

**Members Present**

Mr. Olthoff, Mr. Stauffenberg, Mr. Bertrand, Ms. Hertzberger, Mr. James, Mr. Martin, Mr. Washington, Mr. Scholl, Mr. Whitten and Mr. Hess.

**Members Absent**

Mr. Tripp and Mr. Marcotte.

**In Attendance**

Mr. Kruse, Mr. McLaren, Mike Van Mill, Rich Howell, Mike Lammey, Don Pallissard, Delbert Skimerhorn, Eric Sadler, Dave Tyson, Greg Deck, Paula Jacobi, Gary Chouinard, John Bevis, Brenda Gorski, Steve Liehr and Mike Bossert.

**1. Call to Order and Roll Call**

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m.  
Quorum Present.

**2. Public Comment**

Greg Deck – Attorney representing the Illinois State Rifle Association in connection with their application for a Special Use Permit for outdoor recreation. His recommendation was in favor of the request for a Special Use Permit.

Gary Chouinard – Limestone Township Trustee. Their Township Board reviewed the transcripts from the ZBA and they felt that the application for Special Use Permit should be denied.

Paula Jacobi – Attorney representing the objectors to the Illinois State Rifle Association application for a Special Use Permit. Gave statement opposing the granting of a Special Use Permit.

**3. Approval of Minutes- December 14, 2005 & December 27, 2005**

A motion to approve the minutes from December 14, 2005 and December 27, 2005 was made by Ms. Hertzberger and seconded by Mr. James. Motion carried.

**4. Subdivision**

• **River Haven Subdivision, 4<sup>th</sup> Addition- Preliminary & Final Plat**

Mr. Van Mill stated that this case was in front of the Committee last month because of a number of questions and it was “tabled” for today’s meeting. He said that there was representation of the developer (Dave Tyson) who was present today. Mr. Van Mill explained that the owner and developer of River Haven, 3<sup>rd</sup> Addition is requesting that a lot, which sits on the north

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side of Game Trail north, which encompasses approximately 180 feet by 200, was approved by this Committee and by the County Board as an out lot for a park. The petitioner, in his application, asked that the designation of that park area be changed to residential and in exchange for that, the developer is proposing to put \$13,000 of equipment in the park area that is in River Haven, 1<sup>st</sup> Addition and this is the request.

Mr. Tyson said that basically, Mr. Van Mill explained what the petitioner is asking for. Mr. Tyson displayed a copy of the Final Plat, which was the exact representation about Lot 1 the 3<sup>rd</sup> Addition. The monetary amount is what Jeannine Burton has offered to the Bourbonnais Park District for equipment. The \$13,000 equipment will not be owned by the park district (the park district does not want to own the equipment); the equipment will be part of the Homeowner's Association. That park is actually located in the entrance of River Haven Subdivision.

Mr. James made the motion to "accept". There was not a second to this motion.

Discussion.

Mr. Hess said that in looking this over, there's \$13,000 for a lot that is twice the size of any other lot in that subdivision and moving the park way down to the other end he then made the motion to deny this request. Mr. Martin seconded his motion.

Mr. Scholl said that something of this nature many times as it comes before this Committee, it seems that it's beneficial to the developer and it definitely is not beneficial (to his point of view) to the residents of the area. It strikes him that the relocation of the park is not convenient to the residents of the area. So, he is very much opposed to this.

Mr. Liehr said that this subdivision is in his district and he had residents approach him who object to this proposal. They purchased property with the idea that the park would be nearby and it has been previously stated they also think that the proposed exchange is an unreasonable one. So, he knows there are residents that object to this proposal.

Mr. Martin said that he agreed with Mr. Hess and the reason he seconded the motion is he knows that the lots in this subdivision are sold for far more than \$13,000 and in looking at the plat, it's a much larger lot than any other lot in there and probably is the most strategic because it's right up at the front of the subdivision. He also felt that the amount was totally

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inadequate and we should have a representative or Homeowner's Association tell us if this passes later for more money, what do they intend to do with the money and where the equipment would be situated.

On the motion to deny the River Haven Subdivision, 4<sup>th</sup> Addition – Preliminary & Final Plat made by Mr. Hess and seconded by Mr. Martin, the motion was carried by a voice vote. Voting nay was Mr. James.

- **Bordeaux Estates Preliminary Plat**

Mr. Olthoff stated that we have not received the Highway letter on this issue yet so, he would recommend that we “table” this until the next meeting until we can get a letter from the Highway Superintendent.

A motion to table the Bordeaux Estates Preliminary Plat was made by Mr. Stauffenberg and seconded by Mr. Whitten. Motion carried.

## 6. Zoning

- **ZBA Case #05-05; Request for a Special Use Permit for a Rifle Range (Recreational Uses in Section 6.03)**

Mr. Van Mill stated that the Zoning Board of Appeals transmit for the Committee's consideration a special use request by the Illinois State Rifle Association (ISRA) for the expansion of its use on property generally situated on the northwest quarter of Section 30 in Limestone Township. The site sits on the east side of Warner Bridge Road approximately 1-1/2 miles north of its intersection with Illinois Route 17. The proposal for the Committee's consideration encompasses two (2) forty (40) acre tracks. The forty (40) acres is adjacent to Warner Bridge Road. Its location of the existing range, which according to testimony, has been in existence since the 1920's. The organization purchased the adjacent forty (40) acres to the east and is now petitioning the County Board to expand its operation to this property. According to testimony, the expansion would include: Olympic rifle ranges of 100 meters/50 meters; a track range; three (3) archery ranges; two (2) classroom buildings and associated parking. The Public Hearing on this Case started in June of 2005 and lasted until the Zoning Board voted on the matter at its meeting in November. There was a total of six (6) hearing dates. There were several members of the public that voiced objections with concerns over the current operation and its expansion. In light of the hearings and the number of issues raised and the various objections, Mr. Van Mill said he forwarded to the Board Members copies of transcripts several weeks ago for their evaluation of the Case and proposed expansion. The comments of concern were raised in favor and against the operation in its expansion. On November 16, 2005 after its deliberations, the Zoning Board of Appeals voted 5 to 1

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to recommend approval of the Special Use Permit. In its recommendation, it also attaches the following conditions of approval:

1. Hours and days of Operation. The regular hours of operation shall be conducted daily between 8:00 a.m. and sunset. Such time will be prominently displayed to be seen from Warner Bridge Road. The range will not operate on Christmas Day, Thanksgiving Day, Easter Day and Mother's Day. In addition, the range will not operate on Sundays prior to 11:00 a.m.
2. Complaint Policy. ISRA will establish an E-Mail address for complaints and other comments and maintain hard copies of any and all complaints and comments for a period of two (2) years.
3. The ISRA will not permit the use of any 50 caliber BMG firearms.
4. Landscaping. Landscape screening and buffering as shown on the improvement plan.
5. Notification of Special Events. The ISRA shall notify neighbors and the County Planning Department when the police and military will be using the site via E-Mail and Website.
6. Setbacks. Setbacks will be fifty (50) feet from any boundary line or building.
7. Environmental Stewardship Plan. Provide and follow an environmental stewardship plan.
8. Review. The Special Use Permit will be reviewed by the Planning, Zoning and Agriculture Committee two (2) years from the date of passage to review compliance with the Special Use Permit. In addition, the Committee will review the number of complaints and review the ISRA's response to them.

Mr. Scholl said that there are many questions in this Case. First, there is the "jurisdictional legal" question? He believed that this was actually brought up by the ZBA, but not actually addressed and it was his motion that this be sent back to the ZBA so that they may, with the assistance of the State's Attorney's Office, establish in the Findings of Fact any challenges or definitions with respect to the legal jurisdiction. His motion was seconded by Mr. Bertrand.

Further discussion.

Mr. Hess said after reading the transcripts, he had to agree with Messrs. Scholl and Bertrand because on November 8<sup>th</sup>, four (4) out of the five (5) ZBA Members, who put in one heck of a lot of time on this whole thing,

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asked about legal counsel before they made a decision and then a vote was taken and he would like to see it go back also.

Mr. Martin asked that on the subject of prohibition, on the starting of the rifle competitions on Sunday, is there any such prohibitions to say they can't start until eleven o'clock on the present forty (40) acres?

Mr. Van Mill answered, "no".

Mr. Martin further said, in other words, they have been able to start at any time that they saw fit and that prohibition is a new prohibition that would be put over the total eighty (80) acres. Is that correct?

Mr. Van Mill answered, "yes".

Mr. James said that they bring out the rifle range versus a shooting range of shot guns, etc., and it is his understanding that the forty (40) acres presently is being used for rifle range and pistol shooting and that the additional forty (40) acres, which would be on the outer perimeter, would be used for the shotgun and the archery range. So, are we really asking for rifle range on this addition of forty (40) acres or are we just asking for what's available according to our Zoning Law to establish on the additional forty (40) acres to the other forty (40) there that is being used?

Mr. Olthoff clarified Mr. James' inquiry and said the question goes back to the beginning, if it was designated as a gun club and what the definition of a gun club is steep and clay pigeons, etc., and that is what they would like the ruling on.

Mr. Scholl said one of the points of consideration is that many of the people who build in that area build with the understanding of what was there. The facility has expanded over the years and has encompassed many more activities. The safety record of the facility is beyond reproach. The procedures have been followed are excellent, but it is not the same facility that is there today that was there 15-20 years ago.

A motion to send this issue back to the ZBA for the jurisdictional ruling to establish the legal Findings of Fact was made by Mr. Scholl and seconded by Mr. Bertrand. Motion was carried by a roll call vote of 9 ayes 2 nays.

## **7. Solid Waste**

- **Amendment to Professional Services Agreement between County of Kankakee and Patrick Engineering, Inc.**

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Mr. Van Mill gave an overview and advised that the Committee had previously received a copy of the final draft for the five (5) year update of the Kankakee County Solid Waste Plan. They are going to be in a thirty (30) day comment period for that document. He further advised that they still have a number of things that is going on with regard to the Solid Waste Plan and they have an existing contract with Patrick Engineering. Originally, that contract was for \$54,700 to do the plan itself.

Patrick Engineering has contacted the Planning Office, through Donna Shehane and has indicated that as a result of what it has encompassed to get the plan to the point it is today, and looking forward in terms of what they are going to be requiring for special public forums, and for the comment periods they are expecting to have for this document, they anticipate that they are going to be over and at this time they estimate a \$5,000 overage to get this plan to completion.

Ms. Shehane stated that they have several tasks left to complete this process, including several presentations by Patrick Engineering. At the public forum, they are going to prepare a power point presentation and answer questions and then they are going to assist with responses to every public comment that is received – some of those may be technical – to help with those responses. Therefore, she recommends increasing the Budget by \$5,000 to get this done.

A motion to increase the Budget by \$5,000 and forward this issue to the Finance Committee was made by Mr. Stauffenberg and seconded by Mr. Whitten.

Discussion.

Ms. Hertzberger asked Ms. Shehane what happens if the County does not give them the money.

Ms. Shehane replied that they will not have a consultant at the public hearings to give a presentation, answer technical questions and get this plan passed.

Mr. Martin said that he didn't think that they are liable to renege on the original agreement and that was to include these amounts.

Mr. Washington said it was clear to him that Ms. Shehane has not been able to do all of the functions that she was intending to do in the beginning and she has added those functions to the track so they will have to do

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those things to complete the old operation. He further said that he, too, agrees that if you make a bid on an original amount of work, then you should be held to it, but if there's work added and we are the ones that added the work, then we are the ones who should pay for that added work.

Mr. James said the fact that she (Ms. Shehane) went and requested more duties of the contractor unbeknownst to us, he didn't think that justifies it. He further said that we went in with the contract understanding of what was going to be there. We understood what portion we were suppose to be doing and if we fell on our face, shame on us, but he didn't think it was brought back to this Committee and that's when it should have been brought back to us at that time to ask us to extend it – when they realized that we could not perform our portion – not now after we have already paid them or they have already performed the service.

On the motion to approve an additional \$5,000 and send it on to the Finance Committee was made by Mr. Stauffenberg and seconded by Mr. Whitten. The motion was carried by a roll call vote of 9 ayes and 2 nays.

Mr. Scholl added that Mr. James brought up a valid point and it should be noted in the record that if this is to be foreseen in the future, it definitely should be brought back to the Committee so it can be addressed and approved this type of expenditure.

- **Kankakee County Solid Waste and Recycling Ordinance**

Ms. Shehane addressed the Committee and said the reason that this issue is being revisited is because the County Board passed the incorrect version of the Recycling Ordinance on December 13<sup>th</sup>. She was not present the day it was passed and she did not check it. The document was a draft from about a year ago and had substantial changes and cannot be passed.

Mr. Van Mill added that somehow that draft got to the 5<sup>th</sup> floor unbeknownst to them, but what was passed December 1<sup>st</sup> in this Committee, was the correct copy.

Ms. Shehane said she just wanted to inform the Committee of this issue because the County Board will have to pass the real version this time and she didn't know whether they need to pass this again or take away the old one that was passed and pass this again. At this time, she was seeking a suggestion from the Committee relative to this issue.

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A motion to send the correct Ordinance to the County Board was made by Mr. Washington and seconded by Mr. Hess. Motion carried.

## **8. Transportation**

- **Lease of Bus to Metro**

Mike Lammey stated that Kankakee County holds joint title with Illinois Public Transportation on a number of buses that they allow Show Bus to provide service with. One of those buses is a 1998 Bluebird bus that is too big to go into Pembroke and provide service on the roads that's out there. Right now, in the past year and a half, it is sitting and doing nothing and they're paying insurance on it. Mr. Lammey further explained that they would like to find a way to get that bus over to the urban system Metro and have it be useful in that function. They thought a lease was the best way to go to begin, but now, they feel the best way is an Asset Transfer. First of all, they will have to get IDOT off the lien on the bus and then they will have to transfer the asset to Metro instead of to the County so they can pay the insurance on it and not the County. Buses do not fair very well when they sit.

Mr. James asked what the value of the bus is.

Mr. Lammey replied that the State scheduled the depreciation at seven (7) years and we're already at that seven (7) year time. Within the past six (6) months of the current six (6) months it will be a zero value on the State books.

A motion to proceed with the Transfer of Asset to Metro was made by Mr. Washington and seconded by Mr. Scholl. Motion was carried by a roll call vote of 11 ayes and 0 nays.

## **9. Planning**

None.

## **10. Executive Session – 5 ILCS 140/7 – Potential Litigation**

A motion to go into Executive Session to discuss pending Litigation was made by Mr. Washington and seconded by Mr. Whitten. Motion carried by a roll call vote of 11 ayes and 0 nays.

A motion to come out of Executive Session was made by Mr. Stauffenberg and seconded by Mr. Whitten. Motion carried.

## **11. Old/New Business**

- **Diversatech**

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Mr. Olthoff asked Ms. Gorski if she knew of any further Hearings/decisions with the Diversatech issue.

Ms. Gorski advised that Judge Wenzelman had taken this issue under advisement.

Mr. Stauffenberg asked Mr. Van Mill if the Planning Department was planning on going to the Hearing for the Kankakee Town and Country at the Kankakee City Hall.

Mr. Van Mill replied, "yes" there will be representation on January 31<sup>st</sup>.

Mr. Bertrand inquired about the status of the illegal dump in Town in Country and where it was at.

Mr. Van Mill said that is probably a potential Litigation issue. He signed a notice to take legal action and right now, they have the opportunity to respond. It's going through the normal IEPA violation process.

## **12. Adjournment**

A motion to adjourn was made by Mr. Whitten and seconded by Mr. Hess at 10:00 a.m. Motion carried.

William Olthoff, Chairman

Chris Richardson, Administrative Assistant

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