Village of Spring Grove – Village Board
Regular Meeting Agenda

1. Call to Order
2. Roll Call
3. President’s Report
4. Clerk’s Report
5. Engineering Report
6. Building Report
7. Public Works Report
8. Police Department Report
9. Committee Reports
10. Public Discussion (Public discussion shall be limited to three minutes per speaker)
11. Consent Agenda (items listed on the Consent Agenda will be approved by a single vote of the Board unless a member of the Board requests that a separate vote be taken on any item)
   A. May 3, 2016 Village Board Regular Minutes
   B. Remaining April 2016 Bills Payable
   C. Resolution awarding the contract for the 2016 Road Program to Payne and Dolan, Inc.
   D. Ordinance adopting by reference the McHenry County Stormwater Management Ordinance
12. Unfinished Business
13. New Business
   A. Presentation by Kim Meier, KLM Builders, on building impact fees
   B. Discuss the temporary suspension of municipal donations and impact fees
   C. Consideration of a Resolution approving an Intergovernmental Agreement for the use of the Spring Grove Municipal Centre by and between the Village and Burton Township
14. Other Business
15. Adjournment
<table>
<thead>
<tr>
<th>NAME &amp; JOB No.</th>
<th>CURRENT ACTIVITY</th>
<th>LAST 6 MONTHS ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 Road Program SPRI-86160084</td>
<td>A low bid of $213,249.87 was submitted by Payne and Dolan.</td>
<td>Pulverization needs to be completed as an experimental project. HRG coordinated with IDOT regarding pulverizing Clark Road. HRG is coordinating with a contractor to get road cores. The roads were reviewed and an opinion of cost was prepared.</td>
</tr>
<tr>
<td>2016 General Consultations SPRI-86160070</td>
<td>None.</td>
<td>Completed review of Comcast locations and sent to Village 4/28. Completed review of pit with Jeff Thurlwell 4/25 and Jeff will be restoring property and apply for a LOC reduction in about 6 months. Met to review Comcast directional bore and met with County on school parking lot. Traffic patterns will be analyzed prior to returning to County for permit. HRG is reviewing the Gwizdala Subdivision. HRG conducted an E-one learning session for Public Works. NPDES permit submitted to IEPA.</td>
</tr>
<tr>
<td>2015 Road Program SPRI-86150196</td>
<td>None.</td>
<td>Waiting on approval final resolution from IDOT, then we will complete final paperwork. 2014 is completed. The payment is being processed. The final payment and amount is confirmed and was provided to the Village. The final total cost was $412,924.16. A change order for the deduction in the amount of $8,095.79 was processed.</td>
</tr>
<tr>
<td>Water Main Master Plan SPRI-86120241</td>
<td>None.</td>
<td>Sent information to Scot Forge for their extension. Completed plan costs and delivered results and spreadsheet to the Village.</td>
</tr>
<tr>
<td>Winn Road Bike Path SPRI-86110180</td>
<td>None.</td>
<td>CMAQ funding denied because there were no connections to mass transit, submitting for ITEP funding. Submitted final CMAQ funding application to Chicago Metropolitan Agency for Planning. Submitted preliminary CMAQ funding application to McHenry County Council of governments. Staked berm and coordinating with KLM. Had phase 2 kick-off meeting with IDOT.</td>
</tr>
<tr>
<td>Winn Road Bridge SPRI-070049</td>
<td>HRG is coordinating with the contractor to finish the work. Culverts done and some trees replaced, 3 trees remaining.</td>
<td>Working with IDOT Liaison to finish contract. Working with IDOT to finalize contract. IDOT Liaison retired, so now things are moving ahead and we anticipate completion by May. Tree planting is being coordinated. Culvert is being removed and new culvert added, landscaping also is needed, then the project will be closed out. Additional fence was installed earlier in the month.</td>
</tr>
<tr>
<td>Fieldstone Ridge Subdivision SPRI-050957-7</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Sanctuary Estates</td>
<td>None.</td>
<td>Competed final punchlist and sent to the Village 3/14 and the Village sent the letter to the developer 3/17.</td>
</tr>
<tr>
<td>------------------</td>
<td>-------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Preservation Oaks Phase 2</td>
<td>HRG will be reviewing for final acceptance.</td>
<td>None.</td>
</tr>
<tr>
<td>Heartland Crossing</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Walnut Ridge – Phase 2</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Highland Estates Subdivision</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Saddle Creek Subdivision</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Stonegate Subdivision</td>
<td>None.</td>
<td>None.</td>
</tr>
</tbody>
</table>

SRB/dmw

cc:  President Mark Eisenberg and Village Board  
     Ms. Sandi Rusher, Clerk  
     Mr. Scott Puma, Village Attorney  
     Chief Tom Sanders, Police Department

O:\86160070\Activity Report\Activityreport-051716-Srb.Doc
RESOLUTION NO. 2016-06

A Resolution Awarding the Contract for the 2016 Road Program to Payne and Dolan Inc.

BE IT RESOLVED by the President and Board of Trustees of the Village of Spring Grove, Illinois, that a contract is hereby awarded for the following:

Section 16-00000-01-GM, 2016 MFT Road Program, to Payne and Dolan, Inc. at their low bid of $213,249.87.

BE IT FURTHER RESOLVED that the Village President, Village Clerk and Executive Assistant to the President are hereby authorized to sign, execute, and deliver the necessary contract and contract bond documents in conjunction with the aforesaid project.

PASSED AND APPROVED this 17th day of May, 2016.

VILLAGE OF SPRING GROVE

Mark R. Eisenberg, Village President

ATTEST:________________________

Sandi Rusher, Village Clerk
May 9, 2016

Mr. Mark Eisenberg  
Village President  
Village of Spring Grove  
7401 Meyer Road  
Spring Grove, Illinois 60081

RE: Spring Grove 2016 Road Program  
IDOT Section 16-00000-01-GM  
HR Green Job No. 86160084

Dear Mr. Eisenberg:

The Village of Spring Grove received four (4) bid proposals for the construction of the 2016 Road Program at the bid opening on May 4, 2016. The project consists of the resurfacing of Siedschlag and Clark Roads within the Village of Spring Grove. HR Green has reviewed the proposed road program with Tom and Matt.

The four (4) bids ranged in price from a low bid of $213,249.87 submitted by Payne and Dolan to a high bid of $275,387.25 submitted by Lorig Construction and represents competitive pricing for work of this nature.

We have analyzed the bids and checked them for accuracy and find Payne and Dolan to be the lowest qualified bidder. HR Green recommends award of the contract to Payne and Dolan in the amount of $213,249.87, which is 22.6% below the approved Engineer’s Opinion of Probable Cost.

A copy of the Bid Tabulation is enclosed herewith. Please call if you have any questions.

Sincerely,

HR GREEN, INC.

Stephen R. Bicking, PE, D.WRE, CFM  
Project Director

AC/tcn  

Enclosure

cc:  Mr. Tom Sanders, Village of Spring Grove  
Mr. Matt Wittum, Village of Spring Grove  
Mr. Jeff Strzalka, P.E., HR Green, Inc.
**BIDDER LIST**

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Village of Spring Grove – 2016 Road Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section:</td>
<td>16-00000-01-GM</td>
</tr>
<tr>
<td>Letting Date/Time:</td>
<td>May 4, 2016 10:00 am</td>
</tr>
<tr>
<td>Location:</td>
<td>HR Green, McHenry Office</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payne and Dolan</td>
<td>APPARENT LOW BIDDER $213,249.87</td>
</tr>
<tr>
<td>Curran Contracting</td>
<td>$255,656.12</td>
</tr>
<tr>
<td>Peter Baker &amp; Son</td>
<td>$271,621.32</td>
</tr>
<tr>
<td>Lorig Construction</td>
<td>$275,387.27</td>
</tr>
<tr>
<td>Engineer Estimate:</td>
<td>$275,516.75</td>
</tr>
</tbody>
</table>

*Roads: Clark Rd (East Solon to North Ridge) Siedschlag Rd (Rte 173 to Village limits (Breezy Lawn)*
ORDINANCE NO. 2016-16

AN ORDINANCE ADOPTING BY REFERENCE OF THE MCHENRY COUNTY
STORMWATER MANAGEMENT ORDINANCE

WHEREAS, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the McHenry County Stormwater Management Ordinance on or about April 5, 2016, effective April 5, 2016, establishing rules and regulations for floodplain and stormwater management throughout the County of McHenry and superseding any less restrictive municipal rules and regulations therein; and,

WHEREAS, the President and Board of Trustees of the Village of Spring Grove have previously adopted Ordinances No. 2008-34 and 2014-46 which adopted by reference the McHenry County Stormwater Management Ordinances; and,

WHEREAS, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted a resolution approving amendments to the McHenry County Stormwater Management Ordinance on or about April 5, 2016, effective April 5, 2016; and,

WHEREAS, the President and Board of Trustees of the Village of Spring Grove find it to be in the best interests of the Village of Spring Grove to require all development to meet, at least, the minimum standards prescribed by the McHenry County Stormwater Management Ordinance to the fullest extent practicable; and,

WHEREAS, one copy of the McHenry County Stormwater Management Ordinance has been on file in the Office of the Village Clerk of the Village of Spring Grove, and available for inspection.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Spring Grove, McHenry County, Illinois, as follows:

SECTION I: That there is hereby adopted by reference, as if fully set out herein, that certain ordinance known as the McHenry County Stormwater Management Ordinance, approved as amended by
the County of McHenry, State of Illinois, one copy of which has been and will continue to be on file in
the office of the Village Clerk.

SECTION II: That in the event that the rules, regulations, terms or conditions imposed pursuant
to the McHenry County Stormwater Management Ordinance are either more restrictive or less restrictive
than comparable rules, regulations, terms or conditions imposed by any other applicable rule, regulation,
resolution, ordinance, statute or law, then the most restrictive rules, regulations, terms or conditions shall
govern.

SECTION III: That Chapter 16, Appendix W of the Village Code of the Village of Spring
Grove is amended by deleting existing Appendix W, and replacing it with the following:

***: STORMWATER MANAGEMENT REGULATIONS:

The McHenry County Stormwater Management Ordinance, as most recently amended by the
County of McHenry on April 5, 2016, is hereby adopted by reference and is in full force and effect
within the Village of Spring Grove and is found in its own compilation.

SECTION IV: That all ordinances and resolutions, or parts thereof, in conflict with the
provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION V: That this Ordinance shall be in full force and effect ten (10) days after its passage,
approval and publication in pamphlet form, as provided by law.

PASSED and approved by the President and Board of Trustees
of the Village of Spring Grove, McHenry County, Illinois,
this 17th day of May, 2016 by a roll call vote as follows:

Ayes:  
Nays:  
Absent:  
Abstain:  

3
May 6, 2016

PRESIDENT EISENBERG
VILLAGE OF SPRING GROVE
7401 MEYER RD
SPRING GROVE, IL 60081

Subject: McHenry County SMO Adoption, Training & Annual Report Documentation

Dear President Eisenberg:

The McHenry County Board adopted 23 amendments to the McHenry County Stormwater Management Ordinance (SMO) on April 5, 2016. The SMO amendments include the minimum countywide standards for regulated development including FEMA and IDNR mandates and minor text corrections. Attached please find a copy of the SMO amendments. Municipalities that are certified to enforce the provisions of the SMO, such as the Village of Spring Grove, will be required adopt and enforce an ordinance that is at least as stringent as the amended SMO in order to maintain certification.

All municipalities located wholly within McHenry County are required to adopt the revised SMO by October 5, 2016. Multi-county municipalities may adopt an ordinance of an adjacent county if the municipality has corporate authority within that county. Adoption is required to:

- Meet National Flood Insurance Program (NFIP) minimum standards
- Maintain Community Certification status

An Ordinance adoption template is attached and changes can be made to the form as needed by your community. After the Ordinance has been executed by the Community Corporate Authority and signed by the Community President, please mail an original to McHenry County Planning and Development in order to stay in compliance with the above requirements. **All original executed and signed forms must be returned to our office by October 5, 2016.** The adoption process may take time, so I encourage you to start the process soon.

Prior to adopting the SMO, we recommend that the Village send at least one representative to the upcoming workshop that will be hosted by the County. **Enforcement Officers are required to attend.** The workshop will be offered on Thursday, June 9, 2016 from 1:00 pm – 4:00 pm in Conference Rooms A & B of the County Administration Building (667 Ware Road, Woodstock). The presentation will cover the following topics:

- Overview of the SMO amendments;
- Annual report template; and
- Revised National Pollutant Discharge Elimination System (NPDES) permit requirements – presented by IEPA.

Following the presentation, the workshop will include a time for questions and answers. A hard copy of the SMO will be distributed to each community at the training. Please RSVP by e-mail to jscolletti@co.mchenry.il.us by Monday, June 6th.

For your reference, the currently effective SMO is available for download at the following URL: https://www.co.mchenry.il.us/home/showdocument?id=7922

O:\STORMWATER\Community Certification\2016 SMO Adoption\form letter-certified community 2016.doc
Additionally, all certified communities are now required to submit an annual report to the county describing all stormwater management permit activity within the previous year. This will be the first year that the county will be requesting the annual report and should cover from January 1, 2016 through December 31, 2016.

The annual report shall include the information stated in Article X, Section F.2.e, including the following:

- Names and contact information for the Enforcement Officer, Professional Engineer, and Wetland Specialist.
- A summary of the stormwater management permits issued during the previous year. For each permit issued, the summary should indicate:
  - The proposed hydrologic disturbance area;
  - The existing and proposed impervious area on the development site;
  - The impervious area on the development site prior to the effective date of the SMO (January 20, 2004);
  - Whether or not the development site contained a flood hazard area;
  - Whether or not the development site contained an Isolated Waters of McHenry County;
  - The development classification (Minor, Intermediate, Major, Mining or Public Road);
  - The name of the Enforcement Officer who issued the stormwater management permit;
  - The name of the Professional Engineer (if applicable) and Wetland Specialist (if applicable) who reviewed and recommended approval of the stormwater management permit application;
  - A list of any stormwater management permits issued for regulated development that were designed and reviewed by the same firm;
  - A summary of the nature of any variance issued for a provision of the SMO; and
  - A list of any pending violations to the provisions of the SMO.

To simplify the process, we have provided a template spreadsheet for all required documentation. The document can be downloaded from our website here: http://www.co.mchenry.il.us/Home/ShowDocument?id=58949. Note the columns for “yes/no” answers and for the “development type” have drop down menus and can only be filled in with appropriate answers. Please add rows to the tables as appropriate.

All annual report documents must be returned to McHenry County Department of Planning & Development by February 1, 2017.

If you have any questions, feel free to contact me at (815) 334-4560. Thank you for your cooperation.

Sincerely,

Joanna Colletti, P.E., CFM
Chief Stormwater Engineer

End: SMO Amendments
Ordinance Adoption Template

Cc: File
Sandi Rusher, Community Clerk
Trent Turner, Community Contact (via e-mail)
Stephen Bicking, Engineering Consultant (via e-mail)
Ted McCaslin, Wetland Specialist (via e-mail)
EXHIBIT A
Stormwater Management Ordinance Text Amendments Regarding Various Provisions

SMO AMENDMENT #1
Article II, Section B.2.b (Page 8)

b. Any development located partially or completely within the boundary of a wetland or waters; or

SMO AMENDMENT #2
Article III, Section A.3.k.(2) (Page 18)

(2) If either the existing building or proposed deck is within a flood hazard area, the deck shall be constructed as a stand-alone structure and shall not be attached to an existing building.

SMO AMENDMENT #3
Article III, Section B.2.b (Page 22)

b. For regulated development disturbing 20,000 square feet or more, the development plan shall be prepared by a licensed professional engineer and include the following additional information:

(1) A benchmark referenced to NAVD88;
(2) Existing contours extending 100 feet beyond the development site with a maximum contour interval of 1 foot;
(3) Existing spot elevations demonstrating drainage patterns;
(4) Top of foundation and lowest entry elevation of all existing buildings within 100 feet of the development site;
(5) All existing impervious areas such as roadways, structures, parking lots, driveways, sidewalks, pathways, trails;
(6) The existing stormwater management system including storm sewers, drain tiles, culverts, and inlets on the development site and 100 feet beyond the development site. Information regarding the invert and rim elevations, pipe sizes, pipe lengths, and material type shall be provided;
(7) Existing utilities including sanitary sewer, water main, onsite waste disposal system, well, or any other utilities that exist on the site and 100 feet beyond the development site. On development sites where an infiltration facility is proposed, existing water supply wells shall be shown 200 feet beyond the development site. Information regarding the invert and rim elevations, pipe sizes, pipe lengths, and material type shall be provided;
(7) Location and limits of all existing and proposed deed or plat restrictions;
(8) Existing trees and vegetation areas on the development site;
(9) Proposed contours throughout the development site with a maximum contour interval of 1 foot;
(10) Proposed spot elevations demonstrating drainage patterns;
(11) Top of foundation, lowest floor, low opening elevation, and floodproofing elevations of all proposed structures adjacent to a stormwater management facility or along an overland flow path;
(12) All proposed impervious areas such as roadways, structures, parking lots, driveways, sidewalks, pathways, trails;
(13) The proposed stormwater management system including pipes, drain tiles, culverts, and inlets on the development site. Information regarding the invert and rim elevations, pipe sizes, pipe lengths, and material type shall be provided;
(14) Proposed utilities including sanitary, storm, water main, onsite waste disposal system, well, or any other utilities on the site. Information regarding the invert and rim elevations, pipe sizes, pipe lengths, and material type shall be provided;
(15) Design details for proposed stormwater management system including, but not limited to major and minor stormwater systems, and; and
(16) Cross-sections for overland flow paths, sufficient to demonstrate compliance with the freeboard requirements of this Ordinance.

SMO AMENDMENT #4
Article III, Section B.2.j (Page 23)

j. Article III, Section B.3.a. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. The Enforcement Officer may add requirements or conditions as necessary to control soil erosion and sedimentation.

SMO AMENDMENT #5
Article V, Section G.3 (Page 35)

(3) A Letter of No Impact or a Wetland Determination Report, prepared by a wetland specialist, shall be submitted for all WOTUS and IWMC on the development site, if applicable.
SMO AMENDMENT #6
Article VI, Section A (Page 37)

Table 3. Applicability of Soil Erosion and Sediment Control Performance Standards

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Basic Requirements</th>
<th>Requirements for Development Disturbing 1 acre or More</th>
<th>Channel Requirements</th>
<th>Inspections and Maintenance Requirements</th>
<th>Notification Requirements</th>
<th>Special Precautions</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Permit</td>
<td>Waived*</td>
<td>Waived N/A</td>
<td>Waived*</td>
<td>Waived*</td>
<td>Waived*</td>
<td>Waived*</td>
</tr>
<tr>
<td>Minor</td>
<td>X</td>
<td>N/A</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Intermediate</td>
<td>X</td>
<td>N/A</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Major</td>
<td>X</td>
<td>X</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public Road</td>
<td>X</td>
<td>If Dev ≥ 1 ac</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mining</td>
<td>X</td>
<td>If Dev ≥ 1 ac</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Flood Hazard Area</td>
<td>X</td>
<td>If Dev ≥ 1 ac</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wetland</td>
<td>X</td>
<td>If Dev ≥ 1 ac</td>
<td>If Channel Construction Included</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

* Refer to the Performance Standards and Terms and Conditions of Specified Development of the specific General Permit.
SMO AMENDMENT #7

Article VI, Section A.4.c. (Page 42)
c. For regulated development disturbing 1 acre or more, a qualified inspector (provided by the applicant) shall inspect the development site at the following intervals:

(1) Upon completion of installation of soil erosion and sediment control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
(2) After stripping and clearing;
(3) After rough grading;
(4) After final grading;
(5) After seeding and landscaping;
(6) After final stabilization and landscaping, prior to removal of sediment controls;
(7) At least once every 7 calendar days; and
(8) Within 24 hours of the end of a storm that is 0.5 inch or greater rain event or a discharge due to snowmelt.

(8)(9) Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5 inch or greater rain event, or a discharge due to snowmelt occurs.

SMO AMENDMENT #8

Article VI, Section C.2 (Page 55)

2. Determining the BFE and Limits of a Flood Prone Area

a. The BFE shall be determined utilizing one of the following methodologies:

b. (1) Adding 3 feet to the Flood of Record indicated on the USGS-Hydrologic Investigation Atlas;

c. (2) Adding 0.5 foot to the surface overflow of a depressional storage area. Where a smaller depressional storage area exists within a larger depressional storage area, the BFE shall be based on the highest surface overflow; or
d. (3) The BFE may be determined by a licensed professional engineer using a model or technique identified in Appendix 5 of this Ordinance or otherwise approved by MCSC or IDNR/OWR.

e. The limits of a flood prone area shall be the projection of the BFE onto the development site topography.
SMO AMENDMENT #9

Article VI, Section C.8.a.(2)iii. (Page 58)

iii. Not exceed 0.1 foot upstream flood height increase for the base flood event, except as allowed by the Bridge and Culvert standards of this Ordinance.

SMO AMENDMENT #10

Article VI, Section C.9 (Page 58)

9. Additional Standards for Designated Floodways

Any regulated development within a designated floodway shall meet the appropriate use standards as determined by IDNR/OWR.

a. The only development in a designated floodway which will be allowed is an appropriate use, which will not cause a rise in the BFE, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Ordinance. Only those appropriate uses listed in 17 Ill. Adm. Code Part 3708 will be allowed. The approved appropriate uses are as follows:

1) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion or water quality or habitat for fish and wildlife.

2) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses.

3) Storm and sanitary sewer relief outfalls.

4) Underground and overhead utilities.

5) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage.

6) Detached garages, storage sheds, or other non-habitable accessory buildings that will not block flood flows nor reduce floodway storage.

7) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto.
8) Parking lots built at or below existing grade where either:
   a) The depth of flooding at the base flood event will not exceed 1.0 foot; or
   b) The depth of flooding can be greater than 1.0 foot for parking lots used for short-term outdoor recreational use facilities, provided the applicant agrees to restrict access during overbank flooding events and agrees to accept liability for all damage caused by vehicular access during all overbank flooding events.

9) Designated floodway regrading, without fill, to create a positive non-erosive slope toward a channel.

10) Floodproofing activities to protect previously existing lawful buildings including the construction of water tight window wells, elevating buildings, or construction of floodwalls around residential, commercial or industrial principal buildings where the outside toe of the floodwall shall be no more than 10-feet away from the exterior wall of the existing building, and which are not considered substantial improvements to the building.

11) The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased and provided that the Building Protection Standards are met if the replacement, reconstruction, or repair is a substantial improvement or if the building is considered substantially damaged.

12) Modifications to an existing building that would not increase the enclosed floor area of the building below the BFE, and which will not block flood flows, including but not limited to, fireplaces, bay windows, decks, patios and second story additions. Substantial improvements shall meet the Building Protection Standards.

b. Appropriate uses do not include the construction or placement of any new buildings, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an appropriate use.

c. Development of an appropriate use will be considered permissible provided that the development meets the following criteria:

  1) All effective designated floodway conveyance lost due to the development will be replaced for all flood events up to and including the base flood event. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:
     a) $K = \left(\frac{1.486}{n}\right)\left(\frac{AR}{\sqrt{3}}\right)$
where “n” is Manning’s roughness factor, “A” is the effective flow area of the cross-section, and “R” is the ratio of the area to the wetted perimeter.

b) The same Manning’s “n” value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

c) Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used (unless alternate ratios are approved by IDNR/QWR) for excavations in the designated floodway, between cross-sections with rapid expansions and contractions, and when matching the designated floodway boundary on an adjoining property:

i. Water will expand no faster than at a rate of 1 horizontal foot for every 4 feet of the flooded stream’s length.

ii. Water will contract no faster than at a rate of 1 horizontal foot for every 1 foot of the flooded stream’s length.

iii. Water will not expand or contract faster than 1 vertical foot for every 10 feet of flooded stream’s length.

iv. All cross-sections used in the calculations shall be located perpendicular to the flood flows.

v. In the design of excavations in the designated floodway, erosion or scour protection shall be provided on land upstream and downstream of proposed transition sections.

SMO AMENDMENT #11
Article VI, Section C.13.b.(3) (Page 68)

(3) For regulated development in a riverine flood hazard area:

i. Hydraulically equivalent compensatory storage volume shall be provided at ratios at least equal to:
   (a) 1.5 times the flood storage volume lost or displaced; or
   (b) 1.2 times the flood storage volume lost or displaced, provided that as-built plans are submitted.

ii. For a Public Road Development that cannot reasonably provide the compensatory storage volume required by this Ordinance,7i
(a) The hydraulically equivalent compensatory storage volume required at a minimum 1:1 ratio may be waived by the Enforcement Officer as long as the total compensatory storage ratio is at least equal to 1:1. The waiver shall be the minimum necessary to afford relief. Any compensatory storage within a designated floodway shall be approved by IDNR/OWR.

(b) The additional compensatory storage volume required beyond a 1:1 ratio may be waived by the Enforcement Officer. The waiver shall be the minimum necessary to afford relief.

iii. Any additional compensatory storage volume required beyond a 1:1 ratio may be provided above or below the 10 year flood elevation.

iv. The compensatory storage area shall be located in close proximity to the fill area and shall drain freely and openly to the channel.

SMO AMENDMENT #12

Article VI, Section C.15 (Page 69)

15. Standards for On-Stream Structures Built for the Purpose of Backing Up Water

a. Any water surface profile increase shall:
   1) Be contained within the banks of the water body; or
   2) Be contained within the development site, property in which the applicant has an ownership interest, or a deed or plat restriction; or
   3) Not exceed 0.1 foot upstream flood height increase for all events up to and including the base flood event.

b. All dams and impoundment structures shall meet the applicable requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams).

c. If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
   1) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
   2) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
   3) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measure, and a pre-sedimentation basin; and
   4) A nonpoint source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants. If there is
more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control.

SMO AMENDMENT #13
Article VI, Section C.16 (Page 69)
16. Bridge and Culvert Standards
a. Designated Floodways
   1) New bridges and culverts
      a) Any water surface profile increase shall:
         i. Be contained within the banks of the water body; or
         ii. Be contained within the development site, property in which
             the applicant has an ownership interest, or a deed or plat
                 restriction; or
      b) The proposed structure shall not result in an increase of upstream
          flood stages greater than 0.1 foot for all flood events up to and
          including the base flood event; and
      c) If the proposed construction will increase upstream flood stages
          greater than 0.1 foot within a designated floodway, the applicant
          shall contact IDNR/OWR to obtain a permit for a dam or waiver.
   2) Reconstruction or modification of existing bridges, culverts and approach roads
      a) The bridge or culvert and roadway approach reconstruction or
         modification shall be constructed with no more than 0.1 foot increase
         in backwater over the existing flood profile for all flood frequencies
         up to and including the base flood event, if the existing bridge or
         culvert is not a source of flood damage.
      b) If the existing bridge or culvert and roadway approach is a source of
         flood damage to buildings in the upstream floodplain, the applicant’s
         engineer shall evaluate the feasibility of redesigning the structure to
         reduce the existing backwater, taking into consideration the effects
         on flood stages on upstream and downstream properties.
      c) The determination as to whether or not the existing crossing is a
         source of flood damage and should be redesigned must be prepared
         in accordance with 17 Ill. Adm. Code Part 3708 (Floodway
         Construction in Northeastern Illinois) and submitted to IDNR/OWR for
         review and concurrence before a permit is issued.
b. Non-Designated Floodways and Flood Prone Areas

1) New bridges and culverts
   a) Documentation must be provided that the proposed crossing will not cause demonstrable flood damage; and
   b) Any water surface profile increase shall:
      i. Be contained within the banks of the water body; or
      ii. Be contained within the development site, property in which the applicant has an ownership interest, or a deed or plat restriction; or
   c) In urban areas, the water surface profile increase would not exceed 0.5 foot at the structure, nor 0.1 foot at a point 1000 feet upstream of the structure, for all flood events up to and including the base flood event, as determined by the horizontal projection of the increase and the slope of the hydraulic grade line for the existing and proposed conditions hydraulic models; or
   d) In rural areas, the water surface profile increase would not exceed 1.0 foot at the structure, nor 0.5 foot at a point 1000 feet upstream of the structure, for all flood events up to and including the base flood event, as determined by the horizontal projection of the increase and the slope of the hydraulic grade line for the existing and proposed conditions hydraulic models; and
   e) Any increase in the average channel velocity would not be beyond the scour velocity of the predominant soil type of the channel; or
   f) Increased scour, erosion and sedimentation would be prevented by the use of rip-rap or other design measures.

2) Reconstruction or modification of existing bridges, culverts and approach roads
   a) The reconstruction (including approach roads) shall be no more restrictive to normal and flood flows than the existing bridge or culvert crossing; and
   b) Documentation must be provided that the existing crossing has not caused demonstrable flood damage. In the case of public projects, certification by a District Engineer of the Department of Transportation’s Division of Highways, a County Engineer (if a registered professional engineer), or a Municipal Engineer (if a registered professional engineer) that the existing crossing has not caused demonstrable flood damage will be adequate documentation.
SMO AMENDMENT #14

Appendix 9: McHenry County Watersheds (Page 115)

Map of McHenry County depicting the major watersheds of the county including the Crystal Lake sub-watershed boundary.
SMO AMENDMENT #15
Appendix 10: McHenry County Watershed Plans (Page 116)
Add Boone-Dutch Creek Watershed to list of plans

SMO AMENDMENT #16
Appendix 12: Definitions (Page 126)
adequate downstream stormwater capacity: A downstream channel or stormwater management system with the ability to store and convey the anticipated 100-year stormwater runoff without damage to an adjacent or downstream building.

SMO AMENDMENT #17
Appendix 12: Definitions (Page 130)
development: Any man-made change to real estate by private property owners or public agencies including, but not limited to:

A. Construction, reconstruction, repair or remodeling, maintenance or placement of a building or any addition to a building, including “ag exempt” buildings;
B. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle or travel trailer on a site for more than 180 days (if the recreational vehicle or travel trailer is on the site for less than 180 days, it must be fully licensed and ready for highway use);
C. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
D. Demolition of a structure or redevelopment of a site;
E. Construction or erection of levees, walls, fences, dams, or culverts;
F. Channel modification;
G. Filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
H. Storage of materials;
I. Extensive removal of vegetation; or
J. Any other activity of man that changes the direction, height, or velocity of flood or surface water.
SMO AMENDMENT #18
Appendix 12: Definitions (Page 136)

hydrologically disturbed: An area where the land surface has been cleared, grubbed, compacted, graded, excavated, filled or otherwise modified in a manner that changes runoff volumes, or rates, or direction.

SMO AMENDMENT #19
Appendix 12: Definitions (Page 143)

rural area: The rural area designation within non-designated floodways shall be determined by IDNR/OWR. In flood prone areas, all residential, commercial or other non-residential land uses that are not defined as or included within an Urban Area, as defined by the U.S. Department of Commerce, Census Bureau (USCB) or as approved by the Enforcement Officer.

SMO AMENDMENT #20
Appendix 12: Definitions (Page 145)

urban area: The urban area designation within non-designated floodways shall be determined by IDNR/OWR. In flood prone areas, any densely developed residential, commercial or other non-residential land uses in which the U.S. Department of Commerce, Census Bureau (USCB) census block or tract contains a population density of at least 2,500 people, at least 1,500 of which reside outside institutional group quarters or as approved by the Enforcement Officer. Urbanized Areas and Urban Clusters, as defined by the USCB, are subsets of urban areas. A map of all urban areas of the county can be found on the USCB website: http://tigerweb.geo.census.gov/tigerweb/.
SMO AMENDMENT #21
Appendix 12: Definitions (Page 126)

Rearrange location of “agricultural building” definition from after “accessory building” to after “Advanced Identification Wetland Study (ADID)”.

SMO AMENDMENT #22
Article VI, Section B.5.d.(4)ii (Page 52)

ii. Detention within IWMC shall require IWMC mitigation, unless the detention facility is vegetated according to the standards of the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois (NRCS, et al.) and the pre-development IWMC is comprised of:

(a) Farmed wetlands;

(b) Non-farmed wetlands that are not HQAR covered by at least 85% of one or more of the following species:

   (i) Reed canary grass (Phalaris arundinacea)
   (ii) Purple loosestrife (Lythrum salicaria)
   (iii) Common reed (Phragmites australis)
   (iv) Buckthorn (Rhamnus spp.)

(c) Non-farmed wetlands that are not HQAR with a FQI of 7 or less; or

(d) Open water that is not HQAR.
<table>
<thead>
<tr>
<th>Project Type</th>
<th>Exempt</th>
<th>General Permit</th>
<th>Individual Permit</th>
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<tr>
<td>Building Maintenance</td>
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<td>Refer to Appendix 12: Substantial Improvement</td>
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<td>New Single Family Home</td>
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<td>Culverts, Storm Sewers, and Drain Tiles</td>
<td>Refer to Appendix 12: Other Maintenance Activities</td>
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<td>Dredging</td>
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<td>Removal of an Obstruction</td>
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<td>Gardening and Landscaping</td>
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<td>Tillage and Similar Agricultural Practices</td>
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<td>Individual Permit</td>
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<td>Implementing a NRCS Conservation Plan</td>
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<td>Onsite Waste Disposal Systems and Wells</td>
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<td>Refer to Article III, Section A: General Permit 1</td>
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<td>Sewer and Water Service Lines</td>
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<tr>
<td>Underground and Overhead Utilities</td>
<td>Refer to Appendix 12: Other Maintenance Activities</td>
<td>Refer to Article III, Section A: General Permit 1</td>
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<td>Seawalls</td>
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<td>Shoreline and Streambank Stabilization</td>
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<td>Boat Docks</td>
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<td>All Other Development Regulated by Article II, Section B</td>
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<tr>
<td>Signposts, Poles Fencing, and Guardrails</td>
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<td>Refer to Article III, Section A: General Permit 1</td>
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<td>Decks</td>
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<td>Refer to Article III, Section A: General Permit 1</td>
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<td>Pools</td>
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<td>Material Storage</td>
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<td>Refer to Article III, Section A: General Permit 1</td>
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<tr>
<td>Wetland Restoration and Enhancement</td>
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<td>Refer to Article III, Section A: General Permit 1</td>
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</table>
### Table 2 (Page 12)

#### TABLE 2  Summary of General Permit 1

<table>
<thead>
<tr>
<th>Type of Regulated Development</th>
<th>Applicability</th>
<th>Authorization</th>
<th>Terms and Conditions</th>
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<tr>
<td>Underground and Overhead Utilities</td>
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<td>Storm Sewer Outfalls, Drain Tile Outfalls, and Outlet Channels</td>
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<td>Road Maintenance and Bridges</td>
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<td>Sidewalks, Trails, Driveways, and Patios</td>
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<td>Seawalls</td>
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<td>Other Shoreline and Streambank Protection</td>
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<td>Minor Non-Commercial Boat Docks</td>
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<td>Signposts, Poles, Fencing, and Guardrails</td>
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<td>Minor Modification of Culverts, Storm Sewers, and Drain Tiles</td>
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<td>A.2</td>
<td>A.3.a, A.3.qg</td>
</tr>
</tbody>
</table>

### Article III, Section A.3.d (Page 15)

d. Maintenance of existing roads and bridges – To be authorized by this General Permit Number 1, maintenance of existing roads and bridges shall meet the following criteria.

   (1) Rehabilitative maintenance, such as milling and overlaying, that does not increase the impervious area and does not increase the surface elevation. Maintenance also includes increasing the surface elevation with the following limitations:

   i. Resurfacing outside flood hazard areas:
ii. Resurfacing within flood prone areas;

iii. Resurfacing within the flood fringe, provided the difference between the elevation of the road or bridge surface after resurfacing and the elevation of the road or bridge surface on the effective date of this Ordinance is not more than two inches.

(2) Repair, not including in-kind replacement, of an existing bridge outside the designated floodway.
Appendix 1: Permitting Flowcharts (Page 96)

Development Classification Flowchart (Page 1 of 2)

List of Routine Projects
1. Underground and Overhead Utilities
2. Storm Sewer Outfalls, Drain Tile Outfalls, and Outlet Channels
3. Maintenance of Existing Roads and Bridges
4. Sidewalks, Trails, Driveways, and Patios
5. Boardwalks
6. Seawalls
7. Other Shoreline and Streambank Protection Stabilization
8. Minor Non-Commercial Boat Docks
9. Signposts, Poles, Fencing, and Guardrails
10. Minor Modification of Culverts, Storm Sewers, and Drain Tiles
11. Decks
12. Topsoil and Sand Restoration
13. Pools
15. Material Storage
16. Dredging
17. Wetland Restoration and Enhancement

Flowchart Continued on the Next Page
Runoff Control Submittal Flowchart (Page 2 of 2)

Is the Development a Minor Development?
- YES: See Runoff Control Submittal Requirements - Article V.E.2, 5
- NO: Is Stormwater Storage Required? (Refer to the Other Flowchart on this Page)
  - NO: See Runoff Control Submittal Requirements - Article V.E.2, 3a, 3b, 3H(e), 5
  - YES: See Runoff Control Submittal Requirements - Article V.E.2-5

Flood Hazard Area Submittal Flowchart (Page 3 of 3)

Will the Development Involve Fill in the Flood Hazard Area?
- YES: Is the Development Exempt from the Compensatory Storage Requirements? (See Article VI.C.13(a))
  - YES: Compensatory Storage is Not Required
  - NO: See Flood Hazard Area Submittal Requirements - Article V.F.2, 45
- NO: Compensatory Storage is Not Required

Will the Development Involve a Building in the Flood Hazard Area?
- YES: See Flood Hazard Area Submittal Requirements - Article V.F.2, 3, 7, 8
- NO: A Substantial Improvement Calculation is Not Required
Wetlands, Waters and Buffer Area Submittal Flowchart

Are the Wetlands and Waters under USACE Jurisdiction?  YES → See Wetlands, Waters and Buffer Area Submittal Requirements - Article V.G.2-4, 10

NO → Will IWMC be Impacted by the Development?  YES → See Wetlands, Waters and Buffer Area Submittal Requirements - Article V.G.2-4, 10

NO → Is the Development Exempt from the IWMC Mitigation Requirements? (Refer to Article VI.F.5.a)  YES → See Wetlands, Waters and Buffer Area Submittal Requirements - Article V.G.2-6, 10

NO → See Wetlands, Waters and Buffer Area Submittal Requirements - Article V.G.2-6, 10

NO → See Wetlands, Waters and Buffer Area Submittal Requirements - Article V.G.2-11
RESOLUTION NO. 2016-07

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE USE OF THE SPRING GROVE MUNICIPAL CENTRE BY AND BETWEEN THE VILLAGE OF SPRING GROVE AND BURTON TOWNSHIP

WHEREAS, the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act of the State of Illinois, 5 ILCS 220/1 et seq, encourage cooperation between units of local government for matters of mutual concern; and

WHEREAS, the Village of Spring Grove, an Illinois municipal corporation, hereinafter “Village” and the Burton Township, a unit of local government, hereinafter “Burton” have mutually determined that it would be in the best interests of their respective residents for Burton to use the meeting room space for Town Board meetings;

WHEREAS, Burton’s use of the Municipal Centre is not expected to interfere with Village operations;

WHEREAS, the corporate authorities of both the Village and Burton believe that this action is fiscally responsible in this era of austerity for local governmental units.

NOW, THEREFORE, BE IT ORDAINED BY THE Village President and Board of Trustees of the Village of Spring Grove, McHenry County, Illinois, as follows:

Section 1: The above-stated recitals are incorporated by reference.

Section 2: The Village Board hereby approves the Intergovernmental Agreement which is attached hereto as Exhibit A. The Village President and Village Clerk are authorized to execute any and all documents necessary to effectuate the purpose and intent of the Intergovernmental Agreement.

Section 3: This Resolution shall be in full force and effect from and after its passage and approval.

Dated this 17th day of May, 2016.

APPROVED:

Mark R. Eisenberg, Village President

ATTEST: 
Sandi Rusker, Village Clerk
INTERGOVERNMENTAL AGREEMENT FOR THE USE OF
THE SPRING GROVE MUNICIPAL CENTRE BY AND BETWEEN THE
VILLAGE OF SPRING GROVE AND BURTON TOWNSHIP

THIS AGREEMENT, made and entered into this 17th day of May, 2016, by and between the Village of Spring Grove located in McHenry County, Illinois (hereinafter referred to as the "Village") and Burton Township, a unit of local government located in McHenry County, Illinois (hereinafter referred to as the "Burton").

WHEREAS, the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act of the State of Illinois, 5 ILCS 220/1 et seq, encourage cooperation between units of local government for matters of mutual concern;

WHEREAS, Burton and the Village have mutually determined that it would be in the best interests of their respective residents for Burton to use meeting room space for Town Board Meetings;

WHEREAS, Burton’s use of the Municipal Centre is not expected to interfere with Village operations;

WHEREAS, The corporate authorities of both the Village and Burton believe that this action is fiscally responsible in this era of austerity for local governmental units.

NOW THEREFORE, in consideration of the foregoing, the parties covenant and agree as follows:

1. The above-stated recitals are incorporated herein by reference.

2. The Village will license and allow Burton the non-exclusive use of the Village Board Meeting Room for Town Board Meetings along with the adjacent conference room for closed session proceedings. Burton’s use of the space shall be limited to the second Tuesday of each month from 6:00 p.m. until the end of each meeting and for special Town Board and Electors Meetings. Burton shall be given a key to be used to open and close the Municipal Centre on meeting nights only. The term of this Agreement shall begin on June 1, 2016 and end on December 31, 2017. At least 60 days prior to the termination date, the parties shall discuss
whether to extend the term of this Agreement and any necessary modifications to it. However, either party shall have the right to terminate this Agreement at any time by giving the other party 30 days advanced written notice of the date this Agreement shall terminate.

3. Burton’s primary contact with the Village shall be with the Village Clerk and Burton shall schedule any special meetings through the Village Clerk, so long as the Board Room is not otherwise in use. The Village Clerk will post agendas for Town Board Meetings at the Municipal Centre so long as she receives them by fax or e-mail by noon the Friday before a regular meeting or at least two (2) full business days, during normal business hours 8:00 a.m. to 4:00 p.m., for a special board meeting. The Village’s primary contact with Burton shall be Supervisor Samuel Jones.

4. There shall be no cost for the use of the facility. Burton shall not store or leave anything at the facility.

5. Burton agrees that the Village Board room shall be used solely for regular and any special Town Board and Electors Meetings unless it obtains the written approval of the Village to use it for other purposes.

6. This Agreement is not assignable or transferable by Burton without the written approval of Village, which may be refused in the Village’s sole discretion.

7. The Village is not providing Burton with telephone or Internet service.

8. The Burton Township Assessor shall be permitted to occasionally use an office or the Village Board room for meetings with residents related to her duties during regular Village business hours. The Township Assessor shall notify the Village Clerk by e-mail at least one (1)
business day prior to use to make sure there are no conflicts. If there is a conflict, the proposed use shall be on a different date.

9. Burton shall keep the Municipal Centre neat and clean at all times. All papers and other materials shall be removed each night by Burton following meetings. In the event Burton moves any chairs or furniture as part of its use, such chairs and furniture shall be returned to the positions they were in prior to Burton’s use.

10. Burton waives and releases all claims for injuries it may have or that any member, user, invitee, employee, agent, customer or participant (“Participant”) in its activities may have or which arise out of the Municipal Centre, its parking lot and any other property located around the Municipal Centre. Burton also indemnifies and holds the Village harmless as provided herein.

Burton agrees to waive and relinquish all claims it may have as a result of using the Municipal Centre against the Village and its elected and appointed officers, servants, Board of Trustees, individual appointed or elected officials, and employees (“Covered Entities”).

Burton does hereby fully release and discharge the Village and its Covered Entities from any and all claims from injuries, including death, damage, or loss which it may have or which may accrue to any Participant or Burton on account of its use of the Municipal Centre, including the parking lot and any other property located around the Municipal Centre and Burton covenants not to sue the Village or any of the Covered Entities. Burton further agrees to indemnify and hold harmless and defend the Village and its Covered Entities from any and all claims resulting from injuries, including death, damages, and losses sustained by the Village or the Covered Entities arising out of, in connection with, or in any way associated with Burton’s
use of the Municipal Centre or the use of the Municipal Centre, the parking lot and any property located around the Municipal Centre by any Participant. Burton hereby assumes all responsibility for any bodily injury, death or property damage brought about as a result of its use of the facility or the use of the facility by any Participant and shall pay the Village the costs of any repairs or replacements within 21 days of presentation of an invoice.

The Village makes no warranty or representation about the condition of the Municipal Centre, the parking lot or any other property located around the Municipal Centre being used by Burton.

Burton, at its sole cost and expense, shall maintain a commercial general liability insurance policy naming the Village as additional insured with combined single limits in the amount of $1,000,000.00 per occurrence, $3,000,000.00 aggregate, or such other amount as the Village may require. Burton shall also maintain umbrella excess liability insurance in the amount of $1,000,000.00 per occurrence and workers compensation insurance covering all of Burton’s employees in accordance with the applicable state laws and regulations. A certificate of insurance evidencing a policy endorsement of the required insurance shall be provided to the Village prior to the first date of usage, evidencing such insurance coverage. In addition, said insurance shall provide that notice of cancellation or termination shall be provided to the Village in writing at least sixty (60) days in advance. Insurance in the amounts set forth herein may be provided through an intergovernmental self-insured risk pool.

11. Except as provided by Illinois statute or for any damage or injury resulting from the Village’s wrongful conduct or negligence, the Village shall not be liable to Burton for any damage or injury to Burton or Burton’s property done or occasioned by any cause.
12. If the Municipal Centre shall be damaged or destroyed by fire or other casualty, then at the Village’s sole discretion, this Agreement may be terminated by providing written notice to Burton. Unless otherwise agreed by the parties in writing, the occurrence of a fire or other casualty shall not serve to extend the term of this Agreement for any period that the Municipal Centre is unavailable.

13. This Agreement is for the period of time provided herein.

14. Nothing contained herein shall be construed as a lease of all or part of the Municipal Centre. This is merely an agreement regarding the use of a portion of the premises for a limited purpose and is intended to set forth the parties’ obligations for such use. In the event real estate taxes are assessed by virtue of this Agreement, then Burton shall pay the taxes at least 10 days before an installment is due.

15. In the event the Village deems that there has been a breach of this Agreement, which in the Village’s sole discretion cannot be remedied or merits the termination of this Agreement, the Village may immediately terminate the Agreement, and also seek any appropriate remedy at law or in equity. In the event of a breach of this Agreement, Burton shall pay all attorney’s fees and costs incurred by the Village in terminating the Agreement and enforcing its rights hereunder.

16. Any notices required by this Agreement shall be in writing and shall be sent by certified mail, return receipt requested, or by a nationally recognized overnight courier service as follows:

To the Village

Sandi Rusher
Village Clerk
Village of Spring Grove
7401 Meyer Road
Spring Grove, Illinois 60081
With a copy to:  
Scott A. Puma  
Ancel, Glink, Diamond, Bush,  
DiCianni and Krafthefer, P.C.  
175 E. Hawthorn Parkway, Suite 145  
Vernon Hills, Illinois 60061

To Burton Township:  
April Shetsky  
Township Clerk  
Burton Township  
PO Box 353  
Spring Grove, Illinois 60081

17. The parties also agree to the following general provisions:

a. Burton shall keep and observe such reasonable rules and regulations required by the Village that may be necessary for the proper and orderly care of the Municipal Centre.

b. The rights and remedies hereby created are cumulative and the use of one remedy shall not be taken to exclude or waive the right to the use of another.

c. This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein and this contract shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto.

d. This Agreement shall be governed by the laws of the State of Illinois and jurisdiction for any litigation shall be in the Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois.

e. If any portion of this Agreement is deemed unenforceable, then it shall be severed and stricken from this Agreement and the remainder shall remain in full force and effect.

f. This Agreement shall not be construed against any party by virtue of a party’s attorney drafting all or part of this Agreement. It has been drafted for the benefit of both parties and been reviewed by their attorneys.

g. This Agreement shall create no third-party beneficiaries as it is solely for the benefit of the parties hereto.

h. Time is of the essence.
This Agreement may only be amended in writing following the approval of the corporate authorities of each party.

Village of Spring Grove

By: ______________________________
    President Mark R. Eisenberg

Attest:

_______________________________
    Sandi Rusher, Clerk

Burton Township

By: ______________________________
    Supervisor Samuel Jones

Attest:

_______________________________
    April Shetsky, Clerk

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