.

ADJOURNMENT: Next meeting on September 9, 2013
KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of July 8, 2013

CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich, Lynn Cullick, Vice-Chair Judy Gilmour and Jeff Wehrli
Absent: None
Also present: Senior Planner Angela Zubko and Interim PBZ Director Jeff Wilkins

APPROVAL OF AGENDA
Lynn Cullick made a motion to approve the agenda as written, Amy Cesich seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Jeff Wehrli made a motion to approve the minutes from June 10, 2013. Lynn Cullick seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Jeff Wehrli made a motion to approve the expenditure report in the amount of $15,023.08 and forward it onto the Finance Committee, Lynn Cullick seconded the motion. All agreed and the motion was approved.

CITIZENS TO BE HEARD
There were no citizens to be heard at this time

PETITIONS
#13-11 Any text related to guns or target practice
Planner Zubko stated this is any text related to guns or target practice and this came about after the Kendall County Sheriff’s office shooting range and at that time staff discovered some items that should have been changed. This text amendment was also crafted with the Sheriff’s office. Planner Zubko went through the memo. For indoor target practice we had no conditions so wanted to add 6 conditions. For outdoor target practice in the A-1 and M-3 district as a special use have 18 conditions. Modified d to say State, nationally standard or NRA Certified. E we added signs as another mean to know firing is taking place. L is now more specific and added the word projectiles. Also we changed the wording a little for outdoor commercial sporting activity, deleted indoor and outdoor target practice as that was combined. Re-word the Kendall County government agency and other law enforcement shooting range with conditions to be set and approved by the County Board and also re-worded the language for private clubs or lodges a little to not include indoor or outdoor gun clubs.

Planner Zubko will check with the Sheriff’s office if there is a nationally standard range supervisor. Ms. Gilmour asked about the NRA certified standards and how it originally was taken out but put back in. Planner Zubko stated after some discussion from other committee we put it back in to say that’s an acceptable form of

7.8.13 PBZ Meeting Minutes
supervisor since most people are NRA certified. Mr. Wehrli asked about outdoor sporting activities and if people are shooting privately if that permitted. Planner Zubko stated private shooting is permitted by law and assumes the only people that will call to ask about this special use would be people opening an outdoor target practice for commercial purposes or a non-profit. Planner Zubko will make it more clear with regards to outdoor target practice vs. private shooting and clean up the wording for outdoor commercial sporting activities.

With no further suggestions or changes Jeff Wehrli made a motion to approve petition 13-11, seconded by Lynn Cullick to approve and forward the petition onto the next COW and County Board meeting. All were in favor

**#13-15 Subdivision Control Ordinance**

Planner Zubko stated this text amendment is to the Subdivision Control ordinance to correct an error discovered. We’re just changing the wording Plat and Zoning Committee to the PBZ Committee and the decision of a variation/exception is by the Plat Officer and not the Code Hearing Officer.

With no further suggestions or changes Lynn Cullick made a motion to approve petition 13-15, seconded by Amy Cesich to approve and forward the petition onto the next County Board meeting. All were in favor

**#12-03 Land Cash Ordinance**

Planner Zubko stated nothing changed since the PBZ Committee except there was 1 thing the Plan Commission and Zoning Board of Appeals wanted to discuss. There’s a separate memo to discuss page 15 under #8 Reservation of Additional Land. A member from the Plan Commission did not like the wording and requested to delete the language altogether as she felt it was too much government since the land had to be set aside for a year. The rest of the Commission would like to change it to something like six months of first contact with the governing bodies of a concept, preliminary or finals plat so therefore the petitioner will know way ahead of time whether land needs to be set aside or not. 1 year from approval of the final plat is too late in the process for the petitioner. The consensus at the Zoning Board of Appeals was they liked the 6 months from proof of initial contact instead of the 1 year from the approval of the final plat.

The PBZ Committee discussed this section can be read 2 different ways. There was talk about before final plat approval instead of 1 year after final plat approval. Also there was discussion about 1 year instead of 6 months from proof of initial contact. The consensus was at final plat unless an exception is requested jointly. Planner Zubko will fix the language and bring it up at the COW committee.

With no further suggestions or changes Lynn Cullick made a motion to approve petition 12-03, seconded by Jeff Wehrli to approve and forward the petition onto the next COW meeting. All were in favor

**OLD BUSINESS**

Bid Results for the Fields of Farm Colony bid- Planner Zubko stated that she handed out the bid tabulation and the apparent low bidder is Wilkinson Excavating. She will contact all the bidders to let them know it’s not official until approved by the County Board but will supply the bid tabulation list to them. We had a total of 5 bids.

**NEW BUSINESS**

Discussion on Letter from the Illinois Housing Development Authority- Ms. Cullick thought we might want to discuss this a little since this part of the comment period. Mr. Wilkins explained where this came about and
stated it is in the Village of Oswego. Mr. Gryder stated for the County he said this could impact Orchard Road. Ms. Gilmour asked if a public hearing has been held. No one was quite sure and also no one was sure why the County received this money. The Committee decided there is no need to write a comment letter.

**Noise Ordinance Discussion**- Mr. Wilkins stated he made the comment at Judicial Legislative Committee about giving an exemption would be rare. Also Mr. Wilkins stated the SAO stated if everyone wanted to take this section out they would be fine with eliminating the temporary permit (Article VII). Planner Zubko wanted to preface this by saying Mr. Wilkins has not seen the memo from the PBZ Committee but wanted to let everyone know their concerns. There was discussion about the exemptions and how to interpret that. There was discussion the number per year. Mr. Wilkins said he'd like to see section VII go away and the officer has her/her judgment for events. Some of the PBZ Committee would like to take out the section for temporary noise permits. There was discussion about construction times and if we should keep that in as an exemption. The PBZ Committee would like to make a recommendation to eliminate Section VII. Lynn Cullick made a motion seconded by Jeff Wehrli. With a roll call vote there were 3 yes' and 2 no's. Ms. Cesich and Ms. Gilmour voted no and thinks the section needs to be reworked. Mr. Gryder made a motion to remove article VI.C regarding maintenance, Lynn Cullick seconded the motion. With a roll vote, all were in favor to eliminate that language.

**Intergovernmental Agreement discussion for the Village of Lisbon**- Planner Zubko stated as some of the Committee may or may not know the County provides staff time for applications and performs inspections for Millbrook and Plattsville and the Village of Lisbon is wondering if the County will also possibly help them out as well. Planner Zubko stated a copy of the intergovernmental agreement with the others is in the packet. Planner Zubko is not completely certain but thinks at the time these agreements started the Village of Lisbon wanted more strict rules so went out on their own. Currently no one is enforcing the rules so they are requesting help from the County. This the beginning stages of discussion but before talking to their board about this and the pros and cons wanted to see what the County thought of it. Mr. Wehrli asked about the sanitary site and the zoning, engineering and staff time. The consensus of the Committee is they're open for discussion but there are concerns.

**PUBLIC COMMENT** – None

**UPDATE ON HISTORIC PRESERVATION**- There will be a meeting on Wednesday July 17th and the group will start getting ready for the fair in August. We are working with other Historic Preservation Commissions from the municipalities to help volunteer and man the booth.

**PROJECT STATUS REPORT**- Reviewed
**PERMIT REPORT**- Reviewed
**REVENUE REPORT**- Reviewed
**CORRESPONDENCE** – None
**EXECUTIVE SESSION** - None

Ms. Gilmour had some question about inquiries about junk cars on the property and wondering if there is anything the County can do about. Planner Zubko stated that it's only considered a junk car if it cannot run. Unfortunately it does not need to be registered or insured. Ms. Gilmour will give Planner Zubko the address after the meeting.
Mr. Wehrli wanted to bring up noise again and stated we talked about the occupant getting the ticket instead of holding the owner of the property responsible. He would like the property owner to be notified of the violations and if they re-occur. It would be a service to the owner if they were notified of any noise ordinance violations, or possibly after multiple violations. He just wanted to mention one more thing to possibly discuss at the Committee of the Whole meeting.

**ADJOURNMENT- Next meeting will be on August 12, 2013**
Jeff Wehrli made a motion to adjourn the meeting. Amy Cesich seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 8:02 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner
July 22, 2013

Mr. Brian Holdiman, Building Official  
County of Kendall  
111 West Fox Street  
Yorkville, IL 60560  

Re: Building Code Effectiveness Grading Schedule Survey Results  

Dear Mr. Holdiman:  

We wish to thank you and Susan Smith for the cooperation given to us during our recent Building Code Effectiveness Grading Schedule (BCEGS) survey. Insurance Services Office, Inc. (ISO) is the leading supplier of statistical data, underwriting information, and actuarial analysis to the property/casualty insurance industry in the United States. The BCEGS classifications are distributed by ISO for use by property/casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties. Insurers can use the BCEGS classification number to offer insurance premium discounts to eligible properties in Kendall County.

ISO has completed its analysis of the building codes adopted by your community and the effort put forth to enforce those codes. The resulting BCEGS Classification is a Class 9 for 1&2 family residential property and a Class 9 for commercial and industrial property.

The new Classification is a regression from the former Class 5 for 1&2 family residential property and a Class 5 for commercial and industrial property. The principal reasons contributing to this regression are:

- Older Building, 1&2 Family Dwelling, Electrical, Mechanical, Fuel Gas and Plumbing Codes.
- Pro-rataion for 1&2 Family Dwelling Code due to lack of residential sprinkler provisions.
- Lack of adoption and enforcement of Commercial/1&2 Family Wildland-Urban Interface Codes.

A revised BCEGS classification would apply to new buildings receiving a Certificate of Occupancy during or after the calendar year in which the revision takes place.

Before we re-classify your community to reflect this change, we would like to know if Kendall County desires to develop a program to regain Class PL 5 and CL 5. If this letter is acknowledged by August 22, 2013 advising us that this matter will be reviewed within the next three months we will postpone the implementation of the classification changes.
After review, if it is your decision to begin an improvement program to regain PL Class 5 and CL class 5, we will need to receive, by **October 22, 2013**, a list of the changes you intend to make. Additionally, we would appreciate your estimate of the amount of time which will be needed to complete each item. No re-classifying action will be taken if changes are implemented to regain the current classification within one year of the receipt of this letter.

We want to highlight the fact that the ISO Building Code Effectiveness Grading program is an advisory insurance underwriting information and rating tool. It is not intended to analyze all aspects of a comprehensive building code enforcement program. It is not for purposes of determining compliance with any state or local law nor is it for making loss prevention or loss safety recommendations.

If you have any questions about the classification that was developed, please let us know.

Sincerely,


_Esther Sola_

BCEGS Community Mitigation Analyst
(312) 241-7297 Cell
(201) 748-7082 Fax
esola@iso.com

cc: Mr. Jeff Wilkins, County Administrator
We have reviewed your letter of July 22, 2013 advising the results of the recent survey for Kendall County, IL. With regards to the regression from our previous classification, we plan to take the following action (please check the appropriate statement below):

☐ We will review the results of the survey and decide if Kendall County will institute programs to regain our previous BCEGS classification number. We understand that we are to notify ISO by August 22, 2013 of our decision.

☐ We are in the process of developing an action plan or have implemented an action plan to effect changes that will regain our original class. This plan will be submitted to ISO by October 22, 2013 and will include details of condition(s) to be addressed and a timeline for bringing the plan to completion.

☐ Kendall County has completed the action plan and we are attaching the relevant information to be evaluated by ISO for the purposes of re-classifying Kendall County.

☐ The conditions that have resulted in our less favorable classification are mandates Kendall County must adhere to. We do not intend to make significant changes in the immediate future to the other aspects of our agency that might improve the BCEGS classification.

☐ We have reviewed the results of the survey for Kendall County and feel our building code enforcement effort at present represents our best interest. We understand that you will contact us in approximately 5-years to update the survey. We can request a new BCEGS survey from ISO if we institute changes that would affect our classification.

☐ We would like an ISO BCEGS representative to contact us regarding our recent BCEGS evaluation. The person they should call is _______________________ at the following phone number (____)__________________.

☐ Other, please explain.

Name: ___________________________ Title: ___________________________
Street Address: ___________________________
City: ___________________________ State: _________ Zip Code: _________
Phone Number: (____)__________________.
AN ORDINANCE DECLARING THE
STORING OF JUNK AND OTHER WASTE MATTER
ON PRIVATE PROPERTY TO BE A NUISANCE

BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State
of Illinois, as follows:

SECTION 1. The storing of junk, trash and refuse on private property within
the County of Kendall, is hereby declared a nuisance.

SECTION 2. Junk, trash and refuse are defined herein to include any and all
waste matter, whether reusable or not, which is offensive to the public health,
safety or to the esthetics of the neighborhood, and is specifically intended to
include, but not be limited to, worn out, wrecked and/or abandoned automobiles,
trucks, tractors, machinery of any kind, any parts thereof, old ice boxes,
refrigerators and stoves.

SECTION 3. The storage of trucks, tractors, and related machinery used for
agricultural purposes is exempt from the provisions of this Ordinance, providing:

(a) The zoning lot on which said storage exists is rezoned Agriculture
District-A and,

(b) Said zoning lot is used principally for agricultural purposes, and

(c) Said machinery, or the like, is used principally for agricultural
purposes.

SECTION 4. Any property owner or any occupant of property who allows such
storage on the property owned or occupied by him shall be guilty of a misdemeanor
punishable by a fine of not less than Ten Dollars ($10.00) nor more than Five
Hundred Dollars ($500.00); and any person who shall neglect, fail or refuse to
abate and remove such nuisance after notice thereof, shall for each 24 hours
thereafter during which said nuisance continues, be subject to a like penalty
as that originally incurred.

SECTION 5. Any county law enforcement officer or building and zoning officer
upon observing any violation of this Ordinance shall issue a Notice directed to
the owner of record of the property on which said nuisance occurs, as shown in the
records of the Recorder of Deeds of Kendall County, or to the occupant of said
property, or both, which said Notice shall describe the violation and shall
establish a reasonable time limit for the abatement thereof by such owner or
occupant, which time shall be not less than two (2) days nor more than the ten (10)
days after service of such Notice.

SECTION 6. Any citizen of Kendall County who observes a violation of this
Ordinance may file an affidavit setting forth in detail the violation, its location
and the name of the owner and/or occupant of the property on which such nuisance
is alleged, and may file said affidavit with the Sheriff of Kendall County, who
shall assign to the building and zoning officer the duty to investigate such
charge, and if such nuisance exists, to issue a Notice to the owner or occupant
of the property as provided in Section 5 of this Ordinance.

SECTION 7. Any county law enforcement officer or building and zoning officer
of the County of Kendall shall serve the Notice herein provided for upon the owner
or occupant of the property where such nuisance exists, or upon both of them, and
shall make his return upon a copy of such Notice, showing the time of service,
the person upon whom it was served, or the manner in which it was served.

SECTION 8. Immediately upon the termination of the time allowed in any such
Notice for the abatement of such nuisance, the law enforcement officer or building
and zoning officer who served such Notice or any other law enforcement officer
or inspector who shall be assigned by the Sheriff shall investigate to determine
whether or not such nuisance has been abated.

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SECTION 9. In the event the owner or occupant of the property where such
nuisance exists has failed within the prescribed time to abate such nuisance,
then the law enforcement officer or building or zoning officer who served such
Notice, or the citizen of the County of Kendall who filed the said affidavit,
or the officer who investigated whether such nuisance has been abated, shall
file a complaint charging violation of this Ordinance with the Circuit Court
for the Sixteenth Judicial circuit, charging violation of this Ordinance and
demanding that the Owner of the property or the Occupant thereof, or both
be punished as herein provided.

SECTION 10. The County of Kendall shall prosecute all complaints of
violation of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances in conflict herewith
shall be and the same are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in full force and
effect from and after the date of its passage, approval and publication as
provided by law.

PASSED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KENDALL, STATE OF ILLINOIS,
THIS __9__ DAY OF __July__, A. D., 1968.

[Signature]
ORDINANCE # 88-15

BE IT HEREBY ORDAINED AS FOLLOWS:

1. That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.

2. That "inoperable motor vehicle" means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County of notice thereof.

4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.

5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this Ordinance and shall be fined not to exceed $200.00 for each day that such a violation continues.

6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

7. That the Sheriff's Office of Kendall County is authorized to remove, after 7 days from the issuance of the Notice as provided in § 3 herein, any inoperable motor vehicle or parts thereof.

ADOPTED this 11th day of May, 1988

Chairman, Kendall County Board

ATTN: Jack P. Brenda
County Clerk
INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this 20th day of August, 2013 by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on January 24th, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

1) The above recitals are incorporated by reference as if fully set forth herein.

2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time shall be adopted and incorporated by the Village of Millbrook as its own.
3) That for the consideration of $1 the receipt and sufficiency of which is hereby
acknowledged, the County of Kendall agrees to continue administering the County Ordinances for
the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures
attached hereto as Exhibit A and incorporated herein by reference all of which have been duly
adopted by the Village of Millbrook, and apply them to all properties located within the municipal
boundaries of the Village of Millbrook.

4) That the Village of Millbrook shall reimburse the County of Kendall for any actual costs
incurred acting on behalf of the Village of Millbrook as provided herein. The Village of Millbrook
will not be required to reimburse the County of Kendall for employee salaries or benefits.

5) The Village of Millbrook shall defend with counsel of the County’s own choosing,
indemnify and hold harmless the County of Kendall, it past present and future board members,
elected officials, insurers, employees and agents from and against any and all claims, liabilities,
obligations, losses, penalties, fines damages and expenses and costs relating thereto including but not
limited to attorney’s fees and other legal expenses which the County, its board members, elected
officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any
manner out of the County’s performance or alleged failure to perform its obligations pursuant to the
Agreement.

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period
during which services are provided under this Agreement, auto liability and general liability
insurance with minimum limits of coverage equal to or greater than those limits maintained by the
Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated
herein by reference. The Village’s auto liability and general liability coverage shall be primary
coverage in circumstances of alleged or proved errors or negligence by the County or the County’s
employees, arising out of the County’s performance or alleged failure to perform its obligations
pursuant to this Agreement. The Village’s coverage shall name the County of Kendall as an
additional insured, with its members, representatives, officers, agents and employees. A certificate of
insurance evidencing the required coverage and the appropriate additional insurer’s endorsement
shall be furnished to the County upon execution of this Agreement. Such insurance shall be
modifiable or cancelable only upon written notice by registered mail, mailed to the County at least
ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of
its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of
execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary
date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days’ written notice to the
other party.
9) 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. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Millbrook 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.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Millbrook
PO Box 51
Millbrook, Illinois 60536

VILLAGE OF MILLBROOK

BY: Jackie Kowalski
Village President- Jackie Kowalski

ATTEST: 
Village Clerk

COUNTY OF KENDALL

BY: 
Chairman of Kendall County Board

ATTEST: 
Kendall County Clerk
Exhibit A

Procedure for Processing Zoning & Subdivision Cases
For The Village Of Millbrook
Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:
   Prior to the submission of any applications, the petitioner shall schedule a joint "pre-application" meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:
   a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
   b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:
   a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
   b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
Exhibit A

c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.

d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.

e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.

f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion in the Official Village file.

g.) The County shall post copies of the agenda as required per County policies.

h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.

i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.

k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.

l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.

m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
Exhibit A

n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.

p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.

q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.

r.) The County shall post copies of the agenda as required per County policies.

s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.

t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.

u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.

v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board’s Agenda.

w.) Following action by the Village Board, a the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.

x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
Exhibit A

4. Review and Processing of Preliminary and Final Subdivision Plats:
   a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
   b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
   c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
   d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
   e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
   f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
   g.) The County shall post copies of the agenda as required per County policies.
   h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
   i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
   j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance shall NOT be forwarded to the appropriate Village Clerk for scheduling of the matter for action by the Village Board until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.
   k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
Exhibit A

1. The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

m. Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.

n. The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

5. Review and Processing of Zoning Variance:

a. Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

b. All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.

c. The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.

d. The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.

e. The County shall post copies of the agenda as required per County policies.

f. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.

g. Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.

h. The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.

i. The Village Clerk shall be responsible for the preparation and posting of Board’s Agenda.
Exhibit A

j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.

k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF PLATTVILLE
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this 20th day of August, 2013 by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21st, 2006, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

1) The above recitals are incorporated by reference as if fully set forth herein.

2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of $1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for
the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures
attached hereto as Exhibit A and incorporated herein by reference all of which have been duly
adopted by the Village of Plattville, and apply them to all properties located within the municipal
boundaries of the Village of Plattville.

4) That the Village of Plattville shall reimburse the County of Kendall for any actual costs
incurred acting on behalf of the Village of Plattville as provided herein. The Village of Plattville
will not be required to reimburse the County of Kendall for employee salaries or benefits.

5) The Village of Plattville shall defend with counsel of the County’s own choosing,
indemnify and hold harmless the County of Kendall, it past present and future board members,
elected officials, insurers, employees and agents from and against any and all claims, liabilities,
obligations, losses, penalties, fines damages and expenses and costs relating thereto including but not
limited to attorney’s fees and other legal expenses which the County, its board members, elected
officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any
manner out of the County’s performance or alleged failure to perform its obligations pursuant to the
Agreement.

6) That the Village of Plattville shall secure, pay for and maintain throughout the period
during which services are provided under this Agreement, auto liability and general liability
insurance with minimum limits of coverage equal to or greater than those limits maintained by the
Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated
herein by reference. The Village’s auto liability and general liability coverage shall be primary
coverage in circumstances of alleged or proved errors or negligence by the County or the County’s
employees. The Village’s coverage shall name the County of Kendall as an additional insured, with
its members, representatives, officers, agents and employees. A certificate of insurance evidencing
the required coverage and the appropriate additional insurer’s endorsement shall be furnished to the
County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only
upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of
such modification or cancellation. The Village shall furnish a copy of its insurance policies for
examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of
execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary
date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days’ written notice to the
other party.

9) 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. This Agreement
supersedes any prior written or oral agreements between the parties and may not be modified except
in writing acknowledged by both parties.
10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville 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.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Plattville
P.O. Box 1173
Yorkville, Illinois 60560

VILLAGE OF PLATTVILLE
BY: ____________________________
   Village President- June McCord
ATTEST: _________________________
   Village Clerk

COUNTY OF KENDALL
BY: ____________________________
   Chairman of Kendall County Board
ATTEST: _________________________
   Kendall County Clerk
Application form:
Community Planning program and
Local Technical Assistance program

DEADLINE: Noon on Wednesday, June 26, 2013

This application form is online at www.rtachicago.com/applications. You may submit the form by email to applications@rtachicago.com.

Upon receipt of application, you will receive an e-mail verifying that your application has been received.

1. Name of Applicant: Kendall County

2. Main Contact for Application (please include name, phone number and email):
   Jeff Wilkins, Kendall County Administrator, 630-553-4142, jwilkins@co.kendall.il.us

3. Type of Applicant (please check any that apply):

   ____ Local government
   ____ Multijurisdictional group* → Please list the members of the group (including government and nongovernmental organizations):
   County and all taxing units within county (villages, cities, school districts, library districts, park districts, fire districts and forest preserve district
   ____ Nongovernmental organization* → Name of local government partner(s):

*Applications submitted by multijurisdictional groups and nongovernmental organizations must include a letter indicating support from each relevant local government. See the FAQs for more information. Nongovernmental applicants are strongly encouraged to contact CMAP or the RTA prior to submitting their application to discuss their project and the demonstration of local support.
4. Project Type (please check any that apply):

Please check all statements below that describe characteristics of your project. (This will help us determine whether your project is best handled by CMAP or RTA.)

___ My project involves preparation of a plan.
___ My project helps to implement a past plan.
___ My project links land use, transportation, and housing.

___ My project has direct relevance to public transit and supports the use of the existing transit system.
___ My project is not directly related to transportation or land use, but implements GO TO 2040 in other ways.

5. Project Location:

Please provide a brief description of the location of your project. You may include a map if that helps to describe location, but this is not required. If your project helps to implement a past plan, please include a link to that plan.

Plan would apply countywide, however, plan is not specific on one area.

6. Project Description:

Please tell us what you would like to do in your community, and what assistance is needed. If you have more than one idea, please submit a separate application for each project. Please be specific, but also brief (less than two pages per project idea)—we simply want to have a basic understanding of what you want to do. CMAP and RTA staff will follow-up with you if we need any additional information to fully understand your proposed project.

(Please include any additional information that is relevant, preferably by providing links to or line documents.)

“Countywide Pay As We Grow Plan”: The proposed plan would comprehensively analyze the annual rate of residential growth that can be absorbed and served effectively by each taxing unit within Kendall County (County, schools, villages/cities, library districts, park districts, forest preserve district, fire districts, sanitary sewer districts, townships, etc) without requiring additional property tax referendums. Further, the annual rate of absorbable residential growth may differ as commercial growth occurs within each taxing unit.

The implementation of the proposed “Countywide Pay As We Grow Plan” would fulfill GO TO 2040 recommendations as a comprehensive sustainability plan incorporating goals for livable communities, education and efficient governance.

With the creation of numerous taxing units within the State of Illinois, multi-jurisdictional planning at the countywide level is onerous. For example, a school district may contain four or five municipalities making land use and growth decisions that may necessitate school construction and unpopular property tax referendums.

Further, many studies analyze the cost of a specific construction project or the impact of a specific residential development project for a specific taxing unit. Typically, taxing units create capital facility plans based on “total build-out of residential growth”. However, plans typically do not analyze the annual rate of absorption.
“Land Cash” studies and ordinances adopted by most villages estimate the number of school children that are produced by specific residential housing types. These studies are one example of public records that can be used in this planning process.

Previously completed studies by CMAP could be helpful resources to initiate the proposed “Countywide Pay As We Grow Plan”. Such studies may include “cost of residential growth analysis” or “transit oriented development plans”.
RESOLUTION 2013-______

RESOLUTION SUPPORTING THE "COUNTYWIDE PAY AS WE GROW PLAN"
GRANT APPLICATION TO CHICAGO METROPOLITAN AGENCY FOR PLANNING

WHEREAS, Kendall County has submitted a grant application for local technical assistance offered through CMAP (Chicago Metropolitan Agency for Planning) to create a "Countywide Pay As We Grow Plan"; and

WHEREAS, this proposed plan would comprehensively analyze the annual rate of residential growth that can be absorbed and served effectively by each taxing unit within Kendall County, including the county, schools, villages/cities, library districts, park districts, forest preserve district, fire districts, sanitary sewer districts, townships, and other taxing districts, while minimizing property tax impact on residents; and

WHEREAS, the implementation of the proposed "Countywide Pay As We Grow Plan" would fulfill the GO TO 2040 recommendations as a comprehensive sustainability plan incorporating goals for livable communities, education and efficient governance; and

WHEREAS, the "Countywide Pay As We Grow Plan" would also benefit the public and people of Kendall County; and

WHEREAS, Kendall County acknowledges that undertaking such a plan requires a firm commitment and use of staff resources; and

WHEREAS, Kendall County desires to participate and lead in regional cooperative efforts to improve our entire community and serve as a model of such a collaborative effort; and

NOW, THEREFORE, BE IT RESOLVED, if Kendall County is awarded a local technical assistance grant by CMAP, Kendall County agrees to participate and lead in this effort;

BE IT FURTHER RESOLVED, Kendall County appoints the following contact for this project:

Angela Zubko
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 203
Yorkville, IL 60560
630-553-4139

The "Countywide Pay As We Grow Plan" is hereby supported by the County Board of Kendall County.

ADOPTED BY KENDALL COUNTY, THIS ___ DAY OF __________ ___, 2013.

Attest:

_________________________________  ________________________________
Kendall County Clerk                 Kendall County Board Chairman
Debbie Gillette                      John Shaw
PBZ Projects and Activities-8.6.13

Active Zoning Petitions (not including petitions on hold)
12-19 LRMP Update- Trails
13-16 Poultry Processing Plant (Text Amendment)
13-17 Maly Poultry Processing Plant (A-1 Special Use)
13-21 Miguel Saltijeral Jr. (Variance)

Active Site Development Permits- 19 active
Lots of pipeline work going on in the County

Subdivisions
Subdivisions that are under construction:
Fields of Farm Colony- Went to County Board on August 6, 2013
Subdivisions still open:
Highpoint Meadows- Might vacate otherwise will need a new LOC or bond
Schaefer Glen- For Sale
Light Road Industrial park- Bought through foreclosure, nothing going on
High Grove- Sold some property to the Park District
Tanglewood Trails- For Sale/ Owned by bank

Projects outside the office
NWPA Planning Committee
Drainage District meetings through the Farm Bureau
Kane/Kendall Bike & Pedestrian Plan
County Director Meetings
Village of Montgomery’s Comp Plan meeting

Other Projects in the office
Investigate floodplain/zoning issues (3 pretty large water issues currently)
Stormwater mapping in the field- completed 7 subdivisions so far
Working on the windshield Survey for Historic Preservation- going through Oswego
Continue improving the GIS website with regards to information on zoning, permits, etc.
Work with mapping to convert hard copy allocation maps into an Ag Allocation layer in GIS
Convert information from pre 1993 permit cards into an excel database to create searchable system of old permit records by PIN or permit number.
McBile Home Permits- 5 active
Cleaning up office with regards to getting old files scanned- Need to scan last 2/3 of 2004-2007 in petitions and up to 2005 in building permits; I have submitted all my petitions to be scanned
FOIA’s
Keep track of escrow accounts
Update website - minutes, applications and ordinances

Normal day-to-day things - phone calls, people with questions, organizing, scheduling, posting, etc.

Need to make sure by December 31, 2012 that all committee members have taken then Open Meetings Act training (not all have taken yet)
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