

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on August 5, 2004 at 4:45 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Ahart, Segobiano, Cavallini, Rackauskas and Kalapp

Members Absent: None

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator,
Ms. Christine Northcutt, Recording Secretary,
County Administrator's Office

Department Heads/
Elected Officials
Present:

Mr. Phil Dick, Director, Building and Zoning;
Mr. Mike Behary, County Planner, Building and
Zoning; Mr. Brian Hug, Assistant State's
Attorney

Others Present: Ms. Christine Brauer, Regional Planning
Commission; Mr. Rick Nolan, Regional
Planning Commission; Mr. Hopkins, Cornbelt
Energy; Ms. Michelle Covi, Ecology Action
Center; Dr. Bruce Anderson; Mr. Windell
Kessinger and Mrs. Judy Kessinger

Chairman Gordon called the meeting to order at 4:49 p.m.

Chairman Gordon stated that the first order of business is the approval of the July 1, 2004 minutes. Hearing no corrections, Chairman Gordon placed the Land Use and Development Committee minutes of the July 1, 2004 meeting on file as presented.

Chairman Gordon presented the bills from July 31, 2004, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total is \$21,134.00, with the prepaid total being the same.

Motion by Kalapp/Ahart to recommend approval of the July 31, 2004 bills as presented by the County Auditor. Motion carried.

Chairman Gordon presented the first item for action, a request by Illinois Power Company for a waiver of preliminary plan requirements and a one-lot final subdivision plat for the resubdivision of Lot 4 in Resubdivision of Lot 2 in Illinois Power Company Subdivision. Chairman Gordon asked Mr. Phil Dick, Director, Building and Zoning, to present this item. Mr. Dick informed the Committee that this property is south of Ireland Grove Road on Towanda Barnes Road next to the Illinois Power Substation. Mr. Dick stated that Cornbelt is driving this application due to the fact that they want to place a new substation adjacent to the existing Illinois Power substation because of the high voltage lines located there. Cornbelt will need this new substation for growth in the urban area of McLean County. Mr. Dick advised the Committee that this proposed one-lot subdivision meets the requirements of the Subdivision Ordinance. The County Health Department and the County Highway Department have both signed off on this request. Mr. Dick stated that staff recommends approval of this request. Mr. Dick noted that Mr. Hopkins from Cornbelt Energy is in attendance at tonight's meeting. Mr. Dick noted that he and/or Mr. Hopkins would be happy to answer any questions that the Committee may have.

Motion by Segobiano/Rackauskas to recommend approval of a waiver of preliminary plan requirements and a one-lot final subdivision plat for the resubdivision of Lot 4 in Resubdivision of Lot 2 in Illinois Power Company Subdivision. Motion carried.

Chairman Gordon stated that the next item on the agenda is a request by Mr. Windell Kessinger and Ms. Judy Kessinger for a waiver of preliminary plan requirements and a two-lot final subdivision plat for Kessinger Subdivision. Chairman Gordon asked Mr. Dick to present this item to the Committee. Mr. Dick stated that Mr. and Mrs. Kessinger own a residential lot on Bunn Street in Bloomington. Subsequently, Mr. and Mrs. Kessinger purchased an additional residential lot to the north of their property. Mr. Dick stated that the Kessinger's have been through a variance procedure to allow for the existing lot to have a more narrow width. Mr. Dick stated that the Kessinger's are proposing to build an additional dwelling lot 2. Mr. Dick stated that their existing dwelling is on lot 1. Mr. Dick stated that because this property is within 1½ miles of Bloomington, the City of Bloomington will also have to approve this request. Mr. Dick informed the Committee that the Health Department has signed off on this request, as well as the Highway Department. Mr. Dick stated that they have not received a Plat Access Certificate because the Road Commissioner has been out of town. Mr. Dick stated that he does not foresee a problem with the Plat Access Certificate as there is not a site distance problem with this request. Mr. Dick concluded that staff recommends approval of this request.

Motion by Segobiano/Rackauskas to recommend approval of a waiver of preliminary plan requirements and a two-lot final subdivision plat for Kessinger Subdivision. Motion carried.

Chairman Gordon stated that the next item on the agenda is a Regional Planning Commission Service Agreement for Fiscal Year July 1, 2004 through June 30, 2005. Chairman Gordon stated that the agreement is located in the agenda packet and asked the Committee if there were any questions. Mr. Segobiano asked if the agreement is the same as the agreement that was approved last year except for the monetary figure. Mr. Zeunik replied that is correct. Mr. Zeunik noted that this is an Intergovernmental Agreement which will go before the Executive Committee and the full County Board. Mr. Zeunik stated that the City of Bloomington, the Town of Normal and the County all enter into this agreement with Regional Planning in order for the Regional Planning Commission to provide long-range planning services. They also prepare and update the County's Comprehensive Plan. Mr. Zeunik informed the Committee that the 5 year update of the County's Comprehensive Plan will begin next year.

Motion by Segobiano/Rackauskas to recommend approval of a Regional Planning Commission Service Agreement for Fiscal Year July 1, 2004 through June 30, 2005. Chairman Gordon stated that the Chair will vote. Motion carried.

Chairman Gordon stated that the next item on the agenda is an Intergovernmental Agreement with the Town of Normal to have the Town of Normal inspect construction of infrastructure of the Franklin Heights Subdivision and for the Town of Normal to receive inspection fees collected by McLean County for this use. Chairman Gordon informed the Committee that the Intergovernmental Agreement is located in the Committee's packets.

Motion by Segobiano/Ahart to recommend approval of an Intergovernmental Agreement with the Town of Normal to inspect construction of infrastructure of the Franklin Heights Subdivision.

Ms. Rackauskas asked if this land was contained within the Town of Normal. Mr. Dick replied that it is not contiguous with the Town of Normal at this point, but the Town of Normal has a pre-annexation agreement with the developer of the Subdivision. Chairman Gordon stated that the Chair will vote.

Motion carried.

Chairman Gordon announced that concludes the Committee's items for action. The next item is for information and is the quarterly solid-waste report from the Ecology Action Center (EAC). Chairman Gordon invited Ms. Michelle Covi, Director, EAC, to present this report.

Ms. Covi informed the Committee that this is the last quarterly report from EAC's previous Solid Waste and Waste Reduction Education Program Agreement with the County. Ms. Covi stated that the current agreement began on July 1, 2004. Ms. Covi stated that, in May and June, the EAC concluded their recycling programs in the schools. Ms. Covi stated that the Household Hazardous Waste program fell within this quarter. Ms. Covi stated that the EAC continues to develop and update their website (www.ecologyactioncenter.org). Ms. Covi also informed the Committee that the Business Materials Exchange continues to be successful. Chairman Gordon asked if there were any questions from the Committee members. Hearing none, Mr. Gordon thanked Ms. Covi for her report.

Chairman Gordon stated that the next informational item on the agenda is a progress report on the Prairieland Subdivision submitted by Mr. Jeff Tracy, Project Manager, County Highway Department. Chairman Gordon stated that Mr. Tracy is unable to be at the Meeting tonight. Ms. Ahart stated that Mr. Tracy's report did not mention who would be completing the sewer inspection at the Prairieland Subdivision. Mr. Dick replied that it will be inspected by *FlowSystems* and will need to be inspected and certified by Mr. Nesbit's Engineer. Mr. Segobiano asked Mr. Dick if he has any permanent record of all of

the activities that have reportedly taken place at the Prairieland Subdivision. Mr. Segobiano noted that Mr. Tracy's report tends to mention phone calls and conversations rather than tangible reports. Mr. Dick replied that he and other County staff have been engaging in conversations with Mr. Nesbit in hopes that the subdivision development would progress a bit more quickly. Mr. Dick stated that no one can force Mr. Nesbit to work at a faster pace, though he has been encouraged to do so.

Ms. Rackauskas asked why is progress not happening as expected. She asked what, specifically, is the delay. Mr. Dick stated that, as he understands, Mr. Nesbit's resources are spread very thin. Ms. Rackauskas asked what happened to the "Daily Log" that is supposed to be kept by Mr. Nesbit and was supposed to be provided to the Committee as proof of progress.

Chairman Gordon stated that he is not certain that the log was supposed to be provided to the Committee. Ms. Rackauskas stated that the County staff should be checking the log each and every time they go out to the job site.

Chairman Gordon stated that he does not think that the log is the most important issue here. Ms. Rackauskas replied that the log should list a detailed account of what is going on at Mr. Nesbit's job site. Chairman Gordon stated that he is aware of communications between Mr. Nesbit and the Illinois Environmental Protection Agency (IEPA). Mr. Kalapp stated that communication should be a part of Mr. Nesbit's log.

Mr. Segobiano stated that he would like a copy of the minutes of the Land Use Committee in which the Committee requested the logs from Mr. Nesbit. Then, perhaps, the Committee could request a copy of those logs. Chairman Gordon cautioned the Committee that they may not take action on this item as it is only listed as informational. Mr. Segobiano asked if the Committee can make a request of staff. Mr. Brian Hug, Assistant State's Attorney stated that the Committee can make a request from their staff regarding information that is already in their files. Ms. Ahart asked if the Committee could request that a member of staff go out to the job site tomorrow and make a copy of whatever log is immediately available. Mr. Kalapp stated that he could go out to the job site tonight with his digital camera and take pictures of the job site and work trailer to see if there is log posted. Chairman Gordon stated that request can be made to the County staff.

Mr. Dick stated that he doesn't believe that Mr. Nesbit's biggest problem has to do with the log, it has to do with a lack of manpower to complete the tasks on hand. Mr. Dick stated that there is generally only 3-4 workers on the site at a time and there has not been a lot accomplished lately. Ms. Rackauskas stated that the Committee should review the minutes. Mr. Kalapp mentioned that the minutes are viewable on the County website at all times.

Mr. Dick informed the Committee that Mr. Nesbit's funding has been frozen until he can get the water and sewer tested. Mr. Dick stated that once the testing has been completed, the streets can be built. Mr. Dick stated that Mr. Nesbit has already been in contact with two major contractors to bid on the street work once the testing is complete.

Ms. Rackauskas stated that after she read Mr. Tracy's report about the potential rainfall and the manner in which Mr. Nesbit released water from his detention basin she was unsure if this had been resolved. She also asked if this was done in the proper manner. Mr. Dick stated that when Mr. Nesbit released the water from the detention basin, the water ran beyond the intended drainage area. Ms. Rackauskas asked if Mr. Nesbit went about the procedure properly. Mr. Dick stated that Mr. Nesbit was following the directions of his Engineer (to release the water). Ms. Rackauskas asked again if it was done properly. Chairman Gordon replied that it probably would have been better if the water would have been pumped out of the basin rather than simply released. Chairman Gordon added that he is not an Engineer, but he understands that the method was acceptable but not preferable.

**Mr. Segobiano left the meeting at 5:39 p.m.

Mr. Kalapp asked if he could make a request that any written communications, such as e-mails or letters, that are mentioned in Mr. Tracy's report be included in the report. Chairman Gordon stated that is a reasonable request and he will ask Mr. Tracy to include such information.

Ms. Rackauskas stated that she wants the County staff to know that her comments are only constructive criticism. She is appreciative of their efforts.

Mr. Dick stated that he included information in the Committee's packets about the Illinois Association of County Zoning Officials Seminar on August 24, 2004 at Starved Rock. Mr. Dick stated that if any of the Committee members would like to attend, they should let him know by the end of next week.

Chairman Gordon asked if there were any other items to come before the Committee. Hearing none, Chairman Gordon adjourned the meeting at 5:47 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary
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