

Members Present

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

Members Absent

Mr. James, and Mr. Marcotte

In Attendance

Mr. Kruse, Mr. McLaren, Mr. Nicholos, Don Pallissard, Mike Van Mill, Brian Billingsley, Andy Pristach, Glen Barmann, Donna Shehane, Bob McElroy, Leigh Marcotte, Chad Miller, Phil Hanegraas, Joe Clemens, and Nancy Rance

1. Call to Order

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

2. Public Comment

None

3. Approval of Minutes

A motion to approve the minutes from March 9, 2005 was made by Mr. Washington and seconded by Mr. Tripp. Motion carried.

Mr. Martin stated that under public comment Mr. Watson spoke on behalf of United Disposal regarding service which he provided the County, what has been determined on that, where are we on that?

Mr. Van Mill stated a request needs to be made to the State's Attorney to determine if that is actually what the County owes.

4. Transportation

None

5. Subdivision

• **Turnberry Subdivision, 3rd Addition- Final Plat**

Mr. Billingsley stated that this is a request to approve the Final Plat for Turnberry Subdivision, 3rd Addition. This is the final addition in the subdivision and it contains 27 lots. It is an urban subdivision located within a mile and a half of the Village of Bourbonnais. The Village holds a pre-annexation agreement with the developer. The preliminary plat for this subdivision was approved in May of 2004; since that time the developer has undertaken several improvements to this subdivision including: laying down an inch and a half of asphalt coat, nearly all the storm sewers, installed all the sanitary sewer, water mains and fire

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hydrants. The unfinished improvements to the subdivision are: inch and a half surface asphalt coat, street lights and to re-route the storm water sewage to a grass waterway. The engineer submitted a cost estimate of \$63,998.00 to complete the improvements. The developer submitted a letter of credit valued at \$70,398.00, which covers 110% of the cost of the unfinished improvement and the letter of credit is good for one year.

A motion to approve Turnberry Subdivision, 3rd Addition, final plat was made by Mr. Tripp and seconded by Mr. Stauffenberg. Motion carried.

6. Zoning

- **ZBA Case #05-01**

Mr. Billingsley stated that this is a request for a lot width variance on parcel land located in Limestone Township. The petitioners, William and Frances Guertin, presented their request to the ZBA on March 7, 2005. The site is zoned A-1 Agriculture and is planned for agriculture uses according to the land use plan.

Mr. Billingsley stated that Ms. Woodruff, the petitioners' attorney, provided a history of the site. The parcel contains approximately 20 acres of land and has 266 feet of lot width. The parcel was grandfathered until the petitioners sold 1.23 acres of land on the south side of the subject site to an adjacent property owner. The petitioners were unaware that this transaction removed the grandfather status from the property, because the current Zoning Ordinance requires 330 feet of lot width per parcel. The petitioner testified that he purchased the property in 1967; the property contained an abandoned home which was demolished in the early 1970's. He also testified that the site has been used as farmland even though the majority of it is wooded and contains wetlands.

Mr. Billingsley also stated that Ms. Woodruff informed the ZBA that her client intends to sell the site to a young family who wants to raise animals and build a house on the site. Two citizens addressed the ZBA during public comment, one was a prospective land purchaser and the other was the son of the petitioners; they did not have any objections. The ZBA voted 6 ayes to 0 nays to recommend approval of this request.

A motion to approve ZBA Case #05-01 was made by Mr. Bertrand and seconded by Mr. Scholl. Motion carried.

7. Solid Waste & Environmental

- **United Recycling Inc.- Electronic Recycling Proposal**

Ms. Shehane stated that this company is an electronics scrap recycler. They are based in West Chicago, Illinois. They are proposing a pilot

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program for several counties in Northeastern Illinois. What they would like to do is provide a drop off box to be located on County property somewhere. They will collect electronic scrap twice a month from the public. There will be someone at the drop off to accept the materials. They are going to charge the public to drop off their computers from anywhere between \$5 -\$10.00 per item depending on what the item is.

Ms. Shehane stated that it is significantly cheaper than some of the take back programs that computer companies have now; they are typically charging \$35-\$40.00 per item.

Ms. Shehane is proposing to continue discussions with them and to try the pilot program here in the County; the program is a one year period and if it is not working out we can easily pull out of the program.

A motion to continue with the proposal was made by Ms. Hertzberger and seconded by Mr. Washington. Motion carried.

- **Waste Tire Event-May 14, 2005**

Ms. Shehane stated that the EPA has awarded the County a Waste Tire Collection Event. It will be open to the public on May 14th from 9-3 at the Kankakee County Health Department parking lot; it is free of charge. They will accept tractor, truck and passenger tires. On May 13th there will be a three hour period when the township garages and city municipal public works departments can drop off their tires on Friday to get them out of the way of the public the next day.

Mr. Olthoff stated that he understands that this is a one chance clean-up for Illinois citizens; you have to sign a piece of paper and you can't do it again. Ms. Shehane stated that participants will be required to sign a form giving their name and they will agree to properly manage their tires in the future.

Ms. Shehane stated that it is an educational opportunity as well, and will pass out brochures on how to properly manage tires in the future. The EPA does maintain a list of people who have signed this form in the past. There is no cost to the County on this tire collection event.

A motion to move forward with the Waste Tire Collection Event was made by Mr. Whitten and seconded by Mr. Martin. Motion carried.

- **Request for Information- Alternative Technologies-Draft Letter**

Ms. Shehane stated that she wanted to update the committee on something that is happening in the Solid Waste Plan Update. There are

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19 different companies that are involved in alternative technology for waste management. The county's consultant, ARI, with the County's consent has chosen these 19 companies as being companies that are the furthest advanced in their technology. A letter has been sent out to these companies requesting information from all of them, specific detailed information on their technology.

Mr. Olthoff asked if the six companies that have been recommended by local people are included in the list. Ms. Shehane stated that those companies are included in the 19 companies chosen.

Mr. Scholl asked if these companies are going to come in and give a presentation about their alternative technologies. Mr. Van Mill stated that he would like to complete the technical analysis on the feasibility on each one of the 19 companies before a presentation is given.

Mr. Van Mill stated that the County has invested about \$25,000.00 in looking at alternative technologies and he is excited about this step because if there are legitimate alternative energies and they are serious they will submit these responses and we will be able to get a very highly technical analysis of these things.

8. Planning

- **County Impact Fees Follow Up**

Mr. Olthoff stated that the County has received two resolutions from St. George School District and BBCHS.

Mr. Van Mill stated that he has copies if any board members would like a copy and they are advising the Board that they have requested to sit down with the County if and when we put together a process for this to appear and discuss land cash donations.

Mr. Martin stated that there has been a meeting a couple of weeks ago that the two school districts, St. George and BBCHS, are in pretty much agreement with moving forward with this. They are both for it; they had a preliminary schedule of fees.

Mr. Olthoff asked that in the school districts discussion did they discuss requesting the land cash donation up front? Mr. Martin stated no, that in the Bradley ordinance they passed it shows the amount of money would need to be paid per room.

Mr. McLaren asked where the committee needs to go from here.

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Mr. Van Mill stated that he feels the State's Attorney's Office needs to fill us in on the terms of where we need to go from here. Basically, what the State's Attorney did at the presentation two weeks ago was outline the land cash donation ordinances and impact fees noting the difference in some ways and the authority or not that the County has to impose something of that type. At the end of the discussion he presented to Stephanie a proposed procedure that the County can follow based upon the statutory authority that we appear to have to impose a land cash donation. If the County passes that procedure or something similar to that then the County can follow that procedure for a district by district basis to determine what that donation will be.

Mr. McElroy stated, "If the County chooses to pass this ordinance and again as Mr. Smith stated, "It's a little fuzzy" as to whether or not we have the authority. If the County chooses to pass this ordinance that the State's Attorney's Office has presented provides procedural due process. In other words, the School District makes the request, according to the statute as it stands and there will be a hearing they have to in fact justify the amount that they are asking for and the developer would have an opportunity to challenge that amount. We presented you with an ordinance that you can approve or recommend to the full board, you can make changes to it or you can accept it as our office has recommended."

Mr. Olthoff stated that from the first draft there has been considerable change in the notice requirement and considerable other changes.

Mr. Olthoff asked, "On page 6 of proposed ordinance the last time in Section 10, *"The school district within the last four years has submitted proof to the public through referendum in the question."* Is that necessary, because you have school districts that had a referendum, they put a school up and now they are being impacted again even though that referendum was approved do they have to have another referendum that's not approved in order to qualify for this? Can this be taken out and still be in compliance with statutes?"

Mr. McElroy stated that the reasoning for that clause is, you can take money in to build a building and then you can't build the building because you can't afford the teachers or the staffing for the building. The reason it is in there is because you can't keep taking money from developers to build buildings that they then cannot use. This particular item is to assure that the school district is able to staff the buildings so that we don't have empty school buildings sitting around.

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Mr. Whitten stated for the most part we do have the staffing and the supplies to run a school right now, all we need is the building.

A motion to have the County allow the land cash donations to be done was made Mr. Martin and seconded by Mr. Whitten.

Mr. McElroy stated, "One comment that I would like to make on this particular referendum issue is that it says that it is brought before the public, it doesn't say that it is passed."

Mr. Olthoff stated that he is unsure of what Mr. Martin's motion is saying.

Mr. Martin stated that the motion is saying, "In this particular instance we are talking about the schools together in Bourbonnais Township, that this would be allowed on a township wide basis and we would approve the amounts per home per bedroom that is being proposed by the school districts, township and other governmental bodies of the district. Mike Van Mill has those schedules."

Mr. Olthoff stated that none of the members of this committee has seen the fee schedules proposed by the school districts.

Mr. Van Mill stated, "What is trying to be passed here is a protocol for the school districts to come in and present them to this committee for the due process and have the hearings. So this committee cannot jump ahead and pass something that hasn't been able to be debated publicly yet."

Mr. Martin withdrew his motion.

Mr. Whitten withdrew his second to the motion.

Mr. Van Mill stated that what this protocol will be is simply for unincorporated subdivisions in any of the school districts that ask to participate and the County passes a land cash donation.

Mr. Olthoff asked, "Do we want to leave this issue about the referendum within the last four years in the proposal?"

Mr. Scholl stated that on that statement he would much prefer that the last portion of it be dropped but that the referendum failed if that could be stricken out.

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Mr. Olthoff asked if this process could be stalled for the time that you can have a referendum.

Mr. Stauffenberg stated that a referendum can be at anytime, an election is not needed.

A motion to remove "*but that the referendum failed*" was made by Mr. Scholl and seconded by Ms. Hertzberger. Motion carried.

Mr. Olthoff asked how the payments of the land cash donation to be made, who does the developer pay to?

Mr. Van Mill stated that there are a couple of ways that it could end up happening. One, the developer up front can pay on a lot by lot basis. There are impact fees which are being proposed in the Bradley Bourbonnais area where it would be done on a building permit basis at certificate of occupancy. The homeowner or the contractor will pay the school district directly and leave that municipality out of the equation altogether. At one time there was a pretty detailed protocol for that, he is wondering if the committee would just want to indicate that at the hearings it will be determined how that process will be handled.

Mr. Martin stated, "At the request of the builder because they wouldn't get stuck with this whole bill if a subdivision or something was coming, they asked that they be paid at the certificate of occupancy. In other words, the house has to be occupied, that's when the amount should be paid. The other thing that they talked about rather than they put the load on the County or anybody else they would have the payment to the school district and then be divided out that way."

Mr. Olthoff asked if it is done at certificate of occupancy does that limit the time frame that the school can be ready for the children that are coming?

Mr. Martin stated that they didn't look at it that way. "The thing is that the builders were really up in arms because of the fact that if you put it in before a certificate of occupancy they were going to get stuck with this bill and they might be holding spec. houses two or three years and they haven't gotten their money out of it. That was the big concern there."

Mr. Olthoff asked if that could be determined during the hearing process. Mr. Martin stated that it could be talked about then.

Mr. Washington stated that the committee had discussed previously in order to make this more uniform the receipt of payment should all come to

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the County and the County could disperse it. He felt that uniformity is most important at this point in time.

Mr. Olthoff asked about indemnification or holding harmless the county, if it is involved at that level. Mr. Olthoff stated that the most recent copy of the ordinance does not have that clause in there.

Mr. McElroy stated that you will always want to hold harmless.

A motion to put the indemnification clause back in the ordinance was made by Mr. Washington and seconded by Ms. Hertzberger. Motion carried.

Mr. Olthoff asked if there is a refund policy in the ordinance. He felt that it should be left out of the ordinance.

Mr. Washington stated, "If the proposal is that they pay upon occupancy, then that wouldn't apply."

Mr. Van Mill stated that one of the previous proposals that he was dealing with was that a refund if the money wasn't used for the purposes of building within five years then there was an automatic refund. In Kankakee County a subdivision could take ten years to build, he thinks that it is too short of a timeline.

Mr. Olthoff stated, "On number 5, page 3, the notice, the time and date should be selected for conducting an open and public hearing on the request and application. I would like to add by the chair of the subcommittee."

A motion to add that the chair of the subcommittee to decide on the time and date portion of the ordinance was made by Mr. Washington and seconded by Ms. Hertzberger. Motion carried.

Mr. Olthoff would also like to change the reference from impact fees to land and cash donations.

A motion to change the reference from impact fees to land and cash donations was made by Mr. Tripp and seconded by Mr. Scholl.

A motion to approve this ordinance and send to the County Board with the above named changes was made by Mr. Scholl and seconded by Mr. Whitten. Motion carried.

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Mr. Olthoff nominated Mr. Martin, Mr. Whitten, and Ms. Hertzberger to serve on the subcommittee.

A motion to appoint Mr. Martin, Mr. Whitten, and Ms. Hertzberger to serve on the subcommittee was made by Mr. Stauffenberg and seconded by Mr. Washington. Motion carried.

- **Comprehensive Plan Update**

Mr. Van Mill stated that his office has been working very hard on the update of Comprehensive Plan. Mr. Van Mill stated that on April 13th from 5-8 p.m. at the Quality Inn will be a public forum of the updated Comprehensive Plan, there will also be exhibits there from local entities that will have various booths with information.

Phil Hanegraas and Joe Clemens of HNTB presented to the committee an overview of what has been updated.

9. Other
None

10. Executive Session
There was no executive session at today's meeting.

11. Old/New Business
None

12. Adjournment
A motion to adjourn was made by Mr. Stauffenberg and seconded by Mr. Whitten 10:00 a.m. Motion carried.

William Olthoff, Chairman

Stephanie Gresham
Executive Coordinator

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