KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

April 15, 2015 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Ken Boyer, Ken Donart, Whitney French (Vice-Chair), Michael Garrigan (Chair), Kristine Heiman, Richard Scheffrahn, Jeff Wehrli (CB Representative), 2 vacancies and Angela Zubko (PBZ liaison) (Quorum is 5 members)

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the March 19, 2015 Meeting

CHAIRMAN’S REPORT

PUBLIC COMMENT

NEW BUSINESS
1. Discussion on Landmarks conference June 23-25 ($145)
2. Preservation Month in May – Review & approve proclamation to send to the May 5th County Board meeting

OLD BUSINESS
1. Landmark update- 1542 Plainfield Road
2. Update on Millbrook Bridge
3. Update on draft intergovernmental agreement
4. Discussion on grants for courthouse windows
5. Discussion on public outreach event- September 17, 2015
6. Review Reconnaissance Survey Pictures

PUBLIC COMMENT

ADJOURNMENT: Next meeting on May 20, 2015
KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
111 West Fox Street, Room 209 & 210, Yorkville, IL 60560
Meeting minutes of March 19, 2015
(Unofficial until approved)

CALL TO ORDER
The meeting was called to order by Chairman Michael Garrigan at 7:00 p.m.

ROLL CALL
Present were: Ken Boyer, Ken Donart, Whitney French (Vice-Chair), Michael Garrigan (Chairman), Kristine Heiman and Jeff Wehrli (CB Representative)
Also present: Planning & Zoning Manager Angela Zubko
Members in the audience: None
Absent: Richard Scheffrahn

APPROVAL OF AGENDA
Whitney French made a motion to approve the agenda as written, Jeff Wehrli seconded the motion. All agreed and the agenda was approved as written.

APPROVAL OF MINUTES
Jeff Wehrli a motion to approve the minutes as written from the January 21, 2015 meeting. Kristine Heiman seconded the motion. All agreed and the minutes were approved.

CHAIRMAN’S REPORT
Mr. Garrigan had no report at this time.

PUBLIC COMMENT
There was no public comment at this time.

PUBLIC HEARING
1. 15-03 Candice Hadley
Location 1542 Plainfield Road, Oswego
Purpose Nomination request for landmark status

Jeff Wehrli made a motion to open the public hearing, Ken Boyer seconded the motion. With a roll call the commission opened the public hearing.

Planner Zubko went over her written report stating that the owner, Candice Hadley (who is present) is requesting approval to landmark her home at 1542 Plainfield Road, Oswego, IL. The home was built in 1865 and was owned by Gilbert & Mary Ann (Cass) Gaylord. The owners justification on why this house shall be landmarked is that the Gilbert Gaylord House is an extremely well-preserved example of Italianate architecture. The main structure is virtually unchanged and over the past two decades, the current owner has Historic Preservation Meeting Minutes 3.19.15
painstakingly restored the front porch, preserved the brackets under the eaves, had the brick tuck-pointed and installed copper gutters. The east side addition was built in 2007 in a manner similar in style and materials to the original, without detracting from the original structure’s historic integrity. There are no other brick Italianates in Oswego or the surrounding township that compare to this structure. Additionally, the structure is eligible for listing in the National Register of Historic Places. The house qualifies for “Criterion C for architecture as a good representative example of an asymmetrical Italianate residence.” The structure also has been recognized as a Property of the Season by the Oswego Historic Commission and has been named an Oswego Township Heritage Place. She also stated there are the architectural details and description of the additions over the years. Also under the historical narrative she gave us the background of the house, how it was used and who lived there. Planner Zubko stated the Historic Preservation Commission must do a few items before passing it onto the board, we have 30 days from the receipt of the application stating whether the nominated landmark does or does not meet the criteria for designation as provided for in Article III, Section 4 of the Kendall County Historic Preservation Ordinance. The report shall contain 4 criteria which the Commission went over later in the meeting the following information:

1. An explanation of the significance or lack of significance of the nominated landmark as it relates to the criteria for designation;
   The significance checked on the application are the following:

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

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

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

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

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

   ✓ It is suitable for preservation or restoration;

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

2. A description of the integrity or lack of integrity of the nominated landmark;

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

The property owner has given their consent so the Board would just need a majority vote. The next steps if approved by the Historic Preservation Commission no building, zoning, site development, access, utility or other permit shall be issued by the Planning, Building & Zoning Department, the Highway Department or other County department without a Certificate of Appropriateness being issued in accordance with Article IV Section 2 for alteration, construction, demolition, or removal of a nominated landmark from the date the nomination form is received by the County office until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety.

The County Board, upon a recommendation from the Preservation Commission that the proposed landmark should be designated, shall review the report and recommendations of the Preservation Commission. The County Board has 60 days to take one of the following steps:

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

If approved we would present the plaque to the owner to hang. Planner Zubko stated also in the packet is a letter from the Illinois Historic Preservation Agency dated March 7, 1994, a plat of survey from 1986 and also the Old-House insider article written in 2009 showing interior pictures of the house.

Mr. Garrigan swore in Ms. Hadley and there was no one in the audience for public comment on this hearing.

Ms. Hadley stated she tried to fill everything out accurately and also had help from her architect Michael Lambert. The house will be 150 years old this year and excited to get this house nominated and preserve it.
Mr. Garrigan closed the public hearing with a motion from Ken Donart, seconded by Ken Boyer. The public hearing was closed after a roll call vote.

Mr. Wehrli thanked Ms. Hadley for the application as this is the first landmark and we’re very excited. Mr. Garrigan stated he has visited the home and it’s phenomenal and also thanked Ms. Hadley for applying as this is a great kick off for our first landmark.

The Commission went through the four criteria and decided on the following:

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

2. **A description of the integrity or lack of integrity of the nominated landmark;**
The home was built in 1865. The original main floor has four rooms: formal front parlor, family room (converted in early 1970's from two smaller rooms), dining room and kitchen. The original pine plank flooring is still intact in all rooms except the kitchen; as is all original woodwork and some doors.
- There is a staircase with the original curved banister inside the double doors (with a curved wall underneath). Another curved wall in the hallway is hidden behind a door that decades ago was installed for access to a half bath.
- The formal front parlor, currently a wheelchair accessible bedroom, has original crown molding.
- The dining room features a stone mantle fireplace recently installed to replace a circa 1970’s inappropriate brick “Colonial” fireplace. A door leading to a “silverware closet” under the stairs has been walled over (decades ago a large radiator was installed in that space to heat the main hallway).
- The narrow staircase leading to the basement is still intact under the floor of the pantry.

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

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

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

3. A map showing the location of the nominated landmark.

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

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

Whitney French made a motion to recommend to landmark this structure to the County Board. Ken Donart seconded the motion. Planner Zubko will work on getting the plaque so it’s ready for the event in May.

NEW BUSINESS
Discussion on public outreach event- Planner Zubko stated since we have a guest speaker let’s discuss this event first.
Kristine Heiman introduced Christine Benuzzi from Landmarks Illinois. She currently lives in Huntley and is also a realtor. Kristine and her met at a realtor conference in where she was talking about the economic incentives the state offer and federal offers for historic homes that most realtors do not know about. She conducts training to realtors the benefits instead of a biased on historic homes. She’s been working within landmarks on how to overcome that bias in the development community. They have started a workshop/training for realtors that has been very successful. She did one as recently as yesterday in Rockford and wanted to know if we’d like to sponsor training. They have started to talk to the Realtor Association of Fox Valley but have not incorporated all the other realtor groups in this area. She encourages hosting our own event and when they can be very specific to this area it has a much better success rate. Participation from the PBZ Department and economic development entities should also participate in this event as they also sell the community.

Mr. Wehrli asked how many people have attended so far approximately. Ms. Benuzzi stated about 35 people in Wilmette about 60 in Oak Park and about 40 in Rockford. This event can be publicized and depends on who you invite. They have not asked the state for continuing education credits yet but that’s possibly a next step.

Planner Zubko how much the training workshop costs approximately and obviously we’d host the location. The state of Illinois has provided a speaker to discuss the state incentives and federal and hope that agency exists after July 1st. Landmarks would be happy to provide their portion of their presentation for free as part of the pilot program. They encourage the local to think of the venue and refreshments. Sometimes lenders are refreshment sponsors of events. Planner Zubko also asked how far in advance is typical to set everything up. Ms. Benuzzi stated generally from start to finish have been about 6 weeks to 2 months which was not really enough time. To do a significant program she suggests starting now for early fall as the realtors typically are on vacation in July and August. The end of June is the Landmark conference so they’re focused on that. Possibly September might be a good time as we’ll know the state budget and will allow enough time.

Planner Zubko asked how long the events typically take. Ms. Benuzzi stated typically about 2 hours and then time after for questions and a public relations opportunity.

The Commission stated the next step might be to pick a date in early September. The Commission picked September 17th later in the meeting.

OLD BUSINESS

1. Landmark applications- Planner Zubko stated she has put a call into Mr. Harold Oliver about landmarking the mill and is waiting for a return phone call.

2. Update on Millbrook Bridge- Jeff Wehrli and the new Forest Preserve director contacted the Village of Millbrook about connectivity to the Millbrook North Forest Preserve which is what we need to hook this into a trail system. Also they are doing a study for above water and under water study on the damage including the demolition cost. The study should be done every other year.

3. Review draft intergovernmental agreements- Planner Zubko stated in the packet are the modifications as discussed last time. Hopefully everything has been correctly modified and we’re ready to approve the draft intergovernmental agreement for future use. Jeff Wehrli made a motion seconded by Ken Donartto approve the agreement as written. After a roll call vote, all were in favor and the agreement was approved. ACTION: Planner Zubko will pass this to the SAO for one final review.

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4. Discussion on grants for courthouse windows- Planner Zubko stated she just recently emailed Catherine O’Conner and Lisa DiChiera regarding the windows and the parameters to keep it historical with the Secretary of Interior standards to achieve energy efficiency. **ACTION:** Once we hear back we should contact Terry again for a quote and a few others since we have specific standards to hand out.

5. Discussion on public outreach event- The previous action items are mute if we have a plaque ready to go and the realtor discussion. We have decided September 17th at 9am, doors open at 8am with refreshments. Planner Zubko will look for some sponsors and see the cost of food.

6. Review Reconnaissance Survey Pictures- There was no time tonight.

**PUBLIC COMMENT**
There was no public comment at this time.

**ADJOURNMENT- Next meeting will be April 15, 2015** -- Whitney French made a motion to adjourn, seconded by Ken Boyer, all agreed. Chairman Michael Garrigan adjourned the meeting at 8:19 pm.

Submitted by,
Angela L. Zubko, Recording Secretary & Planning & Zoning Manager

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Historic Preservation Meeting Minutes 3.19.15
Tuesday, June 23, 2015

Tour: A Bite of the Little Apple: Downtown Murphysboro, 12:30 – 5:00 pm
Guides:
  Rachel Malcolm Easor, Research Historian, Historic Properties Consultants
  P. Michael Jones, Director, General John A. Logan Museum

10-minute consultation with Donna Harris, 4:30pm – 6:00pm
Speaker: Donna Harris, Principal, Heritage Consulting Inc.

10-minute CLG consultations with Catherine O’Connor, 5:00 pm – 6:00 pm
Speaker: Catherine O’Connor, Local Government Services Manager, IHPA

Registration, 5:30 – 8:00

“Opening Celebration”, 6:00 pm - 8:00 pm
Enjoy food, drink, and live music in the Historic Town Square Pavilion, a landmarked structure in the center of Carbondale’s downtown. Mingle and meet with other conference attendees.

Wednesday, June 24, 2015

Registration and Conference Bookstore, 8:00 am – 3:30 pm
IAHPC Board Meeting (open to the public), 8:00 am - 9:00 am
Continental Breakfast 1, 8:00 am – 9:00 am
Concurrent Sessions, 9:00 am – 10:15 am

Design Review for Commissions and Design Committees
Speakers:
  Darius Bryjka, Project Reviewer, IHPA
  Anna Margaret Barris, Project Designer, IHPA

Creative Placemaking for Main Street and Historic Downtown Districts
Speakers:
  Jason Berry, AICP, Deputy Director of Community Development, City of Blue Island
  Daniel Grove, Associate Principal, RLA, LEED AP, Lakota Group

A Main Street Fundraising Event Catalog
Speaker: Donna Harris, Principal, Heritage Consulting, Inc.

Break, 10:15 am – 10:30 am
Concurrent Sessions, 10:30 am – 11:45 am

Taxing Districts Alphabet Soup: BIDs, SSAs, TIFs
Speakers:
  Steven Kline, President and CEO, Economic Development Group, Ltd., Bloomington
  Steve Combs, President, Enos Park Neighborhood Improvement Association, Springfield

Keeping the Freeze Hot: Promoting the Tax Freeze in Your Community
Speakers:
  Doug Kaarre, AICP, Urban Planner, Village of Oak Park
  Anthony Rubano, Project Designer, IHPA

Centering on Downtowns: Balance and Authenticity in Comprehensive Planning
Speakers:
  Nick Kalogeressis AICP, Vice President, Lakota Group
  Diane Williams, Director, Business Districts, Inc.
Opening Keynote Luncheon: “Where am I? The Power of Uniqueness”, 12:00 pm – 1:45 pm
Location: The SIU Arena, 1490 Douglas Dr.
Keynote Speaker: Ed McMahon, Urban Land Institute

Concurrent Sessions, 2:00 pm – 3:15 pm
Cheap Rents Aren’t Always Cheap: Thinking Like a Downtown Property Owner
Speaker: Diane Williams, Director, Business Districts, Inc.
Legal Issues Update for Commissions and Preservation Advocates
Speaker: Richard Friedman, Neal and Leroy, LLC
Green It or Lose It
Speakers:
  Jacqueline Wiese, Senior Project Lead, Elevate Energy
  Mike Jackson, FAIA

Break, 3:15 pm – 3:30 pm

Concurrent Sessions, 3:30 pm – 4:45 pm
New Life for Old Buildings: Marketing Strategies for Adaptive Reuse
Speakers:
  Frank Butterfield, Director of Springfield Office, Landmarks Illinois
  Gail White, AIA, LEED AP, White & Borgognoni Architects
Think Like a Realtor
Speakers:
  Christine Benuzzi, Illinois-Licensed Realtor
  Joi Cuartero, Executive Director, Batavia Main Street
Curating an Authentic Downtown Experience
Speakers:
  Donna Harris, Principal, Heritage Consulting, Inc.
  Anthony Rubano, Project Designer, IHPA

Dinner Registration, 5:30 pm – 6:30 pm
“Celebrating Success: The IAHPC and Illinois Main Street Awards Dinner” 6:00 pm – 9:00 pm
Location: Rustle Hill Winery, 8595 New Highway 51 N., Cobden
Conference registration includes a ticket to the dinner. Individual tickets available for $40.

Thursday, June 25, 2015

Registration, 8:00 am – 9:00 am
Concurrent Sessions, 9:00 am – 10:15 am
Local Food System Development: Economic Potential in Your Community
Speakers:
  Kathy Nyquist, Principal, New Venture Advisors
  Kathleen Logan Smith, Executive Director, Foodworks
Assessing the Heritage Tourism Potential of Your Downtown
Speaker: Donna Harris, Principal, Heritage Consulting, Inc.
Incentives for Historic Commercial Buildings
Speakers:
  Andrew Heckenkamp, Survey & National Register Coordinator, IHPA
  Michael Allen, Director and Architectural Historian, Preservation Research Office
  Carol Dyson, AIA, Chief Architect, IHPA
Break, 10:15 am – 10:30 am

Closing Plenary Luncheon, 10:30 – 12:15
Location: The Hangar 9, 511 S Illinois Ave
Rachel Leibowitz: Ph.D., DSHPO, IHPA, Statewide Preservation Plan overview
Keynote: Cory Jobe, Director of Tourism, DCEO
3 Minute Success stories
Description: Do you have a great story you want to share? A brilliant rehab? A great survey? A fantastic event? Then sign up to tell us about it during our plenary luncheon. You’ll have 3 minutes to describe how it happened and show some pictures. It’s a quick, fun way to spread the word about the great work going on in your community. The ten available slots will go to the first ten people who email Jamie Franklin (jamie.franklin@illinois.gov). You have to follow up with 6 images, which he will place into a PowerPoint in the order you determine.

Break, 12:15 am – 12:30 pm

Tours

The Unseen South: Giant City Lodge, Makanda, Cobden, and Anna, 12:30-6:30pm
Guides:
Kay Rippelmeyer-Tippy, Program Liaison, Illinois Humanities Council
Alesha Cerny, National Historic Landmark Coordinator, National Park Service

Grape Expectations: Shawnee Hill Wine Trail, 12:30-6:00pm
Guide: Jordan Wren, Assistant Director, Carbondale Main Street
Separate $20 fee required during registration. Maximum of 50 people.

The Campus Special: SIU Campus, Bucky’s Dome, and Historic Downtown Carbondale, 12:30-3:00pm
Guides:
Dede Ittner, Carbondale Historic Preservation Commissioner
Brad Klein, AIA, Project Architect, White & Borgognoni Architects
Jon Davey, Professor of Architecture, Southern Illinois University
2175 Reed Station Parkway  
Carbondale, IL  
**Nightly rate:** $92  
- Complimentary hot buffet breakfast each morning (6 a.m.-10 a.m.)  
- Heated pool and hot tub  
- Business center  
- Fitness room  
- Complimentary wireless internet throughout the hotel

2400 Reed Station Parkway  
Carbondale, IL  
**Nightly rate:** $75  
- Complimentary hot breakfast  
- Indoor heated pool  
- Guest use copy machine and fax  
- Fitness room  
- Complimentary wireless internet in rooms

2300 Reed Station Parkway  
Carbondale, IL  
**Nightly rate:** $99  
- Complimentary hot breakfast  
- Restaurant in hotel  
- Indoor pool  
- Business center  
- Fitness room  
- Tennis court  
- Complimentary wireless internet in rooms
A PROCLAMATION
Declaring Historic Preservation Month in Kendall County, Illinois

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “See! Save! Celebrate!,” is the theme for National Preservation Month 2015, cosponsored by Kendall County and the National Trust for Historic Preservation

THEREFORE, the Board of Kendall County do proclaim May 2015 as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 5th DAY OF May, 2015.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
I understand that the Commission desires to entirely remove the insurance language from this draft IGA. On January 7, 2015, I sent the following e-mail:

"Section 15 covered both auto and general liability insurance – while auto is not as much of a concern for you, the general liability is. As such, I do not see a reason to be removing the language. It is rather routine to have such insurance guarantees. If you delete the section you will essentially be telling them they do not have to have insurance covering anyone and that you do not need to be named as an additional insured when providing them assistance.

In regard to the removal of Section 16’s 2 year term, I would always advise agreements to only be for a time span within the term of the Board. As you know, the general rule is that a contract cannot be for a term longer than a sitting board, otherwise it is seen as restraining that future Board’s actions. As such, we advise to do agreements for no longer than a 3 year term. However, the Board may choose to not take our advice on this issue if they like. It is their decision. Though, as you are proposing it, this agreement would go on indefinitely and thus be for a term longer than the Board.

Otherwise, I would consider that the revised termination clause may be too restrictive as it allows one party to refuse to agree and thus force the contract to continue in perpetuity. (This does not allow the County to terminate the contract unless the city agrees.) I would urge you to revisit the first draft language I had provided on this issue."

All of these issues appear to still be in play. However, I will attempt to clarify the above comments on insurance as you requested. The insurance provision is to protect the commission for any of its activities involved in providing this service for Yorkville. Should we be acting on Yorkville’s behalf, visiting sites or taking action in regard to Yorkville located properties, then ideally we would want to have Yorkville cover us for doing so under their insurance policy. We are taking the risks (whatever they may be) on the City’s behalf. General Liability coverage is something that we see in most agreements because that would be covering the Commission for most scenarios that could come into play when they are taking action under this agreement. I won’t hypothesize as to what lawsuits could occur when you are seeking to name historic properties and enforce our ordinances, but the possibility will always exist that someone would seek to file a lawsuit when government bodies are taking any action. Nevertheless, it is the Board/Commission’s decision whether they want such a clause, and we only advise as to what we feel is in their best interests. If they want to remove car insurance because, for example, they don’t see the possibility of an automobile accident occurring while they are driving to or from a site under this agreement, then that is their decision to make.

While the County does obtain a good amount of protection under the indemnification clause, we always advise to get as much protection from liability and damages as is possible (hence the request for insurance). With that being said, I would add the "Kendall County Historic Preservation Commission" to the Section 14 Indemnification section as follows:

"The United City of Yorkville shall defend with counsel of the County's own choosing, indemnify and hold harmless the Kendall County Historic Preservation Commission, 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, expenses and costs relating therefor including but not limited to attorney's fees and other legal expenses which the Kendall County Historic Preservation Commission, 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."

In regard to Section 10, I am not entirely comfortable with the language stating, "If termination of this agreement is due to the City enacting a Historic Preservation Commission, the City's adopted Historic Preservation Ordinance shall be approved by the City and also the Kendall County Board with the recommendation from the Historic Preservation Commission to assure similar requirements to approved landmarks and preservation districts." Do we have a basis to require their city council to need our County and Commission's approval prior to the city drafting an ordinance? (The County Board has the power “to advise cities, villages or incorporated towns, upon request of the appropriate official of the municipality, concerning enactment of ordinances to protect landmarks or preservation districts." See 55 ILCS 5/5-30004.) This same concern arises in Section 6, where the County must obtain the City's approval prior to changing our ordinance. Beyond this, I still believe that the Section 10 method of termination is overly restrictive and allows either party to simply refuse to allow the other to terminate by not signing off on it.

Also, I see that they are going to use the four year timeframe which I would again advise against as we had previously explained. I hope that you find this e-mail to be of greater assistance to you in finalizing this agreement.
INTERGOVERNMENTAL AGREEMENT BETWEEN THE KENDALL COUNTY HISTORIC PRESERVATION COMMISSION AND THE UNITED CITY OF YORKVILLE

THIS INTERGOVERNMENTAL AGREEMENT ("the Agreement") by and between the Historic Preservation Commission of the County of Kendall, a Commission appointed by the unit of local government of the State of Illinois ("Kendall County") and the United City of Yorkville, Kendall County, Illinois (the "City") a municipal corporation of the State of Illinois.

WITNESSETH:

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.; and

WHEREAS, 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 Illinois County Historic Preservation Law within the Counties Code (55 ILCS 5/5-30004) provides that a municipality and a county may enter into intergovernmental agreements allowing for the exercising of the powers and authority granted counties under 55 ILCS 5/5-30001 et seq. within the boundaries of any city, village, or incorporated town, and; allowing the County to advise as to the enactment of ordinances to protect landmarks or preservation districts within the municipality, and; authorizing the County to designate landmarks or preservation districts within a municipality’s corporate boundaries, and
WHEREAS, Ordinance 2006-67 approved on August 15, 2006 by the Kendall County Board establishes an ordinance adopting the Kendall County Historic Preservation Ordinance and Commission in order to preserve and continue utilization of potential landmarks and historic districts that is necessary and desirable for the enjoyment and beauty of the County of Kendall and for the health, safety, prosperity and general welfare of the citizens of the County; and

WHEREAS, the United City of Yorkville wishes to utilize the County’s historic preservation ordinance and commission to protect the historic, architectural, scenic and aesthetic character of landmarks and preservation districts in the part of the City located within the County.

NOW, THEREFORE, in consideration of the foregoing and mutual covenants and agreements contained herein, the City and the County agree as follows:

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

Section 2. The United City of Yorkville agrees to adopt and follow the Kendall County Historic Preservation Ordinance and Commission to protect the historic, architectural, scenic and aesthetic character of landmarks, preservation districts, and road corridors in the part of the city located within the county.

Section 3. For all proposed designations for property located within the municipal limits of the United City of Yorkville, lying within the County of Kendall, an application shall be submitted to the Community Development Department on forms provided by the County. There shall be no fee for filing a nomination.

Section 4. Upon review and approval of the application by the United City of Yorkville, the City President (Mayor), with consent of the City Council/Board, shall forward the application and any supporting material to the Kendall County Historic Preservation
Commission for review and final action pursuant to the terms and provisions of the Kendall County Historic Preservation Ordinance.

Section 5. The City agrees to adopt any ordinances reasonably necessary to implement this agreement.

Section 6. Any property located within the municipal limits of the United City of Yorkville which are lying within the County and are designated now, or in the future, by the Kendall County Board as a landmark or preservation district shall be considered a Kendall County landmark or preservation district and be bound by the regulations of the Kendall County Historic Preservation Ordinance, as may be amended by the Kendall County Board from time to time. Said regulations include, but are not limited to, review of alterations and/or demolition of an approved landmark or preservation districts. If a historic preservation ordinance modification could potentially affect an approved landmark or preservation district the city shall also approve of the ordinance change.

Section 7. All nominations, notices and other correspondence concerning or permitted under this agreement must be copied to the City Council and shall be transmitted in writing, only by personal delivery or by certified, registered or first class United States Mail to the following:

If to the County: County of Kendall Planning, Building and Zoning Department Historic Preservation Liaison 111 West Fox Street Room 203 Yorkville, Illinois 60560

If to the City: United City of Yorkville Director of Community Development 800 Game Farm Road Yorkville, Illinois 60560
Section 8. The provisions of this Agreement are severable. This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois, if any paragraph, section, subsection, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions or the Agreement.

Section 9. Any alterations, amendments, deletions or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by representatives of the Village and the County, acting under the authority of their respective governing bodies.

Section 10. Either the City or the County may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least thirty (30) days before the effective date of such termination. Such notice shall be mutually approved and duly signed by a representative of the party wishing to terminate this Agreement, acting under the authority of their respective governing body and the Kendall County Historic Preservation Commission Chairman. If termination of this agreement is due to the City enacting a Historic Preservation Commission, the City’s adopted Historic Preservation Ordinance shall be approved by the City and also the Kendall County Board with the recommendation from the Historic Preservation Commission to assure similar requirements to approved landmarks and preservation districts. At the time of adoption of a Historic Preservation Ordinance then any approved landmarks will change jurisdiction over to the City.

Section 11. Termination of this agreement shall not revoke protection of and previously approved landmarks or preservation districts. As long as a property is landmarked or in a preservation district it must abide by the rules adopted by the Kendall County Board.
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. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

Section 13. Nothing contained in this Agreement, nor any act of Kendall County or the City 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 the County and the City.

Section 14. The United City of Yorkville 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.

Section 15. Kendall County and the City 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.

Section 15. That the United City of Yorkville 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 City on the date of the execution of this agreement. The City’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 City’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 City shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

Section 16. That this Agreement shall be for a term of four (4) years, commencing on the date of execution hereof, subject to renewal by the parties at least 30 days before the expiration of this agreement, said renewal to be in writing.

Section 16. 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.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

County of Kendall, a unit of local government of the State of Illinois

United City of Yorkville, Kendall County, an Illinois municipal corporation
By: Chair, Kendall County Board

By: Mayor

Attest:

Attest:

County Clerk

City Clerk
Landmarks Illinois Presents
Realtors’ Historic Preservation Workshop
for North Shore Realtors and Brokerages

Wednesday, October 22: 9:30-11:00 am
Co-sponsored by the Wilmette Historic Preservation Commission

Be the source for historic properties!

DID YOU KNOW...

- Your residential clients who rehab their historic homes may be able to participate in a Property Tax Assessment Freeze program and receive substantial property tax savings over a 12-year period?

- Did you know there are tax incentives for your clients who rehab commercial or mixed-use properties that are local or national landmarks or non-landmarked buildings older than 1936?

LEARN HOW TO...

- Market homes with vintage charm

- Advise your clients – buyers and sellers alike – to take advantage of historic districts and landmarked properties

JOIN US!

Wednesday, October 22
9:30 check-in, 10:00 start
Wilmette Village Hall, 2nd floor
Village Board Council Chambers
1200 Wilmette Ave.

For more info and to RSVP, contact:
Lisa DiChiera, Director of Advocacy
Landmarks Illinois
312.922.1742 DiChieraL@landmarks.org

30 N. Michigan Ave., Suite 2020, Chicago, IL 60602 | www.landmarks.org