

Members Present

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

Members Absent

None

In Attendance

Mr. Whitten, Mr. Meents, Mike Van Mill, Eric Sadler, Brian Billingsley, Rick Porter and Ed Piatt

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. Bertrand and seconded by Mr. Scholl to approve the minutes of the July 19, 2004 meeting. Motion carried.

4. Zoning

ZBA Case #04-11

Mr. Billingsley stated that this is a variance request for an accessory building in the front yard of a farm commonly situated in Section 19 of Ganer Township. The zoning of the general area is A1 Agricultural. Mr. Billingsley also stated that Mr. Ruel, the land owner, wants to build a poll building which he wishes to store equipment. Mr. Billingsley stated that the area behind Mr. Ruel's farmstead is in the Baker Creek floodplain. Mr. Billingsley stated that Zoning Board of Appeals votes 7 ayes to 0 nays to recommend approval of this zoning case.

A motion to approve the variance request for ZBA Case #04-11 was made by Mr. Martin and seconded by Mr. Tripp. Motion carried.

Mr. Scholl wanted to know what the ruling is on how far a shed has to be from the road. Mr. Billingsley stated that the shed has to be behind the front wall of the house.

Mr. Martin stated that he has been on that property many times and the lane is long enough and the back part of his property is in the floodplain.

5. Subdivision

None

6. Planning

Quality of Life Grant Program

Mr. Van Mill stated that there have been two applications that have come in since the last PZA meeting for the Quality of Life Grant Program. Mr. Van Mill stated that the applicants are going to give a five presentation on what they are requesting.

Planning-Zoning-Agriculture
Committee Meeting
August 4, 2004

- Grant Park School District

Sherry Ohm, Principal of Grant Park, spoke on behalf of the school district. The Grant Park School District has undertaken the renovation and enhancing of the elementary school playground. The playground is open to all residents of the community and is accessible for recreation both during school hours and non-school hours. The impetus for the project came at the urging of a group of concerned teachers, administrators, Board of Education members, and parents who have volunteered their time to fundraise and are willing to donate their time and labor to make the project a reality.

Mr. James wants to know if this playground is on school property. Ms. Ohm stated yes.

Mr. Olthoff wanted to know if there were competing bids given. Ms. Ohm stated yes, there were competing bids.

Ms. Ohm stated that the Village of Grant Park doesn't have a playground or other programs like other communities have. The school is very much the center of the community in Grant Park.

Mr. Stauffenberg asked if the equipment at the school is open to the public. Ms. Ohm stated that yes it is open all the time to the community.

Mr. Washington wanted to know if the Village has been approached. Ms. Ohm stated that the Village is trying to get new equipment for its own playground.

- The Northern Illinois Anglers Association

Janice Hartman and JR Black spoke on behalf of the Northern Illinois Anglers Association. Mr. Black stated that they applied for the grant to help in the annual river clean up. The program was started by Mr. Stanley James in 1983. The Anglers Association has been cleaning the Kankakee River for 23 years. The cost is getting extremely high to keep the river clean. The budget each year is around \$5,000.00. This year the Northern Illinois Anglers Association received a grant from EPA.

Mr. Martin wanted to know how much money The Northern Illinois Anglers Association is asking for. Mr. Black stated that they asked for \$2,000.00, but whatever the County can give would help them and they would appreciate it.

Mr. Stauffenberg stated that the committee has applications for more money than we have. Mr. Stauffenberg suggested to form a three member sub committee to review the applications. Mr. Martin, Mr. James and Mr. Scholl will be members of that committee. Mr. Van Mill will set something up with the sub-committee as to when they will meet.

Ms. Hertzberger wants to know if we should close the applications at this point.

Mr. Van Mill is not sure if the applicants are going to get the entire amount that they are asking for, so we shouldn't close the applications.

7. Solid Waste & Environmental

Kankakee County Solid Waste Management Plan

Mr. Van Mill stated that at the last meeting there was a request to have the State's Attorney Office here to discuss the matters with regard to the siting process.

Mr. Martin stated that he was trying to find out why we would want to stop an intervener when they are trying to stop the dump.

Mr. Van Mill stated that Rick Porter is here from Hinshaw and Culbertson to answer any questions that we have regarding this issue.

Mr. Porter handed out the order issued by the Pollution Control Board on the petition to intervene by Mr. Karlock and Mr. Watson. Mr. Porter stated that Hinshaw & Culbertson and he work for Ed Smith who directs every action of this litigation with the help of their advice.

Mr. Porter stated that the law is very clear that a third party may not intervene for a denial of a siting application by a local municipality or a County Board. That comes under two regulations, 701 and 702 of the Municipal Code. The only party that can ever intervene under those regulations is the Attorney General and the State's Attorney. There is a statute called 40.1 that also provides that the only time a third party can intervene is when there has been an approval not a denial.

Mr. Porter stated in the order the PCB has issued it talks about the fact that they don't have the power or the authority to extend their power. They are only limited to hearing clauses brought by the State's Attorney or brought by the applicant when there has been a denial. Even if Hinshaw had not filed a brief it is highly unlikely that Mr. Watson and Mr. Karlock would have ever been allowed to appear. The PCB acknowledges that the parties have submitted no argument or case law that suggest that they should make a change in the long existing authorities that say a third party may not appear when there has been a denial of a siting application.

Mr. Porter stated that Hinshaw & Culbertson have objected to every possible infringement into the County Board members' decision process and how they came to their conclusion on the second time that "Waste" filed its application. We expect that "Waste" is going to file motions to compel and Mr. Porter assures and guarantees that Hinshaw & Culbertson will defend that to a hilt and that they will defend your decisions

Ms. Hertzberger stated that since we are on the same side now, why don't we work with them instead of fighting against them in court.

Mr. Stauffenberg stated that they still have pending lawsuits against us.

Mr. Porter stated that they are a competitor of Waste Management. It often happens where a competitor wants to intervene in a pollution control board hearing because they view it in their best interest to try and keep an applicant from receiving an application even though it has been denied. You end up with a lot of strenuous issues when this happens.

Mr. Olthoff wants to know why Mr. Martin wants someone who wants to put another landfill in to speak about not allowing the Waste Management landfill.

Mr. Martin stated that it seemed to him that we are throwing out a couple of allies.

Mr. Porter stated that Waste Management objected to the intervention of Watson and Karlock.

Mr. Olthoff wants to know if we were to allow this would we be breaking the law.

Mr. Porter stated that it would be unlawful.

Solid Waste Management Counsel- Discussion and Status

Mr. Van Mill stated that there is a proposed amendment to the Solid Waste Management Plan. What we are proposing is that any time a regional pollution control facility is proposed in the county whether it's incorporated or unincorporated that that applicant would enter into a Host Community Agreement with Kankakee County.

Mr. Martin stated that while we are revising the Solid Waste Plan he would like to have us put back into the Solid Waste Plan to re-impose the prohibition of bringing in out of County waste. Mr. Martin thinks that it has cost us hundreds of thousands of dollars and three or four years of our time. Mr. Martin also thinks that the majority of the people in the County feel that way.

Mr. Washington stated that in regards to the proposal that Mr. Van Mill made, does that mean that we can supersede other municipalities as well.

Mr. Van Mill stated that as you know, when an applicant goes to a municipality and applies, one of the criteria is that it is consistent with the County's Solid Waste Management Plan. If the applicant has not negotiated a Host Fee Agreement with the County we could, based upon the direction of the County Board, go forward to those hearings and say that they are not consistent with the County's Solid Waste Plan.

Mr. Porter stated that this is a clarification of the current plan and he has reviewed the language.

Ms. Hertzberger wants to know if we are going to sit down and review the whole plan.

Mr. Van Mill stated that the County has given the Planning Office the authority to send out or publish RFQ's for firms to do the plan. The deadline is Friday and we have to have the Plan updated by next August according to statute.

8. Other

Discussion of PZA Meeting Dates

Mr. Van Mill stated that the concern is the PZA meeting falls the Wednesday before the County Board meeting causes some difficult issues with Administration Department and the preparation of documents for the County Board meeting. He has talked to the Administration Department and the State's Attorney's Office about a resolution this issue. One of the possible solutions is to move that Wednesday meeting back one week so that there is a two-week headway for the State's Attorney and the Administration Department to prepare resolutions for the upcoming meeting.

The committee decided to have PZA meetings on the following dates:
August 16, 2004, September 1, 2004, September 20, 2004, September 29, 2004,
October 18, 2004, November 3, 2004 and November 15, 2004.

The committee is going to cancel the PZA meeting scheduled for October 6, 2004.

9. Old/New Business

Mr. Van Mill stated that the Asphalt Plant transcripts will be on the next agenda.

Ms. Gorski stated that the Zoning Board of Appeals recently adopted some new rules. One of the things that has come up is bringing ZBA decisions to this committee before going to the full board. As far as procedures, one of the things that we are going to ask this committee to consider is to eliminate the PZA committee from the decision of the ZBA. Ms. Gorski stated that it's an issue for the future.

10. Adjournment

A motion was made by Mr. Washington and seconded by Mr. Bertrand to adjourn the meeting at 10:00 a.m. Motion carried.

James Stauffenberg, Chairman

Stephanie Gresham
Executive Coordinator