

Members Present

Mr. Stauffenberg, Mr. Tripp, Mr. Martin, Mr. Scholl, Mr. James and Mr. Washington

Members Absent

Mr. Bertrand and Mr. Olthoff

In Attendance

Mr. Kruse, Mrs. Lee, Mr. Whitten, Ms. Bernard, Mike Van Mill, Eric Sadler, Delbert Skimmerhorn, Donna Shehane, Brian Billingsley, Gregory Deck, David Bergdahl, Alan Smietanski, Brenda Gorski, Bob LeBeau and Andrew Pristach.

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

The following people spoke regarding the asphalt plant: Jeff Jarvis, Sharon Jenson, Diane Van Pelt, Anitra Spangler, Laura Hileman, Philip Russo, Bob LaBeau, Paul Nicholson, William Hillis and Bob Jensen.

3. Approval of Minutes

A motion was made by Mr. Washington and seconded by Ms. Hertzberger to approve the minutes of the August 16, 2004 meeting. Motion carried.

4. Zoning

ZBA Case #04-02

Mr. Van Mill stated that the board is considering two things here. There is a request for rezoning from A-1 Agriculture to I-2 Heavy Industrial District and a Special Use Permit for the Asphalt Plant.

Mr. Scholl stated, "At the last meeting it was my recommendation that we go to the plant and view it. On seeking advise on this matter, I was advised indirectly that it might not be the appropriate thing to do, which I did not do. There are a couple of things that were mentioned that should be considered. If a community decides to try to maintain a rural community through the establishment of a comprehensive plan, is it the right of that community to try to remain so? Manteno has in their comprehensive plan to set this area up as light industry and we are being requested to change it from light industry to heavy industry. Are we opening Pandora's box?"

Ms. Gorski wanted to know if there was still a question over whether or not you should or may view the other plant. Ms. Gorski went over the reason why the board members should not visit the asphalt plant.

Mr. Scholl stated, "In the testimony, the statement was made as to the impact or the effect of I-57 with respect to hiding or concealing this establishment since it is going to be down in the quarry. I-57 may be visual barrier but it is not a barrier to the smoke coming from the plant. For example, if you go into a restaurant in the non-smoking section versus smoking section, it's still there. My response to this is that I feel we would be wrong to approve this rezoning of this area."

A motion to deny the rezoning from A-1 to I2 was made by Mr. Scholl and seconded by Mr. Tripp. Motion carried to deny the rezoning by a voice vote of 7 ayes and 1 nay (Mr. Washington).

Mr. Scholl stated that the reason to deny the rezoning is that it is not within the definition of the Village's comprehensive plan.

Mr. Kruse wanted to know if this property has a pre-annexation agreement with the Village of Manteno. Mr. Van Mill stated that he is not aware of one. Mr. Kruse stated that to expand on what Mr. Scholl stated he would like to read part of what our comprehensive plan states. The plan states, "New industrial sites be approved in the County only with pre-annexation agreements with nearby municipalities." Mr. Kruse thinks that this really forms our basis for the reasons and facts as to why this really doesn't belong here without any pre-annexation agreement.

Mr. Stauffenberg wanted to know what I2 includes. Mr. Billingsley went over what I2 includes.

Mr. Whitten stated, "I have lived in Kankakee County all 71 years of my life except for the few years that I served in Military Service. I welcome you people to come to Kankakee County and live in Kankakee County, but Kankakee County is an industrial County, it has been all my life. Our forefathers seemed fit to tax and stipulate regulations and they ran three factories out of town. I do not want my grandchildren to say that I voted to run a factory out of Kankakee County. I think that we should agree with ZBA and put I2-Heavy Industrial into the quarry."

Mr. Washington stated, "I have labored over this for quite some time. I have gone over all of the information made available. I see a trend that has been prevailing in this County for the last few years of wanting progress but not wanting progress. I see a trend that says we want to stay as we are but we want to grow. I see a situation where an opportunity unveils itself of giving some competition in the area of production of asphalt where there is none now. I see the opportunity for this community to provide some more jobs brought in by a very good company that is already there. I have been bombarded as all of the other board members have with pre-printed cards about the objection to the siting of this asphalt plant; but I tell you now as my children have had to leave this area because of lack of jobs, many other children have had to leave this area because of lack of jobs and we are not growing as we should be growing, we are not providing as we should be providing for jobs. I agree with Leo Whitten."

Mr. Scholl stated, "I don't believe that this is a statement in opposition to develop, but what I do believe in this particular case we are talking about five jobs being created and not necessarily being created from this County. I think the question here is not the plant itself true enough from what I have read, this company seems to be a very progressive company, a company that wants to maintain good community relations. The real question at hand here is location. I think that this is the wrong location."

Mr. Stauffenberg stated, "I would like to concur and I would like to have it on the record that I don't think that it is compatible with what Manteno has planned for that area."

A motion to deny the Special Use Permit was made by Mr. Scholl and seconded by Ms. Hertzberger. Motion carried by a voice vote of 8 ayes and 0 nays.

Mr. Stauffenberg stated, "I would again like to state that it isn't compatible with Manteno's comprehensive plan. As I look at the Special Use Permit there are some other issues that I don't agree with the ZBA about. In my opinion it wouldn't be beneficial to the public health or the general welfare of the area. Under both of these cases, I would like to state that I don't think I made the comment that this board has never voted against something that the public has been so vocally against. I think I said that this Board has never voted against something that the Village, meaning the Village officials and the Village fathers, have opposed so adamantly. I don't think that we are in the habit of shoving something down the Village's throats that they don't really want. We would probably be making different opinions if the Village had different ideas about what their comprehensive plan and where they wanted it. I want to thank you for all the time and effort that has been put into this."

Mr. Martin stated, "I think it should go into the record of the total opposition of the Village of Manteno Board. I think that this is very important and it should go into the record as one of the reasons that we opposed it is the fact that they were totally opposed and they sent us all a letter and that should be taken into consideration."

ZBA Case #04-09

Mr. Billingsley stated, "ZBA case #04-09 is a lot width variance requested by the Estate of Arnold G. Wolter. The property is situated in Section 14 of Yellowhead Township. The beneficiaries of the Estate are Mr. Wolter's sons, Wayne and Ralph Wolter. The attorney for the Estate is John Brooks. The Estate is located on the north side of 9000 N. Rd approximately one ½ mile east of 14500 E Rd. The Estate owns 80 acres of farmstead. The existing land uses surrounding the site are agriculture and residential. The County's comprehensive plan recommends agriculture use for the site. The zoning of the general area is A-1 Agriculture. The subject site is located in County Board District 1 and there are no flood planes or wetlands on the site. The Wolter's testified that they plan on selling the farmstead on a 4.83 acre parcel. The farmstead is located approximately 1700 feet north of 9000 N Rd. The Wolter's request to subdivide the farmstead with just 40 feet of lot width where a gravel lane provides access to the farmstead. The farmstead exemption requires 150 feet of lot width therefore; the Estate requests a 110 foot lot width variance. The Wolter's testified that if they meet the 150 feet lot width requirement, then an addition 4.5 acres of farmland would have to be separated from the farm parcel. There were no objectors present at the hearing and the Zoning Board of Appeals concurred with the findings and facts submitted by the Estate and recommends that this is to be approved by a vote of 7 ayes to 0 nays.

A motion to approve the variance was made by Mr. Kruse and seconded by Mr. Scholl. Motion carried.

ZBA Case #04-12

Mr. Billingsley stated, "ZBA case #04-12 is a request for a Special Use Permit for outdoor recreational uses by Donald and Vana LaCost. The property is situated in Section 36 of Salina Township. Attorney David Jaffe represents the petitioners. The Recreational area called Vana's Pumpkin Land is located on the north side of Illinois Route 17 approximately ¾ of one mile west of Warner Bridge Road. The LaCosts own a 20 acre parcel where they operate a seasonal outdoor recreational facility.

The facility is normally opened in late September through early November. The LaCosts operate a petting zoo, costume sales and rental, a corn maze, farm stand sales, company picnics, school field trips and a children's haunted house on the property. Vana LaCost testified on the history of the property and how business began. She testified under oath that all the facilities are handicap accessible, that she obtained sewer and food permits from the Health Department, that the facility is opened from 9 a.m. to 8 p.m. daily, that all structures have external lighting, that the fire department has an emergency response plan on file and that the main parking lot will hold up to 120 vehicles. The Health Department recommends as a condition of the Special Use that they inspect the wells and septic tanks before the facility reopens this year. There were no objectors present at the hearing and the Zoning Board of Appeals generally concurred with findings and facts submitted by the petitioners and recommends that this case be approved by a vote of 5 ayes, 1 nay and 1 present."

Mr. Scholl stated, "The facility has been here for quite a few years. Why the action now?" Mr. Billingsley stated "during testimony she explained that she started out very small and throughout the years her business grew and expanded. We felt that it would be in the public interest that she come in and finally get a Special Use Permit so that we can place any conditions that we feel are necessary on the property to protect the public who visit the Pumpkin Land. They have applied for building permits for improvements on the property. At this time, I don't believe that they are planning any expansion, they are wanting to get approval for the uses that are already on the site."

Mr. Stauffenberg stated, "Usually building permits are what triggers a lot of these things."

Mr. Scholl stated, "I am very familiar with the site and it has been an excellent site and a lot of schools have frequented it. I would recommend approval of this Special Use Permit."

A motion to approve the Special Use Permit was made by Mr. Scholl and seconded by Mr. James. Motion carried.

Ms. Hertzberger stated, "I have to abstain from voting, their daughter-in-law works for me and she is my niece."

5. Solid Waste & Environmental
Tour of A&J Recycling Facility

Ms. Shehane stated, "I wanted to remind all the County Officials, Township Officials or Municipal Officials about the upcoming tour of the A & J Recycling Facility on September 14, immediately after the County Board Meeting. We will board a bus out here in the parking lot and everyone will get a chance to see how that Recycling Center works and how all the materials are separated. It is a very interesting process so I hope that you can make it. Please call me or Michelle in the Planning Department within the next few days to register if you are interested."

Mr. Stauffenberg stated, "It says by yesterday, but how many days do we have?" Ms. Shehane stated "By Friday so that we can get the number of buses set up."

Open Burning

Ms. Shehane handed out a brochure regarding burn barrels.

Ms. Shehane stated, "The Illinois EPA is beginning an educational campaign this month and next month throughout the State to try to educate people about the health hazards of burning garbage and other household waste. They have asked the Solid Waste Division to assist in Kankakee County in getting the information out. I will be posting the information on our website, handing out the flyers at our household hazards waste collection in October and maybe running an ad in a few local papers. As you might know the major problem with burn barrels, not to mention that burning most types of waste is illegal, is that they are uncontrolled emissions of a lot of different chemicals, particulates and sulfur-dioxides. Dioxins are the main problem; it is very toxic, very persistent in the environment. It is produced mainly from a lot of industrial process such as municipal waste consideration. Burning your waste in a burn barrel where there is no controls whatsoever over the emissions has been found to produce dioxins. It has been linked to cancer by the U.S. EPA. The goal of this campaign is really to just let people know what they may be exposing themselves to when they are burning their waste. The brochure goes on to explain what is illegal and what you can burn."

Mr. James stated, "do we have anything on the books that will support this as far as County wide?" Ms. Shehane stated, "Yes, the Health Department has an ordinance regarding open burning. It directly mimics State regulations. The regulations that the State are quoting there are directly applicable to us. We have nothing stricter than what the State says right now. You cannot burn any type of garbage according to the State regulations, you cannot burn construction and demolition debris, you cannot burn your furniture, you cannot burn appliances and so forth."

Mr. Scholl stated, "Out of curiosity, you can't burn lumber?" Ms. Shehane stated, "No, construction waste is considered a trade waste that is specifically restricted by the State. We also have a flyer for builders and construction companies explaining that they really cannot be burning their roofing shingles, lumber, cardboard and so forth."

Ms. Bernard stated, "What would be allowed for a household to burn?" Ms. Shehane stated, "It has kind of widdled down to things like paper, cardboard, maybe things like clothing. Those are not included in the definition of trade waste or garbage. It is a very limited thing like paper. Landscape waste is allowed in the unincorporated areas."

Ms. Bernard asked, "Is there any language that would either restrict that because it sounds like they are still being allowed to burn because of where the location is? It sounds like they are still being allowed to burn something that could potentially be hazardous." Ms. Shehane stated, "That from my experience in Will County, you certainly can enact stricter burning ordinances than what the State has. There has been an effort by certain people in the State to ban landscape waste that has not been successful for the past several sessions. It would be up to the County board to do something stricter."

Ms. Bernard stated, "As far as computers and electronic things like that, from what I have read about it, it sounds like it is even hazardous to put those in landfills because of the heavy metals and the different things that are used in building computers. My

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understanding is that in some parts of the nation there is a program in place so that when you want to throw out your computer there are alternate methods of disposal versus landfills.” Ms. Shehane stated, “The State has looked at potential bans of those types of materials from landfills. There was kind of a backlash against enacting such legislation until there are other markets to handle the material. There are electronics collection events; in fact the City of Kankakee will be sponsoring one on September 25th at the Farmer’s Market. You can bring computers, televisions, telephones and any types of appliances that you want to dispose of and they will take it for free. We are also helping them advertise that event. There are several companies that will take computers back.” Ms. Bernard stated, “My concern is do we have market considerations that are overriding public health considerations?” Ms. Shehane stated, “That is an issue that is really being debated in the State Legislature. I think a landfill is the place to put them other than disposing of them by dumping.”

Ms. Bernard asked, “do we have the authority at the County level to ban those from landfills and mandate where they can go?” Ms. Shehane stated “I would ask that of the State’s Attorney specifically. I am aware of several counties in Iowa that have banned electronics from landfills. Whether we have the authority here, I would ask Brenda.”

Ms. Hertzberger wanted to know if we could request the State’s Attorney to give us an opinion by next week on whether we can have a County Ordinance directing some kind of stricter rules on burning. Whether we can override the State and do a County Ordinance. Mr. Van Mill stated that we can do that but I would respectfully state that it should probably go to the Health Board since they are the keepers of that legislation.

A motion to officially get a State’s Attorneys opinion on this was made by Ms. Hertzberger and seconded by Mr. Scholl. Motion carried.

Ms. Bernard stated, “While the State’s Attorney is reviewing one thing, could you please provide this committee or board members with the research on the Counties in Iowa that have banned electronics? My concern is that the Pollution Control Board has approved a landfill that is going to be directly above the aquifer fitting into the Kankakee River and right now it would be allowed to have electronics going into that landfill. If you could research that and perhaps see if you can get an opinion from the State’s Attorney.”

6. Planning

None

7. Other

Update of Select Brands- Extension of Enterprise Zone

Mr. Van Mill stated, “Select Brands came to the Planning and Zoning Committee a little over a month ago to express their interest in locating their company here in Kankakee County in particular, in the Nestle plant that is in Hopkins Park. As a result of that presentation that was made in front of the committee, the committee made a motion to create an economic development/Select Brands sub-committee that would work with Select Brands in order to achieve quicker response time on some of the issues that Select Brands had in place. On July 30th the sub-committee met and held a conference call with the President of Select Brands to go over a time line in which they indicated that they needed to make specific decisions on whether they were

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going to come here. Select Brands, in their initial proposal, is going to employ anywhere from 40 to 60 people. They would make a substantial investment in the community. The facility where Nestle Company is in right now will be leaving at the end of September so the lease is going to run out. The facility is owned by the township so it makes it a little more intriguing in the way that we can package an economic development proposal together. One of the conditions that Select Brands asked for is the extension of an Enterprise Zone, which the County is also involved with, to the facility in order to take advantage of some of the economic development incentives that the Enterprise Zone provides. There has been very little progress made since the July 30th meeting and just recently I have come to find out that Pembroke Township, through a brief discussion with Dr. Singleton yesterday in the parking lot, that they have come to some type of short term agreement for the lease until December where Select Brands would go to the facility and then there is going to be discussions of a long term lease from that point forward. So that means that the County needs to get back into the swing of things in order to put together the incentives that we have been asked to at least consider and take forward. In doing that I have put in place last Sunday a legal notice that we will hold a public hearing in Manteno for the extension of the Manteno/Kankakee County Enterprise Zone to Hopkins Park and the facility. We will hold a public hearing next Tuesday and we will take any kind of public comments that may be out there. In addition, there are some other issues that I need to clarify with the State in terms of what the participating local jurisdictions do I need to get involved in this. Since the sub-committee hasn't met since July 30th I am calling a meeting for 11:30 tomorrow in order to bring the sub-committee back up to speed. If anything needs to be done between now and the County Board, if the Planning and Zoning Committee will authorize this sub-committee to be able to take any recommendations forward to the County Board on the 14th without having to go necessarily through Planning and Zoning."

There was discussion regarding an enterprise zone between Mr. Van Mill, Ms. Bernard and Mr. Washington.

Mr. Van Mill stated that Select Brands needs to have a commitment by September 15th.

A motion to have the subcommittee take any recommendation to the Planning and Zoning special committee meeting on September 10 was made by Ms. Hertzberger and seconded by Mr. Washington. Motion carried. Mr. James is opposed.

Mr. Martin suggested that we have a Planning and Zoning meeting the day of the County Board meeting at 8:30.

Mr. Kruse stated that there is too many other things going on the day of the County Board and would recommend having it the Friday before the County Board.

Quality Grant Initiative

Mr. Martin went over the Memo that was handed out regarding the Quality Grant Initiative's subcommittee's findings.

A motion to accept the committee's approval for the Northern Illinois Anglers Association for \$2,000.00, the recommendation for resubmital of Kankakee Valley Symphony Orchestra and the denial of the \$10,000.00 for the Grant Park School District was made by Ms. Hertzberger and seconded by Mr. James. Motion carried by a roll call vote of 8 ayes and 0 nays.

Pembroke Township Tipping Fee Grant

Mr. Van Mill updated the committee on the Pembroke Township Tipping Fee Grant.

Mr. Van Mill stated, "The Tipping Fee funds are below the amount of money that we have granted to Township. The Tipping Fee account is at about \$40,000.00. There is not a termination date or an expiration date for when the execution of the agreement needs to be made. A number of factors have arisen over the months and we need to make a determination as to where we want to go with this."

Mr. Martin wanted to know what progress has been made with Waste Management. Mr. Van Mill stated, "We have received a check close to \$250,000.00. Total payments on the amount that Waste Management is responsible to pay for toward the expenses for their hearings that went over and above the \$250,000.00 for both hearing 1 and hearing 2 and then partial payment on some of the tipping fee funds somewhere about \$120,000.00. We are discussing that with them in terms of what we believe they owe and I have sent a letter in recent days saying that we believe that there are additional monies owed. I have not cashed the check yet at the advice of the State's Attorney's Office."

Ms. Hertzberger stated, "Let's assume that we have no money, is it possible that the subcommittee could meet again on this issue and maybe come up with a possible alternative solution. I don't know if maybe the County can take control of the situation without the Township, but to me this is a big issue and I think that we need to find a solution for the quality of life issues in this end of the County especially where garbage, sewage and everything else is concerned and see if we can't come up with some way to find some monies."

Mr. Stauffenberg stated, "I am sure that it is possible but I can't imagine us granting a \$60,000.00 grant and the entity to receive it hasn't done a thing about it."

Mr. James thinks that this is a health problem and we need to let the Health Department handle it.

Mr. Gibbs stated that garbage pick up is going on and the township truck is repaired and has a route for pick up.

Mr. Stauffenberg stated that we can send it back to the subcommittee to re-evaluate the program.

A motion to rescind the original grant and authorize the subcommittee to renegotiate the grant was made by Mr. Scholl and seconded by Mr. James. Motion carried.

8. Old/New Business

Ms. Gorski went over the purpose of this body, their procedures and public comment.

There was discussion regarding the purpose, procedures and public comment from Ms. Gorski, Ms. Hertzberger, Mr. Van Mill, Mr. James, Mr. Gibbs, Mr. Martin, Mr. Stauffenberg and Mr. Scholl.

Mr. Stauffenberg stated that we need to keep Duane Bertrand in our prayers.

Mr. McElroy stated, "At the last County Board Meeting a resolution was passed awarding the \$10,000.00 Quality of Life Grant to the LEPC. The LEPC, as it turns out, is not a qualified entity to accept this grant. They are an advisory committee to ESDA. In effect we would be making a grant to ourselves. The purpose behind the grant was and is for the purchase of a Hazmat Truck. As it turns out, some information that I have learned was that the intent, I believe, was that an organization called MABAS should have received the funds. This is a State wide organization and all of the Fire Protection Districts and Fire Departments in Kankakee County comprise what is called Division 7 of MABAS. MABAS and I don't know this for sure, may be the entity who the grant should have been awarded too. There was also some mis-information on their application form as to a \$200,000.00 grant to ESDA. It turns out that \$200,000.00 grant was actually made to MABAS."

A motion to rescind the grant was made by Mr. Martin and seconded by Ms. Hertzberger. Motion carried.

9. Adjournment

A motion was made by Mr. Martin and seconded by Mr. Scholl to adjourn the meeting at 11:50 a.m. Motion carried.

James Stauffenberg, Chairman

Stephanie Gresham
Executive Coordinator