

**Members Present**

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

**Members Absent**

Mr. Olthoff, Mr. James

**In Attendance**

- **Board Members**

Mr. Scholl, Mr. Bossert, and Mr. Liehr

- **Department Heads**

Mr. Van Mill

- **Media**

Leigh Marcotte

Dimitrios Kalantzis

**1. Call to Order**

The meeting was called to order by the Vice-Chairman, Mr. Stauffenberg, at 9:00 a.m. Quorum present.

**2. Public Comment**

- **Greg Deck commented on ZBA Case #09-11 and ZBA Case #10-02.**
- **Jean Okeli commented on the drainage problems on her farm.**

**3. Approval of Minutes – February 24, 2010**

**A motion to approve the February 24, 2010, minutes was made by Mr. Washington and seconded by Mr. Tripp. Motion carried.**

**4. Planning**

- **Kankakee County Regional Planning Commission - Land Use/Transportation Subcommittee 2010 Work Program**

Mr. Van Mill stated that this work program was developed by the Planning Commission late last year, but there was no quorum at their January meeting so it failed to be adopted. Last night there was a quorum and it was passed. This is an outline of the projects that the Planning Department, in coordination with their Planning Commission, intends to do this year. Many of the programs are focused upon the urban area which we see because of today's development trends. We are focusing on ensuring that we have a good partnership with our municipalities, looking at infill and redevelopment, and we hope to encourage that. There is a lot of emphasis on our transportation and our infrastructure, as well. This is submitted for the committee's consideration and approval so that it can be passed on to the full county board.

**Mr. Washington made a motion to approve the work program and Mr. Tholen seconded it. Motion carried with a voice vote.**

Mr. Washington stated that we have changed our make-up of our transportation subcommittee and we have broken it down into eight groups so as to get more feedback and input from the members of the Regional Planning Commission itself. It seems to be working out pretty well. They are moving as quickly as possible to get many of these projects underway and to complete the ones that are already going.

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Ms. Schmidt stated that the Solid Waste Plan has been on the agenda twice for the Regional Planning Commission and it has not been dealt with those two times. She asked what was going on with it.

Mr. Van Mill stated that he believes the Chairman has a copy of it right now and it will be distributed.

## 5. Zoning

- **Zoning Map - Update**

Mr. Van Mill stated that statutorily counties are to approve an updated zoning map annually. It has to include any changes up through March of every year and have an official zoning map ratified by the County Board. The new zoning map will be on display in the Clerk's office. The 2009 activities included: five special use permits, nine variances, and one rezoning. They have also updated the map to include new annexations that may have occurred in the last year. He is asking for the map to be sent on to the County Board for ratification in April.

**Mr. Whitten made a motion to approve this and send it on the County Board and Mr. Washington seconded it. Motion carried with a voice vote.**

Mr. Scholl asked if it was correct that within a mile and a half of a particular village it becomes the jurisdiction of the village itself as to construction.

Mr. Van Mill stated that there is some qualification there that needs to be recognized. When you are talking about a municipality having jurisdiction outside of their corporate limits, but within the mile and a half, the first thing that they have to have is an executed annexation agreement. The property does not have to be contiguous, but it has to have an annexation agreement between the property owner and the village. The village can then impose their zoning and building codes on that property. Absent of that intergovernmental agreement, the county still maintains jurisdiction.

Mr. Scholl asked if there was any way to prevent or minimize 20 acre establishments just outside of a village that would compromise the village's comprehensive plan.

Mr. Van Mill stated that there probably is none at the present time. We could look at maybe some other options. Last year they had considered doing an evaluation of minimum lot size for farming being larger than 20 acres. They have had the 20 acre minimum since 1986.

Mr. Scholl stated that he is referring to a situation where the village would require a lot to be a minimum of  $\frac{3}{4}$  of an acre or 1 acre. If someone does not want to establish lots of that size, they could be vindictive and turn around and sell 20 acre parcels right adjacent to the village and there is nothing that the village can do to stop them. Is that correct?

Mr. Van Mill stated that it is correct.

- **ZBA Case #09-11; request for Rezoning from A1-Agriculture to A2-Agriculture Estates, on parcels generally situated in Section 07 of Salina Township. The petitioners are Antoni J. and Susan L. Neven, property owners and Robert D. and Donna L. Bottger, applicants.**

Mr. Skimerhorn stated that this is a rezoning from A1 to A2 on a 17.9 acre parcel situated in Section 07 of Salina Township. It is right at the intersection of 4000 N Rd and 13000 W Rd. There is currently a home

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that was built on the eastern portion of the property and six acres have been divided off. The applicant would like to rezone the entire property to A2 and then further divide the remaining 12 acres into two 5.95 acre parcels. This case went to the Zoning Board of Appeals on July 27, 2009, and at that time they chose to deny it based on potential drainage issues on the property. Several of the neighbors came out and voiced their opinions on it and the Zoning Board denied it based on that. They did leave the door open by saying that if the applicant would have a drainage study of the property done and if that was favorable, they would reconsider it. The applicant did that and on January 17, 2010, the Zoning Board voted unanimously to approve the rezoning. The summary of the drainage study indicates that the runoff from the property after development of the three homes would be actually less water leaving the property than what currently leaves it now. That is because now it is used for agriculture purposes and there is no vegetation to hold any of the water back. Once it is developed into the three homes and it is converted to grass, that will actually absorb more water.

**Ms. McBride made a motion to approve and Ms. Barber seconded it.**

### **Discussion**

Ms. Schmidt stated that she is a little confused. Our rules are 20 acres for a reason and this is outside the 1 1/2 mile and the Planning Department expresses concerns about too many driveway cuts along the road, increased traffic, neighbors are still complaining about drainage, and 86% of the this soil type is not good for septic; therefore, she doesn't really understand why this was approved in the first place. To her this is everything that we are trying to avoid. She is going to vote no.

Mr. Washington stated that his concerns are much the same as Karen Schmidt. He doesn't hear or see a significant correction of the problem of water in the area that would facilitate a vote in favor of it. It just seems like the report itself was filed because the request for it was made, but it doesn't address the problems enough to resolve the water problem that the neighbors are experiencing. He would not be in favor of this.

Mr. Skimerhorn stated that in the report there are a couple of corrective actions that could be done to alleviate the water problems in the area. One is that the township needs to clean out and maintain their ditches. They have silted in over the years and that is causing some of the water back-up. The second corrective action is that the property to the east has a drainage swale running through it that drains a lot of the water from the north. At some point that drainage swale has been blocked off. The report recommends that it be reopened which would drain water through the area.

Mr. Washington stated that that is his point. There are recommendations there but what if those recommendations are not followed up with solid info as to how this is going to be accomplished. If we put this thing through, how do we know if there is going to be following up of those recommendations?

Mr. Skimerhorn asked if we can hold the applicant responsible for something that he has no control over.

Mr. Washington asked if we can in good conscious permit the applicant to expand and develop property that is in the condition that it is in.

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Ms. Barber stated that her concern goes back to the initial meeting where this party was told to get a study done and bring it back. She would want more info on what exactly they were promised or what we said that we would agree to do based on that study. Does that study encompass everybody's concern?

Mr. Skimerhorn stated that all the Zoning Board said was that they would reconsider it if he could provide a study that would rectify the problems. It is a very extensive study.

Mr. Scholl stated that this is his district and they have a continual problem with water. Many of the roads in the last few weeks have had their bottoms drop out of them – especially on the gravel roads. His frustration here is that when someone buys a tract of property the people are being told one thing and they are not told what the cost of dealing with it is. Many times they are being misled. He would like the committee members to take a look at that. What are we going to do down the line in dealing with this? How firmly does the committee intend to stand on the 20 acre rule? Some people would like to see it increase.

Mr. Tripp stated that he doesn't think we have any business approving this until all these problems have been corrected. When that has been done, then we can reconsider it. The problems have not been corrected, so he will vote no on it.

Mr. Stauffenberg asked Mr. Skimerhorn if there was any recourse through the Planning Department to be sure that they are corrected. How does the problem with the neighbor who put in a driveway with no culvert get rectified? Why was it permitted in the first place?

Mr. Skimerhorn stated that it is not their problem to correct. It is the neighboring property owner's problem and the township's problem in regards to the ditches. He doesn't know that they did permit the driveway; they do have some recourse on that.

Mr. Scholl stated that the philosophy that the township is following is that the ditches drain the road. The ditches are not intended to drain the adjacent property. Something needs to be worked out.

Mr. Skimerhorn stated that one of the things that the study does state is that yes there are water problems in the area but the development of these three lots will not add anything to the drainage problems.

Greg Deck, attorney for the applicants, stated that his clients have done everything that they have been asked to do and they are actually trying to solve a problem, not create a problem. It seems like there might be some misunderstanding here on what that drainage study actually said. What the study said is that they are actually going to improve the drainage in the area. The drainage problems are created by an overly full road ditch and also by a neighboring owner which happens to be Mrs. Okeli. They are the ones that blocked a drainage swale which naturally is going to back up water, but his clients cannot control that. His clients are trying to solve a problem and bring the property into compliance. If you vote no, what you are doing is basically punishing them for the misdeeds of their neighbors. They are asking and wanting to comply. This will help everybody in the whole neighborhood. The engineers who did the study studied the whole area to try to come up with some solutions to help the problem. He urges you to vote in favor of this in order to solve a problem and bring property into compliance.

Mr. Hess stated that he is wondering what Mr. Howell from the Soil and Water Conservation Department has to say about this.

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Mr. Howell stated that he does want to reiterate Mr. Scholl's statement. The road ditch in most areas is not designed to help drain property. The purpose of the road ditch is to ensure the safety and durability of the road. He continually gets concerned when he sees people wanting to use the road ditch to drain their properties. He does like the fact that the petitioners went and did a drainage study. However, that gets us back to who is going to pay for it and who is required to do it. Drainage law is a civil matter. From the Soil and Water Conservation District's perspective and from an ag preservation perspective, they like to see problems solved before the County approves the change in use. What he often sees is someone comes in and says that the County approved the property to do this and they bought the property second-hand or third-hand and now their house is unlivable, their septic field is unusable, and they have a polluted well. That is what happens once the County Board says a place is a great place to build house. They lose any control that they might have at this point. He is not for sure if this applies in this case and he is not advocating one way or another, but he would hope that the County ensures that lots are appropriate and buildable anywhere in the County before they approve a rezoning case.

Mr. Deck stated that he just talked to his clients and they are willing to install a drainage pond on their property to handle any kind of flow that comes off of their property. Even if they don't do that, the study shows that it is going to help it. They are willing to go another step by actually installing onsite retention areas to solve this situation. They will contain their own water.

**Mr. Washington made a motion to table this vote until we get written confirmation that this will be done and Ms. Barber seconded it. Motion carried with a voice vote.**

Ms. Schmidt asked if we have anything that says that doing this will help or hurt the problem. Do we have anything in that study that says that this will help? She personally needs proof that this is something that will help the situation.

Mr. Washington stated that the report is already saying that it is not going to hurt the problem if they develop the site. This can only enhance the conditions so it doesn't increase any of the problems that already exist. It will probably decrease those conditions. That is why he moved to table it.

Mr. Scholl stated that he would have to agree with Mr. Washington. This is a problem and if we can solve it that would be fantastic for the area. We need to address the drainage problem long term.

Ms. Schmidt stated that she doesn't know if we want the solution to the drainage problem in this area in private hands. Someone could buy the property and fill in the retention pond. She thinks that there are more solutions to this problem than just this.

Ms. Barber stated that the only thing that she heard in this discussion was the three homes projected of being built would possibly help the water situation. Is that in the report and do we have a time line on those homes in terms of being built?

Mr. Skimerhorn stated no.

Mr. Washington stated that if we went through with the vote and it was a negative vote, we would have to come up with finding of facts in order to prove the reason we rejected it over the ZBA. Therefore, this is the

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better course to take to keep the matter alive until such written proof is provided and we can open it up for full discussion then and move forward with approval or denial.

- **ZBA Case #10-02; request for a Special Use Permit Section 121-99.c.14.a (Farm Related Sales & Services) and a Variance to Section 121-99.e (Lot Width) and Section 121.99.g.3 (Rear Yard Setback) in an A1-Agricultural District, on a parcel generally situated in Section 32 of Salina Township. The petitioner is Chebanse Ag Service, Inc., property owner and Synergy Seeds, Inc., applicant.**

Mr. Skimerhorn stated that this is a request by Chebanse Ag Services and Synergy Seeds for a Special Use Permit for farm-related sales and service on a piece of property located in Salina Township on Rt. 17. Currently, there is a farm-related sales and service business being run on the property and it has been in existence for over 40 years. The applicants wish to expand the business by building a pole barn approximately 9000 sq/ft in the rear of the property to store seed in. That is an expansion of a legal non-conforming use so they need to come into compliance which is why they are requesting this Special Use Permit. Along with the special use, the property is only 124.14 ft. wide and the zoning ordinance requires 330 ft. so they are asking for a lot width variance of 208.86 ft. and because of the location of the septic field on the property, as well as, having enough room for semis to turn around in and back up in to the new building they are asking for a reduction of the 100 ft. rear yard setback to 50 ft. Zoning Board of Appeals heard this case Monday night and voted 6 to 0 to recommend the approval.

**Mr. Whitten made a motion to approve and Mr. Tholen seconded it. Motion carried with a voice vote. Motion carried with a voice vote.**

- **ZBA Case #10-03; request for Rezoning from A1-Agriculture to A2-Agriculture Estates, on parcels generally situated in Section 24 of Pilot Township. The petitioner is Richard A. Boudreau, property owner and applicant**

Mr. Skimerhorn stated that this is on a 13.73 acre parcel. It is located at 8000 W Rd just north of Illinois Rt. 115 in Pilot Township. The property was recently purchased by the applicant and owner, Richard Boudreau at a foreclosure sale. The property currently contains two homes – a partially constructed new home on the front of the property and an existing home in the middle of the property. When the previous owner came in to get a building permit for the front home, the parcel was 20 acres in size and the permit was granted. Somewhere between the time that he got that permit and the foreclosure sale, seven acres to the rear of the property was sold or given to the adjoining property owner leaving the 13.73 acres. It is no longer in compliance with our zoning ordinance because of the 20 acre rule. That is why he is asking for the A1 to A2 zoning. At the zoning hearing, the adjoining property owner did state that they did not buy the property; there was a mistake in the legal description and they were awarded that property. The old house is going to be partially demolished and turned into a workshop.

**Mr. Hess made a motion to approve and Ms. McBride seconded it.**

### **Discussion**

Mr. Whitten asked if he is going to have a permit to remodel the house.

Mr. Skimerhorn stated that he would have to have a permit which he would be issued if this is approved. Ms. Schmidt stated that this whole situation makes her nervous. There are too many things that don't seem right. She will have to vote no on it.

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Mr. Skimerhorn stated that the present owner knew it was only the 13 acres but he did not know that he was not properly zoned for residential. He came in to get a permit to finish the new house and that is when they caught that.

Mr. Tholen asked about the details of the property being awarded to the adjoining property owner.

Mr. Skimerhorn stated that he doesn't know all the details. It came up in the public comment period of the zoning hearing and the lady did not give specifics as whether it was through a court order or not. She said that they received the seven acres on the back of the property because there was a dispute on the legal description and when it was surveyed it was determined that they did own that seven acres.

Mr. Van Mill stated that they could research that and get it back to the committee.

**Mr. Tholen asked for this to be tabled until there is more research done as to the specifics of this property and Mr. Tripp seconded it. Motion carried with a voice vote.**

## **7. Transportation**

- **Request Letter for Rural Transit Providers**
- **Rural Transit Provider Qualifications List**
- **Response from SHOW BUS Expressing Interest**
- **SHOW BUS Qualification List**
- **Letter from Good Shepard Manor Requesting Additional Service**

Mike Lammey stated that each year about this time they bring a package of rural transportation info to the committee. They send out a letter every year asking if anybody is interested in running rural transit for us. They sent this out to about 15 organizations. They sent out a qualification sheet out with that and they got one response which was from SHOWBUS, our current provider. Their response letter is included in the packet along with their filled-in qualification sheet. They have been happy with the service that they have gotten from SHOW BUS and would recommend that SHOW BUS be our provider. Some things are happening because of the financial situation of the State. Social service agencies around the County are not being given the money that they should be getting from the State in a timely fashion. In an effort to solve that shortfall of money, they are cutting transportation services and we are stepping in every where that we are able to step in to provide those services through our rural transit services. We have had a good relationship with Good Shepard and have been able to pick up a lot of that area.

- **Purchase of Service Agreement with SHOW BUS**

Mike Lammey stated that this is a contract between us and SHOW BUS to provide service during FY2011.

**Mr. Washington made a motion to approve this agreement and Mr. Whitten seconded it. Motion carried with a roll call vote of 10 ayes and 0 nays.**

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- **Vehicle Lease with SHOW BUS**

Mike Lammey stated that the vehicles that provide the service are actually titled to K3 County. We sign a lease every year with our provider to be able to use those vehicles during that year. They recommend authorizing the County Chairman to sign that lease.

**Mr. Tripp made a motion to authorize the County Chairman to sign the vehicle lease and Mr. Tholen seconded it. Motion carried with a roll call vote of 10 ayes and 0 nays.**

Mr. Whitten asked where the money was coming from.

Mr. Lammey stated that he believes that they pay us one dollar.

- **5311/DOAP Application for FY 2011**

Mr. Lammey stated that we make an application every year for two different pots of money. One is federal money and one is state money.

Laura Dick, from SHOW BUS, stated that the estimated amount is \$166,698 from federal and \$493,130 from the state.

Mike Lammey stated that the federal money comes from the federal transportation bill and the state money comes from a fund coming out of the sales tax.

**Mr. Washington made a motion to authorize the County Chairman to sign these applications and Ms. Schmidt seconded it. Motion carried with a roll call vote of 10 ayes and 0 nays.**

- **5310 Consolidated Vehicle Request**

Mike Lammey stated that this is a request for replacement of a vehicle. They have a vehicle that has 120,000 miles on it and according to the State that is eligible for replacement. They buy off of the state contract. They are asking for the committee to authorize the chairman to sign an application for that replacement vehicle.

**Mr. Whitten made a motion to authorize the County Chairman to sign the application and Ms. McBride seconded it. Motion carried with a roll call vote of 10 ayes and 0 nays.**

Mr. Hess asked how the new, shorter bus that was purchased last year is working out.

Laura Dick stated that the smaller bus that they received was a 12-passenger versus a 14-passenger. IDOT can do longer procure mini vans, 14-passenger vehicles with a diesel engine, and the super medium duty 22-passenger vehicles; therefore, they are down to very few choices. They can either get a light-duty gas which is a 12-passenger or a 14-passenger gas bus. She has not been convinced that the 14-passenger gas bus would provide the type of mileage that they would need. The vehicles of preference in terms of the economy and passengers would definitely be the 14-passenger diesel or the super medium 22-passenger diesel. However, with that being said, they cannot run the 22-passenger on all township roads.

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## 8. Other Business

- **EXECUTIVE SESSION – Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)**
- **Release of Closed Session Minutes**

Mr. Boyd could not make it to this meeting so this will be put on next month's agenda

## 9. Old Business

Mr. Van Mill stated that he has a briefing that he would like to give the committee as a result of the last Planning and Zoning Meeting. There was some discussion about looking at cell tower sites and they have produced for the committee's information a listing and a map of cell tower locations that the County has issued building permits for since November of 2000.

Mr. Whitten asked how they assess a tax on these.

Mr. Van Mill stated that he does not know. He does not assess the tax on them.

Mr. Stauffenberg stated that the tax assessor puts a value of them. He has some in his township that he has talked to the tax assessor about. They are assessed pretty stiffly.

Ms. Schmidt thanked Mr. Van Mill for putting this listing together. She stated that she reads and hears that the federal government has pushed cell tower telecommunications companies to do reserve towers or back-up towers to their towers in case something happens to the tower. This will multiply very rapidly in the next couple of years. She sees on the map that there are situations where it is close to the urban areas and she wonders if anyone has complained. She thinks that we should push as a County for better regulations to keep them away from residential areas. Nobody wants to see one when they look out their picture window,

Mr. Van Mill stated that there is legislation that just came out of committee that addresses some of those issues.

Ms. Schmidt asked if we could send a letter stating that we support that legislation. It won't stop cell towers from going up, but it will protect neighborhoods.

Mr. Van Mill stated that he will get to the committee what the legislation looks like.

Ms. Schmidt asked if it is possible for us to license these so we could have more information on each one.

Mr. Van Mill stated that he discussed these matters with cell tower construction companies and he asked what the trends are. Cell towers are not going away. Technology hasn't gotten to the point where we don't need them. The amount of info that is going through these things has gotten so immense and it is increasing. He is trying to get his arms around what is coming in the future. He is understanding it better today than he did two or three months ago. He doesn't know if this will lead to the proliferation of towers, but it looks like what might be happening is that are putting new types of monitoring systems on the existing towers. He can give the committee additional information as he learns where this is heading. In terms of licensing, he would have to look into it as we do have limited authority on these.

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Mr. Tripp stated that a while ago they talked about putting a fee on advertising parcels for big signs. He asked if we have done anything about this. He thinks we need to review this, as well.

Mr. Van Mill stated that he doesn't recall.

Mr. Scholl asked if that was a tower going up on Rt. 17 W by the fire station. He asked if the future widening of Rt. 17 was considered before this was constructed.

Mr. Van Mill stated that it is a water tower going up. It is in the Village so he was not involved in it.

Mr. Whitten stated that when they first started issuing permits for these towers he asked if the Sheriff could put his radio on those towers and they looked at it and it seemed that the Sheriff had to have his own towers to do his own communication. We want to televise the board meetings and they don't want to put up the towers to televise the meetings with. He thinks we need the towers.

#### **10. New Business**

Mr. Hess complimented the Economic Alliance for the video that they have out on the County. They did a nice job on it.

#### **11. Adjournment**

**A motion to adjourn the meeting at 10:12 a.m. was made by Mr. Washington and seconded by Ms. Barber. Motion carried.**

Jim Stauffenberg, Vice-Chairman  
Joanne Langlois, Executive Coordinator