

**DEKALB COUNTY GOVERNMENT
COUNTY BOARD MEETING**

June 21, 2017

7:30 p.m.

AGENDA

1. Roll Call
2. Pledge to the Flag
3. Approval of Minutes
4. Approval of Agenda
5. Communications and Referrals:
 - a. Employee Service Awards
6. Persons to be Heard from the Floor – *On topics that were not subject to a Public Hearing*
7. Proclamations:
 - a. **Proclamation P2017-04:** Vietnam Veterans Week: July 13-16, 2017
8. Appointments for this Month:
 - a. **Community Services Administrative Board:** Melissa Garman, Joshua Hall, Dan Nolan, Steve Reid, and Joslyn Turner all reappointed for three-year terms beginning July 1, 2017 and expiring June 30, 2020.
Rhonda Brown appointed immediately to fill the unexpired term of Eileen Dubin until June 30, 2018. Curt Lang appointed immediately to fill the unexpired term of Ken Mundy until June 30, 2018, and Jerry Smith appointed immediately to fill the unexpired term of John Rey until June 30, 2019.
 - b. **DeKalb County Convention and Visitor Bureau:** Derek Hiland and Maureen Little reappointed for a term beginning July 1, 2017 until June 30, 2018.
 - c. **Regional Planning Commission:** Russell Kula (Village of Hinckley) appointed immediately until March 31, 2018.
 - d. **Regional Planning Commission-Alternate:** Michael Constant (Village of Hinckley) appointed immediately until March 31, 2018.
 - e. **Paw Paw Community Fire Protection District:** Neal F. Rogers reappointed for a three-year term from May 1, 2017 and ending April 30, 2020.
 - f. **Lee Community Fire Protection District:** Cass Larson reappointed for a three-year term from May 1, 2017 and ending April 30, 2020.
 - g. **Fairdale Light District:** Elizabeth Johnston reappointed for a three-year term from May 1, 2017 and ending April 30, 2020.
 - h. **Building Board of Appeals:** Ralph Tompkins reappointed for a term beginning June 1, 2017 and expiring May 31, 2022.
 - i. **Business Incubator Advisory Board:** Jeff Whelan appointed immediately as a Primary Member and Laurie Emmer appointed immediately as an Alternate Member, both for indefinite terms.
9. Reports from Standing Committees & Ad Hoc Committees

PLANNING & ZONING COMMITTEE

- a. **Ordinance O2017-07:** Establishing a Period of Assessment of Commercial Wind Towers and Commercial Solar Farms/Gardens. *The DeKalb County Board hereby approves to clarify the intent of the Moratorium Ordinance O2017-02 and furthermore establishes a period of assessment of the real impacts, positive and negative, of an approved commercial wind farm, during which period there shall be no action on any Special Use Permit and Amendments to Special Use Permit applications for the construction and operation of commercial electricity-generating wind towers within unincorporated DeKalb County and no action*

shall be taken on commercial solar farms/gardens, said period of assessment to commence upon execution of this Ordinance and to continue for the remainder of the eighteen (18) months from when the initial Moratorium was adopted on March 15, 2017 or until a fully adopted sustainability ordinance is in place, whichever comes first. Committee Action: Mr. Cribben, seconded by Mr. Roman, and the motion carried unanimously.

- b. **Ordinance O2017-08:** Amending the Countywide Stormwater Management Ordinance for DeKalb County. *The DeKalb County Board concurs with the findings and recommendations from the Stormwater Management Committee and hereby adopts and replaces in its entirety, Attachment A: The DeKalb County Stormwater Management Ordinance Section 10.8. Committee Action: Moved by Mr. Jones, seconded by Ms. Willis and approved unanimously.*
- c. **Ordinance O2017-09:** Approving a Zoning Map Amendment in Afton Township. *The DeKalb County Board hereby approves the Zoning Map Amendment to change the zoning of property located at 10255 Keslinger Road from BC, Business Conservation to PD-I, Planned Development – Industrial, said property being located in unincorporated Afton Township and legally described as shown in Exhibit “A” attached to the Ordinance. Committee Action: Mr. Jones moved, seconded by Mr. Cribben and the motion carried unanimously.*
- d. **Ordinance O2017-10:** Approving a Special Use Permit Amendment for a Dog Kennel in Mayfield Township. *The DeKalb County Board hereby approves that the Special Use Permit Ordinance O2010-26 shall be amended allowing the continued operation of a dog breeding and boarding business, located at 6367 East Clare Road in Mayfield Township, subject to the eight conditions listed within this Ordinance. Committee Action: The motion to forward the amended recommendation to the full County Board for approval passed four (4): Bunge, Pietrowski, Roman, and Willis, to three (3): Cribben, Faivre, and Jones.*
- e. **Ordinance O2017-11:** Granting a Special Use Permit to EDF Renewable Development, Inc. #1. *The DeKalb County Board hereby grants a Special Use Permit to EDF Renewable Development, Inc. for a Wind-Testing Tower, with conditions, on property located on the east side of McQueen Road between Mowers Road and State Route 64 in South Grove Township. The amended motion to recommend approval with conditions of the Special Use Permits was carried six (6) ayes and one (1) abstention.*
- f. **Ordinance O2017-12:** Granting a Special Use Permit to EDF Renewable Development, Inc. #2. *The DeKalb County Board hereby grants a Special Use Permit to EDF Renewable Development, Inc. for a Wind-Testing Tower, with conditions, on property located at the southeast corner of Glawe and Byers Roads in South Grove Township. Committee Action: The amended motion to recommend approval with conditions of the Special Use Permits was carried six (6) ayes and one (1) abstention.*
- g. **Resolution R2017-93:** Solid Waste Plan Amendment. *DeKalb County Board hereby approves that the 2015 Plan Recommendation under Task 14 is amended as outlined in the resolution. Committee Action: Moved by Mr. Jones, seconded by Mr. Cribben. The Motion passed, five (5) ayes: Cribben, Faivre, Jones, Pietrowski, and Roman, to two (2) nays: Bunge and Willis.*

COUNTY HIGHWAY COMMITTEE

- a. **Resolution R2017-87:** Somonauk Road Resurface Project. *The DeKalb County Board hereby authorizes the appropriation of \$15,000.00 from the Motor Fuel Tax allotment to be utilized for bituminous paving of Somonauk Road with the combination of hot-mix asphalt and aggregate shoulders.* **Committee Action: Mr. Stoddard moved and Vice Chair Willis seconded. Motion passed unanimously.**
- b. **Resolution R2017-88:** TARP Agreement for Somonauk Road. *The DeKalb County Board hereby authorizes the Chairman to execute an appropriate Truck Access Route Program (TARP) Agreement with the State of Illinois for the resurfacing and upgrading of Somonauk Road to an 80,000 pound truck route from North Avenue in Cortland and proceeding northerly to Conlin Avenue in Sycamore, for a distance of 3.32 miles, with a bid price of ~~\$747,151.34~~ \$1,050,000.00 and the local share to be ~~\$473,551.34~~ \$597,150.00.* **Committee Action: Vice Chair Willis moved and Mr. Osland seconded. Motion passed unanimously. (Revision made at the June 21st Special Meeting.)**
- c. **Resolution R2017-89:** Designating a Portion of Somonauk Road as a Class III Truck Route. *The DeKalb County Board hereby approves to establish portions of Somonauk Road beginning at the intersection of North Avenue in Cortland and extending to Bethany Road in Sycamore for 3.03 miles a Class III Truck Route to accommodate a load limit of 80,000 pounds.* **Committee Action: Mr. Stoddard moved, Mr. Plote seconded. Motion passed unanimously.**
- d. **Resolution R2017-90:** Award of Somonauk Road Resurface Project. *The DeKalb County Board hereby approves the lowest bid meeting specification to Curran Contracting Company from Crystal Lake, Illinois for the hot-mix overlay and other incidental work to 3.32 miles of Somonauk Road between North Avenue in Cortland and Conlin Avenue in Sycamore in the amount of \$747,151.34.* **Committee Action: Ms. Polanco moved and Vice Chair Willis seconded. Motion passed unanimously.**
- e. **Resolution R2017-91:** Engineering Agreement for Barber Green Road Bridge in Cortland Road District .5 Miles East of Airport Road. *The DeKalb County Board hereby approves to enter into an Engineering Agreement with Wendler Engineering Services, Inc. from Dixon, Illinois for the provision of preliminary engineering services incident to the bridge deck rehabilitation and minor approach work for the Barber Green Road Bridge in Cortland Road District .5 miles east of Airport Road in Cortland Road District for an amount not to exceed \$16,500.00.* **Committee Action: Mr. Plote moved and Mr. Osland seconded. Motion passed unanimously.**
- f. **Resolution R2017-92:** Award to Rennion Equipment Company for One New Aerial Lift Truck. *The DeKalb County Board hereby approves the lowest bid meeting specifications to Runnion Equipment Company from Lyons, Illinois for the provision of a new 2017 Ford F550 4x2 cab and chassis with an aerial lift and options in the total amount of \$94,362.00 after trade allowance.* **Committee Action: Contingent on Committee Approval at the June 21st Special Meeting.**

ECONOMIC DEVELOPMENT COMMITTEE

No Actionable Items

HEALTH & HUMAN SERVICES COMMITTEE

No Actionable Items

LAW & JUSTICE COMMITTEE

No Actionable Items

FINANCE COMMITTEE

- a. **Ordinance O2017-13:** Supplemental Ordinance Providing for the Issuance of General Obligation Bonds (Alternate Revenue Source), Series 2017, of the County of DeKalb, Illinois. **Committee Action: Moved by Mr. Jones, seconded by Mr. Reid and approved unanimously.**
- b. **Claims to be Paid in June 2017:** Move to approve the payment of claims for this month, and the off cycle claims paid during the previous month, including all claims for travel, meals, and lodging, in the amount of \$11,901,286.76.
- e. **Reports of County Officials:** Move to accept and place on file the following Reports of County Officials:
 - 1. Cash & Investments in County Banks – May 2017
 - 2. Public Defender's Report – May 2017
 - 3. Adult & Juvenile Monthly Reports – May 2017
 - 4. Pretrial Report – May 2017
 - 5. Sheriff's Jail Report – May 2017
 - 6. Planning & Zoning Building Permits & Construction Reports - May 2017

EXECUTIVE COMMITTEE

- a. **Resolution R2017-94:** Election Judge Salaries. *The DeKalb County Board hereby approves that beginning with the General Primary Election to be held on March 20, 2018, all Judges of Election, who work on Election Day, shall receive an additional base pay compensation of \$20.00 (for a total of \$110.00) per day for all elections under the jurisdiction of the Election Authority of DeKalb County and further establishes that Election Judges' compensation base pay be \$110.00 without training or \$150.00 with training.* **Committee Action: Moved by Mr. Faivre, seconded by Mr. Frieders and approved unanimously.**
- 10. Old Business
 - 11. New Business
 - a. **Appointments Scheduled to be made in the Month of August 2017**
 - 1. Board of Review – 2 positions
 - 2. Board of Review-Alternates – 2 positions
 - 3. Stormwater Management Committee – 6 positions
 - 4. East Pierce Cemetery Association – 3 positions
 - 5. All Drainage Districts – 9 positions
 - 12. Adjournment

EMPLOYEE SERVICE AWARDS

June

2017

SUN

MON

TUE

WED

THU

FRI

SAT

30 YEARS OF SERVICE

None

25 YEARS OF SERVICE

Maliheh M. Ardehali

06/16/1992

Rehab & Nursing Center

20 YEARS OF SERVICE

None

15 YEARS OF SERVICE

Wayne A. Davey

06/24/2002

Highway Department

10 YEARS OF SERVICE

Jacki S. Duval

06/04/2007

Judiciary

Kelly C. King

06/12/2007

Sheriff's Department

Susan L. Scheffler

06/13/2007

Health Department

Sue A. Breese

06/24/2007

Joiner History Room

5 YEARS OF SERVICE

Gabrielle R. Graves

06/04/2012

Circuit Clerk's Office

James M. Stevenson

06/05/2012

Sheriff's Department

Michelle L. Gosnell

06/11/2012

Health Department

For questions or corrections, please contact Lisa in the Administration Office at (815) 895-1639



PROCLAMATION

P2017-04

***Vietnam Veterans Week
July 13-16, 2017***



WHEREAS, The United States Veterans community of DeKalb County are a large group of Honorable people concerned with the welfare of their fellow Veterans and their community, and

WHEREAS, all Veterans took an Oath to support and defend the Constitution of the United States against all enemies foreign and domestic, and

WHEREAS, the freedom and liberties we are blessed to enjoy are a direct result of the courage, devotion, and sacrifices of the members of our Armed Forces, and

WHEREAS, we are grateful for their brave service and draw inspiration and pride from all they have done for our country, and


WHEREAS, Vietnam Veterans have not been fully and dully recognized for their contribution to the overall war effort, and

WHEREAS, Vietnam Veterans have sacrificed many things in their lives, and have persevered over many obstacles from their time in service.

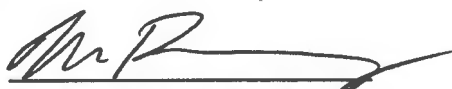
NOW THEREFORE, to Honor our Vietnam Veterans, The DeKalb County Board does hereby proclaim July 13-16, 2017 Vietnam Veterans Week in DeKalb County, Illinois and encourage all citizens of DeKalb County to visit The Wall that Heals the week of July 13-16, 2017 at the Sycamore Park as a way to show support to this very meaningful tribute to all who have served and are serving in the Armed Forces.

Given at Sycamore, Illinois, this 21st Day of June, 2017.

ATTEST:


Douglas J. Johnson
DeKalb County Clerk




Mark Pietrowski, Jr.
DeKalb County Board Chairman

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-07

**AN ORDINANCE ESTABLISHING
A PERIOD OF ASSESSMENT OF
COMMERCIAL WIND TOWERS AND
COMMERCIAL SOLAR FARMS/GARDENS**

WHEREAS, on June 17, 2009, the DeKalb County Board approved Ordinance 2009-05, which granted a Special Use Permit for the construction and operation of a commercial wind farm consisting of 119,263-foot-tall, 1.5 megawatt electricity-generating wind towers on properties comprising approximately 22,000 acres in unincorporated Shabbona, Milan, Afton and Clinton Townships; and

WHEREAS, the project approved by Ordinance 2009-05 consists of the first such commercial, electricity-generating wind towers located in DeKalb County; and

WHEREAS, EDF Renewable Development, Inc. has petitioned for two (2) temporary meteorological towers in February of 2017 to determine whether conditions are right to pursue permits from DeKalb County to construct the County's second commercial, electricity-generating wind farm to be located in DeKalb County; and

WHEREAS, the public hearings' process for the initial wind farm and the two (2) temporary meteorological towers raised questions specific to the potential impacts of wind towers, including but not limited to: effect on the value of surrounding properties; effect on the visual aesthetics of the area where wind towers are constructed; effect of "shadow flicker" associated with spinning blades; effect of noise associated with wind towers; effects on birds and bats; effect on drainage in the area around the towers; effect on aerial spraying of adjoining farms; effects on television, radio, microwave and internet reception; and impacts to public roads used by construction traffic associated with wind towers; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board discussed at its meeting on February 22, 2017 the idea of a period of assessment of the real impacts, positive and negative, of the approved, existing and operating commercial wind farm, during which period no expansion of an existing wind farm or of any new proposed wind farm would be processed, considered, or approved, and no new proposed commercial solar farms/gardens permits would be processed, considered or approved for a period of eighteen (18) months or until the creation of a sustainable energy ordinance whichever comes first; and

WHEREAS, subsequent to adopting the Moratorium the Planning and Zoning Committee of the DeKalb County Board discussed at its meeting on May 24, 2017 the intent of the moratorium to allow for personal use of solar panels to be affixed to rooftops on agricultural, residential, commercial and industrial buildings with the understanding the energy created was not intended for any other use except for the consumption of energy used by the buildings to which they are affixed; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board recommends removing solar panels affixed to rooftops on buildings intended for personal use only from the Moratorium; and

WHEREAS, the DeKalb County Board finds it to be in the interest of the public health, safety and welfare to continue the established period of time for assessments of the actual impacts of commercial wind towers and commercial solar farms/gardens, based upon data generated by the project approved by Ordinance 2009-05, and for evaluation and action on that assessment if such is deemed appropriate, during which time County staff shall not process, nor the County Board act upon, any application for a Special Use Permit or Amendment to a Special Use Permit for commercial wind towers or commercial solar farms/gardens; and

WHEREAS, the County Board has worked through three of the eighteen (18) months or until a fully adopted sustainability ordinance remains necessary to evaluate the real impacts of commercial wind towers and commercial solar farms/gardens on surrounding properties and the County as a whole;

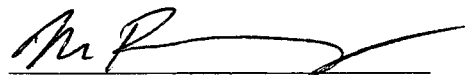
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The above recitals are hereby specifically incorporated into the terms of this Ordinance as if fully set forth in this Section One. Based on these recitals, the DeKalb County Board hereby establishes a period of assessment of the real impacts, positive and negative, of an approved commercial wind farm, during which period there shall be no action on any Special Use Permit and Amendments to Special Use Permit applications for the construction and operation of commercial electricity-generating wind towers within unincorporated DeKalb County and no action shall be taken on commercial solar farms/gardens, said period of assessment to commence upon execution of this Ordinance and to continue for the remainder of the eighteen (18) months from when the initial Moratorium was adopted on March 15, 2017 or until a fully adopted sustainability ordinance is in place, whichever comes first.

SECTION TWO: This Ordinance hereby repeals and supercedes any Ordinance and any section, article or provision of the DeKalb County Code to the extent that such Ordinance and any section, article or provision of the DeKalb County Code is in conflict with any provision of this Ordinance. Any such Ordinance and any section, article or provision of the DeKalb County Code so in conflict with any provision of this Ordinance shall however remain in full force and effect as the same might relate to any other application or request other than for the approval of electricity-generating wind towers.


SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 21ST DAY OF JUNE, 2017, A.D.



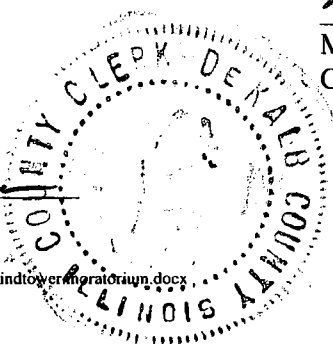
Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:



Douglas J. Johnson
DeKalb County Clerk

P:\Zoning\Special Uses\Ordinances\2017\Windtower moratorium.docx



STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-08

**AN ORDINANCE AMENDING
THE COUNTYWIDE STORMWATER MANAGEMENT ORDINANCE
FOR DEKALB COUNTY**

WHEREAS, Illinois State law, 55 ILCS 5/5-1062.2, grants to DeKalb County the authority to prepare and adopt a countywide plan for the management of stormwater runoff, including regulations for the management of natural and man-made drainageways, watershed plans, for the purpose of consolidating the existing stormwater management framework into a united, countywide structure and setting minimum standards for floodplain and stormwater management; and

WHEREAS, in accordance with the above-cited law, the DeKalb County Board on November 15, 2006 adopted Ordinance 2006-28, which approved a Stormwater Management Ordinance containing regulations for stormwater management; and

WHEREAS, the Stormwater Management Planning Committee has reviewed the provisions of Section 10.8 of the Stormwater Management Ordinance related to the regulation of wetland protection while providing clear direction of mitigation requirements should wetland impacts be proposed; and

WHEREAS, accordingly, the Stormwater Management Planning Committee has recommended that the County Board amend Section 10.8 of the Stormwater Management Regulations to add and or modify language to protect wetlands while providing clear direction of mitigation requirements; and

WHEREAS, the Planning and Zoning Committee of the County Board has unanimously supported the recommendation of the Stormwater Management Planning Committee; and

WHEREAS, the County Board of DeKalb County, having considered the recommendations of both the Stormwater Management Planning Committee and the Planning and Zoning Committee, has determined that it is in the best interests of the citizens of the County that Section 10.8 of the Stormwater Management Ordinance should be amended as set forth herein;

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

SECTION ONE: The findings above and the recommendation of the Stormwater Management Planning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

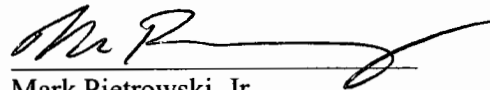
SECTION TWO: Section 10.8 of the DeKalb County Stormwater Management Ordinance is

hereby replaced in its entirety by **ATTACHMENT A** of this ordinance

(ATTACHMENT A – DeKalb County Stormwater Management Ordinance Section 10.8)

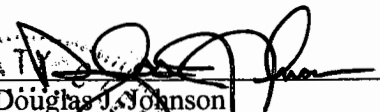
SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 21ST DAY OF JUNE, 2017, A.D.



Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:



Douglas J. Johnson
DeKalb County Clerk

P:\GRADING\COUNTY WIDE\ORD\STORM\PLAN\ORD.AMEND.17-06.DOC

ATTACHMENT A

Sec 2. Definitions

Wetland: Wetlands are land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophilic vegetation). A wetland is identified based upon the three attributes: 1) hydrology, 2) soils and 3) vegetation as mandated by the current Federal wetland determination methodology.

Section 10. Technical Requirements

8.

Drainage into Wetlands and Depressional Storage Areas –Applicants are encouraged to avoid and minimize impacts to wetlands. The enhanced mitigation ratios are set up to reflect the difficulty in replacing diverse wetlands and should cause the applicant to carefully consider avoiding and minimizing impacts to these resources. The applicant shall provide adequate documentation establishing the presence, location and extent, jurisdictional status, and current and potential environmental quality of those area(s).

(a) The applicant may use the following to determine the presence of wetlands on site.

- 1) Wetland identified on the National Wetland Inventory Map as prepared by the Natural Resource Conservation Service
- 2) Wetland identified on the Wetlands Inventory Map as prepared the United States Fish and Wildlife Service
- 3) Wetland Maps as identified on the DeKalb County GIS Maps
- 4) Wetland delineation following the current federal guidance, which is the 1987 Corp of Engineers Wetland Delineation Manual. This report shall be prepared by certified wetland specialist recognized in Kane, DuPage, McHenry, Lake or Will Counties or as approved by the Director.

(b) The following sets the hierarchy for determinations.

- 1) Wetland delineation following the current federal guidance, which is the 1987 Corp of Engineers Wetland Delineation Manual. This

report shall be prepared by certified wetland specialist recognized in Kane, DuPage, McHenry, Lake or Will Counties or as approved by the Director. This is required when wetlands are located onsite or as required by the director or jurisdictional agency.

2) Wetland Maps as identified on the DeKalb County GIS Maps

3) Wetland identified on either of the following sources

- i. National Wetland Inventory Map as prepared by the Natural Resource Conservation Service
- ii. Wetland Inventory Map as prepared the United States Fish and Wildlife Service

(c) The applicant shall be responsible for preparing and submitting a request for Jurisdictional determination by the Army Corp of Engineers (COE). The COE response shall be included within the wetland report.

(d) The Floristic Quality Index (FQI) of the wetland vegetation must be calculated using the procedure found in "plants of the Chicago Region", 4th ED. by Floyd Swink and Gerald Wilhelm.

(e) Jurisdiction: Wetlands deemed Jurisdictional by the Army Corp of Engineers (COE) will be subject to COE rules and regulations. A copy of all permits shall be provided prior to the start of any construction. Only Wetlands not deemed jurisdictional and larger than 0.25 acres shall be subject to the following rules and regulations. Any areas not included within the wetland mitigation portion of the ordinance are still subject to depressional storage requirements.

(f) Wetland Buffers

- 1) Buffers are vegetated upland that serves a variety of functions including shoreline stabilization, sediment filtration, habitat, promotion of infiltration, and nutrient sequestration.
- 2) Buffer widths are to be a minimum of 50 feet wide unless the drainage areas are less than 1 sq mi and have a corresponding FQI < 16. In these cases the buffer width may be determined by using the following formula, and rounded up to the nearest 5' increment.

$$\text{Buffer Width} = (\text{Tributary Area in acres}) \times (0.0547) + 15$$

- 3) Buffers are not required for stormwater management systems provided the system(s) do not meet the requirements of “Waters of the U.S.”. Stormwater Management Systems are identified as:
- i. Roadside Ditches
 - ii. Channels
 - iii. Conveyance Systems
 - iv. Excavated or construction stormwater detention facilities
 - v. Roadway Crossings of Wetlands
 - vi. Down Spouts and Sump Discharges
- 4) Buffer Construction: Native vegetation, particularly deep-rooted warm season grasses and prairie forbs, are required for seeding, re-seeding, or inter-planting buffers. Only plants with local (Upper Midwest) provenance may be used. Genetically modified warm season grasses are not allowed. Plant material selection information may also be found in the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois prepared by USDA-NRCS. The use and extended maintenance of protective measures along linear buffers allows for a reduction in width up to 15%. Accepted methods are as follows.

MEASURE	IL URBAN STANDARD	USE
Erosion Blanket	Std. 830	Temp
Silt Fence	Std. 920	Temp
Sodding (as temp measure)	Std. 925	Temp
Deep-rooted grasses –	Sod or Seed	Perm
Sediment Trap	Std. 960	Temp
Sediment Basin	Std. 841 & 842	Temp/Perm

(g) When wetland mitigation is required it shall be subject to the following requirements

FQI	Proposed Activity	Mitigation Options	Mitigation Ratio (All Options)	Comments
<7	Dredging	Mitigation not required		
<7	Fill	Wetland Mitigation Approved Wetland Bank	1:1	.25 wetland credit per acre for enhancement of wetlands w/ FQI less than 5.0
7-16	Any activities	Wetland Mitigation Approved Wetland Bank	2:1	
16-25	Any activities	Wetland Mitigation Approved Wetland Bank	3:1	
>25		Not eligible for mitigation		
<p>Exceptions:</p> <p>Agricultural activities in wetlands occurring on agricultural land in any program under the Food Security Act for the previous three years will not have to be mitigated, when these wetlands are determined to be "farmed wetlands". This also includes "prior converted wetlands".</p> <p>http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/alphabetical/camr/?cid=stelprdb1043554%20</p> <p>Wetland impacts to manmade wetlands that were created by excavation or as a result of development may be mitigated at a 1:1 ratio. These include partially excavated ponds and incompletely graded sites that develop wetland vegetation.</p> <p>Wetlands that have been created as a result of the use of irrigation, whether directly or indirectly, but that would revert to non-wetland conditions if irrigation ceased, also need not be mitigated.</p>				

(h) Wetland Mitigation Facility – Plan and Performance Requirements

- 1) If the area of the impacted wetland is more than 50% of the total contiguous wetland area then the mitigation requirement shall be based on the total contiguous area.
- 2) The plan must contain the following: a narrative description of the proposed plan that includes the description of the wetland hydrology to be created, the soils that will be utilized and local geomorphologic conditions that impact the construction of the wetland. This should include a description of both surface and groundwater conditions, relating to the construction and maintenance of the wetland mitigation. Each wetland mitigation plan must have a drawing that depicts the limits of the wetland mitigation facility as well as wetlands that are impacted on the on-site wetlands. The summary table on this drawing should include the acreage to be disturbed, the acreage to be mitigated, the mitigation ratio and the total mitigation acreage.
- 3) Specifications for construction, monitoring and maintenance shall be included with the mitigation plan and should include specifications for rough and final grading, types of soils to be used for creation of the wetland mitigation, plant materials to be used, how they will be procured, and from what sources. Specifications should also include water control structures, specifications related to the planting plan including scientific and common names, rates of seeding or spacing, as appropriate, and any special planting provisions necessary for a successful wetland mitigation.
- 4) Wetland mitigations must have a final FQI at or above the mitigated wetland and shall contain a minimum of two wetland plant communities. These plant communities must be appropriate for the site on which they are contained and be a naturally occurring wetland type within DeKalb County. This includes, but is not limited to wet prairie, emergent marsh, floating vascular, shrub-scrub, wooded, forested floodplain, sedge, meadow wet meadow, fen or calcareous seep, submerged aquatic, and mudflat annual. Open water shall not constitute greater than 20% of the entire wetland mitigation facility.

- 5) Maintenance and monitoring plan shall at a minimum include an annual work schedule describing each task in detail and its expected effect, the time of year it will be performed, and any measure of success of the technique as employed. All wetland mitigation facilities shall achieve a minimum 85% vegetative cover, of which 80% of the cover shall be comprised of native species, prior to acceptance of the wetland mitigation facility as complete. Changes to the mitigation and monitoring plan shall be approved by the Director as necessary.
- 6) All wetland mitigation facilities developed under this ordinance shall be monitored and managed for five years beginning on the day the wetland_planting is complete. The procedures for monitoring wetland mitigation facilities will be those set by the current Rock Island District Corp of Engineers Protocols. The monitoring and management plan shall be included with the wetland mitigation plan submittal. The monitoring plan should include sampling method 5. These sampling methods shall include a vegetation map based upon as-built drawings of the completed grading. This information must be descriptive and define the limits of all of the vegetative community types that are installed. Permanent transects for sampling vegetation must be shown on this map. The dominant species and the planting list should also be submitted with the monitoring plan. Additionally, representative photographs of each vegetative area should be submitted with the annual monitoring report. These photographs should be based upon each transect location and have an overall view of the transect area. An inventory of the vascular plant community must be taken according to the procedures identified by Masters (1996) in Monitoring Vegetation in the Tall Grass Restoration Handbook for Prairies, Savannas and Woodlands edited by Packard and Corat, Island Press, 1996. An inventory of the total number of exotic taxa shall be recorded for each quadrat. Then mean C value shall be calculated as well as the FQI for each quadrat. Additionally, the wetness coefficient shall be calculated for each quadrat.
- 7) An overall mean C value as well as the FQI for each vegetative community shall be established using the procedures identified in the FQI program. A relative frequency and relative coverage of each species shall be identified for each plant community. On an

aerial base each plant community shall be delineated. The soil in each community will be evaluated for morphologic, physical and chemical characteristics to determine whether hydric soil conditions exist. This includes redoxomorphic features and manganese accumulations, oxidized rizospheres, depleted matrices and other mottle colors. Any special mitigation features developed, as part of the wetland_mitigation facility shall be described and their function evaluated annually during the monitoring period. The annual report for the monitoring program shall cover the calendar year from January 1st to December 31st and shall be submitted to the director no later than February 15th of the following year.

8) Wetland mitigation facilities that fail to meet the performance standards established in the ordinance shall have the maintenance period be extended by one year for each failed period and with a minimum of four consecutive performing years. The Director may approve modifications to the mitigation plan or method.

(i) Mitigation may be satisfied by purchase of credits from a wetland mitigation bank and the ratio found within the preceding table. This bank must be an approved mitigation bank by the Corp of Engineers or must be a mitigation bank occurring within the boundaries DeKalb County and approved by the Director or designated representative. Wetland credits shall be acquired within the same watershed in which wetland impacts are occurring. If credits are not available, credits shall be purchased in the closest adjacent watershed.

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-09

**AN ORDINANCE APPROVING A ZONING MAP AMENDMENT
FOR 10255 KESLINGER ROAD
IN AFTON TOWNSHIP**

WHEREAS, Philip Freund, has filed a petition for a Zoning Map Amendment to change the zoning of property located at 10255 Keslinger Road from BC, Business Conservation to PD-I, Planned Development - Industrial, said property being located in unincorporated Afton Township and legally described as shown in Exhibit "A" attached hereto, and said application having been submitted in accordance with the requirements of Article 10 of the DeKalb County Zoning Ordinance; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on April 27, 2017 at which the petitioner's attorney presented evidence, testimony, and exhibits in support of the requested Zoning Map Amendment, and no members of the public spoke in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer has considered the evidence, testimony and exhibits presented at the public hearing and has made findings of fact and recommended that the Zoning Map Amendment be approved with conditions, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated April 27, 2017, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has considered the evidence and testimony from the public hearing and the findings of fact and recommendation of the Hearing Officer, and has forwarded to the DeKalb County Board a motion to approve the requested Zoning Map Amendment; and

WHEREAS, the DeKalb County Board has considered the recommendation of the Planning and Zoning Committee and the report and findings of fact of the Hearing Officer, and has determined that the requested Zoning Map Amendment to change the zoning of the subject property from BC, Business Conservation District to PD-I, Planned Development - Industrial District, would be consistent with the findings required by Section 10.04.F of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The report and findings of fact and recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact adopted herein, the property located 10255 Keslinger Road in unincorporated Afton Township and legally described as shown in Exhibit "A" attached hereto, is hereby rezoned from BC, Business Conservation District to PD-I, Planned Development - Industrial District, and the DeKalb County Zoning Map shall be Amended to reflect said zone change.

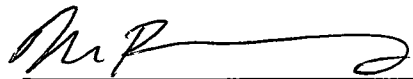
SECTION THREE: The subject property may be used for an automotive and truck repair business as set forth in the application for Zoning Map Amendment submitted by Mr. Freund, referenced herein as though attached hereto. Further, the subject property may be used for those uses permitted in the MC, Manufacturing Conservation District provided, however, that any change in use shall be subject to review and approval by the Planning and Zoning Committee of the DeKalb County Board.

SECTION FOUR: Approval of this map amendment is subject to the following condition:

1. The petitioner will provide a full and complete site/parking pan.

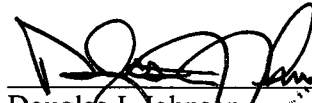
SECTION FIVE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 14TH DAY OF JUNE, 2017, A.D.



Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:



Douglas J. Johnson
DeKalb County Clerk

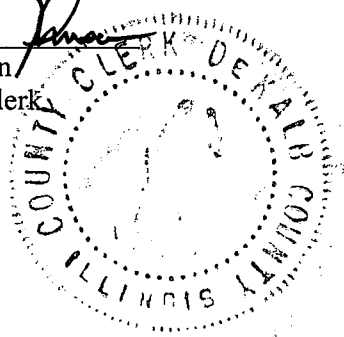


Exhibit “A”

Legal Description of the Subject Property

The East 522.94 Feet of the West 1,700.44 Feet (Measured along the South Line) of the South 833.00 Feet (measured along the West Line) of the Southwest $\frac{1}{4}$ of Section 2, Township 39 North, Range 4, East of the Third Principal Meridian, Excepting therefrom the following: The East 160.0 feet of the West 1,700.44 feet (as Measured along the South line thereof), of the South 200.00 feet, (as measured along the West line thereof), of the Southwest $\frac{1}{4}$ of Section 2, Township 39 North, Range 4, East of the Third Principal Meridian, in DeKalb County, Illinois.

P.I.N. 11-02-300-011.

Application for Zoning Map Amendment-Petition No.: AF-17-5

Date of Hearing: April 27, 2017
Location: DeKalb County Administration Building
Conference Room East
110 East Sycamore Street
Sycamore, IL

Applicants: Philip Freund, Owner
Property: 10255 Keslinger Road

REPORT OF PROCEEDINGS AND RECOMMENDATION

The hearing on the above Petition was called on the record at 3:55 p.m. It was originally scheduled for 2:00 p.m., but the prior hearing took extended time. No persons were present in opposition to the Petition. Present for the County were Director Derek Hiland and Marcellus Anderson. Present for the Applicant, was Philip Freund and his attorney, Michael J. Fleck. Admitted into the record were the following documents:

1. Public Notice.
2. Staff Report.
3. Application of the Petitioners (with Exhibits).
4. Communication from the DeKalb County Health Department.
5. Survey from William E. Hanna, Surveyors, dated April 12, 2017.
6. Architectural Depiction from Design Images, LLC, Dennis Immerfall, Architect, dated April 14, 2017.
7. Scale Diagram of the various proposed buildings and components sought to be constructed if the application is granted.

At hearing, County presented a brief background and history of the property. The business located on the property, Nestle, has been operating for over 20 years. Changing industry standards have necessitated a change in zoning from BC-Business Conservation to PD-1, Planned Development – Industrial. County stated that the property use would remain the same, if the amendment is granted.

On behalf of the application, Attorney Fleck, on behalf of the Petitioner, stated that the Petitioner has been in the trucking industry for 40 years, and this business in particular for over 20 years. The property is presently leased to Nestle. The trucks of today are much longer than in the past, and thus the structures require changes. The changes requested include an 800 square foot (32ft x 20ft) addition to the north east portion of the property to house a boiler and air compressor, and a raised roof (2ft in additional height) so as to accommodate the modern truck dimensions. He noted that no new additional trucking bays are contemplated, but that the

applicant intends to take off the back of the building to accommodate the 80ft total length of the modern trucks, and the 2ft increase in height will allow the facility to accommodate trucks with a refrigeration unit.

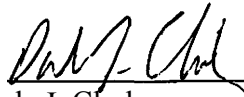
Mr. Anderson, for County, noted that State law requires the need for disability accessible / handicap accessible accommodation. He also stated that County requires an actual parking site plan rather than the informal drawing, with designated parking being signed and striped. Petitioner agreed that they would do so.

Upon the conclusion of the hearing, and after consideration of all evidence and testimony, I find and recommend as follows:

1. I find that the granting of the Zoning Map Amendment sought by the Petitioner is in conformity with the planned land use for the subject property as shown on the Dekalb County Comprehensive Land Use Plan Map.
2. I find that Zoning Map Amendment sought by the Petitioner is in conformity with the existing uses of property within the general area of the property in question.
3. I find that the Zoning Map Amendment sought by the Petitioner conforms to the zoning classification of property within the general area of the property in question.
4. I find that the property in question is better suited to the requested PD-1, Planned Development –Industrial classification sought by the amendment.
5. I find that the Zoning Map Amendment sought by the Petitioners is in conformity with the trend of development in the general area.
6. I find that there was no evidence presented that the requested Zoning Map Amendment, if granted, would result in the diminution of property values.
7. I find that the length of time the property has been vacant as zones, as considered in the context of land development in the vicinity of the subject property is not impacted by the requested Zoning Map Amendment.
8. I find that the requested Zoning Map Amendment, if granted, will not adversely impact or affect the public health, safety, and/or welfare.

It is my recommendation that the Zoning Map Amendment sought by the Petitioner in Petition AF-17-5 be approved. I further recommend that, if approval is granted by the Board, that a condition of approval require that the Petitioner comply with all requirements concerning the designation and proper sign/stripping of the required disability / handicap parking space or spaces, and provide County with a full and complete parking site-plan, as requested by County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale J. Clark", written over a horizontal line.

Dale J. Clark

DeKalb County Hearing Officer



Planning/Zoning/Building Department

110 East Sycamore Street, 4TH Floor

Sycamore, IL 60178-1497

(815) 895-7188

planningdept@m.dekalbcounty.org

STAFF REPORT

TO: Dale Clark
DeKalb County Hearing Officer

FROM: Marcellus Anderson
Assistant Planner

DATE: April 17, 2017

SUBJECT: Freund Real Estate, LLC Zoning Map Amendment
Petition AF-17-5

Philip Freund, representing Freund Real Estate, LLC, has filed a petition for a Zoning Map Amendment to change the zoning of property located at 10255 Keslinger Road from BC, Business Conservation District to PD-1, Planned Development- Industrial. Freund Real Estate, LLC currently operates a pre-existing, legal, non-conforming use in the form of a truck repair facility on the property. The requested Map Amendment would change the status of the facility to legal-conforming, and would allow for the expansion of the primary building. The petition has been filed in accordance with the requirements of Section 10.04 of the DeKalb County Ordinance.

Surrounding Land Uses and Zoning

North:	Agricultural	A-1;
South:	Agricultural	A-1;
East:	Agricultural	A-1; and
West:	Business	BC&PD-C.

Background – The subject property contains an existing commercial building which has been used for more than 20 years as a truck repair and maintenance facility and is currently being leased by Nestle Corporation for the maintenance of its truck fleet. The property owner is proposing to enlarge a portion of the facility to accommodate for a change in industry standards which has resulted in significantly larger vehicles. He also plans to make several needed repairs and improvements to the existing facility. The property has seen a number of differing uses and zoning classifications over the years, and is currently zoned BC, Business Conservation District, making the existing facility a legal, non-conforming use. Article 8 of the Zoning Ordinance does not allow for the expansion of a non-conforming use. In order to allow for the expansion of the facility, some type of zoning action and approval by the DeKalb County Board is necessary. A facility intended to provide repair and maintenance facilities for trucks and trailers would be

most suited to the Planned Development-Industrial Zone. This determination has resulted in the requested Zoning Map Amendment. In deliberating on this request, the Hearing Officer should consider the evaluation criteria for Special Uses, set forth in Section 10.04.F of the Zoning Ordinance (see attached excerpt).

Correspondence – Greg Maurice, of the DeKalb County Health Department, has no issue with the requested Zoning Map Amendment, but noted that if the buildings were expanded, they would need to verify that the septic system would be large enough and that they would not be building on it. To date, no other correspondence related to this request has been received.

Staff Evaluation: Comments below are based on the following:

- o Application for Zoning Actions, received April 23, 2017 by Philip Freund, including attachments;
 - o Plat and Certificate of Survey, by William E. Hanna Surveyors, April 12, 2017;
 - o Proposed Addition for Nestle's Transportation, by Denis Immerfall of Design Images, LLC, April 4, 2017.
1. Comprehensive Plan – The Unified Future Land Use Plan of the DeKalb County Unified Comprehensive Plan recommends Agricultural uses on the subject property. This recommendation is for the general area in which the subject property is located, rather than for the specific property, and reflects the policy of discouraging non-agricultural uses from taking place outside the planning area of the municipalities. The proposed zone change is not necessarily incompatible with this recommendation, however, because it does not constitute an expansion of non-agricultural uses, and it would not prevent or interfere with the use of surrounding properties as agricultural lands or encourage the conversion of surrounding properties to commercial uses.
 2. Zoning – A Planned Development – Industrial can accommodate a number of industrial, manufacturing, storage, and warehousing uses. The existing use of the property by a truck and trailer repair and maintenance facility most closely matches "Automobile repair, major", which is a special use in the MC, Manufacturing Conservation District. Planned developments can be either major or minor; because the business is a single use, the request is being processed as a minor planned development.
 3. Parking:
 - a. The application indicates that no changes to parking are being proposed. The area of the property containing the business is mostly paved, with a large gravel parking area for the trailers. A waiver of the regulations for parking set forth in Article 6 of the Zoning Ordinance may be granted as part of an ordinance approving the Zoning Map Amendment. However, staff notes that no waiver may be granted of the requirement to provide at least one accessible parking space, appropriately signed and striped, with a path providing accessible access to the primary building.
 - b. The Hearing Officer should require that a complete parking plan be submitted to the file for future reference.

cc: Philip Freund
Michael Fleck

DEKALB COUNTY ZONING ORDINANCE
SECTION 10.04.F

- F. Findings of Fact and Recommendation of the Hearing Officer. Within a reasonable time after the close of the hearing on a proposed amendment, the Hearing Officer shall make written findings of fact and shall submit same together with his recommendation to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Hearing Officer shall make findings based upon the evidence presented to him in each specific case with respect to the following matters:
1. The planned land use for the subject property as shown on the DeKalb County Comprehensive Land Use Plan Map.
 2. Existing uses of property within the general area of the property in question.
 3. The zoning classification of property within the general area of the property in question.
 4. The suitability of the property in question for the uses permitted under the existing zoning classification.
 5. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.
 6. The extent to which property values would be diminished by the proposed amendment.
 7. The length of time the property has been vacant as zones, considered in the context of land development in the vicinity of the subject property.
 8. The effect of the proposed change upon the public health, safety, and welfare.

The Hearing Officer shall not recommend the adoption of a proposed amendment unless he finds that the adoption of such an amendment is not detrimental to the public interest and is not solely for the interest of the applicant. The Hearing Officer may recommend the adoption of an amendment changing the zoning classification of the property in question to any lesser intense classification than that requested by the applicant. For the purpose of this paragraph, the A-1 District shall be considered the least intense classification.

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-10

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
AMENDMENT FOR A DOG KENNEL ON PROPERTY LOCATED
AT 6367 EAST CLARE ROAD
IN MAYFIELD TOWNSHIP**

WHEREAS, Christie Hardt and Robert DeCosta have filed an application for an Amendment to a Special Use Permit Ordinance 2010-26 in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow them to add the importation and subsequent sale of animals to their current dog breeding and boarding business located at 6367 East Clare Road in Mayfield Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on April 27, 2017, at which the petitioners and their attorney presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and Six (6) members of the public spoke in favor of the request, Seven (7) members of the public spoke in opposition to request and those 7 asked questions of both the petitioner and the facility owner out of Tennessee regarding both of their operations; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted with conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has failed to forward a favorable recommendation to the DeKalb County Board that the requested Special Use Permit Amendment be approved by a vote of three (3) supporting the amendment and four (4) opposed to the amendment; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has forwarded an alternate recommendation to the DeKalb County Board that the Special Use Permit Amendment be approved by a vote of four (4) for the alternate amendment and three (3) opposed to the alternate amendment subject to conditions;

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

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby rejected and the findings set forth therein are hereby rejected as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the Planning and Zoning Committee's Recommendation, the Special Use Permit Ordinance 2010-26 shall be amended allowing the continued operation of a dog breeding and boarding business on the subject property located at 6367 East Clare Road in Mayfield Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit Amendment is subject to the following conditions:

1. There shall be no more than forty (40) dogs, including puppies, at any one time on the subject property. However, this number may be increased, or decreased, by direction of the DeKalb County Health Department.
2. There shall be no more than 12 breeding females on the subject property at any given time provided, however, this number may be increased to a maximum of 20 or reduced from time to time by direction of the DeKalb County Health Department. In the event the Health Department directs a change in the number of breeding females associated with the kennel, it shall notify the Community Development Department of the authorized change;
3. Representatives of the DeKalb County Health Department shall have the right to enter onto the subject property and inspect the kennel as often as the Department deems necessary;
4. Sales of animals bred on the subject property shall be to individuals only, and there shall be no sale to retail or wholesale purchasers; No other sales of animals will be allowed.
5. The Petitioner shall maintain a valid license for a kennel from the Illinois Department of Agriculture;
6. B & C Kennels shall maintain records of all required certifications and licenses required by the State of Illinois and the USDA and shall provide, no less than annually, copies of all such certifications to the DeKalb County Health Department.
7. Waste disposal associated with the kennel on the subject property shall be in accordance with the requirements of the DeKalb County Health Department; and
8. All other terms and conditions of the original Special Use Permit, not changed by the above and foregoing, should remain in full force and effect and be incorporated into any new ordinance adopted by County, if so adopted, granting the Amendment to Special Use Permit.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07 of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF JUNE, 2017, A.D.

Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:

Douglas J. Johnson
DeKalb County Clerk

SENT BACK TO COMMITTEE

Legal Description of Subject Property

The East 330.0 feet of the South 330.0 feet of the Northwest 1/4 of Section 19, Township 41 North, Range 4, East of the Third Principal Meridian, DeKalb County, Illinois, (excepting therefrom the following: Beginning at the center of said Section 19; thence Westerly along the Quarter Section line, 142.0 feet, thence Northerly at right angles to the last described course, 137.0 feet; thence Easterly parallel to said Quarter Section line, 141.92 feet to a point on the East line of said Northwest 1/4 of said Section 19; thence Southerly along the Easterly line of said Northwest 1/4, a distance of 137.0 feet to the point of beginning.

PIN: 05-19-100-007

SENT BACK TO COMMITTEE

Amendment to Special Use-Petition No: MY-17-4

Date of Hearing: April 27, 2017
Location: DeKalb County Administration Building
Conference Room East
110 East Sycamore Street
Sycamore, IL

Applicants: Christie Hardt and Robert DeCosta, Owner/Operators of B & C Kennels
Property: 63667 East Clare Road, Mayfield Township

REPORT OF PROCEEDINGS AND RECOMMENDATION

The hearing on the above Petition was called on the record at 1:00 p.m., and concluded at approximately 3:30 p.m. Present for the County were Director Derek Hiland, and Assistant Planner Marcellus Anderson. Present for the Applicant, B & C Kennels, were the owner/operators, Christie Hardt and Robert DeCosta, and their attorney, Peter Smith, Esq.

Christie Hardt and Robert DeCosta, the operators of B & C Kennels, for have applied for an Amendment to Special Use Permit Ordinance 2010-26 to allow them to add the importation and subsequent sale of animals, to their current dog breeding and boarding operation. They have been doing so on the site, without an amendment, contrary to the terms of the currently enacted Special Use ordinance, 2010-26. The application seeks to amend the Special Use ordinance to conform to their present activities on the site.

Received and admitted into the record were the following documents:

1. Public Notice of the hearing date, time, and location, as required, which was duly published.
2. Staff Report from County Planning and Zoning, containing a brief history of the activities and prior Special Use ordinance applicable to the site, and Staff concerns and informational requests concerning the operations of B & C Kennels. Also containing the excerpt from Zoning Ordinance containing the applicable criteria as contained in Section 9.02.B.3.
3. Application MY-17-4, Filed by the Applicant, with attachments.
4. Ordinance 2010-26 regarding the original Special Use Permit and its terms and conditions

5. Findings of Fact dated November 18, 2010 regarding the initial hearing on the original Special Use Permit application
6. Aerial GPS location depiction of the subject project
7. Correspondence dated April 14, 2017 from Donna Larson, recommending approval of the application.
8. Correspondence from County Health Department dated April 4, 2017 indicating no current issues, unless there is an expansion of the buildings in which case septic system verification may need to be examined.
9. Correspondence from Paul White, concerning information received from Beachwood Veterinary Clinic concerning a purchase of a sick puppy from B & C Kennels [undated], with veterinary attachments and copies of x-rays.
10. County Health Department inspection report dated August 10, 2016, for a complaint investigation, finding that at the time of the inspection "all dogs appeared healthy and adequately housed and vaccination protocol was sufficient."
11. Illinois Department of Agriculture, Bureau of Animal Welfare inspection report, dated February 8, 2017, indicating that the sanitation criteria, and the buildings and premises were all in acceptable condition, and the brucella testing came back "O.K."
12. E-mail dated April 26, 2017 from Marc Ayers expressing concerns about the Application on behalf of "thousands of supporters of The Humane Society", and that B & C Kennels uses out-of-state sources to provide the puppies offered for sale.
13. Petitioner's "Exhibit C", which contained additional material submitted at hearing concerning USDA standards, and the breeding standards, licensing, inspection reports, and adherence to the Companion Animal Minimal Care Act, from Angela Shubert, a witness for the B & C Kennels, and, a primary supplier of puppies to B & C Kennels.
14. Newspaper article of March 27, 2017, submitted by Ann Marie Clark from the Rochelle New Leader describing a pending application by B & C Kennels for a dog kennel special use permit in Ogle County.
15. Informational packet from The Cavalry Group dated April 27, 2017, submitted by Mindy Patterson, who spoke in favor of the Application.

16. Informational packet from Ida McCarthy of the Companion Animal Protection Society, who spoke in opposition to the Application.
17. Not viewed or admitted into the record was a purported clandestine video reported to have been taken and prepared by opponents of Ms. Shubert's Tennessee breeding facility. The video is available in the packet submitted by Ida McCarthy on the Companion Animal Protection Society website, www.caps-web.org.

I. BACKGROUND

B & C Kennels was granted a Special Use Permit by County Ordinance on or about December 15, 2010. The Special Use Permit was granted with conditions. The conditions are listed 1-7 on the enacting Ordinance, but in summary required that no more than 12 breeding females are to be permitted, unless increased to a maximum of 20 from time to time only by discussion and direction of the County Health Department. The enacting ordinance permitted only individual sales, and not re-sale or wholesale transfers. The kennel must be registered with the County Clerk, and the proper license must be obtained from the State of Illinois. The ordinance is devoid of any authorization for the importation of puppies from out-of-state, and is further devoid of any maximum number of dog limitations. However, the Findings of Fact prepared by the Hearing Officer are instructive. The initial Hearing Officer indicated in his report that the Petitioner stated she had 22 dogs as of the time of hearing, and that she had no intention at that time of increasing the number of breeding females beyond the 12 requested. At the time of the initial hearing, the Petitioner indicated she would not have any more than 40 dogs, "*including dogs that might be boarded as puppies*" (italics added) on site at any one time. The record is not clear if Petitioner's intent was to include puppies transferred from another facility or from other individuals, or if the term "puppies" was referring solely to those bred at the facility, but the discussion on the record described in the Hearing Officer's report suggests that only on site breeding operations were the subject of the application.

Nevertheless, at some point thereafter, B & C Kennels began the importation of puppies, largely from a facility under the operation and control of Ms. Angela Shubert. Ms. Shubert's operations are in Tennessee. County Staff noted in their report that they became aware of the additional and, in their view, unapproved operations of B & C Kennels. County Staff advised B & C Kennels that to continue that aspect of their operations, an amendment to the Special Use would be required. The presently pending application of B & C Kennels subsequently was filed, and heard by this Hearing Officer.

II. DISCUSSION, EVIDENCE, TESTIMONY AT HEARING

Staff commenced the discussion and testimony by presenting a brief outline of the conditions necessitating the application for an amendment to the Special Use. Staff noted the terms and conditions, as understood by County, of the initial 2010 enacting ordinance. Staff further noted that it became aware of the importation of out-of-state puppies to the site, notified B & C Kennels that such importation appeared to be unapproved based on the language and terms of the enacting ordinance, and that an amendment would be required for those types of operations to continue.

Attorney Peter Smith, on behalf of the Petitioners, presented a detailed power-point presentation, describing the nature of the operations occurring on site and the types of breeds being offered. Attorney Smith noted that the source of the puppies being offered for individual sale were from A-1 Puppies, in western Tennessee, and that A-1 was duly licensed by both the State of Tennessee and the United States Department of Agriculture, and inspected by both agencies in accordance with their rules and regulations. Great detail was provided as to the care of the puppies, prior to importation, and the care of the puppies, including medical care, that occurs at B & C Kennels prior to delivery to the purchaser's home. Attorney Smith agreed with County Staff's recommendation that all imported puppies must come from facilities, such as A-1 Puppies, that are fully certified by all applicable state and federal regulatory bodies.

Attorney Smith described the increased demand for quality bred puppies, such as being offered for individual sale at B & C Kennels. He described the growth of the industry, and detailed that B & C Kennels has never received a dog from A-1 Kennels that was ill, injured, or that resulted in any complaints by any subsequent purchaser. He noted the number of other large-scale boarding operations, including TAILS and "Bam on Baseline", but did note that those were "rescue" facilities. He stated that his clients received no written objection from either of those two facilities, and that B & C Kennels is not in competition with those facilities.

Attorney Smith noted that B & C Kennels proposes no new buildings on the site, and that they had received no objections from any of their neighbors or adjacent landowners. He stated further that B & C Kennels is not requesting any waivers of any applicable County ordinances. The application packet presented by Attorney Smith contained inspection reports and information concerning the DeKalb County tax revenue associated with the operations. Attorney Smith detailed the application and supporting documentation, as to the Section 9.02.B.3 criteria.

Also present on behalf of the Petitioner was Ms. Angela Shubert, the owner/operator of A-1. She provided testimony and documentary certification of the lawful and duly certified operations at her facility. She described the condition of the breeding facilities and holding areas, and the methods utilized to insure the cleanliness and the health of the animals. She testified that the animals are micro-chipped to confirm a single destination point for transit purposes. She testified she is a licensed Veterinary Technician, and spends approximately \$190,000.00

annually on veterinary inspections and that all animals are inspected weekly. She testified as to the human contact received by the animals on a daily basis. She testified that her facility A-1, has never been subject to a finding of gross negligence, and has never suffered a loss of license, based on the operations of her facility.

Ida McCarthy, Andrea Larson (DeKalb), and Tom Champley (Ogle Co.) had questions for Ms. Shubert. Ms. McCarthy inquired of the socialization of the animals at A-1 and Ms. Shubert described her day-to-day procedures and contact with the animals. Ms. Larson asked how long Ms. Shubert had been in business (since 2003, according to Ms. Shubert). Mr. Champley (Veterinary Doctor) inquired about the existence of genetic issues with some of the animals, and if so, was there any attempt to trace the animals in follow-up.

Ann Marie Clark of DeKalb, Michelle Groeper of Cortland Township, and Ida McCarthy had questions for B & C Kennels. Ms. Clark inquired as to how long B & C Kennels had been importing puppies in violation of the Special Use Permit, and why there were no fines or other enforcement mechanisms. Ms. Hubbard inquired as to the number of breeds and breed mixes being offered, and inquired as to why B & C Kennels does not simply send their puppies to A-1 to be offered for sale, instead of importing and re-selling puppies from A-1. Ms. Ida McCarthy requested that the "hidden video" of A-1 be shown. This Hearing Officer declined her request, as this matter concerned the ordinances and criteria of DeKalb County and the documentary submission indicated that A-1 is in compliance with the rules and regulations of both Tennessee and the USDA.

Becky Baux of Winnebago County, Tom Smith of White Rock Township (Ogle County), Kathy Mehalko of Winnebago County, and Paul White of Ogle County also had questions for B & C Kennels, and for the Hearing Officer. Ms. Baux inquired as to the total number of puppies currently allowed (40, in the Petitioner's understanding), and how many are anticipated to be imported on a monthly basis (80-100, per Petitioner). Mr. Smith asked B & C Kennels to confirm that they had also made application in Ogle County (Yes, per the Petitioner.) Ms. Mehalko asked a question regarding the use of the term "puppy mill" and stated her opinion that one cannot breed 600-800 dogs responsibly, and would be a "puppy mill." B & C Kennels responded that a "puppy mill" would refer to a sub-standard breeder, and that A-1 and B & C Kennels are not sub-standard, and can provide a documented lineage for each of their puppies. Mr. White inquired if a representative of A-1 was going to be a witness, and if so the video should be shown.

Persons/Entities who spoke in favor of the application of B & C Kennels:

1. Ms. Mindy Patterson, of The Cavalry Group (packet admitted into the record).
2. Ms. Julie Siemianowski.
3. Ms. Brenda Dietz, Clare.
4. Ms. Dora Lee Blackburn.

5. Ms. Michelle Erickson.
6. Mr. Brian Adams- Cook County. He discussed the freedom of choice needed for individuals to decide where and from what facility to purchase a pet.

Persons/Entities who spoke in opposition to the application of B & C Kennels:

1. Ms. Ida McCarthy of CAPS (packet admitted into the record).
2. Ms. Kathy Mehalko, who described herself as an animal activist.
3. Ms. Ann Marie Clark.
4. Ms. Kathy Hubbard.
5. Ms. Becky Baux.
6. Ms. Andrea Larson.
7. Mr. Tom Smith.

At the conclusion of the questions/comments period, Director Hiland pointed out that the narrative statement prepared by B & C Kennels in their application stated that the total animals, consisting of puppies, dogs, breeding females, was not going to exceed 100 total animals. Director Hiland asked that if the amendment is granted that the total authorized not exceed the amount stated in the narrative statement of the Applicant. He also again reminded the Hearing Officer that the original Special Use permitted only 40 total animals.

Assistant Director Anderson discussed County concerns that the facility must be regularly inspected by the County Health Department and Animal Control, and that County receive that information. He also stated that the numerical maximum would and should include even imported puppies, even though they remain on site for only a few days before possession is transferred to the new owners.

Greg Maurice, Director of the County Health Department, stated that his agency would like to receive the annual certificates of compliance with all required agencies of Tennessee, Illinois, and the USDA.

III. ANALYSIS OF SECTION 9.02.B.3

- A. The proposed special use complies with all applicable provisions of the applicable district regulations.

I find that the proposed special use amendment complies with all applicable provisions of the applicable district regulations. The facility was previously granted a special use for the purposes of dog breeding, boarding, and sale, and the amendment seeks only to expand the number of animals to be boarded at any one time, before individual sale.

- B. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public welfare at large.

I find that the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood or the public at large. No new buildings or structures are requested or anticipated. There was no testimony or evidence by any adjacent landowner or neighbor that the value of their respective property will be impacted in any way.

- C. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it et al., considering:

1. The location, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of proposed landscaping and screening on the proposed site.

I find that the proposed amendment to the special use will not so dominate the immediate neighborhood, based on the established criteria. No new buildings or structures are anticipated or being requested, no additional parking or loading/unloading areas are anticipated or requested. The primary operations contemplated by the original Special Use will remain. The applicant is seeking to increase the number of animals and thus transactions, but not the physical size of the current operations or its observable impact on the present use of the property.

- D. Off-street parking and loading areas will be provided in accordance with the standard set forth in these regulations.

I find that the application for an amendment to the previously granted Special Use, as it calls for no new off-street parking and loading areas, meets the standards set forth in these regulations.

E. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

I find that the application for an amendment to the previously granted Special Use, as it calls for no new facilities or structures, meets this standard and criteria, based on its prior approval. Further, Petitioner has indicated that it is not seeking any waiver of any applicable County regulation or requirement, in their application.

F. The proposed uses, wherer such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of DeKalb County.

I find that the proposed additional use, the importation and temporary boarding of additional puppies for individual sale can be operated in a manner that is not detrimental to the permitted developments and uses in the district, and can be operated in a manner that is visually compatible with the permitted uses in the surrounding area. Again, no new facilities or structures are being sought by the Petitioners. I find that there exists demonstrable demand for quality, healthy animals, from duly licensed and inspected facilities, as presented by the evidence on behalf of the Petitioner. The individual sale of quality, healthy, medically inspected, animals as proposed by the Petitioner, promotes the public health, safety, and general welfare of DeKalb County. The testimony and evidence from those personally present on Petitioner's operational site indicated it is a well-run, clean, animal-friendly, environment, in compliance with all applicable regulatory agencies. Further, the source facility for Petitioner's animals for individual sale presented documentation and testimony of compliance with the applicable agencies from the State of Tennessee, and the USDA.

IV. RECOMMENDATION

Based on the above and foregoing, it is the recommendation of this Hearing Officer that the application for an Amendment to Special Use be granted, with the following conditions:

1. The total number of adult dogs present on the subject property shall not exceed 40 at any given time. This number may be increased or decreased from time to time by direction of the DeKalb County Health Department.
2. There shall be no more than 12 breeding females on the subject property at any given time. This number may be increased or decreased from time to time by direction of the DeKalb County Health Department.
3. There shall be no more than 4 puppies per breeding female present on the subject property at any given time. This number may be increased up to a maximum of 8, or reduced from time to time, by direction of the DeKalb County Health Department.
4. As per the narrative statement and County Staff concerns, there shall be no more than 100 dogs, including puppies, at any one time on the subject property. However, this number may be increased, or decreased, by direction of the DeKalb County Health Department.
5. B & C Kennels shall maintain records of all required certifications and licenses required by the State of Illinois, the USDA, and the state of origin of any puppies or animals imported to their premises, and shall provide, no less than annually, copies of all such certifications to the DeKalb County Health Department.
6. In the event that the DeKalb County Health Department directs a change in any of the foregoing, it shall notify the Planning, Zoning, and Building Department in writing of the authorized change.
7. The Amendment to the Special Use, if granted, should permit only the sale of animals to individuals, and not be operated as a resale or wholesale business operation.
8. All other terms and conditions of the original Special Use Permit, not changed by the above and foregoing, should remain in full force and effect and be incorporated into any new ordinance adopted by County, if so adopted, granting the Amendment to Special Use Permit.

Respectfully submitted,



Dale J. Clark

DeKalb County Hearing Officer



DeKalb County
Community Development Department

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188

planningdept@dekalbcounty.org

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Derek M. Hiland
Director

DATE: May 22, 2017

SUBJECT: Hardt/DeCosta - Special Use Permit Amendment
Petition MY-17-04

Christie Hardt and Robert DeCosta are the operators of B&C Kennels, which is located on property at 6367 East Clare Road in Mayfield Township. They have filed a petition for an Amendment to Special Use Permit Ordinance 2010-26 to allow them to add the importation and subsequent sale of animals to their current dog breeding and boarding operation.

DeKalb County Hearing Officer Dale Clark conducted the public hearings on this request on April 27, 2017. The petitioners explained that the purpose of the Special Use Permit Amendment was to accommodate the number of requests they have been receiving monthly for purebred puppies and the only way to meet the needs of their customer was to import puppies. Six (6) members of the public spoke in favor of the request, Seven (7) members of the public spoke in opposition to request and those 7 asked questions of both the petitioner and the facility owner out of Tennessee regarding both of their operations.

The Hearing Officer has forwarded his Report and Recommendation, and that the application for an Amendment to Special Use be granted, with the following conditions:

- 1) The total number of adult dogs present on the subject property shall not exceed 40 at any given time. This number may be increased or decreased from time to time by direction of the DeKalb County Health Department.
- 2) There shall be no more than 12 breeding females on the subject property at any given time. This number may be increased or decreased from time to time by direction of the DeKalb County Health Department.
- 3) There shall be no more than 4 puppies per breeding female present on the subject property at any given time. This number may be increased up to a maximum of 8, or reduced from time to time, by direction of the DeKalb County Health Department.
- 4) As per the narrative statement and County Staff concerns, there shall be no more than 100 dogs, including puppies, at any one time on the subject property. However, this number may be increased, or decreased, by direction of the DeKalb County Health Department.

- 5) B & C Kennels shall maintain records of all required certifications and licenses required by the State of Illinois, the USDA, and the state of origin of any puppies or animals imported to their premises, and shall provide, no less than annually, copies of all such certifications to the DeKalb County Health Department.
- 6) In the event that the DeKalb County Health Department directs a change in any of the foregoing, it shall notify the Planning, Zoning, and Building Department in writing of the authorized change.
- 7) The Amendment to the Special Use, if granted, should permit only the sale of animals to individuals, and not be operated as a resale or wholesale business operation.
- 8) All other terms and conditions of the original Special Use Permit, not changed by the above and foregoing, should remain in full force and effect and be incorporated into any new ordinance adopted by County, if so adopted, granting the Amendment to Special Use Permit.

The Planning and Zoning Committee is requested to consider the application and the recommendation of the Hearing Officer, and forward a recommendation to the full County Board for action by ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: Christie Hardt and Robert DeCosta, B & C Kennels
Peter Smith, Applicant's Attorney.

DMH:dmh

P:\Zoning\Special Uses\P&ZMemos\2017\Hardt MY-17-4 SUP.docx

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-11

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
TO EDF RENEWABLE DEVELOPMENT, INC. FOR A WIND-TESTING TOWER
ON PROPERTY ON THE EAST SIDE OF MCQUEEN ROAD BETWEEN MOWERS
ROAD AND STATE ROUTE 64 IN SOUTH GROVE TOWNSHIP**

WHEREAS, EDF Renewable Development, Inc., has filed an application for an Special Use Permit to allow construction of a wind-testing tower on a portion of an 80 acre farm located on the east side of McQueen Road between Mowers Road and State Route 64 in South Grove Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted two public hearings on January 26, 2017 and on April 6, 2017 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and 60+ members of the public spoke in opposition to wind farms/testing towers and six asked questions regarding the data that would be generated; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be approved, subject to conditions, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated May 19, 2017, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Special Use Permit be granted in accordance with the recommendation of the Hearing Officer; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Regulations Committee, and has determined that granting the Special Use Permit to allow the wind-testing tower on the subject property is consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby granted to EDF Renewable Development, Inc. to construct and operate a wind-testing tower on property legally described in Exhibit "A" attached hereto.

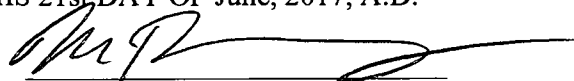
SECTION THREE: This Special Use Permit is subject to the following conditions:

1. Only one wind-testing tower, not to exceed 199 feet in height as measured from the surrounding ground, shall be installed on the subject property;
2. That an irrevocable letter of credit insuring that the towers are removed;
3. That at a minimum two (2) marker balls be place on each inside guy wire and two (2) marker balls are to be placed on each outside guy wire located both low and high along said wires.
4. That stockyard fencing be placed around the base of each guy wire.
5. This Special Use Permit is valid for a period of 1.5 years or 18 months from the date of this Ordinance. Prior to the expiration date, the petitioner shall remove the wind-testing tower and all associated items, unless an extension of this Special Use Permit is granted by the County Board following a public hearing.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

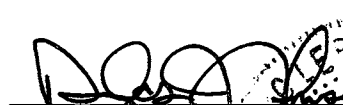
SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.A. and B. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21st DAY OF June, 2017, A.D.

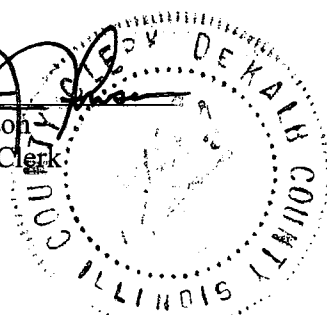


Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:



Douglas J. Johnson
DeKalb County Clerk



Legal Description of Subject Property

The North 1/2 of the Southeast 1/4 of Section 21, Township 41 North, Range 3, East of the Third Principal Meridian, described as follows: commencing at the Southeast corner of said Section 21; thence North 0 Degrees 05 Minutes 33 Seconds East, 1,327.98 feet on the East line of said Southeast 1/4 to the Southeast corner of said North 1/2 and the point of beginning; thence South 89 Degrees 31 Minutes 36 Seconds West 2,653.86 feet on the South line of said North 1/2 to the Southwest corner of said North 1/2; thence North 0 Degrees 08 Minutes 43 Seconds West, 1,324.60 feet of the West line of said Southeast 1/4 to the Northwest corner of said Southeast 1/4; thence North 89 Degrees 27 Minutes 16 Seconds East 2,659.39 feet on the North line of said Southeast 1/4 to the Northeast corner of said Southeast 1/4; thence South 0 Degrees 05 Minutes 33 Seconds West, 1,327.98 feet on the East line of said Southeast 1/4 to the point of beginning, situated in South Grove Township, DeKalb County, Illinois.

P.I.N. 04-21-400-002

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2017-12

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
TO EDF RENEWABLE DEVELOPMENT, INC. FOR A WIND-TESTING TOWER
ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLAWE AND
BYERS ROADS IN SOUTH GROVE TOWNSHIP**

WHEREAS, EDF Renewable Development, Inc., has filed an application for an Special Use Permit to allow construction of a wind-testing tower on a portion of a 60 acre farm located at the southeast corner of Glawe and Byers Roads in South Grove Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted two public hearings on January 26, 2017 and on April 6, 2017 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and 60+ members of the public spoke in opposition to wind farms/testing towers and six asked questions regarding the data that would be generated; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be approved, subject to conditions, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated May 19, 2017, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Special Use Permit be granted in accordance with the recommendation of the Hearing Officer; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Regulations Committee, and has determined that granting the Special Use Permit to allow the wind-testing tower on the subject property is consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby granted to EDF Renewable Development, Inc. to construct and operate a wind-testing tower on property legally described in Exhibit "A" attached hereto.

SECTION THREE: This Special Use Permit is subject to the following conditions:

1. Only one wind-testing tower, not to exceed 199 feet in height as measured from the surrounding ground, shall be installed on the subject property;
2. That an irrevocable letter of credit insuring that the towers are removed;
3. That at a minimum two (2) marker balls be place on each inside guy wire and two (2) marker balls are to be placed on each outside guy wire located both low and high along said wires.
4. That stockyard fencing be placed around the base of each guy wire.
5. This Special Use Permit is valid for a period of 1.5 years or 18 months from the date of this Ordinance. Prior to the expiration date, the petitioner shall remove the wind-testing tower and all associated items, unless an extension of this Special Use Permit is granted by the County Board following a public hearing.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.


SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.A. and B. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21st DAY OF June, 2017, A.D.

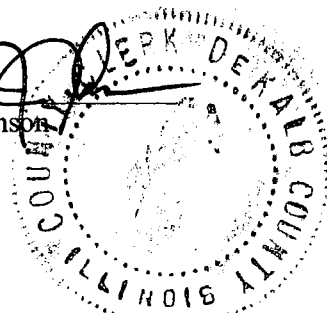


Mark Pietrowski, Jr.
Chairman, DeKalb County Board

ATTEST:



Douglas J. Johnson
County Clerk



Legal Description of Subject Property

The East 60 acres of the North Half of the Southwest Quarter all in Section 12, Township 41 North, Range 3 East of the 3rd Principal Meridian, in DeKalb County, Illinois.

P.I.N. 04-12-300-002

DeKalb Special Use -- Supplemental Public Hearing

EDF Renewable Development, Inc.
Petition SG-17-01

Date of Supplemental Public Hearing: April 16, 2017

Location: DeKalb County Planning/Zoning/Building Dept.
Gathertorium
200 North Main St.
Sycamore, IL

Time: 5:30p.m.

Petitioner:

EDF Renewable Development, Inc.
Mr. P.J. Saliterman, for Petitioner
Property P.I.N. (Proposed Tower 1) (0412300002)
Property P.I.N. (Proposed Tower 2) (0421400002)

Present for County:

Derek Hiland, Director, DeKalb County Planning, Zoning and Building Department
Marcellus Anderson, Assistant Director, DeKalb County Planning, Zoning and Building Dept.

Nature of Petition: Petitioner, EDF Renewable Development, Inc. (EDF) seeks to construct two, temporary meteorological testing poles at two locations as noted above. The testing poles are described in the Petition as non-permanent, and not exceeding a height of 199 feet. The poles are sought to be constructed to obtain meteorological wind data to determine the financial feasibility of erecting wind turbines at some point in the future. As the property is zoned A-1, Agricultural District, the erection of the temporary towers would require a Special Use permit, as per County zoning regulations. The list of Special Uses in the A-1 District includes "Essential service structures including, but not limited to :....other structures and buildings related to essential or public services" and, "Radio, television and communication transmitting and relay towers, antennae and other such facilities."

A prior public hearing was held on the Special Use application by EDF on January 26, 2017. Thereafter, at the request of the Planning and Zoning Committee of the DeKalb County Board, the matter was again set for a supplemental public hearing to address the sole issue of the Special Use Application for the two (2) proposed "wind testing towers", and not the general issue of possible future wind farms. The County has presently enacted a moratorium on the construction of new wind farms, but not "wind testing towers", which remains in place as of the date of this Report and Recommendation.

Submissions received and incorporated into the record herein:

In addition to the materials identified in the prior Report and Recommendation on this matter at the hearing on January 26, 2017, which are incorporated herein and continue as part of the record of this cause, I have also received the following:

- A. Public Notice, which was duly published in the DeKalb Chronicle.
- B. Updated Staff Report and Memorandum, prepared by DeKalb County Planning Director Derek Hiland, and by Marcellus Anderson, Assistant Planner.
- C. Updated correspondence from Greg Maurice, Director of Health, and from County Engineer, Nathan Schwartz, both indicating no new comments in regard to the Special Use request.
- D. Notes from Brad Belanger, Esmond Road, which were supplied at hearing and made part of the record.
- E. Notes and photographs from James Hutcheson, which were supplied at hearing and made part of the record.

I. STAFF COMMENTS

On behalf of County, Director Hiland again outlined the general nature of the Special Use application. Director Hiland identified the present zoning of the subject parcels, A-1 Agricultural, and identified Staff concerns. In particular, Staff expressed the concern about the timeline for the wind testing towers, and their "temporary" nature, as indicated in the application. Staff indicated its desire that, should the County approve the wind testing towers, they remain in place no longer than eighteen (18) months.

II. PETITIONER'S INITIAL PRESENTATION

On behalf of Petitioner, EDF, Mr. Saliterman again identified the nature of the wind testing towers and their physical characteristics. He handed out a photo packet for the audience to review during the hearing. Mr. Saliterman summarized EDF's written responses to the County criteria applicable to a Special Use application in the A-1 Agricultural District, as contained in the application, and identified several changes to the marker ball locations so as to increase the visibility of the guywires which will provide the stability and support for the towers, if erected. EDF requested a three (3) year time period for the Special Use application, if approved. Mr.

Saliternnan also gave a general background of the company (EDF), and a brief description of prior projects, including solar energy production in addition to wind energy production.

III. QUESTIONS FOR THE PETITIONER

The following persons had questions for the Petitioner regarding the Special Use Application:

1. Larry Sofranko, Malta Township. Mr. Sofranko inquired of the impact of government assistance or subsidies to EDF if the project is delayed by a year. EDF responded that it does not receive government assistance.
2. James Hutcheson, South Grove Township. Mr. Hutcheson asked Mr. Saliternnan to identify various definitions found in the County code, and presented four (4) photographs for identification and presentation at the hearing. Mr. Hutcheson also presented notes, which have been incorporated into the record.
3. Matt Anderson, Malta Township. Mr. Anderson asked the EDF representative about the anchoring of the guywires, the size of the guywires, and noise issues.
4. John Goddard, identified as an agent for farmland in DeKalb County. Mr. Goddard inquired as to the purpose of the application for the towers.
5. Sarah Laughlin, Mayfield Township. Mrs. Laughlin asked if there were other factors that come into play in the decision to proceed or not, besides the wind data.
6. Sue Gulke, South Grove Township. Mrs. Gulke asked about the subject farms on which the towers are sought to be constructed.
7. Mel Haas, Milan Township. Mr. Haas asked about an environmental study, and whether the testing tower locations would be used for wind data, or also be used to determine siting for future wind towers. Mr. Haas also had questions concerning the population density of DeKalb County, and the potential for the decline in property values at the mere mention of future installation of wind testing towers.
8. John Lyon, Mayfield Township. Mr. Lyon asked if the data received by EDF if the testing towers are constructed will be shared with the County or remain

proprietary to EDF. Mr. Saliterman indicated the data would remain proprietary to EDF.

9. Rich Reynolds, South Grove Township. Mr. Reynolds asked whether the test parcels were owner-occupied or not.
10. Heidi Wright, Malta Township. Mrs. Wright asked how often does it occur that testing towers are constructed and the data does not support the anticipated wind farm project. Mrs. Wright had additional questions concerning costs of the testing towers.
11. Bob Unger, Mayfield Township. Mr. Unger asked why doesn't EDF share the data collected.
12. Ron Stafranskie, Milan Township. Mr. Stafranskie had questions concerning the radio frequency used by the testing towers to transmit data, and concerns about radio frequency interference. On behalf of EDF, Mr. Saliterman stated that the data is transmitted via cell tower to cell tower. Mr. Stafranskie also inquired of any safety features around the towers, such as fencing around the towers.
13. Brad Belanger, South Grove Township. Mr. Belanger provided notes and other information to be incorporated into the record. Additionally, Mr. Belanger questioned whether EDF was "putting the cart before the horse" in this matter, due to the County moratorium. Mr. Belanger read the County criteria and statement of goals for the A-1, Agricultural District. Mr. Belanger also asked EDF several definitions contained in the County criteria for evaluation. Mr. Belanger also had questions concerning cables that may be left in the ground after the dismantling and removal of the wind testing towers. Mr. Belanger also inquired as to the location of the marker balls, and their height on the guywires. Mr. Belanger also asked about the EDF proposal for cattle guards and high visibility sleeves around the anchor points.
14. Steve Beckler, Mayfield Township. Mr. Beckler questioned EDF as to how it chose Dekalb County as a viable location. Mr. Beckler also questioned EDF as to who would use and benefit from the electricity generated.
15. Theresa Phillips, South Grove Township. Mrs. Phillips questioned the private nature of meetings between EDF and some prospective landowners.

16. Donna Romain, South Grove Township. Mrs. Romain questioned why the community was not more involved in the preliminary meetings with prospective landowners. Mrs. Romain also asked about the existence of any moving parts on the testing towers, and the impact of the towers on flying bats such as the lungs of the bats being "sucked out", and whether there will be flashing lights. Mrs. Romain asked about fire danger from lightning, and EDF responded there is a lightning rod, and grounding wire, proposed for each testing tower.
17. Ron Korth, Malta Township. Mr. Korth questioned the data and where it goes. Mr. Saliterman stated the information goes to EDF offices, and is evaluated by wind resource personnel in San Diego.

IV. COMMENTS IN FAVOR

NONE

V. COMMENTS OPPOSED

The following persons went on record as opposing the Special Use application for the wind testing towers proposed by EDF:

1. Jennifer Bunker, South Grove Township.
2. Ron Stafranski, Milan Township.
3. Chris Bonine, South Grove Township.
4. Curt Lange, Sycamore.
5. Theresa Philipf.
6. Mel Haas, Milan Township
7. Ann Carlson, South Grove Township.
8. Denise Corbin, Malta Township.
9. Ray Hambaugh, Dekalb.
10. Roger Craigmille, Milan Township.
11. Katie Stoddard, South Grove Township, representing six members of the Weaver Family.
12. Sarah Laughlin, Mayfield Township.
13. James Kirkpatrick, South Grove Township.
14. Ben Ritter, Malta Township.
15. Kieth Salis, South Grove Township.
16. David Wester, DeKalb Township.
17. Heidi Wright, Malta Township.

18. Larry Stafranskie, Malta Township.
19. Steve Meyer, Malta Township.
20. John Goddard, DeKalb Township, representing the Goddard family.
21. Ken Stark, Malta Township.
22. Ann Hutcheson, South Grove Township.
23. Sue Gulke, South Grove Township.
24. David Wester.
25. Donna Romaine, South Grove Township.
26. Lisa Brewer, South Grove Township.
27. Renee Krabbe, South Grove Township.
28. Kurtis Gilkes, South Grove Township.
29. Mark Laughlin, Mayfield Township.
30. Keith Krabbe, South Grove Township.
31. Lorraine Krabbe, South Grove Township.
32. Jill Vodden, South Grove Township.
33. Steve Lyons, South Grove Township.
34. Karen Unger, Mayfield Township.
35. Bob Unger, Mayfield Township.
36. Linda Harris, DeKalb Township.
37. Bernie Harris, DeKalb Township.
38. Juanita Miton, Malta Township.
39. Debra Netzley, Kingston Township.
40. Joe Golotta, South Grove Township.
41. Jan Sofranko, Malta Township.
42. Matt Anderson, Malta Township.
43. Rich Reynolds, South Grove Township.
44. Jim Dionisopoulos, Sycamore Township.
45. Tana Knetsch, City of Sycamore.
46. Marlin Anderson, Malta Township.
47. Stanley Knetsch, DeKalb Township.
48. James Hutcheson, South Grove Township.
49. Clyde Netzle, Kingston Township.

The general comments and concerns included the following:

1. The perceived secretive nature of the conversations with landowners by EDF, as well as perceived lack of transparency by EDF regarding the project.
2. The perceived potential for loss of property values.
3. The impact on the views of the adjacent properties.

4. The general very vocal opposition to the wind testing towers, wind turbines and wind projects, in general.
5. Many individuals expressed dismay that the wind testing towers were not subject to the current County moratorium on wind farms, and questioned if even the consideration of wind testing towers was not premature, under the circumstances.
6. Several individuals expressed concern about what would be left behind if/when the wind testing towers were removed, and safety issues concerning the wind testing towers during their operation.
7. Several individuals noted the goals of the A-1, Agricultural District, as stated in County code, and stated their opinions that construction of the wind testing towers would not further those goals.
8. Several people made mention of the goals of democratic government as being the expression of the will of the people, and hoped that this Hearing Officer and the County would strongly consider the expressed will of the people on this particular matter.

Analysis and Recommendation:

After consideration of the above and foregoing, and after additional consideration of the examples of Special Uses permitted in the A-1 Agricultural District and the evaluation criteria contained in Section 9.02.B.3 and addressed by EDF in its application, I continue to find and recommend approval of the Special Use Application. I hereby reincorporate my initial findings and recommendations, in their entirety, as though fully set forth herein.

I again recommend that the County approve the Special Use Application of EDF for the sole and limited purpose of constructing two temporary meteorological towers on the subject parcels. This recommendation is again limited to that narrowly stated purpose and objective, in order to collect and transmit wind information data to EDF. This recommendation is not to be construed as a recommendation or consideration of wind turbines or other mechanical apparatus by EDF or any other entity, as any such future proposals are or will be subject to a new application and appropriate hearings, in the future, if such application is made, after the expiration of the current County moratorium.

Further, I continue to recommend that EDF satisfy County's concerns regarding the temporary nature of the testing towers, by completing construction and removing the towers no later than 18 months after approval by County, or such lesser time period as may be stipulated and agreed to by County and EDF. I find that EDF's request for a three-year period for such installation and ultimate removal is too long of a period of time and would defeat the application's stated objective of the towers' "temporary" nature. Further, the 18-month time period requested by County corresponds, approximately, to the term of the current wind farm moratorium and thus is an appropriate time period under the circumstances.

As before, I recommend that any County approval be subject to EDF providing an irrevocable bond, letter of credit, or other security instrument, in form and amount to be determined by County, to ensure the removal of the temporary wind testing towers.

Respectfully submitted,



Dale J



**DeKalb County
Community Development Department**

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188

planningdept@dekalbcounty.org

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Derek M. Hiland
Director

DATE: May 15, 2017

SUBJECT: EDF Renewable Development, Inc. Special Use Permit
Petition SG-17-01

EDF Renewable Development, Inc. has filed a petition for a Special Use Permit in accordance with the requirements of Section 9.02.B of the DeKalb County Zoning Ordinance. The request is to accommodate the construction and operation of two “wind testing towers” on 1) portion of a property located on the east side of McQueen Road between Mowers Road and State Route 64 and 2) on a portion of a property located at the southeast corner of Glawe and Byers Roads both in South Grove Township. The subject properties are zoned A-1, Agricultural District.

DeKalb County Hearing Officer Dale Clark conducted two public hearings on these requests on January 26, 2017 and on April 6, 2017. The petitioners explained that the purpose of the wind testing towers are to determine whether or not wind turbine “farms” for the generation of electricity are viable in the general area. The proposed 199-foot-tall towers may be in place as long as 1.5 years. No members of the public spoke in favor of the request, 60+ members of the public spoke in opposition to wind farms/testing towers and six asked questions regarding the data that would be generated.

The Hearing Officer has forwarded his Report and Recommendation, and recommends approval of the Special Use Permit, with the condition that the Permit be valid for a maximum of 1.5 years (18 months), that an irrevocable letter of credit insuring that the towers are removed and only one such wind testing tower shall be permitted on each subject property for the purpose identified in the background materials. The first public hearing raised concerns regarding guy wires and the petitioner has agreed to install additional marker balls on the wires therefore making the towers more visible for aircraft. The Planning and Zoning Committee is requested to consider the application and the recommendation of the Hearing Officer, and forward a recommendation to the full County Board for action by ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: P.J. Saliterman
EDF, Renewable Development Inc.

DMH;dmh

P:\Zoning\Special Uses\P&ZMemos\2017\EDF SG-17-01 cont'd.docx

**RESOLUTION
R2017-93**

WHEREAS, the Illinois Solid Waste Planning and Recycling Act, 415 ILCS 15/1 et. seq., required each County to adopt a solid waste management plan for the management of solid waste within its boundaries; and

WHEREAS, the County of DeKalb adopted its Solid Waste Management Plan ("Plan") on April 19, 1995, and the Plan Twenty-Year update on July 15, 2015; and

WHEREAS, development and operation of the DeKalb County Landfill Expansion has begun, which Expansion will provide waste disposal capacity to the County and its residents for at least the next 20 years; and

WHEREAS, the Expansion meets any need for pollution control facilities in DeKalb County for at least the next 20 years; and

WHEREAS, the amendment is in the best interest of the health, safety and welfare of DeKalb County and its residents; and

WHEREAS, the DeKalb County Health Department has reviewed the amendment and recommends its adoption.

NOW THEREFORE BE IT RESOLVED that the DeKalb County Board hereby approves that the 2015 Plan Recommendation under Task 14 is amended as underlined below:

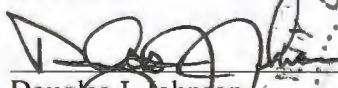
**TASK 14: RESEARCH AND AMEND FACILITY SITING/FILING FEE ORDINANCE
AND DEVELOP AND ADOPT LANDFILL SITING CRITERIA**

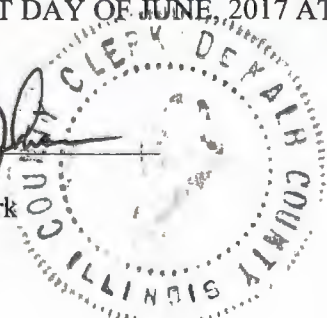
Task #	2015 PLAN RECOMMENDATION
14-1	DeKalb County Board voted to approve Waste Management of Illinois, Inc., for Site Location of the DeKalb County Landfill Expansion. - Resolution #R2010-31. Therefore, siting applications for <u>landfills new or expanded pollution control facilities are no longer necessary not needed for DeKalb County through the end of the County's guaranteed capacity at the DeKalb County Landfill. However, the Board may consider applications for other pollution control facilities as deemed necessary and appropriate by the County Board.</u>

Task #	2015 PLAN RECOMMENDATION
<u>14-2</u>	<u>Any applicant seeking site location approval for a new or expanded pollution control facility anywhere in DeKalb County must negotiate a host agreement with the County prior to filing a site location application. The host agreement must contain, at a minimum, engineered safeguards, environmental indemnities, a need determination, and host fees which are not less than the County's Host Community Agreement as approved by the County Board on March 18, 2009 for each ton of waste received for processing, storage, treatment or disposal.</u>


PASSED THIS 21ST DAY OF JUNE, 2017 AT SYCAMORE, ILLINOIS

ATTEST:


Douglas J. Johnson
DeKalb County Clerk



SIGNED:


Mark Pietrowski, Jr.
County Board Chairman



Resolution for Improvement
Under the Illinois Highway Code



Resolution Number	Resolution Type	Section Number
R2017-87	Original	15-00250-00-RS

BE IT RESOLVED, by the Board of the County
Governing Body Type Local Public Agency Type
of DeKalb Illinois that the following described street(s)/road(s)/structure be improved under
Name of Local Public Agency
the Illinois Highway Code. Work shall be done by Contract
Contract or Day Labor

For Roadway/Street improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
+ Somonauk Road	3.32	CH-12	North Avenue	Conlin Avenue

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed
+				

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

bituminous paving of Somonauk Road with the combination of hot-mix asphalt and aggregate shoulders

2. That there is hereby appropriated the sum of Fifteen Thousand

Dollars (\$15,000.00) for the improvement of

said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Douglas J. Johnson County Clerk in and for said County
Name of Clerk Local Public Agency Type Local Public Agency Type
of DeKalb in the State aforesaid, and keeper of the records and files thereof, as provided by
Name of Local Public Agency
statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Board of DeKalb at a meeting held on June 21, 2017
Governing Body Type Name of Local Public Agency Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21st day of June, 2017
Day Month, Year

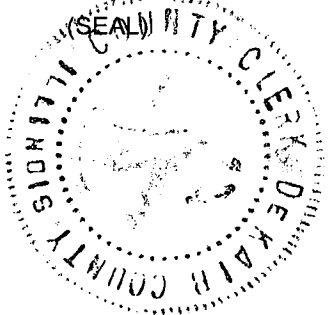
Clerk Signature

Approved

Regional Engineer
Department of Transportation

Date

--	--

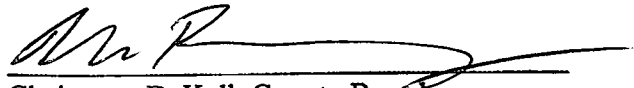


RESOLUTION #R2017-88

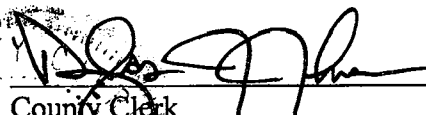
WHEREAS, the Highway Committee of the DeKalb County Board deems it appropriate to enter into an agreement with the State of Illinois for the resurfacing and upgrading of Somonauk Road (CH-12) (FAU 5363) to an 80,000 pound truck route from North Avenue in Cortland, Illinois and proceeding northerly to Conlin Avenue in the City of Sycamore, Illinois for a distance of 3.32 miles, said improvements to be designated as Section 15-00250-00-RS and with an Engineer's Construction Estimate of One Million, Fifty Thousand Dollars (\$1,050,000.00) with the local share to be Five Hundred Ninety-Seven Thousand One Hundred Fifty Dollars (\$597,150.00).

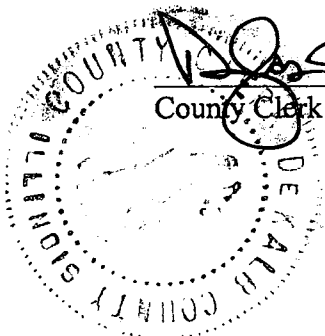
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does authorize its chairman to execute an appropriate Truck Access Route Program (TARP) Agreement with the State of Illinois.


PASSED AT SYCAMORE, ILLINOIS THIS 21ST DAY OF JUNE 2017, A.D.


Chairman, DeKalb County Board

ATTEST:


County Clerk



Local Agency DeKalb County	 Illinois Department of Transportation Truck Access Route Program (TARP) Agreement	Job Number - Construction
Section 15-00250-00-RS		Job Number - Engineering

This Agreement is made and entered into between the above local agency hereinafter referred to as "LA", and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as shown below.

Location

Local Name Somonauk Road Route FAU5363 Lane Miles 6.64

Number of Eligible Intersections 0

Termini North Avenue in Town of Cortland north to Conlin Road in the City of Sycamore

Current Jurisdiction County of DeKalb

Project Description

This project includes the bituminous paving of Somonauk Road with the combination of Hot-Mix Asphalt and aggregate shoulders throughout the project,

Division of Cost

Type of Work	TARP (1)	LA (2)	MFT	Total
Participating Construction	273,600	597,150	179,850	1,050,000
Non-Participating Construction				0
Preliminary Engineering				0
Construction Engineering		52,500		52,500
				0
				0
				0
TOTAL	\$273,600	\$649,650	\$179,850	\$1,102,500

Note

- 1/ It is mutually agreed that the STATE'S share of the PROJECT cost under the Truck Access Route Program shall be a lump sum amount of \$273,600 not to exceed 50% of the final construction cost, whichever is the lesser.
- 2/ Any remaining balance shall be the responsibility of the LA.

Upon award of the project and request of payment from the LA, the STATE will pay the LA its share of the project costs.

Agreement Provisions

1. It is mutually agreed that the PROJECT will be processed, let and constructed in accordance with Motor Fuel Tax standards, policies and procedures.
2. Construction of the PROJECT will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction.
3. The LA will certify to the STATE that all necessary right-of-way, temporary and permanent easements, and temporary use permits have been obtained or are not required, prior to the LA advertising for bids for the PROJECT.
4. The PROJECT will be let and awarded by the LA upon approval of the plans and specifications by the STATE.
5. The LA agrees to retain jurisdiction and to maintain or cause to be maintained in a manner satisfactory to the STATE, the completed PROJECT.
6. Upon approval of the final plans and specifications by the STATE and the LA, the LA agrees to accept bids and award the contract for construction of the proposed improvements after receipt of a satisfactory bid and after concurrence in the award has been received from the STATE and provide, or cause to be provided, all of the initial funding necessary to complete the project subject to partial reimbursement by the STATE.
7. The LA agrees to pass an ordinance/resolution clearly defining the limits of the proposed 80,000 pound truck route and identifying the truck route class. A copy of said ordinance/resolution is attached as Exhibit B. Such truck route shall be properly signed in accordance with the Illinois Manual on Uniform Traffic Control Devices. Cost of truck route signing is included in estimated cost of the PROJECT.
8. The LA shall maintain, for a minimum of 3 years after the completion of the project, adequate books, records, and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with this Agreement. All books, records, and supporting documents related to the project shall be available for review and audit by the Auditor General and the Department. The LA agrees to cooperate fully with any audit conducted by the Auditor General and the Department and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract of which adequate books, records, and supporting documentation are not available to support their purported disbursement.
9. Obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly fails to appropriate or otherwise make available funds for the work contemplated herein.
10. All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.
11. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

Local Agency DeKalb County	Section 15-00250-00-RS
-------------------------------	---------------------------

EXHIBITS

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Exhibit A - Location Map

Exhibit B - 80,000lb Truck Route Resolution/Ordinance

Exhibit C - County Ordinance Approving TARP Agreement

The LA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all exhibits indicated above.

APPROVED

Local Agency

Mark Pietrowski, Jr.

Name of Official (Print or Type Name)

DeKalb County Board Chairman

Title (County Board Chairperson/Mayor/Village President/etc.)

 6-21-17

(Signature) Date

The above signature certifies the agency's TIN number is
36-6006-548 conducting business as a Governmental
Entity.

NOTE: If signature is by an APPOINTED official, a resolution
authorizing said appointed official to execute this agreement is
required.

APPROVED

State of Illinois
Department of Transportation

Randall S. Blankenhorn, Secretary of Transportation

Date

By:

Aaron A. Weatherholt, Deputy Director of Highways

Date

Omer Osman, Director of Highways/Chief Engineer

Date

William M. Barnes, Chief Counsel

Date

Jeff Heck, Chief Fiscal Officer (CFO)

Date

Local Agency
DeKalb County

Section
15-00250-00-RS



**Illinois Department
of Transportation**

**Resolution #R2017-89
Resolution Establishing a
Class II or Class III Designated
Truck Route**

WHEREAS, the State of Illinois by its General Assembly has enacted the Illinois Vehicle Code; and

WHEREAS, 625 ILCS 5/1-126.1 provides that local authorities may designate Class II or Class III highways within their jurisdiction, and in accordance with 625 ILCS 5/15-111(f), weight limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the Local Agency, DeKalb County, is desirous of providing a truck route for the purpose of accommodating a load limit of 80,000 pounds:

NOW THEREFORE, BE IT RESOLVED, that the portions of Somonauk Road beginning at the intersection of North Avenue and extending to Bethany Road for 3.03 miles be designated as a:

☐ Class II Truck Route or ☒ Class III Truck Route.

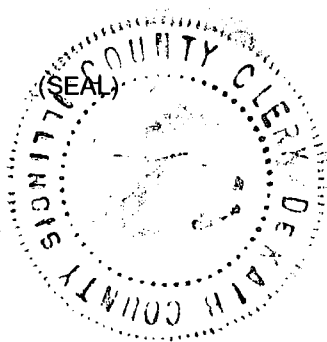
Ayes: 24
Nays: 0
Absent: 0

Name Mark Pietrowski, Jr.
Title County Board Chairman
Signature [Signature]

STATE OF ILLINOIS)
) SS
COUNTY OF DeKalb)

I, Douglas J. Johnson, Clerk, in and for the Local Agency and State aforesaid, and keeper of the records and files of said office, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Local Agency, DeKalb County at their Adjourned Meeting held on 06/21/17.

IN TESTIMONY WHEREOF, I witness my hand and seal of the Local Agency, DeKalb County this 21st day of June, 2017.



[Signature]
Clerk

RESOLUTION #R2017-90

WHEREAS, bids have been invited for improvements on Somonauk Road in DeKalb County, and

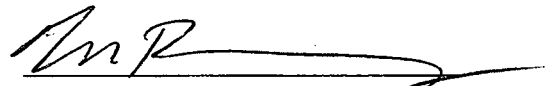
WHEREAS, Curran Contracting Company from Crystal Lake, Illinois has submitted the low bid meeting specifications.

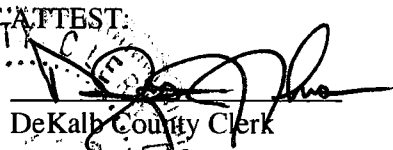
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve the awards as set forth herein below:

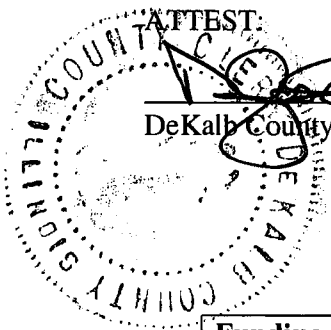
CURRAN CONTRACTING COMPANY:

- (a) In the amount of Seven Hundred Forty-Seven Thousand One Hundred Fifty-One Dollars and Thirty-Four cents (\$747,151.34) for the hot-mix overlay and other incidental work of 3.32 miles of Somonauk Road between North Avenue in the Town of Cortland and Conlin Avenue in the City of Sycamore, under Section 15-00250-00-RS in Cortland Road District.

PASSED AT SYCAMORE, ILLINOIS THIS 21ST DAY OF JUNE, 2017 A.D.


Chairman, DeKalb County Board

ATTEST:

DeKalb County Clerk



Funding for Award Resolution #R2017-90		Budgeted
County MFT Funds	\$ 12,953.24	\$ 210,000.00
County Matching Tax Funds	\$ 10,598.10	\$ 210,000.00
State TARP Funds	\$ 273,600.00	\$ 273,600.00
Town of Cortland Bond Funds	\$ 450,000.00	\$ 450,000.00
TOTAL	\$ 747,151.34	\$ 1,143,600.00

RESOLUTION
#R2017-91

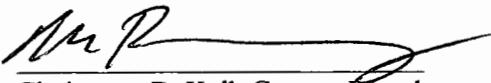
WHEREAS, the Highway Committee of the DeKalb County Board deems it appropriate to enter into an Engineering Agreement with Wendler Engineering Services, Inc. from Dixon, Illinois for the provision of preliminary engineering services incident to the bridge deck rehabilitation and minor approach work within 25 feet of the back of the abutments for Structure Number 019-4801 carrying Barber Greene Road over the East Branch of the South Branch of the Kishwaukee River located in Cortland Road District, DeKalb County; and

WHEREAS, compensation for said services had been established as set forth herein below:

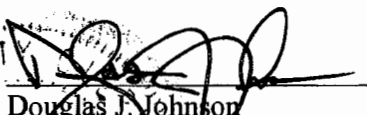
WENDLER ENGINEERING SERVICES, INC: In the amount not to exceed Sixteen Thousand Five Hundred Dollars and Zero Cents (\$16,500.00) for preliminary engineering services for the bridge deck rehabilitation and minor approach work for Structure Number 019-4801 on Barber Greene Road approximately one half mile east of Airport Road located in Cortland Road District, DeKalb County and designated as Section 17-03103-01-BR.

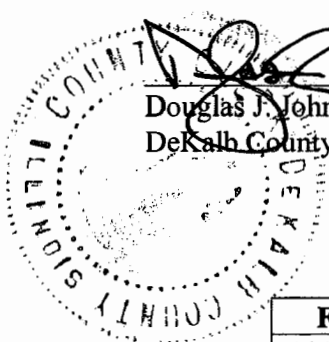
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve entering into the aforesaid Preliminary Engineering Agreement and does hereby authorize its Chairman to execute the pertinent documents.

PASSED AT SYCAMORE, ILLINOIS THIS 21TH DAY OF JUNE, 2017 A.D.



Chairman, DeKalb County Board

ATTEST:


Douglas J. Johnson
DeKalb County Clerk



Funding for Resolution 2017-91	
Aid to Bridge-Professional Services	\$16,500.00
(Property Tax)	

Municipality	L O C A L A G E N C Y	 Illinois Department of Transportation Preliminary Engineering Services Agreement For Motor Fuel Tax Funds	C O N S U L T A N T	Name Wendler Engineering Svcs., Inc.
Township Cortland				Address 698 Timber Creek Rd. PO Box 486
County DeKalb				City Dixon
Section 17-03103-01-BR				State IL

THIS AGREEMENT is made and entered into this _____ day of _____, _____ between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name SN 019-4801 Carrying Barber Greene Road over the East Branch of the South Branch Kishwaukee River

Route TR 133 Length _____ Mi. 117 FT (Structure No. 019-4801)

Termini Bridge deck rehabilitation and minor approach work within 25 feet of back of abutments.

Description:

Engineering services for design and plan preparation of a concrete wearing surface deck overlay. Work shall be completed under roadway closure. Deck surveys to be visual with cores / hammer sounding at areas observed in poor condition.

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
 - a. ☒ Make such detailed surveys as are necessary for the preparation of detailed roadway plans
 - b. ☐ Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
 - c. ☐ Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. ☐ Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. ☐ Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
 - f. ☐ Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
 - g. ☒ Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
 - h. ☒ Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i. ☐ Assist the LA in the tabulation and interpretation of the contractors' proposals
 - j. ☒ Prepare the necessary environmental survey request in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
 - k. ☐ Prepare the Project Development Report when required by the DEPARTMENT.
- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

The LA Agrees,

1. To pay the ENGINEER as compensation for all services performed as stipulated in paragraphs 1a, 1g, 1i, 1j, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
- a. ☐ A sum of money equal to _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
 - b. ☒ A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Hourly to MAXIMUM \$16,500.00
Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	(see note)
Under \$50,000	_____	%
	_____	%
	_____	%
	_____	%
	_____	%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

2. To pay for services stipulated in paragraphs 1h of the ENGINEER AGREES at actual cost of performing such work plus 50 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as material cost plus payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
 - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
 - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus 50 percent incurred up to the time he is notified in writing of such abandonment - "actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 50 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

It is Mutually Agreed,

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

DeKalb County of the
(Municipality/Township/County)

ATTEST:

State of Illinois, acting by and through its

By

[Signature] Clerk

By

Title

[Signature]
DeKalb County Board Chairman

Executed by the ENGINEER:

Wendler Engineering Services, Inc.

698 Timber Creek Road, P.O. Box 486

Dixon, IL 61021

ATTEST:

By

Title

[Signature]
Scott A. Brown
Vice-President

By

Title

[Signature]
David A. Weber
President

Approved

Date

Department of Transportation

Regional Engineer

WENDLER ENGINEERING SERVICES, INC.

Listed below are the personnel classifications and hourly rates of pay for the various personnel that may be employed on this project, the reimbursements for which is in accordance with the provisions of the Contract.

CLASSIFICATIONS	REGULAR HOURLY BILLING RATE
STRUCTURAL ENGINEER	95.00 - 140.00
PROFESSIONAL ENGINEER	90.00 - 130.00
ENGINEER	75.00 - 100.00
RESIDENT ENGINEER	75.00 - 95.00
PROFESSIONAL LAND SURVEYOR	85.00 - 110.00
SURVEY PARTY CHIEF	50.00 - 90.00
SURVEY PARTY MEMBER	40.00 - 80.00
TECHNICIAN II	65.00 - 95.00
TECHNICIAN I	60.00 - 90.00
INSPECTOR	50.00 - 90.00
ADMINISTRATIVE ASSISTANT	35.00 - 55.00

All other outside expenses - Actual Cost + 15%

JULY 1, 2015

RESOLUTION #R2017-92

WHEREAS, bids have been invited by the County of DeKalb for the provision of a new aerial lift truck as specified, and

WHEREAS, Runnion Equipment Company from Lyons, Illinois has submitted the sole bid meeting specifications for the provision of said item;

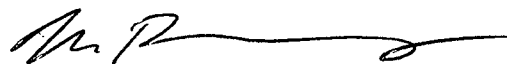
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve an award in the low bid submitted meeting specifications as provided below.

RUNNION EQUIPMENT COMPANY:

- A) Provision of a new 2017 Ford F550 4 x 2 cab and chassis, with a Dur-A-Lift DTAX-39FP Lift and Knapheide Metal Service Body as specified in the amount of Ninety-Seven Thousand Two Hundred Sixty-Two Dollars and Zero Cents (\$97,262.00); and
- B) Trade Allowance for one 1997 GMC 3500 HD with a 1991 Versalift VO29BI aerial lift of Five Thousand Dollars and Zero Cents (\$5,000.00); and
- C) Option provision of placing a 132 inch FX Brand Fiberglass Service Body in place of the Knapheide Metal Service Body for Two Thousand One Hundred Dollars and Zero Cents (\$2,100.00);

Total cost of Aerial Lift Truck with option - \$94,362.00

PASSED AT SYCAMORE, ILLINOIS THIS 21st DAY OF JUNE, 2017 A.D.


Chairman, DeKalb County Board

ATTEST:


DeKalb County Clerk

Funding for Award Resolution 2017-04	Awarded	Budgeted
100% Highway Fund (Property Tax)	\$94,362.00	\$90,000.00

BOARD INFORMATION FROM MAY 31ST BID LETTING:

15-00250-00-RS

Engineer's Estimate	\$	1,046,420.00
---------------------	----	--------------

Curran Contracting Company	\$	747,151.34
-----------------------------------	-----------	-------------------

Peter Baker & Son Company	\$	766,926.80
---------------------------	----	------------

Rock Road Companies	\$	792,952.98
---------------------	----	------------

2017 Aerial Lift Truck

Runnion Equipment Csompany (Sole Bid)	\$	97,262.00
---------------------------------------	----	-----------

Trade Value		-5000
-------------	--	-------

Final Cost	\$	92,262.00
-------------------	-----------	------------------

ORDINANCE NO. O2017-13

SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE),
SERIES 2017, OF THE COUNTY OF DEKALB, ILLINOIS

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF DEKALB,
ILLINOIS, AS FOLLOWS:

Section 1. Authority and Purpose. This ordinance is adopted pursuant to the Counties Code, 55 Illinois Compiled Statutes 5, and the Local Government Debt Reform Act, 30 Illinois Compiled Statutes 350, for the purpose of financing the expansion of the County Jail by the construction of a new County Jail facility, including utility, parking, roadway and site improvements, equipment, software and furnishings (the "Project").

Section 2. Findings and Determinations. It is found and determined that:

A. Pursuant to Ordinance No. 2015-06, adopted by the County Board of the County on July 1, 2015, and entitled: "Ordinance Authorizing the Issuance of \$35,000,000 General Obligation Alternate Bonds of The County of DeKalb, Illinois for the Purpose of Financing the Expansion and Renovation of the County Jail," \$35,000,000 principal amount of general obligation bonds of the County are authorized to be issued as "Alternate Bonds" under the provisions of Section 15 of the Local Government Debt Reform Act for the purpose of financing costs of the Project.

B. Ordinance No. 2015-06, was published in full, together with the statutory statement required by Section 15 of the Local Government Debt Reform Act, on July 8, 2015, in the "*Daily Chronicle*," a newspaper published and of general circulation in the

County and no petition with respect to Ordinance No. 2015-06 was filed with the County Clerk during the 30 day petition period following such publication.

C. Notice of the public hearing required by the Bond Issue Notification Act, 30 Illinois Compiled Statutes 352, as a condition precedent to the sale of the bonds authorized by this ordinance, was published on August 6, 2015, in the "*Daily Chronicle*." Such public hearing was conducted before the County Board of the County on August 19, 2015, and the final adjournment of such hearing took place on August 19, 2015.

D. The Project is for a public purpose and is to be undertaken by the County. Pursuant to Section 15 of the Local Government Debt Reform Act and this ordinance the County will issue its \$33,905,000 principal amount of General Obligation Bonds (Alternate Revenue Source), Series 2017 (the "2017 Bonds"). This ordinance supplements Ordinance No. 2015-06.

E. The 2017 Bonds shall be payable from the following sources (the "Revenue Sources"), each constituting a "Revenue Source" within the meaning of Section 15 of the Local Government Debt Reform Act:

(i) the sales tax receipts derived by the County from taxes imposed under the Use Tax Act, 35 Illinois Compiled Statutes 105, the Service Use Tax Act, 35 Illinois Compiled Statutes 110, the Service Occupation Tax Act, 35 Illinois Compiled Statutes 115, and the Retailer's Occupation Tax Act, 35 Illinois Compiled Statutes 120, including the 1% share of sales tax imposed in unincorporated areas of the County and the 1/4 of 1% supplemental sales tax imposed throughout the County; and

(ii) host community agreement fees to be paid to the County with respect to the DeKalb County Landfill currently operated by Waste Management of Illinois, Inc.

F. No bonds have been heretofore issued pursuant to Ordinance No. 2015-06.

G. The County Board hereby determines that the Revenue Sources will be sufficient to provide in each year to the final maturity of the 2017 Bonds, an amount not less than 1.25 times debt service on (i) the 2017 Bonds, and (ii) all alternate bonds payable from the Revenue Sources previously issued and outstanding.

H. Other than the 2017 Bonds, no other bonds, notes or obligations of the County are secured by a specific pledge of all, or any portion of, the Revenue Sources other than the General Obligation Bonds, Taxable Series 2010A (Build America Bonds – Direct Payment) of the County and the General Obligation Bonds, Taxable Series 2010B (Recovery Zone Economic Development Bonds (Direct Payment) of the County (collectively, the 2010 Bonds”).

I. The determination of the sufficiency of the Revenue Sources is supported by the Independent Auditor’s Report regarding the financial statements of the County for the fiscal year ended December 31, 2016, which Report was prepared by Sikich LLP, certified public accountants and by the Sufficiency Report prepared by Speer Financial, Inc. dated June 21, 2017 and filed with the County Clerk. The Independent Auditor’s Report and the Sufficiency Report are hereby accepted by the County Board.

Section 3. Authorization and Terms of Bonds. The sum of \$33,407,929.50 is appropriated to meet part of the estimated cost of the Project, and to pay the costs of

issuance of the 2017 Bonds. The 2017 Bonds are authorized to be issued and sold in an aggregate principal amount of \$33,905,000, pursuant to applicable provisions of the Counties Code and the Local Government Debt Reform Act for the purpose of financing said appropriation. The 2017 Bonds are “alternate bonds” under the provisions of Section 15 of the Local Government Debt Reform Act and shall be designated “General Obligation Bonds (Alternate Revenue Source), Series 2017.”

The 2017 Bonds shall be issuable in the denominations of \$5,000 or any integral multiple thereof and may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of 2017 Bonds. Unless otherwise determined in the order to authenticate the 2017 Bonds, each 2017 Bond delivered upon the original issuance of the 2017 Bonds shall be dated as of July 12, 2017. Each 2017 Bond thereafter issued upon any transfer, exchange or replacement of 2017 Bonds shall be dated so that no gain or loss of interest shall result from such transfer, exchange or replacement.

The 2017 Bonds shall mature on January 15 in each year shown in the following table in the respective principal amount set forth opposite each such year and the 2017 Bonds maturing in each such year shall bear interest at the respective rate per annum set forth opposite such year:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2020	\$ 375,000	5.000%
2021	405,000	5.000
2022	440,000	5.000
2023	470,000	5.000
2024	505,000	5.000
2025	545,000	5.000
2026	595,000	5.000
2027	630,000	3.000
2029	1,080,000	3.000
2030	2,135,000	3.000
2031	2,240,000	3.125
2032	2,355,000	3.250
2033	2,480,000	3.250
2034	2,280,000	3.250
2035	1,075,000	3.375
2036	1,110,000	3.375
2037	1,150,000	3.500
2039	2,425,000	3.500
2042	3,970,000	3.500
2047	7,640,000	3.625

Each 2017 Bond shall bear interest from its date, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on January 15, 2018 and semiannually thereafter on each January 15 and July 15 at the rates per annum herein determined.

The principal of the 2017 Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the corporate trust office of Zions Bank, a division of ZB National Association, in the City of Chicago, Illinois, which is hereby appointed as bond registrar and paying agent for the 2017 Bonds. Interest on the 2017 Bonds shall be payable on each interest payment date to the registered owners of record thereof appearing on the registration books maintained by the County for such purpose at the principal corporate trust office of the bond registrar, as of the close of business on the 1st day of the calendar month of the applicable

interest payment date. Interest on the 2017 Bonds shall be paid by check or draft mailed to such registered owners at their addresses appearing on the registration books or by wire transfer pursuant to an agreement by and between the County and the registered owner.

The 2017 Bonds maturing on or after January 15, 2027 shall be subject to redemption prior to maturity at the option of the County and upon notice as herein provided, in such principal amounts and from such maturities as the County shall determine and by lot within a single maturity, on January 15, 2026 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.

The 2017 Bonds maturing on January 15, 2029, shall be subject to mandatory redemption, in part and by lot, on January 15, 2028, in the principal amount of \$380,000, constituting a sinking fund installment for the retirement of the 2017 Bonds maturing on January 15, 2029.

The final principal amount of the 2017 Bonds maturing on January 15, 2029, is \$700,000.

The 2017 Bonds maturing on January 15, 2039, shall be subject to mandatory redemption, in part and by lot, on January 15, 2038 in the principal amount of \$1,190,000, constituting a sinking fund installment for the retirement of the 2017 Bonds maturing on January 15, 2039.

The final principal amount of the 2017 Bonds maturing on January 15, 2039, is \$1,235,000.

The 2017 Bonds maturing on January 15, 2042, shall be subject to mandatory redemption, in part and by lot, on January 15 of the years 2040 and 2041, in the

following principal amounts, each constituting a sinking fund installment for the retirement of the 2017 Bonds maturing on January 15, 2042:

<u>Year</u>	<u>Principal Amount</u>
2040	\$1,275,000
2041	1,325,000

The final principal amount of the 2017 Bonds maturing on January 15, 2042, is \$1,370,000.

The 2017 Bonds maturing on January 15, 2047, shall be subject to mandatory redemption, in part and by lot, on January 15 of the years 2043 to 2046, both inclusive, in the following principal amounts, each constituting a sinking fund installment for the retirement of the 2017 Bonds maturing on January 15, 2047:

<u>Year</u>	<u>Principal Amount</u>
2043	\$1,420,000
2044	1,470,000
2045	1,525,000
2046	1,585,000

The final principal amount of the 2017 Bonds maturing on January 15, 2047, is \$1,640,000.

All 2017 Bonds subject to mandatory sinking fund redemption shall be redeemed at a redemption price equal to the principal amount thereof to be redeemed. The bond registrar is hereby authorized and directed to mail notice of the mandatory sinking fund redemption of the 2017 Bonds in the manner herein provided.

Whenever 2017 Bonds subject to mandatory sinking fund redemption are redeemed at the option of the County, the principal amount thereof so redeemed shall be credited against the unsatisfied balance of future sinking fund installments or final

principal amount established with respect to such 2017 Bonds, in such amounts and against such installments or final principal amount as shall be determined by the County in the proceedings authorizing such optional redemption or, in the absence of such determination, shall be credited pro-rata against the unsatisfied balance of the applicable sinking fund installments and final principal amount.

On or prior to the 60th day preceding any sinking fund installment date, the County may purchase 2017 Bonds, which are subject to mandatory redemption on such sinking fund installment date, at such prices as the County shall determine. Any 2017 Bond so purchased shall be cancelled and the principal amount thereof so purchased shall be credited against the unsatisfied balance of the next ensuing sinking fund installment of the 2017 Bonds of the same maturity as the 2017 Bond so purchased.

In the event of the redemption of less than all the 2017 Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be \$5,000 or an integral multiple thereof and the bond registrar shall assign to each 2017 Bond of such maturity a distinctive number for each \$5,000 principal amount of such 2017 Bond and shall select by lot from the numbers so assigned as many numbers as, at \$5,000 for each number, shall equal the principal amount of such 2017 Bonds to be redeemed. The 2017 Bonds to be redeemed shall be the 2017 Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each 2017 Bond shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected.

Notice of the redemption of 2017 Bonds shall be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of 2017 Bonds to be redeemed at their last addresses appearing on said

registration books. The 2017 Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the 2017 Bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such 2017 Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a 2017 Bond, the County shall execute and the bond registrar shall authenticate and deliver, upon the surrender of such 2017 Bond, without charge to the owner thereof, in exchange for the unredeemed balance of the 2017 Bond so surrendered, 2017 Bonds of like maturity and of the denomination of \$5,000 or any integral multiple thereof.

The bond registrar shall not be required to transfer or exchange any 2017 Bond after notice of the redemption of all or a portion thereof has been mailed. The bond registrar shall not be required to transfer or exchange any 2017 Bond during a period of 15 days next preceding the mailing of a notice of redemption that could designate for redemption all or a portion of such 2017 Bond.

Section 4. Sale and Delivery. The 2017 Bonds are sold to Robert W. Baird & Co., Inc., as purchaser, at a price of \$33,407,929.50 and accrued interest from their date to the date of delivery and payment therefor. The Official Statement prepared with respect to the 2017 Bonds is approved and “deemed final” as of its date for purposes of

Securities and Exchange Commission Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

The Chairman of the County Board, the County Clerk and other officials of the County are authorized and directed to do and perform, or cause to be done or performed for or on behalf of the County each and every thing necessary for the issuance of the 2017 Bonds, including the proper execution and delivery of the 2017 Bonds and the Official Statement.

Section 5. Execution and Authentication. Each 2017 Bond shall be executed in the name of the County by the manual or authorized facsimile signature of the Chairman of the County Board and the corporate seal of the County, or a facsimile thereof, shall be thereunto affixed or otherwise reproduced thereon and attested by the manual or authorized facsimile signature of its County Clerk.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any 2017 Bond shall cease to hold such office before the issuance of the 2017 Bond, such 2017 Bond shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such 2017 Bond had not ceased to hold such office. Any 2017 Bond may be signed, sealed or attested on behalf of the County by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such 2017 Bond such person may not have held such office. No recourse shall be had for the payment of any 2017 Bonds against any officer who executes the 2017 Bonds.

Each 2017 Bond shall bear thereon a certificate of authentication executed manually by the bond registrar. No 2017 Bond shall be entitled to any right or benefit

under this ordinance or shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the bond registrar.

Section 6. Transfer, Exchange and Registry. The 2017 Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein. Each 2017 Bond shall be transferable only upon the registration books maintained by the County for that purpose at the corporate trust office of the bond registrar, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the bond registrar and duly executed by the registered owner or his duly authorized attorney. Upon the surrender for transfer of any such 2017 Bond, the County shall execute and the bond registrar shall authenticate and deliver a new 2017 Bond or Bonds registered in the name of the transferee, of the same aggregate principal amount, maturity and interest rate as the surrendered 2017 Bond. 2017 Bonds, upon surrender thereof at the corporate trust office of the bond registrar, with a written instrument satisfactory to the bond registrar, duly executed by the registered owner or his attorney duly authorized in writing, may be exchanged for an equal aggregate principal amount of 2017 Bonds of the same maturity and interest rate and of the denominations of \$5,000 or any integral multiple thereof.

For every such exchange or registration of transfer of 2017 Bonds, the County or the bond registrar may make a charge sufficient for the reimbursement of any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such

exchange or transfer. No other charge shall be made for the privilege of making such transfer or exchange. The provisions of the Illinois Bond Replacement Act shall govern the replacement of lost, destroyed or defaced 2017 Bonds.

The County and the bond registrar may deem and treat the person in whose name any 2017 Bond shall be registered upon the registration books as the absolute owner of such 2017 Bond, whether such 2017 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of or interest thereon and for all other purposes whatsoever, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such 2017 Bond to the extent of the sum or sums so paid, and neither the County nor the bond registrar shall be affected by any notice to the contrary.

Section 7. General Obligations. The full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the 2017 Bonds. The 2017 Bonds shall be direct and general obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property in the County for the payment of the 2017 Bonds and the interest thereon, without limitation as to rate or amount.

Section 8. Pledge of Revenue Sources. The Revenue Sources are pledged to the payment of the 2017 Bonds on a parity with pledge of the Revenue Sources as security for the payment of the 2010 Bonds. The County Board, on behalf of the County, to the extent it is empowered to do so, covenants to provide for, collect and apply the Revenue Sources to the payment of the 2017 Bonds and the provision of not less than an additional .25 times the annual debt service on the 2017 Bonds.

The pledge of the Revenue Sources herein provided for the payment of the 2017 Bonds may be made junior and subordinate to any pledge of Revenue Sources hereafter made for the benefit and security of the owners of bonds of the County payable from, or issued with respect to, the Revenue Sources. The County may issue additional bonds payable from, and secured by a lien on, the Revenue Sources, on a parity with the 2017 Bonds.

The County shall apply the Revenue Sources in an amount that shall be sufficient to provide for the timely payment of the principal of and interest on the 2017 Bonds as the same shall become due and payable.

Section 9. Form of Bonds. The 2017 Bonds shall be issued as fully registered bonds and shall be in substantially the following form, the blanks to be appropriately completed when the 2017 Bonds are printed:

No. _____

United States of America
State of Illinois
THE COUNTY OF DEKALB
GENERAL OBLIGATION BOND (ALTERNATE REVENUE SOURCE),
SERIES 2017

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
. %	January 15, ____	July 12, 2017	_____

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT:

THE COUNTY OF DEKALB, a political subdivision of the State of Illinois, acknowledges itself indebted and for value received hereby promises to pay to the registered owner of this bond, or registered assigns, the principal amount specified above on the maturity date specified above, and to pay interest on such principal

amount from the date hereof at the interest rate per annum specified above, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on January 15, 2018 and semiannually thereafter on January 15 and July 15 in each year until the principal amount shall have been paid, to the registered owner of record hereof as of the 1st day of the calendar month of the applicable interest payment date, by wire transfer pursuant to an agreement by and between the County and the registered owner, or otherwise by check or draft mailed to the registered owner at the address of such owner appearing on the registration books maintained by the County for such purpose at the corporate trust office of Zions Bank, a division of ZB National Association, in the City of Chicago, Illinois, as bond registrar or its successor (the "Bond Registrar"). This bond, as to principal when due, will be payable in lawful money of the United States of America upon presentation and surrender of this bond at the corporate trust office of the Bond Registrar. The full faith and credit of the County are irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

This bond is one of a series of bonds issued in the aggregate principal amount of \$33,905,000, which are authorized and issued under and pursuant to the Counties Code and the Local Government Debt Reform Act and under and in accordance with an ordinance adopted by the County Board of the County on July 1, 2015 and entitled: "Ordinance Authorizing the Issuance of \$35,000,000 General Obligation Alternate Bonds of The County of DeKalb, Illinois for the Purpose of Financing the Expansion and Renovation of the County Jail" as supplemented by an ordinance adopted by said County Board on June 21, 2017 and entitled: "Supplemental Ordinance Providing for

the Issuance of General Obligation Bonds (Alternate Revenue Source), Series 2017, of The County of DeKalb, Illinois” (the “Bond Ordinance”).

This bond is an “alternate bond” issued pursuant to Section 15 of the Local Government Debt Reform Act and is also secured by a pledge of sales tax receipts and host community agreement fees with respect to the DeKalb County Landfill to the extent, and in the manner, provided in the Local Government Debt Reform Act and the Bond Ordinance.

The bonds of such series maturing on or after January 15, 2027 are subject to redemption prior to maturity at the option of the County and upon notice as herein provided, in such principal amounts and from such maturities as the County shall determine and by lot within a single maturity, on January 15, 2026 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.

The bonds of such series maturing in the years 2029, 2039, 2042 and 2047 (the “Term Bonds”) are subject to mandatory redemption, in part and by lot, on January 15 of the years and in the respective principal amounts set forth in the following tables, by the application of sinking fund installments, at a redemption price equal to the principal amount thereof to be redeemed:

2029 Term Bonds		2039 Term Bonds	
<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2028	\$380,000	2038	\$1,190,000

2042 Term Bonds		2047 Term Bonds	
Year	Principal Amount	Year	Principal Amount
2040	\$1,275,000	2043	\$1,420,000
2041	1,325,000	2044	1,470,000
		2045	1,525,000
		2046	1,585,000

Notice of the redemption of bonds will be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of bonds to be redeemed at their last addresses appearing on such registration books. The bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such bonds or portions thereof shall cease to accrue and become payable.

This bond is transferable only upon such registration books by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof at the corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his duly authorized attorney, and thereupon a new registered bond or bonds, in the authorized denominations of \$5,000 or any integral multiple thereof and of the same aggregate principal amount, maturity and interest rate as this bond shall be issued to the transferee in exchange therefor. In like manner, this bond may be

exchanged for an equal aggregate principal amount of bonds of the same maturity and interest rate and of any of such authorized denominations. The County or the Bond Registrar may make a charge sufficient for the reimbursement of any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this bond. No other charge shall be made for the privilege of making such transfer or exchange. The County and the Bond Registrar may treat and consider the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that this bond is issued in part pursuant to the Local Government Debt Reform Act, that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this bond in order to make it a legal, valid and binding obligation of the County have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of bonds of which this bond is one, together with all other indebtedness of the County, is within every debt or other limit prescribed by law.

IN WITNESS WHEREOF, The County of DeKalb has caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of the Chairman of its County Board, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or facsimile signature of its County Clerk.

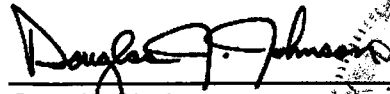
Dated: July 12, 2017

THE COUNTY OF DEKALB

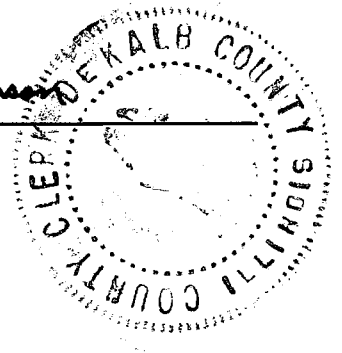


Chairman, County Board

Attest:



County Clerk



CERTIFICATE OF AUTHENTICATION

This bond is one of the General Obligation Bonds (Alternate Revenue Source), Series 2017, described in the within mentioned Ordinance.

ZIONS BANK, a division of ZB National Association, as Bond Registrar

By _____
Authorized Signer

ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto _____

the within bond and hereby irrevocably constitutes and appoints _____

attorney to transfer the said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated _____

Signature Guarantee:

Section 10. Levy and Extension of Taxes. For the purpose of providing the money required to pay the interest on the 2017 Bonds when and as the same falls due and to pay and discharge the principal (including mandatory sinking fund installments) thereof as the same shall mature, there is hereby levied upon all the taxable property in the County, in each year while any of the 2017 Bonds shall be outstanding, a direct annual tax sufficient for that purpose in addition to all other taxes, as follows:

<u>Tax Levy Year</u>	<u>A Tax Sufficient to Produce</u>
2017	\$1,198,106.26
2018	1,573,106.26
2019	1,584,356.26
2020	1,599,106.26
2021	1,607,106.26
2022	1,618,606.26
2023	1,633,356.26
2024	1,656,106.26
2025	1,661,356.26
2026	1,392,456.26
2027	1,701,056.26
2028	3,115,056.26
2029	3,156,006.26
2030	3,201,006.26
2031	3,249,468.76
2032	2,968,868.76
2033	1,689,768.76
2034	1,688,487.50
2035	1,691,025.00
2036	1,690,775.00
2037	1,694,125.00
2038	1,690,900.00
2039	1,696,275.00
2040	1,694,900.00
2041	1,696,950.00
2042	1,695,475.00
2043	1,697,187.50
2044	1,701,906.26
2045	1,699,450.00

Interest or principal coming due at any time when there shall be insufficient funds on hand to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the taxes herein levied; and when said taxes shall have been collected, reimbursement shall be made to the said funds in the amounts thus advanced.

As soon as this ordinance becomes effective, a certified copy thereof, shall be filed with the County Clerk, who is hereby directed to ascertain the rate per cent required to produce the aggregate tax hereinbefore provided to be levied in the years 2017 to 2045, inclusive, and to extend the same for collection on the tax books in connection with other taxes levied in said years, in and by the County for general corporate purposes of the County, and in said years such annual tax shall be levied and collected in like manner as taxes for general corporate purposes for said years are levied and collected and, when collected, such tax receipts (the "Tax Receipts") shall be used for the purpose of paying the principal of and interest on the 2017 Bonds as the same become due and payable.

The annual taxes levied pursuant to this Section may be abated annually to the extent that, prior to such abatement, moneys for the payment of the principal of and interest on the 2017 Bonds otherwise payable from such annual levy are on deposit irrevocably in the 2017 Debt Service Fund established by Section 11 of this ordinance.

Section 11. Debt Service Fund. The Tax Receipts are appropriated and set aside for the purpose of paying principal of and interest on the 2017 Bonds when and as the same come due. The Revenue Sources and Tax Receipts, as required, shall be deposited in the "2017 Debt Service Fund", which is hereby established as a special

fund of the County and shall be administered as a bona fide debt service fund under the Internal Revenue Code of 1986. Concurrently with the issuance of the 2017 Bonds the County shall deposit into the 2017 Debt Service Fund an amount equal to the interest of the 2017 Bonds due and payable on January 15, 2018.

Pursuant to Section 13 of the Local Government Debt Reform Act, the moneys deposited or to be deposited into the 2017 Debt Service Fund, including the Revenue Sources and Tax Receipts, are pledged as security for the payment of the 2017 Bonds. All such Revenue Sources and Tax Receipts shall immediately be subject to the lien of such pledge without any physical delivery or further act and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 12. Bond Proceeds Fund. All of the proceeds of sale of the 2017 Bonds shall be deposited in the “2017 Bond Proceeds Fund”, which is hereby established as a special fund of the County. Moneys in the 2017 Bond Proceeds Fund shall be used for the payment of costs of the Project and for the payment of costs of issuance of the 2017 Bonds, but may hereafter be reappropriated and used for other purposes if such reappropriation is permitted under Illinois law and will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the 2017 Bonds.

Section 13. Investment Regulations. No investment shall be made of any moneys in the 2017 Debt Service Fund or the 2017 Bond Proceeds Fund except in accordance with the tax covenants set forth in Section 14 of this ordinance. All income

derived from such investments in respect of moneys or securities in any Fund shall be credited in each case to the Fund in which such moneys or securities are held.

Any moneys in any Fund that are subject to investment yield restrictions may be invested in United States Treasury Securities, State and Local Government Series, pursuant to the regulations of the United States Treasury Department, Bureau of Public Debt, or in any tax-exempt bond that is not an “investment property” within the meaning of Section 148(b)(2) of the Internal Revenue Code of 1986. The County Treasurer and agents designated by her are hereby authorized to submit, on behalf of the County, subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

Section 14. Tax Covenants. The County shall not take, or omit to take, any action lawful and within its power to take, which action or omission would cause interest on any 2017 Bond to become subject to federal income taxes in addition to federal income taxes to which interest on such 2017 Bond is subject on the date of original issuance thereof.

The County shall not permit any of the proceeds of the 2017 Bonds, or any facilities financed with such proceeds, to be used in any manner that would cause any 2017 Bond to constitute a “private activity bond” within the meaning of Section 141 of the Internal Revenue Code of 1986.

The County shall not permit any of the proceeds of the 2017 Bonds or other moneys to be invested in any manner that would cause any 2017 Bond to constitute an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of

1986 or a “hedge bond” within the meaning of Section 149(g) of the Internal Revenue Code of 1986.

The County shall comply with the provisions of Section 148(f) of the Internal Revenue Code of 1986 relating to the rebate of certain investment earnings at periodic intervals to the United States of America.

Section 15. Continuing Disclosure. For the benefit of the beneficial owners of the 2017 Bonds, the County covenants and agrees to provide to the Municipal Securities Rulemaking Board (the “MSRB”) for disclosure on the Electronic Municipal Market Access (“EMMA”) system, in an electronic format as prescribed by the MSRB, (i) an annual report containing certain financial information and operating data relating to the County and (ii) timely notices of the occurrence of certain enumerated events. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

The annual report shall be provided to the MSRB for disclosure on EMMA within 210 days after the close of the County’s fiscal year. The information to be contained in the annual report shall consist of the annual audited financial statement of the County and such additional information as noted in the Official Statement under the caption “Continuing Disclosure.” Each annual audited financial statement will conform to generally accepted accounting principles applicable to governmental units and will be prepared in accordance with standards of the Governmental Accounting Standards Board. If the audited financial statement is not available, then an unaudited financial statement shall be included in the annual report and the audited financial statement shall be provided promptly after it becomes available.

The County, in a timely manner not in excess of ten business days after the occurrence of the event, shall provide notice to the MSRB for disclosure on EMMA of any failure of the County to provide any such annual report within the 210 day period and of the occurrence of any of the following events with respect to the 2017 Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the 2017 Bonds, or other events affecting the tax-exempt status of the 2017 Bonds; (7) modifications to rights of bondholders, if material; (8) bond calls, if material; (9) defeasances; (10) release, substitution or sale of property securing repayment of the 2017 Bonds, if material; (11) rating changes; (12) tender offers; (13) bankruptcy, insolvency, receivership or similar event of the County; (14) the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and (15) appointment of a successor or additional trustee or the change of name of a trustee, if material. For the purposes of the event identified in clause (13), the event is considered to occur when any of the following occur: the

appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan or reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

It is found and determined that the County has agreed to the undertakings contained in this Section in order to assist participating underwriters of the 2017 Bonds and brokers, dealers and municipal securities dealers in complying with Securities and Exchange Commission Rule 15c2-12(b)(5) promulgated under the Securities Exchange Act of 1934. The County Administrator is authorized and directed to do and perform, or cause to be done or performed, for or on behalf of the County, each and every thing necessary to accomplish the undertakings of the County contained in this Section for so long as said Rule 15c2-12(b)(5) is applicable to the 2017 Bonds and the County remains an “obligated person” under the Rule with respect to the 2017 Bonds.

The undertakings contained in this Section may be amended by the County upon a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the obligated person, or type of business conducted, provided that (a) the undertaking, as amended, would have complied with the requirements of Rule 15c2-12(b)(5) at the time of the primary offering,

after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances and (b) in the opinion of nationally recognized bond counsel selected by the County, the amendment does not materially impair the interests of the beneficial owners of the 2017 Bonds.

Section 16. Bond Registrar. The County covenants that it shall at all times retain a bond registrar with respect to the 2017 Bonds, that it will maintain at the designated office of such bond registrar a place where 2017 Bonds may be presented for payment and registration of transfer or exchange and that it shall require that the bond registrar maintain proper registration books and perform the other duties and obligations imposed upon the bond registrar by this ordinance in a manner consistent with the standards, customs and practices of the municipal securities business.

The bond registrar shall signify its acceptance of the duties and obligations imposed upon it by this ordinance by executing the certificate of authentication on any 2017 Bond, and by such execution the bond registrar shall be deemed to have certified to the County that it has all requisite power to accept, and has accepted such duties and obligations not only with respect to the 2017 Bond so authenticated but with respect to all the 2017 Bonds. The bond registrar is the agent of the County and shall not be liable in connection with the performance of its duties except for its own negligence or default. The bond registrar shall, however, be responsible for any representation in its certificate of authentication on the 2017 Bonds.

The County may remove the bond registrar at any time. In case at any time the bond registrar shall resign or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of

the bond registrar, or of its property, shall be appointed, or if any public officer shall take charge or control of the bond registrar or of its property or affairs, the County covenants and agrees that it will thereupon appoint a successor bond registrar. The County shall mail notice of any such appointment made by it to each registered owner of 2017 Bonds within twenty days after such appointment.

Section 17. Book-Entry System. In order to provide for the initial issuance of the 2017 Bonds in a form that provides for a system of book-entry only transfers, the ownership of one fully registered 2017 Bond for each maturity, in the aggregate principal amount of such maturity, shall be registered in the name of Cede & Co., as a nominee of The Depository Trust Company, as securities depository for the 2017 Bonds. The County Administrator is authorized to execute and deliver on behalf of the County such letters to, or agreements with, the securities depository as shall be necessary to effectuate such book-entry system.

In case at any time the securities depository shall resign or shall be removed or shall become incapable of acting, then the County shall appoint a successor securities depository to provide a system of book-entry only transfers for the 2017 Bonds, by written notice to the predecessor securities depository directing it to notify its participants (those persons for whom the securities depository holds securities) of the appointment of a successor securities depository.

If the system of book-entry only transfers for the 2017 Bonds is discontinued, then the County shall issue and the bond registrar shall authenticate, register and deliver to the beneficial owners of the 2017 Bonds, bond certificates in replacement of

such beneficial owners' beneficial interests in the bonds, all as shown in the records maintained by the securities depository.

Section 18. Defeasance and Payment of Bonds. (A) If the County shall pay or cause to be paid to the registered owners of the 2017 Bonds, the principal and interest due or to become due thereon, at the times and in the manner stipulated therein and in this ordinance, then the pledge of taxes, securities and funds hereby pledged and the covenants, agreements and other obligations of the County to the registered owners and the beneficial owners of the 2017 Bonds shall be discharged and satisfied.

(B) Any 2017 Bonds, whether at or prior to the maturity or the redemption date of such 2017 Bonds, shall be deemed to have been paid within the meaning of this Section if (1) in case any such 2017 Bonds are to be redeemed prior to the maturity thereof, there shall have been taken all action necessary to call such 2017 Bonds for redemption and notice of such redemption shall have been duly given or provision shall have been made for the giving of such notice, and (2) there shall have been deposited in trust with a bank, trust company or national banking association acting as fiduciary for such purpose either (i) moneys in an amount which shall be sufficient, or (ii) "Federal Obligations" as defined in paragraph (C) of this Section, the principal of and the interest on which when due will provide moneys which, together with any moneys on deposit with such fiduciary at the same time for such purpose, shall be sufficient, to pay when due the principal of and interest due and to become due on said 2017 Bonds on and prior to the applicable redemption date or maturity date thereof.

(C) As used in this Section, the term "Federal Obligations" means (i) non-callable, direct obligations of the United States of America, (ii) non-callable and non-

prepayable, direct obligations of any agency of the United States of America, which are unconditionally guaranteed by the United States of America as to full and timely payment of principal and interest, (iii) non-callable, non-prepayable coupons or interest installments from the securities described in clause (i) or clause (ii) of this paragraph, which are stripped pursuant to programs of the Department of the Treasury of the United States of America, or (iv) coupons or interest installments stripped from bonds of the Resolution Funding Corporation.

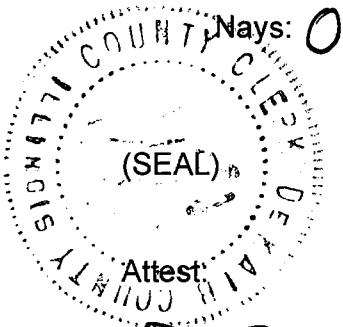
Section 19. Ordinance to Constitute a Contract. The provisions of this ordinance shall constitute a contract between the County and the registered owners of the 2017 Bonds. Any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the County shall be for the equal benefit, protection and security of the owners of any and all of the 2017 Bonds. All of the 2017 Bonds, regardless of the time or times of their issuance, shall be of equal rank without preference, priority or distinction of any of the 2017 Bonds over any other thereof except as expressly provided in or pursuant to this ordinance.


Ordinance No. 2015-06 of the County and this ordinance shall constitute full authority for the issuance of the 2017 Bonds and to the extent that the provisions of Ordinance No. 2015-06, as supplemented by this ordinance, conflict with the provisions of any other ordinance or resolution of the County, the provisions of Ordinance No. 2015-06, as so supplemented shall control. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 20. Effective Date. This ordinance shall become effective upon its adoption.

Adopted this 21st day of June, 2017, by roll call vote as follows:

Ayes: 24





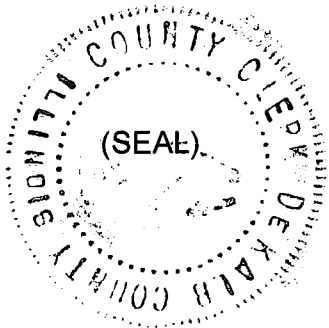
Douglas J. Johnson
DeKalb County Clerk

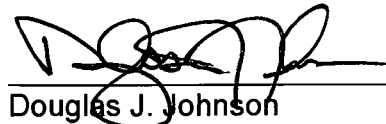
CERTIFICATE

I, Douglas J. Johnson, County Clerk of The County of DeKalb, Illinois, hereby certify that the foregoing ordinance entitled: "Supplemental Ordinance Providing for the Issuance of General Obligation Bonds (Alternate Revenue Source), Series 2017, of The County of DeKalb, Illinois," is a true copy of an original ordinance that was duly adopted by the recorded affirmative votes of a majority of the members of the County Board at a meeting thereof that was duly called and held at 7:30 p.m. on June 21, 2017 at the Legislative Center, 200 North Main Street, in the City of Sycamore, Illinois, and at which a quorum was present and acting throughout, and that said copy has been compared by me with the original ordinance recorded in the records of the County and that it is a correct transcript thereof and of the whole of said ordinance, and that said ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

I further certify that the agenda for said meeting included the ordinance as a matter to be considered at the meeting and that said agenda was posted at least 48 hours in advance of the holding of the meeting in the manner required by the Open Meetings Act, 5 Illinois Compiled Statutes 120, and was continuously available for public review during the 48 hour period preceding the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County, this 21st day of June, 2017.





Douglas J. Johnson
DeKalb County Clerk

**RESOLUTION
R2017-94**

WHEREAS, the current pay for an Election Judge in DeKalb County is set at \$90.00 base pay, plus \$40.00 for all who have been certified as having satisfactorily completed the training hours within the two years preceding the day of the General Election for a total of \$130.00, and

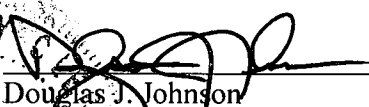
NOW, THEREFORE, BE IT RESOLVED that beginning with the General Primary to be held on March 20th, 2018 all Judges of Election, who work on Election Day, shall receive an additional base pay compensation of \$20.00 (for a total of \$110.00) per day for all elections under the jurisdiction of the Election Authority of DeKalb County, and

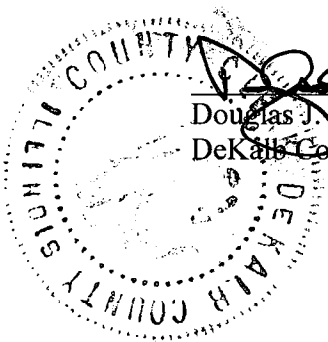
BE IT FURTHER RESOLVED that such increase therefore establishes the Election Judges' compensation base pay at \$110.00 without training and \$150.00 with training.

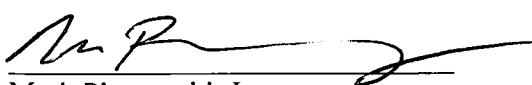
PASSED AT SYCAMORE, ILLINOIS THIS 21ST DAY OF JUNE, 2017 A.D.

ATTEST:

SIGNED:


Douglas J. Johnson
DeKalb County Clerk




Mark Pietrowski, Jr.
County Board Chairman

**DEKALB COUNTY
FOREST PRESERVE DISTRICT
June 21, 2017
AGENDA**

1. Roll Call
2. Approval of Minutes
3. Approval of Agenda
4. Persons to be Heard from the Floor
5. Standing Committee Reports:
 - a. **Resolution FP-R2017-06:** Authorizing Participation in the ComEd Green Region Grant Program Partnership for the G2K (Genoa to Kingston Trail) Project. *The DeKalb County Forest Preserve District Commissioners hereby approves the Genoa to Kingston Trail Project work and authorizes the acceptance of a grant from the ComEd Green Region Program in the amount of \$10,000.00.*
Committee Action: Moved by Ms. Little, seconded by Mr. Roman and approved unanimously.
 - b. **Resolution FP-R2017-07:** Afton Wetland Bank Repairs. *The DeKalb County Forest Preserve District Commissioners do hereby award the bid to Martin Company of Oregon Illinois to remove old water control structures and install new water control structures at the Afton Forest Preserve Wetland Bank in the amount not to exceed \$199,880.00 to be allocated out of the non-tax Wetland Bank Revenue Funds.* **Committee Action: Moved by Mr. Porterfield, seconded by Ms. Little and approved unanimously.**
 - c. **Claims to be Paid in June 2017:** Move to approve the payment of claims for this month, and the off cycle claims paid during the previous month, including all claims for travel, meals, and lodging, in the amount of \$128,787.23.
6. Old Business
7. New Business
8. Adjournment

RESOLUTION FP-R2017-06

DeKalb County Forest Preserve District



**A Resolution Authorizing Participation in the
ComEd Green Region Grant Program partnership
for the G2K (Genoa to Kingston Trail) Project**

WHEREAS, the DeKalb County Forest Preserve District has completed trail sections of the planned G2K Trail (Genoa to Kingston Trail) project as part of the 2015 ComEd Green Region Grant Program; and

WHEREAS, the Grant Applicant has received the ComEd Green Region Program Grant in the amount of \$10,000.00 for the purpose of carrying out this trail project; and

WHEREAS, the Grant Applicant has received and understands the current ComEd Green Region Grant Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the DeKalb County Forest Preserve District Commissioners here approve this trail project work and authorizes the grant from the ComEd Green Region Program in the amount of \$10,000.00, and

BE IT FURTHER RESOLVED that the Grant Applicant commits to the expenditure of funds in the amount of \$13,383.24 necessary for the project's completion and success.

PASSED AT SYCAMORE, ILLINOIS, ON THIS 21ST DAY OF JUNE , 2017, A.D.

A handwritten signature in dark ink, appearing to read "Mark Pietrowski, Jr.", written over a horizontal line.

Mark Pietrowski, Jr.
President, DeKalb County Forest
Preserve District Commissioners

ATTEST

A handwritten signature in dark ink, appearing to read "Douglas J. Johnson", written over a horizontal line.

Douglas J. Johnson
Secretary, DeKalb County Forest
Preserve District Commissioners



As part of the planned G2K Trail....

New limestone trail on west end of Russell Woods that connects to the South Branch Prairie and the 1835 Miller – Ellwood Cabin



New asphalt wheelchair accessible trail that connects to the Natural Resource Education Center and the Genoa Prairie Trail.



RESOLUTION
FP-R2017-07



WHEREAS, the DeKalb County Forest Preserve District needs to replace 2 water control structures at of the Afton Wetland Bank; and

WHEREAS, legal notice bid advertisement and specifications were published in local newspapers and State contractors bid advertisement for this replacement work; and

WHEREAS, 5 bids were received (as follows) and reviewed by the DeKalb County Forest Preserve District Committee, Forest Preserve Superintendent and Project Engineer and the Forest Preserve Committee unanimously approved the low bid from Martin Company;

Martin Company	\$199,880.00
Sjostrom and Sons	\$272,428.94
Whitaker Construction	\$314,249.50
Civil Contractors	\$346,701.20
Alliance Contractors	\$393,086.50

NOW THEREFORE, BE IT RESOLVED, that the DeKalb County Forest Preserve District Commissioners do hereby award the bid to Martin Company of Oregon Illinois to remove old water control structures and install new water control structures at the Afton Forest Preserve Wetland Bank in the amount not to exceed \$199,880.00 to be allocated out of the non-tax Wetland Bank Revenue Funds.

PASSED AT SYCAMORE, ILLINOIS, ON THIS 21ST DAY OF JUNE, 2017, A.D.

Mark Pietrowski, Jr.
President, DeKalb County Forest
Preserve District Commissioners

ATTEST

Douglas J. Johnson
Secretary, DeKalb County Forest
Preserve District Commissioners

