

**Members Present**

Mr. Vickery, Mr. Washington, Mr. Flett, Mr. Olthoff, Mr. Einfeldt, Mr. Stauffenberg, Mr. James, Mr. Wheeler, Mr. Reid, and Ms. Polk

**Members Absent**

Mr. Olthoff and Mr. Tripp

**In Attendance**

- **Board Members**

Mr. Bossert and Mr. Hess

- **Department Heads**

- **Media**

None

**1. Call to Order/Roll Call**

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

**2. Public Comment**

**3. Approval of Minutes – December 20, 2013**

**A motion to approve the minutes was made by Mr. Reid and seconded by Mr. Washington.  
Motion carried with a voice vote.**

**4. Zoning Board of Appeals**

- **ZBA Case #13-10; request for a Rezoning A1-Agricultural to A2-Agricultural Estate District on a parcel generally situated in Section 14 of Norton Township. The petitioner is Judith Schneider, property owner and applicant.**

Mr. Skimerhorn stated that this is a request from Judith Schneider to rezone her homestead of 2.617 acres from A1 to A2. The parcel is being divided off of a 40-acre farm located at 15189 W 3000 S Road in Buckingham. Zoning Board of Appeals voted 6 to 0 to approve and there were no objectors present.

**Mr. Stauffenberg made a motion to approve and Mr. Fleet seconded it.**

**Discussion**

Mr. James stated that this appears to be similar to the same situation we had out at Aroma Township about two years ago when someone wanted to break off a couple acres off of a farm that his son had built a house on. He got contacted by about four landowners saying that they did not want that situation to get started out there. We turned it down because of the fact that it wasn't up to where they could claim it as agriculture after the next person bought it so we requested five acres or more. Right now you almost need six acres to get pre-exempt for agricultural use on five acres. That recommendation turned out to be very satisfactory out in that whole area and the owner understood it. He is not so sure that it wasn't the right way to go because once you get a residence inside of an agriculture area the argument is that it now hinders some of the activities that agriculture can use, along with the type of fertilizer applications that they put on if a family moves in with a child that has asthmatic problems. He would have difficulty approving splitting off acreage this small as it is going to do nothing except secure a residential use and it would never be able to be brought back to agriculture unless they would be able to acquire more land. We end this problem now or we have people that don't have enough land and they can't buy extra land and it creates a hardship on the person down the road so for that reason he has trouble supporting this for anything less than six acres.

**Original motion carried with a roll call vote of 6 ayes and 5 nays. Voting aye were Mr. Stauffenberg, Mr. Tholen, Mr. Flett, Mr. Wheeler, Mr. Einfeldt, and Mr. Bossert. Voting nay were Mr. Washington, Mr. James, Mr. Vickery, Ms. Polk, and Mr. Reid.**

- **Zoning Map Update**

Mr. Skimerhorn stated that each year they ask the committee to reaffirm the previous year's zoning cases and reapprove the county's official zoning map. Last year they added seven farmstead exemptions and they had nine zoning cases, six of those were variances and two of them were special use permits which were the Kinder Morgan property out in Otto Township and the Reddick Fire Station. They had one rezoning from A1 to R1 which was the Stauffenberg property just northwest of Manteno.

**Mr. James made a motion to approve the updates on the zoning map and Mr. Washington seconded it.**

### Discussion

Mr. James asked how this compares to the changes made last year.

Mr. Skimerhorn stated that it is the same map as last year but with the zoning changes as stated above.

**Original motion carried with a voice vote.**

## **5. Transportation**

- **Rural Transit Service Operator**

Mr. Lammey stated that every year their grant application to the state for federal and state funding for rural transportation requires that they contact potential providers of service to pick a transit provider for our rural service. They generally send those letters out in January and they generally come back to the committee in March with a recommendation. He wanted the committee to know that they sent 13 letters out in January and will see how many responses that they get back. In today's packet he included the questionnaire that they require applicants to fill out. The first question on it asks them to confirm their non-for-profit status. One of the things that try to do is provide transit service with non-for-profit agencies and they have had pretty good luck with it over the years.

Mr. Vickery asked if we are involved in the Momence commuter by METRO.

Mr. Lammey stated that our involvement is that we are a member of METRO. We continue to serve Momence from Kankakee. METRO thought it was important to serve Momence from the Bourbonnais transfer center. We will see if both of them can survive. Our ridership has not dropped at all since they have started. Service to Momence is a very strange service as you have to get the riders there by 6:00 in the morning which is a very unusual hour to try to get people on a bus. We have built up a following over four years of providing that service and have some fairly loyal riders. He thinks that we are in pretty good shape.

Mr. James asked how many riders they have.

Mr. Lammey stated that they have a full bus at 4:00 in the morning and the 5:00 bus is about three-fourth full. They set this service up for Baker and Tayler who has flexible shifts. When their employees go to work in the morning they do not know when they are coming home so they have to provide service all day long to make sure that the people that they deliver for the 5:00 a.m. shift can get home. Over the four years that

they have provided afternoon service they have picked up a fair number of Momence residents coming into Kankakee for medical trips and things like that.

Mr. Reid asked what it cost to ride the bus.

Mr. Lammey stated that it is \$2 a trip so if they take the bus both ways it cost them \$4 a day.

Mr. Lammey stated that the audience that they went after when they first started that was probably almost entirely female and probably 90% Hispanic speaking and that has been a fairly loyal audience.

## **6. Planning**

### **• Building Permit Fees**

Mr. Van Mill stated that at the last meeting they heard the conclusions of the consultants who were doing the cost studies for the counties for the various departments. After looking at the results of that study and what the actual cost of building permit administration is, they would like to propose an administrative fee of \$25. They would maintain the same schedule for building permits but include a flat administrative fee for all permits that are issued in Kankakee County. They did a survey of the larger communities in Kankakee to see what they were doing. He handed out the results of that survey to the committee. Bourbonnais, Bradley, Kankakee City, and Manteno all have an administrative fee imposed upon building permits ranging from \$20 to \$100 based on residential or commercial. After conversations with Mr. Pallissard, they recommend that an administrative fee of \$25 be imposed for all permits issued by the county. They probably do about 1000 permits a year on average so that would increase their revenue by around \$25,000. The consultant's analysis showed that they could raise their base permit fee which is \$50 to about \$101 so they are kind of splitting the difference. The permit fee would be \$50 plus the \$25 administrative fee which makes it \$75 for a total. He thinks that is reasonable.

**Mr. Reid made a motion to impose a \$25 administrative fee on all permits that are issued by the county and Mr. James seconded it.**

### **Discussion**

Mr. Reid asked if that is for residential.

Mr. Van Mill stated that it will be for both residential and commercial. They are going to see an increase in their building permit revenue as a result of the most recent actions the county board took with regards to the enterprise zones. In the past they were getting no building permits for industrial projects that were in the enterprise zone but now they are going to charge 50%. That is going to jump the revenue in the building department up some, as well.

Mr. James asked how this applies to agriculture use.

Mr. Van Mill stated that statutorily anything that is agricultural is exempt from paying for building permits. They want to give building permits so they can keep track of development. Agricultural does not have to comply with building codes either. They do inspections and make sure that they are not being taken by their contractor. They do not issue a fee for building permits and if they don't want to comply with the building codes they do not have to. Any land that is in the pursuit of agriculture is exempt from building codes and zoning except for setbacks.

Mr. Reid asked if that means that once they give a permit for a pole barn they never go back and inspect it.

Mr. Van Mill stated that they do go back to check that the person is not being taken advantage of by a contractor and things like that and they may advise the person on something that does not meet code but if they decide, as the owner of that farm, that they are going to do what they want to do his department has no recourse to require the owner to change it.

Mr. Stauffenberg stated that he doesn't understand why we even go give advice if we can't do anything about it anyway. That just puts us liable down the road. We are just wasting our money going there to inspect it. If we have no teeth in what we are inspecting then he says don't even mess with it.

Mr. Van Mill stated that we do have to go in and confirm that the setbacks are met. There are situations where someone may give them information regarding the building permit and say that they are going to do one thing but end up doing another. It doesn't happen very often but it does happen.

Mr. Stauffenberg thinks that we are just wasting money.

Mr. Van Mill stated that this has been the case since 1988. This issue is not new.

Mr. James asked where they go to pursue change.

Mr. Van Mill stated that they have to go to their state legislators.

Mr. James stated that he thinks that if they are going to put up a building it should meet code. If they have a fire, we have to go out and respond. What would happen if we as a committee approached our legislators for a change? He is quite certain that we are not the only Zoning Department in the state that has problems with this. He would think that it ought to be addressed.

Mr. Bossert stated that there is a pretty strong lobby that is going to oppose.

Mr. Reid stated that a farmer is not going to skimp on their electrical. It would be some city dweller that comes in and buys five acres and puts up a pole barn.

Mr. Van Mill stated that they have had some agriculture buildings that have been full of racing fuel and it has caught fire. There are situations that they do need to keep a pulse of what is going on out there.

Mr. Bossert stated that that is what prompted the discussion about sprinklers. Many fire districts are pushing the idea that we need to install sprinklers in buildings, including Ag buildings in excess of 5000 sq. ft. They were saying that they do not know what is stored in those buildings. It could be farm chemicals, fuel, etc. Talk about a situation that is going to cause a huge conflict. Are we really going to put sprinklers in a machine shed out on a farm? Now you are talking about water storage, pumping, and all the things that would have to drive all of that. There is a whole can of worms here about Ag buildings and what to store in them.

Mr. Reid asked if a town or village just passed something that said that people have to put sprinklers in their new house.

Mr. Van Mill stated that that is happening in the suburbs in the Chicagoland region.

Mr. Reid asked if there is something like that in Kankakee.

Mr. Van Mill stated that there is not. They have not done anything to their building codes since 2003. They want to bring them up to 2012. The 2012 national regulations do require residential sprinkler systems. In the past that has been rejected by the public pretty heavily. They have talked to Bradley, Bourbonnais, Kankakee, the County, and Momence and have said let's get everybody to a uniform building code. They don't want to hamper residential growth and development so they are talking about all of them having the same regulations which would write out the sprinkler system as a mandate. A person could put it in if they wanted to but they are not going to make it a mandate. That is what is going to be coming down the road to the committee in the next couple of months. In the Village of Bourbonnais, any building that is over 5000 square feet requires a sprinkler system. It is simpler to require a sprinkler system in a municipality. It gets very difficult when you are dealing with the unincorporated area.

**The original motion carried with a roll call vote of 11 ayes and 0 nays. Voting aye were Mr. Bossert, Mr. Vickery, Mr. Washington, Mr. Flett, Mr. Olthoff, Mr. Einfeldt, Mr. Stauffenberg, Mr. James, Mr. Wheeler, Mr. Reid, and Ms. Polk.**

## **7. Other Business**

## **8. Old Business**

Mr. Wheeler asked for an update on the CEDS plan and the marketing show that they went to.

Mr. Van Mill stated that after the 30-day comment period concluded in the middle of January the draft plan passed unanimously last night. Now it is in final draft form and at the next PZA Meeting the committee will be considering that plan for the March county board meeting. The importance of that is that the county board has to take action on that plan in order for them to submit it to the federal government for certification. Once it is certified and recognized by the federal government then we as communities in Kankakee County can now apply for certain grant funds through the federal government for the capital projects that are identified and listed in the plan itself.

Mr. Van Mill stated that last week they went to their first Chicago commercial realtor event and it was very successful. Within the first fifteen minutes of the event they had a site finder approach them and say that they had a business that wants to come to Kankakee County. They need to find 50, 000 to 75,000 square feet and they are working on that now. He just got notice that Crain's had a number of pictures of their booth on their webpage so word is getting out there. They had representation from the City of Kankakee, Manteno, Bradley, and Bourbonnais all in attendance with them.

Mr. James asked if any thought has been given to pursuing southern parts of the state, as well.

Mr. Van Mill stated that if there is anything that he can point him to he will be more than happy to look into it.

Mr. Van Mill stated that there is an airplane manufacturer who is looking to relocate and he will be talking to their president to see what they can do with that.

Mr. Wheeler stated that when we entered into an agreement with JDB Consulting the agreement was for \$20,000 a month with \$10,000 being paid and the other \$10,000 being deferred until they get an application. The siting fee for an application is \$500,000. He wants to make sure that that is correct so that when he gets approached by constituents he can give the right information.

Mr. Bossert stated that they are deferring half of the agreement and paying as billed. When a host agreement is filed, there will be an amount of money put on deposit that will pay post and future expenses.

Mr. Bossert stated that we have not been invoiced for a couple of months and in light of our financial constraints right now they have not billed us for a month or two.

Mr. Reid asked if they are still working for us.

Mr. Bossert stated that they were. Negotiations with potential applicants are very sensitive and they try not to talk publicly about what their status is regarding those discussions.

Mr. James asked if discussions are in place. He thinks that that is what the basic concern is that everyone has.

Mr. Bossert stated that there are.

Mr. Wheeler stated that he firmly believes that we are going down the right road and that we did pick the right partner. He checked the company out and they know what they are talking about. He has been happy with the progress that has been made even though a lot of it cannot be discussed. There are some things that are just going to have to wait. He thinks that we are going down the right path and doing it the right way and we cannot undermine the progress that we have made. We did say back then that Otto Township is off of the table and he still feels the same way. He will not and cannot support anything that is next to the river in Otto Township.

Mr. Boyd stated that he knows that there is quite a bit of frustration at times with the way in which this is handled and he wants to assure the committee on several fronts. The first one is that his office has had some communication with the developers but not nearly as much as Mr. Bossert's simply because at this point there are not legal issues to deal with. However, one of the things that he can share with the committee is that, in an effort to get a better feel for what we anticipate will be an application, there will be a small group going to Rockford next month to take a look at a facility that is currently in operation there in hopes of getting an idea of what a modern waste facility looks like. It is not simply a landfill; there are recycling centers and things of that nature. The consultants that we have hired are in fact in discussions with at least one or two groups. As to the \$500,000 fee, the fees and money that we get for a siting application will in all likelihood be part of an overall negotiation of the funds that are to be received for a facility like the one we are discussing. The anticipation when they started down this path was that at a minimum we would be receiving whatever we have fronted for money to these developers from the eventual applicant. The developers understand that that was our goal and that they will be held to that when we get an applicant and then in all likelihood an applicant who comes and does not anticipate providing to us the funds that we have already expended and anticipate to extend over the course of this project will be rejected because financially and fiscally it is not appropriate for the county to get engaged in a project that won't provide the level of financial resources necessary for us to go forward. Once an applicant comes forward and pays that fee it is at that point that this committee, the county board, and whoever is assigned with siting determinations will then decide whether to go forward with that project. We will be financially back to where we belong and then be asked to make the decision so that there is no thought that the decision is being made for the sole purpose of getting the county back to whole. We will be back to whole before we have to decide on that so that if there are grave concerns on the part of the board members after discussing it with their constituents that they will be comfortable with not going forward and

know that they have not cost the county any money in doing so. When he has spoken to our representatives, they are expressing great confidence that something will be coming forward.

Mr. Reid asked if it was going to be in Otto Township.

Mr. Boyd stated that while he is State's Attorney that is not going to happen. They have instructed our consultants that they are not to bring us an applicant who wishes to place the waste facility in Otto Township.

Mr. Reid stated that that is what he tells people.

Mr. Vickery stated that he believes that one of the key terms is waste facility versus landfill.

Mr. Boyd stated that that is correct. He has avoided using the word 'landfill' because that is not really what they are talking about. If the board members get a series of questions that they are really not sure if their answers are satisfying people, give him a call. He will try to get them as much information as he can and help them with the people that they have to deal with because he does see this in the future as a positive in the county. This group has done an excellent job so far. The good news is that when they go forward and they do get a waste facility this committee is going to be the one that gets credit for it.

Mr. Bossert asked if there was an effective date put on the administrative fee for permits.

Mr. Van Mill stated that April 1, 2014 is fine and Mr. Reid and Mr. James agreed.

## **9. New Business**

Mr. Van Mill stated that they have three openings on the Board of Examiners and Appeals. This is a committee that they use in the Building and Zoning Division to address appeals that contractors might have and their interpretation of the building code. They conduct hearings for the updates of the building codes themselves which they are probably going to be pursuing updating to 2012. The board is required to have certain disciplines on the committee. Right now they need a civil engineer, an electrician, and a plumber.

Mr. James asked what the pre-qualifications were that they had to have.

Mr. Van Mill stated that for the plumber it is probably a state license, for the civil engineer they have to have the right qualifications, and an electrician there really isn't any but the committee will get the applications and can decide if they are qualified for that position.

Mr. Van Mill stated that if somebody knows someone who would like to sit on the committee they can contact Ms. Sadler or Ms. Langlois.

## **10. Adjournment**

**A motion to adjourn the meeting at 9:45 a.m. was made by Mr. Tholen and seconded by Mr. Reid. Motion carried.**

Jim Vickery, Vice- Chairman  
Joanne Langlois, Executive Coordinator