

“Special” Planning, Zoning, and Agriculture  
Committee Meeting  
February 6, 2007

**Members Present**

Mr. Olthoff, Mr. Tripp, Mr. Bertrand, Ms. Hertzberger, Mr. James, Ms. McBride, Mr. Scholl, Mr. Hess, Mr. Washington and Mr. Whitten.

**Members Absent**

Mr. Stauffenberg and Mr. Marcotte.

**In Attendance**

Mr. Kruse, Mr. McLaren, Mr. Vickery, Mr. Bossert, Mike Van Mill, Michelle Sadler, Sarah Billadeau, Donna Shehane, Erik Rayman, John Bevis, Mike Watson, Keith Runyon, Rich Howell, Jamie Boyd, Brenda Gorski, Robert McElroy, Teresa Kubalanza, Mayor Don Green, Mayor Norm Grimsley, Bonnie Schaafsma and Paul Purseglove.

**1. Call to Order**

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

**2. Roll Call**

**3. Public Comment**

Vikki Carlson – Commended Jim Greenstreet and Donna Shehane and support of the Delegation Agreement.

Keith Runyon – Suggested establishing a Commission if the Delegation Agreement is continued.

Phyllis Smith – Spoke in support of Jim Greenstreet and Donna Shehane.

Leigh Marcotte – Spoke in support of the Delegation Agreement and requested that her written comments be placed on record.

Paul Purseglove – Manager of the Field Operations Section for the Illinois EPA, said that he was responsible for the field inspections that are conducted by State inspectors as well as delegated counties. He further said that the delegation program has been a very useful part of their program. They have delegation agreements with 23/24 counties and the City of Chicago. By doing that, they delegate authorities to conduct inspections and enforce state law along permitted waste handling facilities, i.e., landfills, transfer stations, compost sites, etc., as well as conducting inspections for other solid waste conditions. He said that he fully supports the program. The inspectors that the County has are first rate. One of the biggest concerns that they have in doing these delegation programs is to have a statewide consistency. He said

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that their objective has been compliance. They are much more concerned about keeping sites in compliance than conducting enforcement – that is their ultimate goal. They will be increasing their funding (\$20,000) to the County for their portion of the program next year.

#### **4. Solid Waste & Environmental**

- **Delegation Agreement**

Mr. Scholl commented that he did not want to run the risk of losing the beauty that we have in Kankakee County and this is something we’ve got to protect.

##### Motion

He motioned not only that they keep the Delegation Agreement, but expanded into a department in and of itself and see the creation of a Solid Waste Environmental Department and take this out of the Planning Department. Therefore, his motion is to send this issue to the Finance Committee for the consideration of that action. Mr. Scholl’s motion was seconded by Mr. Washington.

##### Discussion

Mr. James said that he was concerned on the funding and that it appears as though the legislation has put into play something that’s a double taxation whereby it takes tax dollars, it comes down and it would carry out with the rest. He felt that if this was such a good thing – it was started in 1992 – and it is in only 17 counties out of 102, evidently, there is something flawed in it and he believed it is in the financing package and he didn’t feel that they should continually be supporting bad state policies that come out that they claim are for our good, but they are not willing to pay for it.

Mr. Olthoff asked Mr. Purseglove if he knew how many counties, out of the 102 counties in Illinois, have a Delegation Agreement.

Mr. Purseglove replied, “there are 23 counties and the City of Chicago that have Delegation Agreements with the Illinois EPA. The vast majority of them had or do have an operating landfill in their county/city and they use tipping fees from that landfill to support their solid waste inspection enforcement program. In addition to that, the State does give grants to the programs. In the past three (3) years the State has significantly increased the funding coming to the County for this program -- \$47,000 last year and \$20,000 more for fiscal year ’08 – those funds come from statewide collections from all the 52 landfills that operate around the State”.

Mr. Olthoff asked Mr. Purseglove, knowing the State’s difficulty with their budget, as far as he knows, are all those programs current.

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Mr. Purseglove replied, “yes”.

Mr. Scholl said to him it was more than the financing. It’s great that we were getting more from the State and he hopes that it continues, but he wants more - \$20,000 is not enough. This is a program that we have undertaken, we’ve seen results with it, the County is benefiting from it and even with the shaky nature of the lunacy that occurs in Springfield, he could not see abandoning this program.

Mr. Washington said that he agreed 100% with Mr. Scholl. He further said that we are a growing County and we’re growing in many ways. The last thing that we want to do is to reverse back to not having any oversight on how waste is disposed of and how waste is handled in this County. We’re bringing people down from the North – coming in for various reasons, but the beauty of the County is one of the main reasons. We need to stay abreast and not go backwards in our monitoring of what goes on in this County and handling solid waste.

Mr. Whitten said that he voted against the Waste Management agreement for the reason of recycling. When they came in with this Delegation Agreement they promised more recycling and we are not getting a recycling program as we should. Therefore, he could not support the Delegation Agreement.

Mr. Kruse said it’s not slamming the Delegation Agreement and it’s not the people that is running it, but in the position that he is in, he has to look at the whole picture and the big picture that is being presented to the County and where we’re at and the different things that is going on in the next few years. The State Supreme Court is now saying we are going to have expenses coming at us, but we don’t know what that is yet. In the last couple of years we have picked up more monies in the Regional Office of Education program and last year it was brought forward to the Finance Committee that the State isn’t going to take on the retirement for the people at the Regional Office of Education. It’s not going to be delegated and it will be and the responsibility of the County. Again, more monies that we’re going to have to come up with to pay for programs that previously was done by the State. We have also picked up a substantial amount of money from the Truancy programs from the Regional Office of Education. We have picked up the Stormwater Ordinance that was delegated and legislated on us and we’re looking at hiring an Engineer for that – again, more money that has to come out of our pockets – as per State Statutes. The Finance Committee has looked at the Pledge for Life for the Children’s Advocacy Center and those dollars has amounted to

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about ½ million dollars. We cannot do that at this time, but both of those groups are going down the stream.

He further said that the State is behind back to October and it averages to about \$675,000 in reimbursements to us in other programs. We have already been informed that one of the programs we will not be getting paid for until at least July and we have had those expenses back in September/October of last year. Those are going to be anywhere from 9 to 10 months behind in reimbursements. We have to also look at what other bills that may be coming in. Year end and year out there’s a bill to increase the age of juveniles from 17 to 18 and we have no idea what that’s going to cost us. The original estimates are 33% more to what we are spending now. Those are going to be probation officers and those facilities and that is the single largest thing that the State is behind in and reimbursing the County. Again, that is something that is delegated to us statutorily.

Mr. Kruse said what he was trying to point out was, the EPA is always going to be here. Can we afford to continually be dumped on by the State with other programs that we have to come up with the money for that is legislated upon us. It’s not like they’re going to go away. It may not be the local control that we have now, but that’s not delegated on us – that is something that is the State’s responsibility to be doing. We have a lot of other issues that we got to be looking at and it’s time that we start looking at what the State is doing totally (not this particular program), because it does hurt us as far as cash flow, audits when they are that far behind, it could hurt our bond rating and the way he’s looking at it is more universal as what we’re dealing with the State. At this time, he didn’t know if we could afford to do this at this time.

Mr. Olthoff reminded the Committee that there was a motion before them that was not dealing with the Delegation Agreement – whether they have it or not – which the motion is, “to move it”, He said that they could vote on that motion and if there’s another motion on the Delegation Agreement itself, then they could entertain that.

Mr. Vickery said there were a couple of issues that concerned him:

1. They have a transfer station in Momence and they had a violation there some months back and he was able to contact their department and within 24 hours, because of quick service, this infraction was worked out.
2. If there is a landfill ever in Kankakee County, who monitors it?

He further said by monitoring, it seems that our lives are full of, when you deal with agencies at a distance of dial a number and then you dial “1” and leave message or dial “2”, etc., whether it be health insurance, prescriptions, that is

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what our lives are full of and he does not want to see us go down that path. If this issue is brought to the full County Board, he will support Mr. Scholl’s motion.

The motion was restated, “to forward this issue to the Finance Committee in order to form another department, a Solid Waste Environmental Department and have a separate budget” was made by Mr. Scholl and seconded by Mr. Washington.

Mr. James said he was a little confused because if they were going to send this to the Finance Committee, he thought that’s where it normally goes after something has been decided and he didn’t understand why they’re sending this to the Finance Committee when they haven’t decided if they want the Delegation Agreement to be enforced or not. So, basically, the motion is out of order and if you vote for it to go to Finance, what is there left for them to talk about.

Mr. Olthoff explained that a motion was made and the motion will have to be discussed and to vote it up or down and then you can go to any other motion. He further said that if it is voted to go to Finance, you can still address the Delegation Agreement, which would supersede Mr. Scholl’s motion.

Mr. James said it seemed as if every time we turn around, the State is telling us how much money we should be spending whether we got it or not. The position for this Delegation Agreement was made back in 1992 and we had an active landfill at that time – we do not have one today and it’s not likely we will have one. If and when we should get another one, if it should come to be, we can always go to the EPA and they will gladly come down and talk with us again.

Ms. Schaafsma stated for clarification in regard to creating another department to add environmental, they do have an Environmental Division at the Health Department that has statutory authority for wells, septic and is their venue and those programs are running well. She further asked what other duties they propose adding to the solid waste other than the current solid waste duties. She said they also do the other nuisances and complaints.

Mr. Olthoff said it would be the solid waste as it is at this present time.

Mr. Tripp said he agreed with Mr. James and referred to the February 1, 2007 letter from Mr. Child of the Illinois Environmental Protection Agency to Ms. Shehane. He quoted the 4<sup>th</sup> paragraph that read, “Please submit an

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amended budget to Illinois EPA, Bureau of Land’s project manager, Ellen Robinson, for funding consideration earlier than March 1<sup>st</sup>, to accept this amended offer. However, it is hoped that Kankakee County will continue to be on the lookout for funding opportunities locally, to assure the continuation of this program in your county”. He said that this whole thing seemed so “iffy” to him. We’re not on solid ground and that bothers him.

Ms. Hertzberger said most government programs are “iffy”. You may not have funding down the road, but it doesn’t mean that we don’t do it while we can and maybe look for alternatives in funding later. So, to not do this Delegation Agreement and not keep it going as it is, just because we might not have funding 5 years from now is not a good alternative. We might as well do it while we can - it’s good for the County.

Original Motion

At this time, Mr. Olthoff asked Mr. Scholl if they could hold his motion in abeyance and discuss the Delegation Agreement first and if that is remaining, then they would go to his motion. Mr. Scholl said that he had no objections to do this as it would seem to be the logical thing to do. Mr. Washington concurred. Motion tabled.

Motion

A motion to terminate the Delegation Agreement at this time was made by Mr. James and seconded by Mr. Whitten. Motion was carried by a roll call vote of 6 ayes and 4nays.

Discussion

Mr. Scholl said that he understood the financial aspects of it and no one could be more frustrated with Springfield not living up to the financial obligations, but the one that suffers in the end is going to be Kankakee County. He further said that if we abandon this Delegation Agreement the expediency on inspections and reactions is going to dwindle and it’s going to take forever and a day to get an inspector here to address a problem that we have in the County. We have made progress and he felt it would be a grievous error to abandon the Delegation Agreement.

Mr. Whitten said that we are paying tax to township, we are paying tax to the City, we are paying County tax, we are paying school tax and if we keep this Delegation Agreement going, it’s just like having another tax.

Mr. Vickery said it seems that as aggressive we have been we can’t really get all of the enforcement that we need in Kankakee County – we still have problems. Some of our Waste people flaunt our rules and he just could not

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understand why we would want to step backwards away from the progress we have made in enforcement. He further said, when this comes to the floor, he will just have to vote his conscience. That and the transfer station in Momence need to be monitored.

Ms. Hertzberger said that she agreed with Mr. Vickery and Mr. Scholl. She said that it amazes her that we vote for wells and septics, but then we vote against the environment. We will allow people to pollute and make it easier for them, but then we vote to put houses and people’s children on wells and septics. If we’re going to do that, we need to make sure that they are protected and their water supply is protected and the best way to do that is to do it ourselves. Therefore, we should keep the Delegation Agreement.

Mr. James read from the Delegation Agreement and made comments relative to various phrases within the Agreement. He said with the State statutes the way they are doing right now with their funding, this scares him.

Mr. McLaren said that he certainly understood and could see both sides of the table on this and he understood the local control issues, but again, he had to go back to the financing. Until this is funded 100% by the State, he felt that they should turn it down. There are other costs that does not necessarily come to the surface, i.e., liability issues. However, he would not object if they could work with the State. If they set this Delegation Agreement back to provide, maybe, office space for our local inspector that the State would employ. We are not mandated to fund this --- this is up to us.

Mr. Olthoff asked Mr. Purseglove if he was in an arrangement with any other County where they do supply the person that runs that department 100% and financed and he is in charge of that person.

Mr. Purseglove replied, “no”, that they do not have any State employees that are relocated in the County that do this. In his view, these Delegation Agreements benefit both the State and the County because the local inspector conducts very routine inspections of permitted operated solid waste management sites which takes the burden away from the Illinois EPA to do that work. In addition to doing that, they take care of local nuisance solid waste issues that can be addressed relatively quickly because there’s a local person to call, a local inspector that can usually respond to those complaints within a week as opposed to calling the EPA and having one of the inspectors from the Des Plaines office come down and address those issues. That’s why counties are interested in having Delegation Agreements to have more control over solid waste compliance and enforcement issues.

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Mr. Olthoff asked if the limit of financing a County Delegation Agreement was 70% or if they had any that they fund 100%.

Mr. Purseglove replied that they did not fund any at 100%. Generally, they have been in between the 50% and 70% rate and he was not aware of any over 70%.

Mr. James said that he had received information on delegated local governments and what their funding is and he would be interested in knowing, out of this group of 20, how many are being funded from their portion of the bill from landfill inspections or tipping fees and those that are in existence that do not have landfills or tipping fees come in, how are those counties or agencies coming up with the funding that make up the short fall that the State's not giving us.

Ms. Shehane addressed Mr. James' concern. She said in the solid waste plan she had a section on funding solid waste programs. She had started to contact certain counties to find out ways they are funding when they lost their landfill, i.e., Kane County. Sutters Hill is closing and they are having to come up with ideas to fund what they need to. One of Kane County's ideas is that they franchise out in unincorporated areas and the townships have agreed to give so much of that to the County to support the county-wide program. She said she was looking into these funding ideas and don't automatically assume that she cannot find another source of funding to make up this difference and she needs a chance to do that further.

There were no further questions, comments or discussion.

**5. Tax Abatements:**

Mr. Kruse addressed this issue. He advised that the next three (3) items were on the Finance Agenda last week. However, there was confusion relative to the posting of the agenda and it was decided to bring these items to another Committee so that these issues may be placed on the County Board Agenda. The Finance Committee was fully in favor and recommended the approval of these abatements.

Ms. Schaafsma made the clarification that it's not an abatement of the entire taxes. These are the abatements of the bond issue tax for all those entities.

1. Health Department – A motion to approve the “Health Department Bond Issue Tax” was made by Mr. Tripp and seconded by Mr. Whitten. Motion carried by a roll call vote of 11 ayes and 0 nays.

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2. KanCom – A motion to approve the “KanCom Bond Issue Tax” was made by Mr. Scholl and seconded by Ms. Hertzberger. Motion carried by a roll call vote of 11 ayes and 0 nays.
3. PBC '96 (WillKan Juv. Center) – A motion to approve the “Public Building Commission '96 (WillKan Juv. Center) Bond Issue Tax” was made by Mr. Scholl and seconded by Mr. Hess. Motion carried by a roll call vote of 11 ayes and 0 nays.

**6. Economic Development Commission**

There was no report on this issue.

**7. Adjournment**

A motion to adjourn the meeting at 9:57 a.m. was made by Mr. Whitten and seconded by Mr. James. Motion carried.

William Olthoff  
Chairman

Chris Richardson  
Administrative Assistant

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