

Members Present

Mr. Olthoff, Mr. Stauffenberg, Ms. Barber, Mr. James, Ms. McBride, Mr. Marcotte, Ms. Schmidt, Mr. Scholl, Mr. Tripp, Mr. Washington, and Mr. Whitten

Members Absent

Mr. Hess and Mr. Tholen

In Attendance

- **Board Members**

Mr. Bossert, Mr. Liehr, and Ms. Bernard

- **Department Heads**

Mike Van Mill

- **Media**

Leigh Marcotte and Laura McElroy

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

Leo Whitten commented on the County Board's decision to purchase property.

3. Approval of Minutes – May 27, 2009

A motion to approve the May 27, 2009 minutes was made by Mr. James and seconded by Mr. Washington. Motion carried.

4. Zoning

- **ZBA Case #09-10; request for a Special Use Permit Section 121-99.c.14.d (Expansion of Grain Elevator) in an A1 – Agricultural District, on parcels generally situated in Section 21 of Sumner Township. The petitioners are Farmer's Elevator Company of Manteno and Hamann Farm, Inc., property owners and Farmer's Elevator Company of Manteno, applicant.**

Delbert Skimerhorn stated that the Farmer's Elevator Company is requesting a special use permit to allow the expansion of their legal nonconforming grain elevator located in Sumner Township. The Zoning Board of Appeals voted 7 to 0 to recommend approval and there were no objectors present.

Mr. Scholl asked what would be involved to bringing a legal nonconforming use into a conforming use.

Mr. Skimerhorn stated that the special use permit would bring it into a conforming use.

A motion to approve was made by Mr. Stauffenberg and seconded by Mr. Tripp. Motion carried with a voice vote.

5. Subdivision

- **Sunset Grove – Reduction of Letter of Credit**

Delbert Skimerhorn stated that the developers of Sunset Grove Subdivision are requesting their letter of credit be reduced by \$50,000 for work that has been done inside the subdivision. He sent their independent engineer out to verify that the work has been completed and he received a letter stating that it has been done. This reduces their letter of credit from \$142,000 to \$92,000.

A motion to approve was made by Mr. Washington and seconded by Mr. Whitten. Motion carried with a voice vote.

Mr. Whitten made a motion to move the Greenways & Trails Plan up on the agenda to be presented next and it was seconded by Ms. McBride. Motion carried with a voice vote.

6. Building

- **Kankakee County Soil & Water Conservation District – Fees for Erosion Control**

Mr. Bossert stated that the discussion is surrounding the amount of fees that the Soil & Water Conservation District charges for monitoring erosion control permits. He has suggested that they are probably too low, as time to time there are several problems that necessitate a lot of effort on the part of the Conservation District. He urged bringing this forward, along with Mr. Howell. If that fee is increased, we could possibly look at reduction or elimination of direct subsidy that we get from that district from year to year. We need to research whether or not this Committee has jurisdiction.

Mr. Van Mill stated that the issue that Mr. Howell and he will be talking about is whether or not we can establish what the Soil & Water Conservation can charge for their services in the erosion control activities that they perform. If we do, then we would take action to increase that fee; otherwise the Soil & Water board can do that on their own. They will report back in July or have it on the agenda.

7. Transportation

- **FY 2010 Unified Work Program**

Mr. Lammey distributed a copy of this program to the Committee and gave a presentation regarding this program. This document is one of two documents that the MPO produces which is required by federal law. Basically, it shows what we charge time to throughout the next year.

- **FY 2010 Transportation Improvement Program**

Mr. Lammey distributed a copy of this program to the Committee and gave a presentation regarding this program. This report shows projects that are funded by federal funds for the next four years.

Ms. Schmidt asked if they were purchasing six buses.

Mr. Lammey stated that they have a fleet that all came due at the same time. Most of the buses on the system right now were purchased in 1998 so they are replacing those buses. His fleet consists of 20 buses. He is working on getting them staggered.

Ms. Bernard asked if they are looking into purchasing vehicles that run on alternative fuels or hybrids.

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Mr. Lammey stated that the general manager has looked at that and for smaller systems it is hard to maintain 2 or 3 different kinds of buses that use different energy. The buses run for 18 hours and the hybrids don't last that long. PACE is buying some hybrid buses and they are waiting to see what kind of experience that they have.

Ms. Barber asked if there were any emergency funds slated for the piece of road between Career Center Road going east to Rt. 45. She takes that road all the time and it is in terrible shape.

Mr. Lammey stated that they have made application for strictly State money for emergency repairs. No one has given him numbers so he can put them into this document. They applied but they have not heard anything. This document will be amended when necessary.

Mr. Lammey stated that last month there was a purchase service agreement with SHOWBUS that was passed by this Committee and the County Board. Before they start their contract with SHOWBUS next year, SHOWBUS will have changed their name from Meadows Mennonite Home doing business as SHOWBUS to SHOWBUS NFP so we need to change that resolution at the County Board meeting in July. It will come before the Committee as an amended resolution.

- **IDOT – Capital Assistance Application.**

Mr. Lammey stated that the transit portion of the American Recovery & Reinvestment Act turned out to be an open competition among transit agencies around the State. They all submitted what they wanted and the State recently came back with what they wanted them to apply for real. They said we could apply for one medium duty bus and bus radios for all of our system. We are making application for that. There is a public hearing regarding that July 10th and it will go to County Board with this Committee's permission and then be submitted to IDOT again. He would appreciate the Committee's authority to send it on to County Board.

A motion to send it on to County Board was made by Mr. Scholl and seconded by Mr. Washington. Motion carried with a voice vote.

8. Planning

- **Greenways & Trails Plan**

Mr. Skimerhorn handed out copies of the proposed Greenways & Trails Plan and gave a presentation of it to the Committee. The final draft has to be done by June 30, 2009.

Mr. Scholl asked if they are advocating a formation of a county forest preserve or park district, and if so has there been any progress in that direction.

Mr. Shimerhorn stated that there has not been any progress. They are recommending that some type of agency be created. It could be a forest preserve district or a non-profit organization.

Mr. Van Mill stated that through this process they found that there isn't an agency that has a county wide approach to this. That is a beginning point in trying to address it.

Mr. Skimerhorn stated that very often when developments come through this committee they request a relief from the requirement of open space because there is no agency to give it to. They

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have on several occasions given them a variance for that and that is really a missed opportunity for the County.

Mr. Olthoff asked if this has to be in place before we request the developer to preserve the delineated trails.

Mr. Skimerhorn stated that the ordinance already requires that. The real issue is who owns and maintains it.

Mr. Scholl stated that he thinks it is an excellent idea because as a County is developed, if we don't preserve these open spaces and greenways, we are going to lose them for the future generations. He feels we need to be very assertive on the first recommendation.

Ms. Schmidt asked how a municipality would go about creating a trail.

Mr. Skimerhorn stated that it really depends on the given trail. It could be as simple as removing parking from one side of the road and adding a bike lane or turning a sidewalk into an eight foot wide bicycle path. It really depends on the physical situation.

Mr. Washington stated that he favors the promotion of the creation of a county wide authority to manage and maintain the greenways and trails system. He thinks we need to go a step farther and say that we would have representation for all the areas involved in the County. He tends to believe a non-profit organization with authority given by the different city, county, and villages to acquire and accept the properties that would be donated is a step that we need to look into and pursue as quickly as possible. Maintenance on a continual basis is going to be essential.

Mr. Stauffenberg asked if park districts would be an authority.

Mr. Skimerhorn stated that they are and in the municipalities and townships that have park districts it is not a problem but it is the ones outside of the metro area.

Mr. Van Mill stated that it is the connection points that they are having challenges with.

Mr. Liehr stated that he thinks we are headed in the right direction but he would call attention to the fact that in the rural subdivisions where we have parks designated the issue of maintaining those parks is a concern for residents. He has had complaints about maintenance which is something we need to deal with.

Mr. Skimerhorn stated that he is presenting this for the Committee's review but because of the short timeline he is asking that their comments get to him in the next five or six days. He would like to bring it to this Committee in July and then on to the full board in August. They need a final draft done by June 30, 2009.

- **Historic Landmark Nomination of K3 County Courthouse – (Document #HP-09-01-N)**

Elizabeth Dunbar stated that the K3 County Historical Preservation Commission is pleased to present the Committee with the first nomination for landmark status for the County under the

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authority of the Commission and it is for the Courthouse. The Courthouse has already been designated with landmark status by the K3 City Historic Preservation Commission and it is designated as a national landmark on the national register. We will be celebrating the 100th anniversary this year of the Courthouse and wanted to make a statement that this was the first property that was designated as a landmark. With this designation, a recommendation to accept the designation, it will go to the State for State landmark status as well and have complete designation at the city, county, state, and national level. The first Courthouse was built in 1861 and second one was built in 1872 after the fire and the current one in 1909.

Mr. Scholl questioned if this would have an impact on any of the proposals that are out there to improve the Courthouse.

Ms. Dunbar stated that when the parcel was donated there was language added that stated very clearly "donated to the County to be kept forever vacant of buildings except a Courthouse which is to be placed in the center of the block". She believes that all the way through the planning process that has been recognized and maintained. This designation won't change that. It will not make it any more difficult or make it easier. She liked the plans that kept the addition very low and out of sight of the façade of the Courthouse. That is what the Commission would support.

Ms. Bernard asked if there was any funding to restore the murals.

Ms. Dunbar stated that she is working with Mr. Hart on getting some possible funding through grants.

A motion to approve was made by Mr. James and seconded by Mr. Tripp. Motion carried with a voice vote.

9. Economic Alliance

- **Kankakee County Recovery Zone Bond Resolution**

Mr. Van Mill stated that a few weeks ago Chairman Bossert, Steve McCarty, and he met with the County's bond council who informed them of a bond program that is becoming available through the stimulus package from the federal government. This program is called the Recovery Zone Bond Program and the County was notified about a week ago as the availability of certain funds that would go along with this bond program. The way he understands it is that we have two pots of money that is available to us if we pass the resolution and apply for this status. One is for public infrastructure and the bonding is about 6.5 million dollars and about 9 million dollars which can go for private entities that are looking for favorable financing to do economic development programs in the County. That could be very exciting for us as some of the businesses are looking to expand but are also looking for favorable ways to fund their expansion. As with any funding program, there are requirements for the County to do this. He is proposing to designate the entire County as a recovery zone. With doing that, all of the county and its municipalities would be eligible to apply but the County would be the entity that would oversee this. From what he understands from the bond council, there is no liability to the County if other entities were issued a bond but we have to be the ones who have to instigate this.

Mr. Bossert stated that we need to designate ourselves as a recovery zone to qualify for this special financing that is available through the stimulus package.

Ms. Bernard asked if you could designate certain areas instead of the whole county for the private part of it.

Mr. Van Mill stated that we could but then businesses in the area we did not designate would not be eligible for the funding. It would much easier to designate the whole County because they have all the data available that would support the need for the recovery zone designation.

Ms. Bernard stated that her concern is that this money will not go to places that have been hurting for a long time such as Pembroke.

Mr. Van Mill stated that we have been very supportive of advocating for considerable funding for the Pembroke prison site, helping Pembroke with the new library and supporting the funds to go to the new library community center there. We have been working very closely with the township on the Nestle plant to make sure there is some viable and sustainable work that is going to happen there. He helped them apply for grants for green roof at their site. He is also working with the east side of Kankakee. He doesn't feel that we should exclude any area when this is a program that should be county wide.

Mr. Bossert stated that we need to keep in mind that this is just the first step in the process of allocating funds that are eligible for distribution through this loan program. We will have the opportunity to sort out the projects and decide which areas in the county we will target.

Mr. Washington stated that he thinks the Alliance or Regional Planning could be involved in evaluating the potential projects. He asked if there was any consideration given to greening existing buildings that have a possibility of being occupied again.

Mr. Van Mill stated that we are waiting to see if we are getting any funds. They are looking at trying to help the restoration works area at the Ken Hayes Industrial Park with some type of energy conservation. They are evaluating a Department of Energy grant program that we can apply in other areas and are working with our federal and state legislators to indicate that there are a lot of efforts happening at KCC through the sustainability council and that we would like to be a leader in green technology. The wind farms have gotten a lot of publicity in the region and in Chicago and it has put us on the map in terms of people looking at this area.

Mr. Washington stated that he agrees that we need to move as far as we can and as quickly as we can towards developing any area within the County to emphasize that we are going green and we are trying to attract green industries and create industries within the County so that we are not only creating jobs but are creating an atmosphere that will bring in even more interest and people coming into the County.

Mr. Olthoff complimented EDA on their open house that showcased the Ken Hayes Industrial Park. It was quite impressive and it was good to hear the tenants say how they appreciate Kankakee

County and Bradley and the work force that we have. They were really extolling the work force that we have and it was very encouraging to hear that.

A motion to designate ourselves as a Recovery Zone was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried with a voice vote.

Mr. James made a motion to have the public hearing concerning the designation of the recovery zone on July 14 at 9:00 at the beginning of the County Board Meeting and it was seconded by Mr. Washington. Motion carried with a voice vote.

10. Other

- **Re-Appointment of Andrew Pristach to K3 County Zoning Board of Appeals**
- **Re-Appointment of James Whittington to K3 County Board of Examiners & Appeals**
- **Re-Appointment of David Tyson to K3 County Board of Examiners & Appeals**
- **Re-Appointment of James Girard to K3 County Board of Examiners & Appeals**
- **Re-Appointment of Terry Johnston to K3 County Historic Preservation Commission**
- **Re-Appointment of Daron Kinzinger to K3 County Historic Preservation Commission**

A motion was made to suspend the rules and roll all the re-appointments into one and it was seconded by Mr. James and seconded by Mr. Marcotte. Motion carried with a voice vote.

A motion to approve the reappointments was made by Mr. Scholl and seconded by Mr. James. Motion carried with a voice vote.

- **Appointment of Tim Schmidt to K3 County Regional Planning Commission**

A motion to approve the appointment was made by Mr. James and seconded by Mr. Marcotte. Motion carried with a voice vote.

- **Update of Delegation Agreement**

Mr. Bossert stated that this is on the agenda because at the last full board meeting the question arose as to the status of the delegation agreement. He explained that they were told verbally that the State EPA would not fund our application for the grant agreement and some discussion ensued as to what action we should take in terms of communicating with our legislators to express our concern regarding this. This is on the agenda for some discussion and perhaps some direction from this Committee as to some further action. It is disappointing that the EPA, after some extended discussion over this issue, denied the application. The word is that other counties are also facing the same fate over inspection agreements. Over the course of the last few months, he has heard other stories of EPA programs that are on the chopping block. He can testify that the EPA has had a nice program in the past for collecting used tires but that program has been disbanded. There has also been a household hazardous waste disposal program which has been scaled back considerably. The EPA had another grant program called IRID (Illinois Rids Illegal Dumps) which helped local government clean up illegal dumping sites. Over the course of its life it has picked up over 35,000 tons of garbage around the State, but unfortunately that program has been suspended, also. This seems to be a common scenario of many state programs. He is asking some input in regards to

where we want to go with our delegation agreement request. Do we express our concerns to our legislators? Do we search around for some partners with some other counties?

Mr. James stated that his position is that without the funding we don't have anything to really pursue. We can't afford to burden ourselves to pick up where the State has fallen short. We are in as bad a financial condition as they are. His recommendation is that we just work with what we have and hope we can keep that together.

Mr. Olthoff stated that the EPA will still have their inspection program going forward.

Ms. Bernard stated that the State made it very clear that they do not want the Health Department doing the inspections and the enforcement so she is concerned whether we have sufficient resources to do the level of inspections we had before. She thinks we should reapply and explore the options of partnering with other counties. With the fines, there is some revenue coming in from it. Some of the reasons the State is out of money is because our legislators have made the decision to strip those funds of monies and then we have to live with the bad things that happen because the inspections are not done.

Ms. Schmidt asked if they sent a letter stating why they denied it. She would like to see it in writing. Did they deny it because we tried to get more money?

Mr. Olthoff stated that he did request a letter but has not received one. He will follow up on it. He asked them if they denied it because we asked for more money but they said it was because there just isn't any money and the other programs are likely to be cut also.

Mr. Scholl asked if there is some type of grant that would be out there on the federal level that we could look into applying for to enhance local inspections and an establishment of a local facility.

Mr. Olthoff is not aware that the federal EPA does that but we could look into it.

Mr. Washington stated that it seems to be a state wide problem involving counties and it would be prudent of us to check with the other counties to see how many counties there are that are affected by this. Maybe we could team with them to increase pressure on the state legislature to do something about it instead of sitting by passively letting them do what they think is the best.

Mr. Olthoff stated that the procedure now is to turn a problem into the Health Department who forwards it on to the EPA.

11. Old/New Business

Mr. Tripp asked if there was an update on Rhapsody Cove.

Mr. Van Mill stated that it is their understanding that the developers have financial difficulty. None of lots have been sold and they are trying to keep it in one piece of land and would not be issuing building permits at this time.

Ms. Schmidt asked if it was possible to get an update on what is going on with the special use permit out on St. George Road.

Mr. Olthoff stated that he believes the procedure for that is that it is turned over to the Sheriff because they have a special use permit and if there is noise taking place they need to contact the Sheriff's department.

Ms. Schmidt stated that it is her understanding that the Sheriff has been out there a couple of times and the Sheriff says that now it is in Planning and Zoning's hands. The Sheriff can only do so much to stop the noise but as far as what is happening with the special use permit that is up to Planning and Zoning. The people that had the special use permit claim that they are allowed to have loud noise according to the special use permit.

Mr. Van Mill stated that their regulations do not control noise in an agricultural district. He doesn't think the conditions of the permit prohibit them from having a PA system. Right now they do not seem to think there is a violation of the special use permit.

Mr. Scholl asked if someone violates a special use permit, does it come back to this Committee if it needs to be revoked. We should rectify the situation.

Mr. James stated that his understanding is that when we issue a special use permit; we do not have a recall clause in it. He doesn't think we have the authority to make a random recall until it is legally proven that something is drastically wrong.

Mr. Olthoff stated that we will have a copy of the special use permit at the next meeting and address it then.

Mr. Bossert stated that our course of action here might be to try and gather the Sheriff, the State's Attorney, and a couple of the board members who have been involved in this discussion to clarify the situation before the next PZA meeting.

Ms. Bernard questioned if we had an action plan regarding the delegation agreement.

Mr. Olthoff stated that we did have an action plan and we exercised it and we have the results now and we are going to look at maybe reapplying if they send us a letter back. If the State raises the tax levels and they have some money coming in maybe it will be reinstated. We are dealing with a deficit in our budget so we don't have the funds to expend for that. We have to look toward the future. We can reapply. There is a procedure in place where we require the EPA to make an inspection if there is a complaint.

Mr. Bevis stated that the EPA is conducting the inspections for the licensed sites. Any nuisance complaints that happen in the County are being handled by the staff of the Health Department or the staff of the Planning and Zoning Department and have been handled that way. Anything that would refer back to those sites complaint wise can be referred to the EPA and they will come down and conduct an inspection. People still can call those agencies and it can be looked into and then determine if there is an issue and refer it to the EPA. They will send someone down to inspect it.

Otherwise, they will be on a normal inspection protocol. If they are finding issues when they do the inspections, they will cite them just as he did.

Ms. Bernard thinks we need to do something beside leaving it to the State.

Ms. Schmidt had someone call her about a piece of property out on Rt. 115. It is a 5 acre parcel of land zoned residential and it has 15 cows, goats, and horses on it. She asked if there was an ordinance that limits livestock on a small piece of land.

Mr. Van Mill stated that he believes in the 90's we removed those limitations from the zoning ordinance. That property might be zoned agricultural. He did look into that and did not find anything from a zoning perspective that would be a violation.

Mr. Scholl stated that he totally disagrees. If you live in the country, get use to smelling manure. It's part of the country.

12. Adjournment

A motion to adjourn the meeting at 10:31 was made by Mr. Marcotte and seconded by Mr. Washington.
Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator