

**Members Present**

Mr. Olthoff, Mr. Stauffenberg, Mr. Tripp, Mr. James, Ms. McBride, Ms. Schmidt, Ms. Barber, Mr. Hess, Mr. Tholen, and Mr. Whitten

**Members Absent**

Mr. Washington

**In Attendance**

- **Board Members**

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

- **Department Heads**

Mr. Van Mill and Jamie Boyd

- **Media**

Leigh Marcotte

Laura McElroy

Kristen Zambo

**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**

- Sharon White from Pembroke asked how the County is addressing the issue of uninhabitable housing conditions in Pembroke.
- Mihesha Gibbs commented on the issue of improving the living conditions in Pembroke.

**3. Approval of Minutes – November 24, 2009**

**A motion to approve the November 24, 2009 minutes was made by Mr. Stauffenberg and seconded by Mr. James. Motion carried.**

**4. Planning**

- **Intergovernmental Cooperation Agreement – Village of Bourbonnais and Kankakee County - CDAP**

Mr. Van Mill stated that this is a project with the Village of Bourbonnais and Laurie Cyr with the Village of Bourbonnais is here today.

Ms. Cyr stated that the Village of Bourbonnais is applying for a CDAP grant through the State of Illinois to improve the sanitary sewer in Tri-Star Estates. Tri-Star Estates is a pre-manufactured home community located on Rt. 45 and 5000 N. Rd. There are approximately 700 residents within Tri-Star Estates. What they are experiencing in the sanitary sewers that run through that subdivision is infiltration from storm water. The clay sanitary sewer pipes that are within that subdivision are falling under disrepair and they need to be fixed. Their solution is two-fold. They are going to seal the inside of the clay pipes and they are going to replace one of the lift stations that is 30 years old. They need an intergovernmental agreement with the County because although it has Village of Bourbonnais sewers within the subdivision it is within Kankakee County. It is not annexed into the Village of Bourbonnais. Over the summer they had to do a door-to-door survey to determine that the residents within Tri-Star Estates were low-income. They had to get a 75% response of the 700 residents and then mail those into the State in order

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to qualify for this grant. That was step #1 and the County has been involved in this project since step #1. This intergovernmental agreement is step #2.

Mr. Bossert asked what the participation is on the part of the county.

Ms. Cyr stated that there is no match from the county. The Village of Bourbonnais is participating all the matching funds for the grant. It is a 75/25 grant. The ceiling from CDAP is \$350,000 so the other \$116,000 is coming from the Village of Bourbonnais. They need the County to merely sign the agreement because it is within the County.

**Mr. Hess made a motion to sign the agreement and Mr. Whitten seconded it. Motion passed with voice vote.**

### **Discussion**

Mr. James asked why it has never been annexed to Bourbonnais and will annexation take place if it goes through.

Ms. Cyr stated that she can not answer that and it is not a condition of the agreement.

## **5. Subdivision**

- **Minnie Moness Subdivision – Final Plat Extension**

This was taken off of the agenda.

## **6. Economic Alliance**

- **Alternative Energy Solicitations**

Mr. Van Mill stated that included in the committee's packet is a draft copy of a "Request for Information & Qualifications". This is a result of considerable conversations within the County and the City with regards to how to handle waste, as well as, to determine alternative energy sources that are out there and technologies that are going forward. It does not have to necessarily have a waste component to it. Patrick Engineering, who helped us during the waste management landfill process, was brought in to help us with the request that solicits and invites technologies to come forward and offer proposals for Kankakee County and to see if they meet certain requirements in order to move forward with that technology. We have had a number of types of technologies that have been introduced to us throughout the last several years. What we felt was a more prudent and responsible way of moving forward with this was to have a more systematic approach where we ask for certain information and we can move forward with info that will help us make a more educated decision with that. This is a proposal that we would want to put out in professional publications and see what type of responses we get back. Every so often in the last couple of years we have had different technologies approach us and with this we have put in place the type of info that we would want a perspective company to provide us in order to make a good decision on whether that technology is viable and feasible and whether it is a type of technology we would want in our County. This is a FYI and we would like the committee to review it and if there are any comments or questions, please see him.

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Ms. Schmidt asked how this fits into our solid waste plan that we don't have yet and is this going to be a change to that. Shouldn't we put that together before we move forward with something like this. Are we looking to include other counties?

Mr. Van Mill stated that if we would go with the new solid waste plan it is consistent with it. The existing plan does say that we would continually evaluate to see if technologies are viable. This is not just a waste energy proposal. We have every intention to include other communities.

Ms. Bernard asked where it would be advertised at and if it would be in the Dodge Report.

Mr. Van Mill stated that it would be put in various engineering periodicals. Patrick Engineering has a list of national periodicals it will go in. He doesn't recall the Dodge Report being one of them but it could be considered. If the committee thinks of any others, just let him know and he would be happy to look at that. Right now we are looking at June 4 as a deadline, and then we can reconsider after that.

## 7. Building

- **Demolition of Structure at 200 SE Marquette Lane, Kankakee (12-7-15-205-001) Owner Nick LaLuna**

Mr. Van Mill stated that this property caught fire and burned in March of this year and they have been working with the property owners to try to resolve the demolition of the property or bring it back into compliance. To date, they have not gotten to that point. (Pictures of this property were displayed for the committee to see.) They have been working with our State's Attorney's office to evaluate our options for taking the initiative of declaring it for demolition and also getting demolition done. One of the concerns that has risen is that if we proceed with this through the court system and they deem it a nuisance and a public safety issue then we need to be in a position to be able to have it torn down. This is being brought to the committee's attention because we have to get some clarification from this committee and the county board that funds will be allocated for the demolition of this. In the past, we have seen cost of demolition be anywhere from ten to twenty thousand dollars. Going into this and pursuing this aggressively, the board needs to know that could potentially be a cost that will be incurred by this County.

Mr. Olthoff asked if there would be a lien filed on the property.

Mr. Van Mill stated that there would be.

Ms. Bernard asked if this needs county board approval to proceed with the demolition.

Mr. Van Mill stated that he doesn't believe so but he would like a motion from this committee that we would expend the funds to do it. He doesn't think it needs a county board resolution. He and the State's Attorney's office didn't want to go forward unless there is a firm commitment that the dollars are available to do this.

Ms. Bernard questioned whether we had demolished properties in the past. She is not on the committee but she would ask this committee to consider a motion to proceed with the demolition.

This house is an eyesore and it is a safety issue. There are children and teenagers in the neighborhood.

Mr. Van Mill stated that they have demolished properties in the past.

Mr. Stauffenberg asked if we have a means of getting our money back out of this.

Mr. Van Mill stated that we would through a lien. He doesn't know if we would be the first or second on it; it would depend if there was a mortgage on it.

Mr. James stated that he thinks this is something we should know before we decide. He is quite certain there is an insurance claim on it and the proceeds from that goes somewhere.

Mr. Van Mill stated that from everything that has been represented to him there is not an insurance claim on it.

Mr. James asked if a title search had been done on it.

Mr. Van Mill stated that there has not. He said that they could do that as they go forward.

Ms. Bernard asked if wage garnishment could be part of the process of recouping funds.

Mr. Van Mill stated that he doesn't know. That would be a legal issue that he can not address. They only thing that he has been told is that they have denied claims because it was a vacant home when it caught fire. He does not know that for a fact.

Ms. Bernard asked if we had copies of the insurance denials.

Marc Wilson stated that the insurance company is denying any claim. The structure was vacant for over 60 days and it was vandalism so Country Financial was denying any claim to the LaLuna family. He has a letter from Country Financial.

**Mr. James made a motion to proceed with demolition procedures subject to legal confirmation as to our liability and Ms. McBride seconded it.**

### **Discussion**

Mr. Stauffenberg stated that any vacant property can buy back the vandalism. Some policies are 60 days and some are 90 days.

Mr. Tripp stated that he thinks we need to know a little bit more about this financial obligation before we jump into this. He agrees that we need to do it but he thinks we need to know where we are at before we spend \$20,000. If we are number one on the list, then it would be fine.

**Mr. Tripp made a motion to amend the original motion to “find out what our position is in the line of lien holders” and Mr. Whitten seconded it. The motion passed with a roll call vote of 11 ayes and 0 nays. The original motion passed with a roll call vote of 11 ayes and 0 nays.**

Mr. Vickery stated that he thinks it is important that the County set a minimum standard for what buildings can be in the County. This surely does not fall under what he would term a minimum standard of housing. It also affects other people’s property values. He thinks it is important that the County moves forward on this.

- **Pembroke Township Building Department**

Larry Gibbs, Pembroke Township Supervisor, stated that he is here today to talk about an issue that has come up where they had to take some drastic measures to address some drastic problems. How did the building department/self-help department get started? What they did was apply for grants to assist in the rehabilitation of some homes and he went out and personally surveyed over 100 homes. That was a requirement of the grant. They went into these homes and what he saw was deplorable. He handed out a packet to the committee that contained about 30 pictures of what he saw when he went out and surveyed the homes. These issues need to be addressed. The rehabilitation grant is for \$350,000 which is not going to begin to address the problems that exist in Pembroke. The building department was formed to make a pro-active approach to do what we need to do. It has been said that they do not have a statutory authority and that may be true but we have to do something. There is an authority that we do have and that is the right to contract. That right comes in two ways – by intergovernmental agreement as the County just did with the Village of Bourbonnais or by treaty. As a citizen in this State within this republic, Pembroke Township was granted certain statutory authority and that authority is the right to contract. As nationals within Pembroke, it is time for us to claim that right and help ourselves and to help the County to eliminate the deplorable conditions that exist in Pembroke Township. We have to assist and he doesn’t know of any other way that they can assist then to help ourselves by creating a building department that has adopted county codes – everything has been done by the book. It may not be so-called legal but they have done everything by the book. They sent letters to the County thorough the Chairman of the Board. They notified the County on October 7 that this was being done. Drastic measures had to be taken. Drastic times breed drastic measures, but it is not so drastic that we can’t get something done. We have to have an intergovernmental agreement so we can begin to help the County and help ourselves. There is 53.4 square miles of Pembroke Township and it is the largest township within K3 County. K3 County and most governments in this economic time do not have the resources to do what is needed to address this horrid condition, so what they have done is to create a self-help organization called the Pembroke Township Building Department. Statutorily, they may possibly not have authority to do so, but they do have the ability to contract. A community in this position must start planning. They are trying to do something for themselves and address these things. One of the things they do know is that they can’t go back to the way the relationship between the County and the Township was. They have to do something to assist. They must move forward from here. Inside the packet is an example of an intergovernmental agreement that was drawn up and he asked that the committee please read it and see how it can best serve the both of us. Also, there are two ways that we can accomplish this. One way is to have an intergovernmental agreement and there would be no cost to the County. He is asking that the County extend its

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authority to Pembroke Township and they will provide quarterly reports or whatever is needed to operate and function just as the K3 County Building Department functions. They will provide any permit that is issued to the Assessor's Office and the Assessor's Office in Pembroke Township – just as the Building Department does here. They will be an extension of the County at no cost. Second, the County participates in a program for the State which use to be the old Revenue Sharing Program. All of the tax monies that are collected in the State are distributed throughout the municipalities throughout the State. The County receives a certain portion of those funds. Four years ago the amount was \$12 million dollars. They received that for the population of the unincorporated areas which make up the County as a municipality. In the unincorporated area there is approximately 31,000 residents. Pembroke has about 2,800 residents which makes up about 9-10 percent of that total. Of those \$12-\$14 million dollars that the County gets, they receive nothing. One of the solutions is that out of that monies which they make up 10%, (not that the County is obligated to give them anything) they would receive that percent of the funds. Ten percent of \$14 million would be \$1.4 million dollars. He's not asking for that; he'll take \$500,000. They will keep the building department out there and make sure everything is running correct because the County can't get out there and it will be funded by the County. One of two ways, either they issue the building permits and different things to help fund it or they participate in the local government funding from the State and fund it that way. In this tough economic times, he has managed to create two jobs, which is a lot in a community where the unemployment rate is 40% or higher. He is asking that this body and the county board look at the agreement and know that we must move forward. This body can allow him to assist it in bringing about these changes. He is not trying to diminish any authority that the County has; they are trying to enhance it and do things for themselves to help themselves. He is asking that through the intergovernmental agreement the County will help them in that process.

Mr. Tripp stated that he likes what Mr. Gibbs is trying to do, but in his opinion we don't need another level of government. The building code is already in place. If we are not doing the job, then we need to access that. He thinks we have too many levels of government right now. Exhibit #27 in the packet fits the same criteria as the LaLuna property. He thinks we need to give Mr. Gibbs some assistance, but not create another level of government.

Ms. Schmidt agrees that what Mr. Gibbs is trying to do is commendable. She thinks the county government needs an arm in that township because it doesn't get out there. She doesn't know how you would go about doing that legally - so that the Planning Department could maintain control of what is happening. She thinks it is worth looking into. She isn't sure if it has been totally thought out, but she thinks we should try to do this. She asked where the K3 County Housing Authority comes in with all of this. Why aren't they out there trying to help?

Mr. Gibbs stated that one of things with the Housing Authority is that they have their own planning body and they have not planned to do any kind of development in Pembroke.

Ms. Schmidt stated that she thinks we should turn to them and start putting pressure on them to help.

Mr. Gibbs stated that he understands and he appreciates the sentiments of putting pressure on them, but we have got to put pressure on ourselves by forming the organizations that are needed to bring about a change and development.

Mr. James stated that he applauds Mr. Gibbs and he thinks he is on the right track. His concern is that now that we have the desire and enthusiasm to address the problem that we all know existed, where are we legally that we can formulate a program to continue the operation going. Do we need to expand our inspectors and bring in an inspector to just work that area? Can we enter into an intergovernmental agreement? We need to have our State's Attorney advise us on this. We know there is a need there and we do want to address it. We have to decide what vehicle we are going to use to address this problem. What are our options? We know that we legally can't set up a Planning and Zoning Department out there.

Mr. Olthoff stated that he thinks this is an informational meeting and we take the information and we go forward with it.

Mr. Gibbs stated that they have a qualified inspector.

Ms. McBride stated that she thinks he is doing a wonderful job. She asked where the homeowners are of these burned down and abandoned homes.

Mr. Gibbs stated that they are now a part of the GIS system so now they can begin to address that issue. Now they have the capability to go into the GIS and see about these properties.

Ms. McBride stated that she thinks Mr. Gibbs should start there and try to get some of the owners to clean up their property. If people keep their property clean, it then encourages the people next to them to clean up their property, also.

Mr. Gibbs stated that he has applied for \$8 million in federal money to address these types of things.

Mr. Vickery stated that he thinks the most important thing that Mr. Gibbs has done today is made the committee focus on a problem and he congratulates him on that. He doesn't know where all the money is going to come from that it will take to do all of this.

Mr. Gibbs stated that we are in a wonderful time right now and it is called stimulus. That is where the money could come. All we have to do is be pro-active and apply for it.

Mr. Bossert stated that he is hearing a lot of support in this room in regards to Mr. Gibbs efforts and he would join in that. However, earlier in Mr. Gibb's comments, he admitted that he probably does not have the statutory authority to create his own department. If so, is Mr. Gibbs willing at this point to desist?

Mr. Gibbs stated that when there is a solution, but until then, morally, he has to help the community. He doesn't want to go up against the County. Once there is a solution, then he is willing to leave it alone.

Mr. Bossert stated that Mr. Gibbs admitted that he has been collecting building fees. He asked if they were a voluntary contribution to the township or were they imposed as a result of a requirement on his behalf in representing that a fee had to be paid to the township.

Mr. Gibbs stated they adopted the county fee schedule and they operate it just as the County would operate. If it is deemed that they don't have the statutory authority, then there must be a solution for a 40-year problem. He is operating on moral authority.

Mr. Bossert asked how much money has been collected for fees.

Mr. Gibbs stated that a report can be given to him.

Mr. Bossert stated that he hears some willingness to discuss an intergovernmental agreement and he thinks that we will probably leave it at that today, but at the same time he hopes that Mr. Gibbs is looking at the question of his authority to be collecting fees and issuing permits in lieu of county government's role.

Mr. Gibbs stated that we need to put this issue on the fast track so that those issues can be addressed and that he won't be operating outside of any corporate rules.

Ms. Bernard stated that she commends Mr. Gibbs for reaching out and helping the community. She would ask that if the county looks into the legality of this issue that they would look at talking to the Attorney General for an opinion because she doesn't want any perceived sense of conflict because the State's Attorney is representing the County.

Mr. Gibbs stated that the issue is not whether they have the authority. He is not pushing on that. What they need is an intergovernmental agreement that we can help the County because the County can not and has not helped us. They have done the best that they can with what they have. Now he is offering a little bit more with no expense to the County.

Ms. Barber stated that she echoes everyone else's comments in terms of doing a good job. Her concern is his risk. Right now she sees risk as being the big issue. Building permit fees have been collected and there is a qualified inspector that has made inspections and people are moving in to these properties. Who is responsible?

Mr. Gibbs stated that the township is responsible.

Mr. Vickery stated that Ms. Barber brings an excellent point and he needs to look at whether he is out of his jurisdiction.

## **8. Old Business**

## **9. New Business**

Ms. Bernard asked Mr. Van Mill what kind of window he is looking at in regards to the LaLuna property.

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Mr. Van Mill stated that they are looking at spring.

Ms. Bernard asked where we are in regards to the solid waste plan. She stated that the State's Attorney took it in October 2006 or 2007. We have never approved that updated solid waste plan and she believes that we are not in compliance with the State.

Mr. Van Mill stated that he would have to go back and look.

Mr. Bossert stated that as far as the solid waste plan he notes that there are many counties where the solid waste plan has not been updated. Yes, we need to get ours update, but we are not alone in that area. The current plan is still in effect.

Ms. Bernard stated that she understands, but she is a little frustrated because that plan has been sitting in the State's Attorney's office for close to three years and she would like to see some action on that since we paid \$65,000 to have that plan revised. Maybe the State's Attorney can give us an update on that.

Mr. Boyd stated that he would advise everyone that better than 18 months ago the plan was ready to go. He contacted Ms. Bernard and asked for her personal input. She stated that she was unavailable so he asked her to meet with him when she was available because he wanted to make sure it got past her. He is waiting for that return phone call.

Ms. Bernard stated that she is one of twenty-eight board members and she believes the proper protocol would have been for Mr. Boyd to bring it here to the entire committee so it could be discussed openly and not behind closed doors.

## **10. Adjournment**

**A motion to adjourn the meeting at 10:14 a.m. was made by Mr. Tripp and seconded by Mr. James. Motion carried.**

Bill Olthoff, Chairman  
Joanne Langlois, Executive Coordinator