

**Members Present**

Mr. Stauffenberg, Mr. Tripp, Mr. Bertrand, Ms. Hertzberger, Mr. Martin, Mr. Washington, and Mr. Scholl.

**Members Absent**

Mr. Olthoff and Mr. James.

**In Attendance**

Mr. Kruse, Mrs. Lee, Mr. Whitten, Mike Van Mill, Brian Billingsley, and Eric Sadler.

**1. Call to Order**

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

**2. Public Comment**

None.

**3. Approval of Minutes**

A motion was made by Mr. Martin and seconded by Mr. Bertrand to approve the minutes of February 4, 2004. Motion carried.

**4. Building**

None.

**5. Subdivision**

River Crossing Subdivision – rural cross-section variance

Mr. Van Mill said at the last meeting, a presentation was made regarding a proposal for a variance. The developer asked for some relief and the committee tabled it so that the Planning Department could prepare a report. The committee reviewed the report that was provided.

Mr. Martin said the Kankakee Planning Board talked about water, sewer, and other things relevant to this subdivision. They brought up things we should consider here with septic and water. He does not believe we should turn this into a rural subdivision. Presently, there are three pipes across the river and this is not too far from the sewage treatment plant that has room for additional people. A variance for wells would be in order. We should get together with all interested parties and start talking about a line across the river. The development in Limestone is almost as fast as Bourbonnais and Manteno. It is a very desirable place to live.

Mr. Martin said he looked at the subdivision and land. He asked if the land between the subdivision and the road is controlled by the same people.

Mr. Tyson said the area is open farmland and is owned by The Daily Journal.

Mr. Martin said the City was concerned about sewer, water, etc. and he would be against making this into a rural subdivision because it will be urban in the future.

Mr. Tyson said the river crossing the City applied for took approximately five years to get the permit.

Mr. Martin said it is not a good idea to put subdivisions on wells.

Mr. Tyson said the closest water is in Westwood Subdivision, which is 1-1/4 miles from it. In order to run water in the NW direction, Consumer's Illinois Water would have to do some long range planning. They would have to run a water line, review water pressure, and determine storage capacity to service the area. It is time to sit down with them to come up with a plan to service the area, but there is not a plan right now.

Mr. Stauffenberg asked if it is possible to put water out there. Mr. Tyson said it is possible, but it will take them sitting down with Consumer's Water to have a long-range master plan.

Mr. Martin said we forced Vaughndale Estates to put in a municipal type water system.

Mr. Tyson said Vaughndale Estates is a larger development than this. He discussed Champion Sports who drilled three wells and never hit enough water. There would need to be a storage system with it so no homes are out of water. A community well needs a base of 125-150 people; otherwise, the residents pay a high cost for a water system. Need secondary power or a generator as well. Consumer's is not a public system and they are in there to make money. If it costs them three times the amount, they pass the cost on.

Ms. Hertzberger said water is an issue that has happened in Limestone repeatedly. El Rancho Subdivision residents paid \$6000 to hook to City water when they were using a well. These are issues that we need to understand with the subdivisions. We need to get a letter from Consumer's Water telling us what it would take to get water out there with a time period.

Mr. Martin said Riverside Country Estates is a prime example and they eventually had to have City water and the people in there are paying for it.

Mr. Martin said he does not see why we should adjust the pavement width from 30 feet to 20 feet.

Mr. Van Mill said Limestone Township is concerned about their ability to keep the roadway up, which was indicated by the road commissioner.

Ms. Hertzberger said the township takes over the situation and why would we build a subdivision that they cannot keep up. If we allow the subdivision developer to cut costs, it leaves a burden on the township itself.

Mrs. Lee said in reading the letter from Mr. Kramer's office, he is in favor of a rural cross section and cannot maintain an urban cross section. We are dealing with one road that goes into a circular pattern that goes back out. She asked if there is enough room for a school bus to turn around.

Mr. Tyson said it is designed to handle a fire truck, which is bigger than a school bus. In Hunter's Run, they were asked to widen a road, that was for Armour Road and not interior roads.

Mr. Washington said all the points discussed here are important points. But, he also thinks that we are not exactly putting the cart before the horse. There are issues that should be discussed in a broader forum and we need to get together with the group that is involved; township, City and others that will be involved in the future of the planning of this area. If you look at the regulations as they stand now and the request for the variance to the regulations, we do not have a big choice about the issue. They do meet the variance requirements. He is not trying to dampen discussions, but we need to narrow our scope to the variance request.

Mr. Scholl said we need to do a long-range investigation for sewer and water to the western part of the county.

Ms. Hertzberger said if it is economic development, there should be tax revenue to take care of the roads, etc. If it does not then we have a problem.

Discussion was held regarding the report prepared by the Planning Department.

Mrs. Lee said the request meets the reasons for allowing a variance. The township is requesting a rural subdivision rather than an urban subdivision with the road width. Granting the variances is not an unreasonable request.

Mr. Martin said we are not planning, but reacting. We are reacting to the wishes of those that want to do something profitable to them. Mr. Martin said if we go to an urban subdivision, we should discuss the street lighting.

Mr. Van Mill said lighting is based on when the plan comes in.

Mr. Martin said he looked at this closely and we forced Merlin Karlock to put lighting in Bordeaux Subdivision and he was not happy. He looked at that subdivision and talked to Mike Hildebrandt, township road commissioner. The argument against this is they cannot afford it. He asked what it costs to pay the bill for lighting in Bordeaux Subdivision. There are 20 light standards in Bordeaux. The bill for each one of them is \$3 per month or \$60 per month for all of them. It takes \$720 per year to light that subdivision.

Mr. Stauffenberg said lights is not part of the variance being asked for today.

Mr. Tyson said the developer is willing to put in lights. The township did not want them. Karlock's subdivision had lights on the infrastructure plan and he elected not to put them in on his own and that is the problem.

Mr. Scholl asked at what stage is lighting dealt with. If one went to yard lights and they burn out, is there some proviso for replacing them.

Mr. Tyson said you will see lighting on the infrastructure plan, which makes them on record that they have to be put in.

Mr. Van Mill said copies of the plan go out to all involved and they are allowed to make comments.

Mr. Whitten said he is concerned about the high stone level and septic tanks and asked where the water is going to go.

Mr. Tyson said the septic systems are self-contained and approved by the Health Department. They did their due diligence and the elevation of the rock will allow for an aeration or septic system without any problem.

Mr. Whitten asked if they have drilled for a test well. Mr. Tyson said not yet.

Mr. Van Mill said the issue of how to deal with the water supply is still open and consideration will be given to individual wells or a community well to service the lots. There will have to be some investigation and asked how we move forward with that.

Mr. Tyson said he will be happy to look into a community well and submit a report on whether it is feasible. They are not closed to that possibility. Before he would design it, it would have to be a benefit to those living out there. He would work with the Planning Office to come up with a comprehensive plan for this area.

Mr. Martin said he would like a comparable cost on running the water line for city water.

Ms. Hertzberger said the subdivision is on the river and when you build on the river there is more pollution in the river. She asked if sewer or septic is better for the river.

Mr. Van Mill said if you have a functioning system, it takes care of itself.

Mr. Tyson said it is filtered through the beds of the septic system and becomes 95% clear water that flows through the ground. Another way to lose fluid is by evaporation into the air. Nothing discharges into the river.

A motion was made by Mr. Washington and seconded by Mr. Scholl to approve the variance request for River Crossing Subdivision.

Mr. Martin asked if we are going to make this a rural subdivision. He asked if the variance is to have a septic system vs. municipal sewer. He is against cutting the road from 30 to 20 feet.

A motion was made by Mr. Martin and seconded by Ms. Hertzberger to amend the original motion and vote on each of the variances separately. Motion failed on a roll call vote of 3 ayes and 5 nays.

Motion carried on a roll call vote of 6 ayes and 2 nays.

## **6. Zoning**

None.

## **7. Other**

### Model Stormwater Management & Erosion Control Ordinance

Mr. Van Mill said at the last meeting, he provided an RFP to solicit bids from consultants. They had a department head meeting last week where the State's Attorney Office put on a good presentation on the bidding process. He said he

needs some direction with this process on developing a Model Stormwater Management and Erosion Control Ordinance. He wants to ensure that they have the authority granted to them from the County Board. He is asking for the following:

1. The authority for the Planning Department to prepare and submit an RFP for consideration.
2. Authorizing the Planning Department and the Regional Planning Commission's Land Use Subcommittee to formulate a list of 3-4 qualified respondents to the RFP and interview those consultants and forward a recommendation to the County Board for its selection.
3. Give authority to the Chairman to appoint a Stormwater Technical Advisory (STAC) committee made up of community representatives and interested citizens of Kankakee County to work with the consultant, develop an ordinance, and forward the model ordinance to the Regional Public Commission for a public hearing and recommendation.

Mr. Martin asked what the cost will be. Mr. Van Mill said that will be determined after we receive the bids.

A motion was made by Mr. Tripp and seconded by Ms. Hertzberger to concur with the recommendation presented by Mike Van Mill as it relates to the Model Stormwater Management and Erosion Control Ordinance as follows:

1. The authority for the Planning Department to prepare and submit an RFP for consideration.
2. Authorizing the Planning Department and the Regional Planning Commission's Land Use Subcommittee to formulate a list of 3-4 qualified respondents to the RFP and interview those consultants and forward a recommendation to the County Board for its selection.
3. Give authority to the Chairman to appoint a Storm Water Technical Advisory (STAC) committee made up of community representatives and interested citizens of Kankakee County to work with the consultant, develop an ordinance, and forward the model ordinance to the Regional Public Commission for a public hearing and recommendation.

Motion carried.

#### Quality Improvement Grant Initiative – Funding Limits

Mr. Van Mill said there was discussion about a month ago to set a ceiling in terms of the grant request itself. The committee wanted to take into consideration the limited amount of funds available. He has placed this item back on the agenda based on the committee's recommendation.

Mrs. Lee said the grants available through the County are important and the funding will come to an end. It is important for the County to continue funding this on our own. We can approach this in different ways. If we can be of a resource for others, the \$15,000 that has been put in, the Planning Department could continue to fund that at the current level so the fund can grow. We need to look at grant applications on a case-by-case basis. We had \$45,000 to begin with and that is the max. It is important to ask the Planning Department to put this in their budget for future years

and broadcast this throughout the County to make sure everyone knows it is available. She asked if we want to set the maximum grant level at \$10,000.

Mr. Stauffenberg said we approved \$10,000 for Momence.

Mrs. Lee said each community may have different needs and we could look at it on a case-by-case basis with a cap of \$10,000.

Mr. Kruse said there was a subcommittee set up to help with those guidelines and suggested that they meet and set the perimeters.

Mr. Martin said when the subcommittee discussed it, they were dedicated to helping the outlying areas as much as possible and they knew it was a limited amount of money.

Ms. Hertzberger asked what the amount of the funding is. Mr. Van Mill said it started at \$15,000 for three years and we have \$35,000 left.

Mr. Van Mill said his office will send out a letter to all communities explaining that a grant is available.

Mr. Scholl said the suggestion has been made to put a \$10,000 cap on the requests. He asked that each Board Member receive a copy of the brochure.

A motion was made by Mr. Scholl and seconded by Mr. Kruse to establish a \$10,000 cap on grant requests made from the Quality Improvement Grant fund.

Mr. Martin said the grant we approved for Momence was a \$1 for \$1 match.

Mr. Van Mill said the application does state that the applications received that have a local match would get more consideration

Motion carried with Mr. Martin voting present.

Hopkins Park Emergency Grant – Public Hearing Set for March 3, 2004 at 8:30 a.m.

Mr. Van Mill asked the committee to consider the resolution (attached). He said this topic was addressed at the Finance Committee and it was presented by DECA. There is an emergency situation with the sewer system in Hopkins Park with the potential that it can rise on the ground. DECA is offering an emergency grant to the Village of Hopkins Park. The County has to be the applicant and we would be a conduit for funding. Hopkins Park has agreed to it and Eric Sadler has been putting the grant application together. The requirement from the State is that we pass a resolution (draft attached). The grant is \$100,000.

Mr. Stauffenberg asked if we are the overseer of the grant. Mr. Van Mill said they will make sure the contractors are paid.

A motion was made by Mr. Kruse and seconded by Mr. Scholl to approve the draft resolution as submitted.

Mr. Bertrand asked what happens if it exceeds the \$100,000. Mr. Van Mill said that was an estimate by an engineer and it will have to be done for that amount.

Motion carried on a roll call vote of 7 ayes and 0 nays.

**8. Old Business**

Mrs. Lee thanked Mr. Van Mill for putting together the information on the subdivision regulations as it is important information that the committee needs to review carefully.

**9. New Business**

Mr. Martin said he appreciates the letter distributed by Ms. Hertzberger. He also cut out articles from the newspaper regarding impact fees. When new subdivisions come in, they bring in a load on the services and he is not sure they pay an adequate share of the cost.

Mr. Van Mill said we have had these discussions at various meetings to enlighten the boards that make decisions on land use because cumulatively they have impacts. They sat down with the Land Use Subcommittee and went through the major issues we face as a County and collected all of that information. On March 29, we have a great opportunity for the members to reiterate or emphasize things they see as important.

Ms. Hertzberger said she is always trying to back the plan and always brings it into light so we use it as a heavy guideline. She checked available lots in the Herscher school district and there are 72 vacant lots. The River Crossing Subdivision will add 52 more lots.

Mr. Scholl said when we are talking about a modern education system, we need a modern taxing system to go along with that. Modern education cannot be supported off of property tax. We need the State to stand up and assume their responsibility to provide an equal opportunity for every student across the State of Illinois.

Mr. Stauffenberg asked if he would recommend sending a resolution to our State representatives.

A motion was made by Mr. Scholl and seconded by Mr. Kruse to send a resolution to our legislators asking them to take education off of property tax, live up to their constitutional responsibility, and provide equal opportunities for each child. Motion carried.

Mr. Van Mill said there should be a vacancy rate in rentals, houses, etc. because it is healthy for the economy.

Ms. Hertzberger said it helps keep the prices down. We have not grown that much since 1980. People just keep moving around.

Mr. Van Mill said he talked to Brenda Gorski today and she raised an issue that the committee should consider and move forward. It has to do with some court cases we have had recently and it is a procedural thing we want to clarify in our ordinance.

Ms. Gorski said in the zoning ordinance, in the administration and enforcement portion section (h), notice of appeal is to be filed with the County Clerk and there is a fee. There is a separate section under (i) of that same provision that talks of appeals to administrative decisions of the ZBA. More recently, they have been seeing petitions for administrative review of County Board decisions when they make their final decision based on recommendations from the ZBA. There is nothing specific in our code as to who pays for the preparation of that record. They are asking that we take a look into this and if necessary ask the ZBA for an amendment to this ordinance. Her staff has prepared the organization of the transcripts from the hearing, entire record filed in the Planning office, documents from the County Clerk, and committee minutes from the Administration office. It is an expensive task in addition to making copies for the court and petitioner. When we, the County, take an appeal from the PTAB, they rule specifically on who pays the expense. Very similar we may want to entertain a fee for these costs.

Mr. Van Mill said if an objector files a suit against the County, because of the amount of expenses incurred in putting that record together, the person should pay for the gathering and organization of that record. He asked if it would be under the FOIA.

Ms. Gorski said clarification with those two sections would be in order.

Mr. Van Mill said we are asking for a motion to have the State's Attorney put together a suggested amendment to cover our expenses.

Mrs. Lee said this is not on the agenda and we cannot make a motion. She suggests that since Ms. Gorski has made this request, that the Planning office put it on the agenda for next time.

#### **10. Adjournment**

A motion was made by Mr. Martin and seconded by Ms. Hertzberger to adjourn the meeting at 10:41 a.m. Motion carried.

Jim Stauffenberg, Chairman

Juanita M. Baker  
Administrator