

Planning, Zoning, and Agriculture  
Committee Meeting  
May 9, 2007

#### **Members Present**

Mr. Olthoff, Mr. Stauffenberg, Mr. James, Ms. Hertzberger, Mr. Hess, Mr. Scholl,  
Mr. Bertrand, Mr. Marcotte, Ms. McBride, and Mr. Washington

#### **Members Absent**

[Mr. Tripp, and Mr. Whitten](#)

#### **In Attendance**

Mr. Bossert, Mr. McLaren, Jim Greenstreet, Mike Lammey, Rich Howell, Laura Dick, Jamie Boyd, Theresa Kubalanza, Donna Shehane, Erik Rayman, Delbert Skimerhorn, Bob McElroy, Don Pallissard, John Bevis, Brenda Gorski, and Mike Van Mill

#### **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**

None

#### **3. Approval of Minutes**

A motion to approve the minutes of February 27, 2007 and April 11, 2007 was made by Mr. Marcotte and seconded by Mr. James. Motion carried.

#### **4. Building**

#### **5 Solid Waste and Environmental**

##### **• Environmental Projects**

Ms. Shehane stated that on May 19<sup>th</sup> there will be [a Backyard Compost Bin Sale](#) at the Lowe's Parking Lot in Bradley from 8:00 a.m. to 4:00 p.m. On May 24<sup>th</sup> at 7:00 p.m. [there will be discussion with the Township Supervisors as to Township Franchising of Garbage and Recyclables](#). There is also a Waste Tire Collection Event on June 29<sup>th</sup> and 30<sup>th</sup> at the Army Parking Lot by the Kankakee Airport.

##### **• Status/Update of Solid Waste Plan Legal Review**

Mr. Boyd stated that his office has been reviewing the [Solid Waste Plan](#) ~~on going~~. Some questions have arisen as to why the State's Attorney's Office hasn't done something sooner, and the truth of the matter is the Office was hopeful that when the plan came to a final stage it would be in better condition than it is right now. The statute calls for specific items to be in the plan and then leaves open the possibility of placing other things in the plan, and certainly if the agency, which is the Illinois EPA, would request certain things

**Note: These transcribed minutes are a synopsis of information derived from the meeting. If you need verbatim information, please contact the County Clerk about obtaining a recorded tape.**

Formatted: Left: 1.25", Right: 1.25"

[to be in the plan](#) they would be included in the plan. The statute also requires updates every five years. This current plan, what has now been termed by Mr. Van Mill's Office as the Final Draft, is a five year update. The concern that the State's Attorney's Office has is in reading the law it is rather specific and states as follows: "Each County Waste Management Plan shall be updated and reviewed every five years and any necessary and appropriate revisions shall be submitted for review and comment." He reads this to mean that whatever changes are made is what should be sent to the IEPA, and it is not a recommendation that the County create an entirely new plan. That being said, the State's Attorney's office is in the process of removing several items from the plan, specifically histories and references to litigation and other matters which are not pertinent to the recommended changes. He stated that were the County not engaged in litigation he probably wouldn't have such a concern over what is in the plan, but keep in mind that as a result of the County Board's action several years ago this County has taken the position that it can enforce the [Pplan](#) against the City of Kankakee, therefore in the drafting of the plan the committee needs to keep in mind that anything ~~is~~ put in the plan maybe subject to interpretation by the Courts and therefore the County has to be careful that it is not keeping unnecessary matters in the [Pplan](#) that might adversely affect the actual Plan of the County.

Mr. Olthoff asked if Mr. Boyd could itemize which things his office has concerns over.

Mr. Boyd stated that he cannot do that. He can tell ~~him~~ [the Committee](#) that there have been 10 or 12 areas flagged for removal or significant revision. Again, the State's Attorney's Office is not reviewing what the policy is, it is whatever the County Board wants it to be, his concern is that the County Board has a document that accurately reflects the policy of this Board. However, there are several areas in the [Pplan](#) currently that are not necessary in an update of the [Pplan](#). A lot of the information that is currently in the [pPlan](#) is great information, but it is certainly not necessary to be placed in an updated [Pplan](#) to be sent to Springfield, unless it is the goal of the Planning Department to not have the agency actually read the [Pplan](#) because it is too thick, and he doesn't think that is the goal. We need to stick to the things that we actually want to change and make those changes.

Mr. Scholl stated that with a five year update, is there a time frame that the State sets for the County to come up with an update.

Mr. Boyd stated no. The statute says that the County is ~~supposes~~ [supposed](#) to do it every five years. In theory, if there were no changes, there would be nothing to send to the IEPA. The law says that the County could send the

**Note: These transcribed minutes are a synopsis of information derived from the meeting. If you need verbatim information, please contact the County Clerk about obtaining a recorded tape.**

Planning, Zoning, and Agriculture  
Committee Meeting  
May 9, 2007

necessary or appropriate revisions. The document is not supposed to be recreated every five years, because if that were the case the County would have to hold public hearings every five ~~years, that~~ years, which is not what the law anticipates.

Mr. Washington asked what the timeline is to complete the ~~revisions?~~ revisions.

Mr. Boyd stated that he hopes to have the ~~p~~Plan ~~available back~~ to the Committee before the next Committee Meeting.

Mr. McLaren stated that there is always a possibility of lawsuits out there. The way the ~~P~~plan is written now could it open the County up to more potential litigation?

Mr. Boyd stated there is no easy answer to that question. The problem he has is that the County is in litigation now, so there are known entities out there that would be reviewing the plan with an eye toward putting in a landfill, recycling center, transfer station, composting facility, etc. He would like this to be as tight as possible so that the County does not get into more litigation.

Mr. Olthoff stated that this is an update to let the Committee know what to expect at the next meeting.

~~Kelly- the possibility of lawsuits are always out there. The way the plan is written now would that open us up to more potential litigation.~~

~~JB- there is no cash answer to that question. The problem he has is that we are in litigation so we have some known entitites out there that would be reivewing this with an eye toward putting in a landfill, recycling center, transfer, composting. Would like this as tight as possible so that we don't get into more litigation.~~

~~James- known what language we are expected to have in it.~~

~~Olthoff- suggested he go to the planning department to get that information.~~

~~Mvm state needs to review what they were trying to get across. What solid waste plans were suppose to be. This document needs up being an enforcement document.~~

**Note: These transcribed minutes are a synopsis of information derived from the meeting. If you need verbatim information, please contact the County Clerk about obtaining a recorded tape.**

~~JB is not sure it is an enforceable document.~~

~~Bill update to let you know what to expect at the next meeting.~~

## 6 Subdivision

## 7. Zoning

## 8. Transportation

### • 5311 Rural Transportation Application

~~Mr. Lammey went over the 5311 Rural Transportation Application with the Committee. The County is seeking \$157,387.00 worth of federal funding. The total amount of local funding is \$61,950.00 (which includes agency contracts), local government contribution is \$48,437.00, but the County has that capped at \$40,000.00, and then there are contributions from other local governments which is \$36,500.00 (the County asks for contributions from Villages and Townships these services serve).~~

~~Mr. Lammey went over the application with the committee. We are asking 157,387.00 worth of federal funds. Total amount of local funding is 61,950.00 local government is 48,437, but we have capped at 40,000.00. we ask for contributions from townships and municipalities that we service.~~

~~Bob form contract from IDOT. There are changes that we would like otm ake on a form contract. Change board president to board chairman. Requires borad presendie and county board to approve. We don't have that type of goverment. We have the county board approve it and the board asks the chairman to sign the document.~~

~~Lammey we are going to try and gt that done.~~

A motion to authorize ~~kar~~the County Board Chairman to sign the document and send it to ~~idot~~IDOT was made by Mr. Stauffenberg and seconded by Mr. Washington. Motion carried by a roll call vote 11 ayes and 0 nays.

## 9. Other

### • Sediment and Erosion Control Update- Presentation by Rich Howell

Mr. Howell updated the committee on the Sediment and Erosion Control Program. ~~program.~~

**Note:** These transcribed minutes are a synopsis of information derived from the meeting. If you need verbatim information, please contact the County Clerk about obtaining a recorded tape.

Planning, Zoning, and Agriculture  
Committee Meeting  
May 9, 2007

~~Bring a couple of issues forward.~~

~~When we signed the intergovernmental agreement it said district would  
...see tape 43.~~

~~Rich handed out their notice of intent.~~

~~Other issue that he has is that foxborough oaks.~~

~~Received additional complaints on river bend 2. Larry Hinton has been  
working on fixing those items.~~

~~Homebuilders have been very receptive.~~

~~James had several complaints from builders.~~

~~Rich issue of where it has to be. Protect roadside ditches and low spots.  
You don't get to drive through the ditches for delivery.~~

#### **10. Old/New Business**

#### **11. Adjournment**

A motion to adjourn the meeting at 9:50 a.m. was made by Mr. Washington and seconded by Mr. Stauffenberg. Motion carried.

William Olthoff,  
Chairman

Stephanie Jackson,  
Executive Coordinator

**Note:** These transcribed minutes are a synopsis of information derived from the meeting. If you need verbatim information, please contact the County Clerk about obtaining a recorded tape.