

**Members Present**

Mr. Nixon, Mr. Vickery, Ms. McBride, Mr. Washington, Mr. Olthoff, Ms. Polk, Dr. Pagast, Mr. Tripp, Mr. Hess, Mr. Tholen, Mr. James, and Mr. Flett

**Members Absent**

Ms. Bernard and Mr. Stauffenberg

**In Attendance**

- **Board Members**

Mr. Arseneau

- **Department Heads**

Mike Van Mill

- **Media**

Dimitrios Kalantzis

**1. Call to Order**

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

**2. Public Comment**

Ed Mullady commented on the Solid Waste Management Plan.

**3. Approval of Minutes –March 28, 2012**

**A motion to approve the minutes was made by Mr. Vickery and seconded by Mr. Tholen. Motion carried with a voice vote.**

**4. Zoning**

- **ZBA Case #12-02; a request for Rezoning from A1-Agricultural District to RE-Rural Estate District on a parcel generally situated in Section 25 of Rockville Township. The petitioners are Kevin and Dawn Reardanz, property owners and applicants.**

Mr. Skimerhorn stated that this is a request to rezone a one-acre parcel from A1-Agricultural to Rural Estate located ½ mile north on 1500 West Road. The site is a former farmstead. It is being cut out of a 51.25 acre parcel for the purpose of building a single family home. A minor subdivision plat that accompanies this is also on the agenda today that will be discussed later. Zoning Board of Appeals voted 3 to 1 to approve this rezoning; however, it moves to this committee with no recommendation because four concurring votes are required. The negative vote sited the condition of 1500 West Road as one of his reasons for voting against it. There were no objectors present.

Mr. Tholen asked if there was a home currently on that site.

Mr. Skimerhorn stated that there is not. The home has been gone for at least 20 years. The petitioner did testify that he believed that the foundation may still be under the ground. There are mature trees on the property making it very difficult to turn it back into farmland.

Mr. Arseneau asked if this is the farm of Kevin and Dawn Reardanz.

Mr. Skimerhorn stated that they do own the property.

**Mr. Vickery made a motion to approve this and Mr. Washington seconded it.**

**Discussion**

Mr. Washington asked what the objection was about 1500 North Road.

Mr. Skimerhorn stated that it would be the only house on that road which is a very narrow gravel road. He was concerned that a new house would be built and then they would start complaining about needing the road upgraded and the township does not have the funds for that. If a full zoning board would have been there, it would probably have gone through with a recommendation to approve.

Mr. Nixon asked Kevin Reardanz what the condition was of his driveway right now at his home.

Mr. Reardanz stated that it is gravel and it is in good shape.

Mr. James stated that he thought that at one time there had been discussion as to the condition of the roads that are accessible to these parcels that are developed. It seems to him that there was a situation out east of town at one time.

Mr. Skimerhorn stated that that was on a full subdivision plat. It does not apply on a single lot. In that instance, the subdivision ordinance only applies to multi-lot, large subdivisions. The situation today is a minor subdivision because the plat act says that you have to do a minor subdivision if the property has been altered since 1973 and it has.

Mr. James stated that it is a little confusing to him that we have a restriction for a subdivision and then we turn around and we turn the code inside out when we discuss a single lot subdivision.

Mr. Skimerhorn stated that it is different codes.

Mr. James stated that the zoning that we have set up is confusing at times to people.

**Original motion carried with a voice vote.**

- **ZBA Case #12-03; a request for Rezoning from A1-Agricultural District to RE-Rural Estate District on a parcel generally situated in Section 29 of Rockville Township. The petitioners are Larry and Lisa Kinney, property owners and applicants.**

Mr. Skimerhorn stated that this parcel was originally a 2 acre parcel but because of the minor subdivision plat and the requirement to donate right-of-way the parcel size actually has dropped to 1.96 acres. It is on 7340 North Road and it is nestled between two existing homes. The purpose of the rezoning is to build a single family home. They sited difficulty in farming the property because it is hard to get a tractor into those two acres to farm it. This also has a minor subdivision plat accompanying it because there have already been three divisions out of the property. It was originally divided in 2004. The Kinney's bought it on contract and never recorded it until recently which is what triggered this. Zoning Board voted to recommend approval 4 to 0 and there were no objectors present.

**Mr. Tripp made a motion to approve and Mr. Tholen seconded it.**

**Discussion**

Mr. Tripp stated that he is familiar with the property. He has been out there and looked at it. There is a house on each side and he agrees with what they said about not being able to get equipment in there to farm it. He thinks that it should be approved.

**Original motion carried with a voice vote.**

- **ZBA Case #12-04; a request for Rezoning from A1-Agricultural District to RE-Rural Estate District on a parcel generally situated in Section 17 of Essex Township. The petitioners are State Bank of Herscher, property owner and Randy Geister, applicant.**

Mr. Skimerhorn stated that this is a 5 acre parcel located in Essex Township. It has been before the committee before as ZBA Case #08-03. That zoning case was denied by the county board. This is a 5 acre tract of land with a single family home on it and one outbuilding. The previous owners that tried to rezone the property have lost the home to foreclosure and currently the State Bank of Herscher is in possession of the property. Mr. Geister is a perspective buyer. He would like to buy the property but can't unless the rezoning is approved. In today's packet there is a history of what has happened on this property. The Shepley's in 2004 came to their office asking for a building permit on the 5 acres which they denied siting that in the A1-Agricultural District there needs to be 20 acres. They went and got 15 acres more from the adjoining property owner and then they came in for a permit which was given to them. On or about the same time that they were issued their occupancy permit for the house, they transferred the 15 acres back to the adjoining property owner leaving it a 5 acre tract. A few years later they came back asking for a permit for another outbuilding. They realized what the Shepley's had done so they denied it. Zoning Board of Appeals voted 4 to 0 to approve it and there were no objectors.

**Mr. Hess made a motion to approve and Mr. James seconded it. Motion carried with a voice vote.**

## **5. Subdivision**

- **Dawn Subdivision (Minor Subdivision) – Preliminary/Final Plat**

Mr. Skimerhorn stated that the Dawn Subdivision is a subdivision that accompanies the Zoning Case #12-02 for Kevin and Dawn Reardanz. It is a one-acre parcel located on 1500 West Road in Rockville Township. It will be served by a septic and a well.

**Mr. Tholen made a motion to approve and Mr. Nixon seconded it. Motion carried with a voice vote.**

- **Kinney Subdivision (Minor Subdivision) – Preliminary/Final Plat**

Mr. Skimerhorn stated that this one goes along with Zoning Case #12-03.

**Mr. Washington made a motion to approve and Mr. Tholen seconded it. Motion carried with a voice vote.**

## **6. Planning**

- **Historic Preservation Commission – Intergovernmental Agreement with Village of Bourbonnais**

Michelle Sadler stated that this was brought before the board back in January. It is an intergovernmental agreement with the Village of Bourbonnais and the County Historic Preservation for the Letourneau Home. Back in January after this committee approved it, they sent it to their attorneys who did not like the paragraph about holding harmless the Village so they worked that out with the Village and eliminated that paragraph; both parties are in agreement so now it just has to go to the full county board.

**Mr. Vickery made a motion to send it on to the full board and Mr. Washington seconded it.**

**Discussion**

Mr. James asked about paragraph 8 with regards to "Assignment". Why are signatures of both parties not required?

Mr. Van Mill stated that they could take that back to the State's Attorney's Office and have that answered for him before the county board meeting.

Mr. James stated that he would appreciate that.

**Original motion carried with a voice vote.**

- **Enterprise Zone Expansion**

This was postponed until the next meeting.

- **Revolving Loan Request**

Mr. Olthoff stated that this is being pulled from the agenda.

- **Solid Waste Management Plan**

Mr. Van Mill gave a presentation on the solid waste management plan. Last month for the Planning and Zoning Committee they gave out a recommended draft of the Kankakee County Solid Waste Plan Update. It had gone through a number of processes through the Regional Planning Commission. Today he is going to give a modified version of the presentation that he gave to the Regional Planning Commission the night that they took the plan under consideration back in March.

Dr. Pagast stated that chronologically this is a very clear presentation but there were certain things not addressed. In June of last year there was a draft given of the plan which stated that only five haulers reported and out of those five haulers the majority underscored the amount. The data was then calculated and reported. At that meeting, he said that that data should be taken out.

Mr. Van Mill stated that he addresses that later on in the presentation.

Mr. Van Mill stated that on page 25 & 26 2011 data estimates were generated. One of the things that came out of that is that they had very good data in 2004. They had a number of waste haulers that supplied information that gave them good data. They also went out and did sample data; they sampled various households' waste characteristics. They really felt good about their 2004 data. Early in the process, they were challenged by Dr. Pagast and others on the Regional Planning Commission in terms of what they had put in there for the 2011 data. As a result of not having a lot of confidence in that, they removed the 2011 estimates for the data because they don't think that it met with the validity that they wanted it to.

Mr. Arseneau asked if the reason that they had such good data in 2004 is because they had a dump in Kankakee County at the time but now most of the haulers are going out of the county.

Mr. Van Mill stated there were a couple of reasons. They had two employees that were dealing with solid waste management issues and they could get out and get the data. They were also getting responses to their solid waste reporting ordinance and they were getting the data that they needed to indicate the generation rates, recycling rates, how much composting was being done, how much recycling was being done in the construction and demolition debris sectors, etc. They got some good data because they were really pushing hard for that 2005 plan. After they were unsuccessful in getting it passed by the county

board, it kind of dropped. They lost their employees because of budget cuts so they were left without the ability to continue to get the data that they needed and to insure that they were enforcing the record keeping.

Dr. Pagast stated that the comment that most of the garbage is being sent outside does not mean anything. They still have to report the garbage that they have collected from the county. The only way to ever come up with a meaningful showing that they did reduce the solid waste solid garbage and upped the recycling rate is by collecting accurate data from the haulers. That is the only way that it can be said that there was a decrease by 40% over a period of 20 years.

Mr. Van Mill stated that the subcommittee was not comfortable with the assumptions and estimates that they had in the most recent plan update. The subcommittee also recommended strict adherence of haulers to provide waste hauling data on an annual basis. That was the key part in insuring that they would get good data to insure where they were at.

Mr. Vickery stated that he remembered an Economic Alliance Meeting where the plant manager of Armstrong came and said that they have reduced their contribution to waste to zero. They use to send tons of waste out to the landfill. He thinks that the goal is to cut out the cost that they pay. He sees a trend on the commercial amount of generation; they are recycling everything that they can.

Mr. Van Mill stated that in talking to major employers, it is a cost-cutting maneuver. In industry, they see a huge amount of recycling. Anything that can get recycled does because it reduces their cost.

Mr. Van Mill stated that in 2011 they did another report asking waste haulers to give them data. In order to get voluntary compliance with this, they try to keep the company's information private but they only use the aggregate. He showed the results of the 2011 survey but he cautioned that he wanted to consider this still draft in order that they can still fine tune some of the assumptions that they are making. Based upon their request, they had a very good response. On the residential side the numbers reflect about 70% of the population of the county. Based on the numbers that they have received, with landscape waste in the equation, their preliminary numbers are showing that 29% of the waste in Kankakee County for 70% of the population is being recycled. In 2004, residential recycling rates were only about 9%. That is just municipal waste with landscape waste and construction and demolition debris factored out. At that time, there was no curbside or co-mingled. Today 70% of the county is in co-mingled with carts going to the front curb every other week. The dynamics have changed significantly. Their ordinances were requiring this; it said any community over a certain population had to have curbside co-mingled recycling over time and they have achieved that for all municipalities. This is preliminary numbers for right now but it is pretty good data for what they got in their surveys. If they removed the landscape waste portion, to get a better understanding of what our municipal waste rates are, it shows that the recycling rate for 70% of the population of the county is at about 40%. The numbers are encouraging; they saw recycling dramatically increase in seven years.

Dr. Pagast asked when the data was collected. How many municipalities and township responded?

Mr. Van Mill stated that it was collected this year during the March time period. The municipalities and townships didn't; it was the waste haulers that responded. Based upon the information and the aggregate, the waste haulers that did respond cover 70% of the population of the county.

Dr. Pagast stated that there is one hauler that refuses to report any information because it would not be beneficial for his business if he reported it. With confidentiality, he should be able to report to the county. He thinks it is only fair to expect that everybody goes by the rules; exclusions cannot be made.

Mr. Washington asked if they are still working on the linkages of like industries where one industry creates waste and another industry benefits from that waste.

Mr. Van Mill stated that they do that. It is called waste to profit. They do have major industries calling them saying that they are finished with a raw material and asking if they can find another entity in the county that could use it. They have been successful on a number of occasions. One industry had many plastic vial holders and they wanted to find a market for those so they found a market for them.

Dr. Pagast stated that the original plan stated, which has since been removed, that the only exception to this restriction on landfilling is that an expansion of the existing landfill on the real property that is contiguous, adjacent and abutting to the existing landfill would be allowed under this plan. He would like for it to say that at this point under no circumstances should there be a landfill being built contiguously adjacent and abutting to the existing landfill.

Mr. Olthoff asked why.

Dr. Pagast stated that there is an ordinance for Sammon's Point, which is contiguous to that area, to apply to have a landfill.

Mr. Van Mill stated that it doesn't necessarily mean that it is contiguous.

Dr. Pagast asked why the landfill that was contiguous to the existing landfill was not approved.

Mr. Van Mill stated that there are nine conditions to approve a landfill. Condition #1 said that the county needs a landfill and the county board voted that there was not a need for it.

Mr. James stated that his main concern is that he does not like the five years before we get the interview because that is giving somebody a franchise to stay in business for five years whether or not we come up with a solution. He is a firm believer that every county should be accountable for its own waste. If all of a sudden we have an opportunity to have a siting of a landfill that is not a detriment to our water or anything else, shame on us for not jumping on it. He thinks that this contiguous issue is immaterial because we have it built in saying that if it is going to be a problem, if it is going to over water, if it is going to contaminate our water system, which we know is our most valuable asset, then it is not going to exist. He doesn't like not taking another look at it for five years simply because the state says that we have to look at our program every five years. He would hate to think that if we had an opportunity to have our own landfill somewhere in the county that is acceptable and approvable that we would not entertain it. He doesn't like that five year timetable.

Mr. Vickery stated that he does not have a problem with that. He thinks that the issues that are outlined in the plan give us the right to do what Mr. James is concerned about. Also, having been through that process, it is a very long and tedious thing. It must go through the hearings, committee action, and then to the county board. As Mr. Van Mill outlined, it has to satisfy all nine criteria and that is not easy. He knows there is fear out there about landfills but he does not have a problem with the language that is being proposed here in this draft.

Mr. Washington stated that he is one of those members that went through all of the hearings and he was one of the board members that did not agree with us not needing a landfill. The reason that he didn't agree with that is the cost that it was exerting and would exert upon the population of Kankakee County, which it has if you look at the way things have gone up. He is in agreement that this provision would allow us to relook at the possibility of a landfill siting especially if we look at it in terms of a reasonable landfill within the county or maybe a tri-county setting. There have been overtures in the past from other counties about the possibility of having a three or two county landfill. Those are the things, in addition to an alternative method of disposal of waste, which he would consider.

Dr. Pagast stated that personally he feels that every county should have to have the responsibility of taking care of their garbage. He is not against a landfill in the county. He just disagrees with the location. He doesn't think that it was the best place available in the county.

Mr. Tripp asked where our waste is going right now. In response to Mr. Mullady's comment, most of our waste is going into Newton County, another state that regulates their own. We are downstream from that. Think about that – all of our waste is going upstream. Wouldn't it be smart to explore the southwest area of this county? That is the only area that is suitable for a landfill.

Mr. Van Mill stated that that had been coming up in the subcommittee meetings. The subcommittee and the Regional Planning Commission said that it is not their place to determine the proper location. It is based upon significant studies. They are not going to prejudge siting.

Mr. Tripp stated that it has already been done.

Mr. Van Mills stated that the data is over 30 years old and very general.

Mr. Tripp stated that we would have a landfill right now next to the one that closed if the proper notices had been delivered.

Mr. Van Mill stated that they had to then have another hearing.

Mr. Nixon asked if the anaerobic digesters and gasification plans label themselves as landfills for the temporary storage of materials.

Mr. Van Mill stated that he believes the state law says that to site one of those the same process for a landfill or transfer station would have to be gone through because waste from all over is being accepted.

Mr. Nixon stated that given the advances in technology that five year window could be the magic bullet where that science is refined.

Mr. Van Mill stated that we are saying that we would take an alternative energy proposal but a lot of times there are still waste that needs to be landfilled. That would be an issue that they would have to take out of county. We would be able to accept applications for alternative energy in the five-year process but not for a landfill.

Dr. Pagast stated that enforcement should be discussed.

Mr. Van Mill stated that one of the things that he thinks that the county board needs to understand is that if this plan is passed there are a number of things that have to be dealt with – education, enforcement, brownfield developments, etc. Let's get the plan adopted and then we can see about implementing the actions that are in it.

Mr. Olthoff stated that he has talked to our State's Attorney about where we could go.

Mr. James asked if the committee can make motions for changes to the plan.

Mr. Van Mill stated that he thinks that it would be appropriate to do so at this time. It is at the pleasure of this committee to determine where they want to go with it to ultimately get it to the county board.

Mr. James stated that he is not in favor of putting on a freeze for five years. He can accept everything else. He doesn't want to do anything that is going to discourage future improvement for our county.

**Mr. James made a motion to eliminate the five year freeze on siting application for new expanded landfills in the county from the plan and Ms. McBride seconded it.**

### **Discussion**

Mr. Olthoff stated that there is an escape clause with the three conditions which are - if we lose capacity and don't have anywhere to put our waste, the cost becomes too high, or that our transfer stations go to such a capacity that they can't handle our waste.

Mr. Van Mill stated that those are the three options; otherwise, we would not consider a landfill.

Mr. Tripp stated that the second one could be considered right now so there is kind of an out.

Mr. Vickery asked Mr. Hess about the cost in a rural area.

Mr. Hess stated that it is costing a lot - \$1.00 a day.

Mr. Olthoff asked if these exceptions cover most everything.

Mr. Nixon stated that he thinks that those exceptions kind of cover it.

Mr. Vickery stated that most of the communities here have a way of assessing taxes to pay part of the bill. That is why there is a disparity between rural and city. Our rural customers represent about 30%. He thinks that those exceptions cover us.

Ms. McBride stated that it says that they may be considered if those conditions are met.

**Original motion failed with a voice vote. Everyone opposed it except Mr. James.**

**Mr. Hess made a motion to approve the plan and pass it on to the county board and Mr. Washington seconded it. Motion carried with a voice vote.**

## **7. Old Business**



**8. New Business**

- **Two Openings on the Historic Preservation Commission currently held by Pat Wagner (April 8, 2012) and Andy Purcell (June 12, 2012)**
- **One Opening on the Zoning Board of Appeals currently held by Terry Vaughn (May 31, 2012)**

Mr. Olthoff announced the above openings.

**9. Adjournment**

**A motion to adjourn the meeting at 10:35 a.m. was made by Mr. Tholen and seconded by Ms. McBride. Motion carried.**

Bill Olthoff, Chairman  
Joanne Langlois, Executive Coordinator