

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on April 1, 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, Cavallini, Segobiano, Kalapp and Rackauskas

Members Absent: None

Other Board Members Present: Member Bostic

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. Michael Behary, County Planner, Building  
and Zoning; Mr. Brian Hug, Civil Assistant  
State's Attorney; Mr. Jeff Tracy, Project  
Manager, County Highway Department;  
Mr. Tom Anderson, Staff Sanatarian, Health  
Department

Others Present: Mr. Rick Nolan, McLean County Regional  
Planning Commission; Mr. Frank Miles,  
Attorney; Mr. David Nesbit; Mr. Marvin Kaupp,  
Ms. Annette Kaupp and Mr. Norman Kaupp;  
Ms. Julie El Zanati, Ecology Action Center

Chairman Gordon called the meeting to order at 4:46 p.m.

Chairman Gordon stated that the first order of business is the approval of the March 4, 2004 minutes. Hearing no corrections, Chairman Gordon placed the Land Use and Development Committee minutes of March 4, 2004 on file as presented.

Chairman Gordon presented the bills from March 31, 2004, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The total is \$16,497.55, with the prepaid total being the same.

Motion by Cavallini/Kalapp to recommend approval of the bills as presented by the County Auditor.  
Motion carried.

Chairman Gordon presented the Committee's first item for action which is a request by Mr. Marvin Kaupp and Ms. Annette Kaupp for waiver of preliminary plan requirements and a one-lot final subdivision plat for the Kaupp Acres Subdivision. Mr. Phil Dick, Director, Building and Zoning, stated that this proposed subdivision has been reviewed by the County Health Department and County Highway Department. The Township Road Commissioner has signed off on the entrance permit for this proposed subdivision. Mr. Dick stated that this proposed subdivision meets the minimum requirements of the Subdivision Ordinance. Mr. Dick stated that the applicant is present at the meeting if there are any questions. Chairman Gordon asked the Committee if there were any questions.

Motion by Segobiano/Kalapp to recommend approval of the waiver of a Preliminary Plan and a one lot final Subdivision Plat for the Kaupp Acres Subdivision, File No. S-04-04. Chairman Gordon noted that the chair will vote. Motion carried.

Chairman Gordon stated that the next item for action is a request by Mr. David Nesbit to reinstate the Preliminary Plan for the Prairieland Subdivision. Chairman Gordon informed the Committee that this item was postponed from the February 5, 2004, March 4, 2004 and March 16, 2004 meetings of the Land Use and Development Committee. Chairman Gordon asked Mr. Dick if he would like to present any new information to the Committee regarding this item. Mr. Dick

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stated that he has included in the Committee agenda a copy of the certificate of removal of the underground fuel tank. He has also enclosed the study that was completed by Mid-West Environmental Consulting. Mr. Dick stated that the study indicates that the soil that was contaminated was removed from the site and that the remaining soil complies with the Illinois Environmental Protection Agency's (IEPA) soil requirements. Mr. Dick stated that is the only new information, but that he is prepared to answer any questions that the Committee may have. Mr. Dick added that staff continues to indicate that this Preliminary Plan meets the minimum requirements of the Subdivision Ordinance and recommends that the plan be reinstated.

Chairman Gordon stated that he would open the floor for discussion. Mr. Kalapp stated that he took video footage of the property on Tuesday, March 30, 2004. If appropriate, and if the Committee is interested in viewing it, he would like to show the video at this time.

Chairman Gordon stated that this is not a public hearing, but viewing a videotape of the property was not "out of bounds". Chairman Gordon asked Mr. Kalapp what new information will this video add that is relevant to the Committee's deliberation of whether this request is in compliance with the Subdivision Ordinance. Mr. Kalapp stated that he went to the site to observe any potential erosion that may have happened as a result of the recent rains. Mr. Kalapp offered that he was pleased to find that the rainwater run-off was going into a common collection point and being retained properly. The Committee agreed that they would like to view the video. After viewing the video, Chairman Gordon asked Mr. Kalapp if there was anything else that he would like to add. Mr. Kalapp stated that there was a dump truck on the premises that had a load of dirt with weeds growing in it, which led him to believe that the truck had been sitting there for quite some time. Chairman Gordon asked if there was any further discussion. Mr. Segobiano advised the Committee that he will vote "present" on this issue. Mr. Segobiano informed the Committee that he met with a couple of the concerned citizens recently, and they are awaiting information from the Attorney General's Office. Mr. Segobiano stated that he has requested that the neighbors provide him with further clarification and information and still has not received it. Mr. Segobiano noted that he still has some unanswered questions and would prefer to vote "present" until those questions are addressed.

Chairman Gordon asked if there was any further discussion. Ms. Rackauskas stated that this Committee has looked into several issues in relation to this request. Ms. Rackauskas commented that the Committee has explored the underground fuel tank, which has since been removed. The Committee has reviewed the direction of the rainwater run-off. Ms. Rackauskas asked if someone could address the Erosion Control Plan. Mr. Jeff Tracy, Project

Manager, County Highway Department stated that he has requested a copy of the Erosion Control Plan from the developer's engineer and still has not received it. Mr. Tracy stated that he visited the property today, and notes that there has been some work done to contain the sediment. There has been a silt fence placed on the property. Mr. Tracy added that Mr. Nesbit has closed off the hole through the berm and put in a standpipe. Mr. Tracy noted that the IEPA requires an Erosion Control Plan in order to prevent silt from leaving the site. Mr. Tracy stated that the silt fence around the perimeter of the property is not in good repair. There is a bit of ground cover and there is not much silt leaving the site except for the large detention basin. Ms. Rackauskas asked if Mr. Nesbit's Erosion Control Plan is meeting the specifications for erosion control 100%. Mr. Tracy replied that Mr. Nesbit is not meeting 100% of the specifications, but that the site is much improved. Mr. Tracy stated that he is unsure if the Erosion Control Plan has been approved by the IEPA. He added that the IEPA is the agency that would approve or deny such a plan and that they are responsible for those inspections. Mr. Tracy noted that he does inspect the site routinely and would have no qualms making a report to the IEPA regarding any problems that he finds on the site.

Ms. Rackauskas asked how can the Committee approve this request when it does not have a copy of the Erosion Control Plan or know if the Erosion Control Plan has been approved by the IEPA. Chairman Gordon asked Mr. Dick if he had any information on this topic. Mr. Dick stated that Ms. Illiana Brown from the IEPA has confirmed that they have received and approved Mr. Nesbit's Erosion Control Plan. Mr. Dick stated that erosion control is done on a continuous basis and that is why the IEPA requires a weekly report to be submitted in addition to the inspections that are conducted. Mr. Dick stated that the IEPA has not been to the site since October 2003 and that there is very little erosion on the site at this time. Ms. Rackauskas asked who makes the weekly report and to whom is it submitted. Mr. Tracy replied that the developer has to designate a "responsible person" to keep a weekly log. The site is to be inspected weekly or after ½ inch of rain by the designated "responsible party". The log is to be kept on site so that if and when an IEPA inspector comes to the job-site, the log should be readily available. Ms. Rackauskas asked if Mr. Nesbit has evidence of a weekly log. Chairman Gordon asked Mr. Frank Miles, attorney for Mr. Nesbit, to answer the Committee's questions.

Mr. Miles stated that, first off, he would like to apologize if Mr. Tracy has requested the Erosion Control Plan and failed to receive it. Mr. Miles continued that he has been in contact with Mr. Dick's Office on several occasions asking if there is any additional information needed. Mr. Miles stated that each time he has called, he has been told that the County is in receipt of all of the necessary information. Mr. Miles informed the Committee that the Erosion Control Plan is

on file at the IEPA and has been approved. Mr. Miles noted that he was with Mr. Nesbit when the plan was approved. Mr. Miles stated that Mr. Nesbit is the registered agent who keeps the weekly log. Mr. Miles stated that Ms. Illiana Brown made two suggestions to Mr. Nesbit in order to improve the Erosion Control Plan. The first suggestion is that the detention basins should be finished as quickly as possible. Mr. Miles stated that Mr. Nesbit received Mr. Dick's permission to do some additional excavation work on the detention basins. Mr. Miles added that the work is not completely done on the basins. They function better now than they did in the beginning. Ms. Brown's second suggestion was to put silt fencing upstream of each of the basins in order to keep the silt from ever entering the detention basins. Mr. Miles stated that 2,000 feet of silt fencing was just put up yesterday and today.

Ms. Rackauskas asked when the Erosion Control Plan was approved. Mr. Miles responded it was approved approximately a month and a half ago. Mr. Cavallini asked if there will be any seeding of the property. Mr. Miles stated that he has instructed Mr. Nesbit to begin seeding the area. Mr. Miles stated that seeding is not required, but that Mr. Nesbit is willing to do this to help with erosion control. Mr. Miles stated that they will probably choose something that is fast growing.

Ms. Rackauskas asked what work is left to be done on the detention basins. Mr. Miles stated that Mr. Nesbit has tried to deepen the basin so that it would pond more water. There is supposed to be a standpipe in a storm-water detention basin. The purpose of the pipe is to let water settle around the bottom of it, and as water rises, the silt silts out, and the water runs into the basin and down and out to the downstream discharge. There has been a standpipe put in the basin and it has washed out previously. Mr. Miles stated that it needs to be put in place so that it is permanent. Mr. Miles also added that the grade of the sides of the basin need to be shaped better than they are presently. They are currently rough-graded, and they need to be finish-graded. There will be some erosion until there has been some planting established on the sides of the basin. Ms. Rackauskas thanked Mr. Miles. Chairman Gordon asked if there was further discussion.

Mr. Kalapp stated that the Committee was handed pictures at the beginning of the meeting. He asked what they are pictures of. Mr. Segobiano stated that they are pictures of the site, which were taken today. Mr. Miles stated that the picture is of the easterly basin, which drains the upstream water.

Chairman Gordon asked the Committee how they would like to proceed. Ms. Ahart asked if an extension could be granted on the current Preliminary Plan, rather than reinstating it for a period of three years. Ms. Rackauskas asked if the Committee could also attach conditions to the reinstatement of extension of the Preliminary Plan. Chairman Gordon replied that he believes that the Committee can attach conditions, but they must pertain to matters that the County is

responsible for enforcing. Chairman Gordon asked Mr. Brian Hug, Civil Assistant State's Attorney, to clarify. Mr. Hug informed the Committee that he does not see anything in the Subdivision Ordinance that requires that the Preliminary Plan be extended for any particular length of time. Mr. Miles stated that he would agree with that assessment. Mr. Miles stated that he also remembers from the Ordinance that when the applicant brings in a final plat, and it is approved, that will extend the Preliminary Plan. Chairman Gordon replied that is correct. Mr. Hug asked what type of conditions that the Committee would like to see added. Ms. Rackauskas stated that she would like to see a weekly report that the County staff could review. Mr. Kalapp asked who would prepare the reports and what specific information would be included. Ms. Rackauskas stated that she would want reports from the developer to the staff. Mr. Hug stated that he doesn't see anything in the Subdivision Ordinance that would permit or prohibit a weekly report. Ms. Rackauskas asked the Committee what they thought of making a weekly report a prerequisite. Chairman Gordon replied that he thought that a weekly report would be excessive. He suggested that, perhaps, a monthly report would be more in order. Chairman Gordon stated that the Committee would need to be very specific on the details of the report as well.

Mr. Hug informed the Committee that long before Mr. Nesbit's Preliminary Plan expired, the Department of Building and Zoning, the County Highway Department and himself began pushing Mr. Nesbit to achieve the changes that the Committee currently seeks. Mr. Hug stated that he has met with representatives from Union Planter's Bank and Mr. Miles on many occasions. These meetings have resulted in many positive changes on the property. Mr. Hug stated that the County Highway Department also does constant inspections on the property. Mr. Hug stated that there are many things going on behind the scenes that the Committee may be unaware of.

Mr. Tracy informed the Committee that he inspects the property frequently enough to be able to prepare a progress report for the Committee. Mr. Tracy stated that he could give the report to Mr. Dick to be included with the Land Use and Development Committee's agenda packet, if the Committee so desired. Chairman Gordon stated that seems to make sense. He asked Ms. Rackauskas if she finds this acceptable. Ms. Rackauskas stated that she wants the reports to contain date, time and specific information that was discussed or observed. Ms. Rackauskas added that a copy should also be sent to Mr. Miles.

Mr. Cavallini stated that he would feel extremely confident with Mr. Tracy preparing a monthly report for the Committee.

Motion by Cavallini/Rackauskas to recommend reinstatement of the Preliminary Plan for the Prairieland Subdivision for a period of one year, coupled with a monthly report by the County Engineer to the Land Use and Development Committee, until the Committee sees no further need for such a report.

Mr. Kalapp asked Mr. Miles if there is a "project chart" which illustrates intended progress and a goal so that this project could be tied up within a year's time. Mr. Miles stated that he doubts that there is such a chart in existence. Mr. Miles suggested that, perhaps, Mr. Nesbit and Mr. Tracy could construct such a chart in cooperation. Mr. Miles stated that one of Mr. Nesbit's problems in getting goals accomplished was the lack of coordination between Mr. Nesbit and the County inspectors. Mr. Miles noted that if there was a project chart or better communication between Mr. Nesbit and Mr. Tracy, it would be beneficial to all parties. Mr. Kalapp asked Mr. Miles if Mr. Nesbit would provide a "development plan" or "project chart". Mr. Miles replied that Mr. Nesbit will provide such a plan. Mr. Segobiano stated that when a neighbor or concerned party makes a complaint, they should be identified in the monthly report. Mr. Miles stated that he would hope that if and when a complaint comes in, he and Mr. Nesbit will be notified as soon as possible, so that they can address the concerns immediately.

Mr. Miles stated that he would assume that the one-year extension of the Preliminary Plan would begin after the County Board approves it at the April 20, 2004 Meeting, not one year from the date it expired. Chairman Gordon replied that is correct. Mr. Segobiano called for the question.

Chairman Gordon stated that he will call the roll for the vote.

Member Ahart	"Yes"
Member Cavallini	"Yes"
Member Kalapp	"Yes"
Member Rackauskas	"Yes"
Vice Chairman Segobiano	"Present"

Chairman Gordon stated that the motion carries by a vote 4 in favor, 0 opposed, 1 voting present.

Chairman Gordon thanked everyone who took part in this discussion.

Chairman Gordon stated that the last item for action is a request for approval of an Emergency Appropriation Ordinance to amend the budget to allow for distribution of funds to the McLean County Regional Planning Commission from an Illinois Tomorrow Grant.

Motion by Segobiano/Ahart to recommend  
Approval of an Emergency Appropriation  
Ordinance to amend the budget to allow  
distribution of funds to the McLean County  
Regional Planning Commission from an  
Illinois Tomorrow Grant. Motion carried.

Chairman Gordon stated that the next item is the annual report of the Ecology Action Center (EAC) on recycling education. Chairman Gordon stated that the Director of the EAC is overseas, Ms. Julie El Zanati is here in her stead. Ms. El Zanati stated that she is the Assistant Director of the EAC. Ms. El Zanati stated that within the last year the EAC has started a battery-recycling program with assistance from a grant from the Solid Waste Technical Committee. Ms. El Zanati stated that the EAC was searching for a place to put a battery-recycling container. *Batteries Plus* has graciously offered to house the container. It has been an extremely successful program. There has already been one large container removed this year. Mr. Cavallini asked where *Batteries Plus* is located. Ms. El Zanati replied that it is located on the corner of College Avenue and Veteran's Parkway in Normal. Ms. El Zanati stated that another program that was started this year is a storm water educational program. Ms. El Zanati informed the Committee that the EAC goes to 3<sup>rd</sup> grade classrooms to educate children about what happens when there is waste on the road or in yards. Ms. El Zanati stated that grant funds allowed them to purchase an enviroscape, which is a tool that looks like a toy that aids in this instruction. A third program that the EAC has been working on is the household hazardous waste collection day. This year the program will be taking place from 8:00 a.m. to 3:00 p.m. on May 1, 2004 at the Interstate Center. The EAC is working with the IEPA to collect items that cannot be properly disposed of in this community. Ms. El Zanati stated the EAC's website ([www.ecologyactioncenter.org](http://www.ecologyactioncenter.org)) is advertising this event and has other pertinent information. State Farm is advertising this information in its employee newsletter and information will be printed in the *Community News* newspaper this week. This household hazardous waste collection day will also include electronics recycling.

Ms. El Zanati stated that she would like to update the Committee on McLean County recycling and waste reduction award and a World of Difference award. The EAC is seeking nominations at this time for these awards. This would be any individual, organization or business that has done something to reduce waste or improve the community in some way. Chairman Gordon asked if there were any questions for Ms. El Zanati. Hearing none, he thanked her for her time.

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Chairman Gordon stated that the last item for information is to discuss the time for a Land Use and Development Committee – Zoning Board of Appeals work session. Mr. Dick stated that he would suggest either May or June, immediately following the County Board Meeting. Mr. Dick stated that the meeting will not last in excess of an hour or so. Ms. Rackauskas stated that she would suggest that June would be a better month, due to graduations, moving schedules, etc. The Committee agreed. Mr. Dick stated that a Planning Commissioner's – Zoning Board of Appeals workshop will be held on Friday, May 14, 2004 from 8:30 a.m. to 4:00 p.m. There will be speakers discussing topics such as farmland preservation, development, planning commissioner's conduct with respect to ex-parte communications, etc. Mr. Segobiano asked if there will be an agenda published before the meeting so that Committee members will know who will be speaking when. Mr. Dick stated that there will be an agenda and that he will forward a copy of the agenda on to Committee Members.

There being no further business to come before the Committee, Chairman Gordon adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Christine Northcutt  
Recording Secretary

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