

## Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday, March 5, 2020 at 3:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Chuck Erickson, Members Laurie Wollrab, George Wendt, Jacob Beard, Sharon Chung and Shayna Watchinski

Members Absent: Member Lyndsay Bloomfield

Other Board Members Present:

Staff Present: Ms. Camille Rodriguez, County Administrator, Ms. Cassy Taylor, Assistant County Administrator, Mr. Trevor Sierra, Assistant State's Attorney Civil Division; Ms. Julie Morlock, Recording Secretary

Department Heads/  
Elected Officials Present: Mr. Phil Dick, Director of Building and Zoning

Others Present:

Chairman Erickson called the meeting to order at 3:30 p.m., declared a quorum and presented the minutes from the February 6, 2020 regular meeting for approval.

Motion by Chung/Watchinski to approve the minutes from the February 6, 2020 regular meeting.  
Motion Carried.

Chairman Erickson presented bills that had been reviewed and recommended by the County Auditor with a prepaid and fund total of \$894.32.

### MCLEAN COUNTY BOARD COMMITTEE REPORT

PAGE 1 OF 2

AS OF 2/27/2020

#### EXPENDITURE SUMMARY BY FUND

##### Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$894.32	\$894.32
			<hr/> \$894.32	<hr/> \$894.32

  
COMMITTEE CHAIRMAN

Motion by Beard/Chung to recommend approval of the Land Use and Development Committee bills prepaid total and fund total of \$894.32.  
Motion carried.

Chairman Erickson confirmed there were no appearances by members of the public.

Chairman Erickson presented for action a request by Emily Schwartz for a waiver of preliminary plan requirements and approval of a one-lot subdivision final plat for the Marvin Smith Subdivision. Mr. Phil Dick went over a map of the location and dimensions of property. He indicated the request meets County requirements and the Health Department, Highway Department and Road Commissioner have signed off on the project.

Motion by Wendt/Wollrab to recommend approval of a request by Emily Schwartz for a waiver of preliminary plan requirements and approval of a one-lot subdivision final plat for the Marvin Smith Subdivision  
Motion Carried

Chairman Erickson presented for action a request from the Cropsey Township Board for the McLean County Board to assist with the rectification of unsafe conditions of a collapsed building owned by Steve Courtland located at 105 Belle Prairie Street in the unincorporated Village of Cropsey, IL on parcel # 11-23-432-008. This request is under Township Code 60 ILCS 1/85-50. Mr. Phil Dick provided photos of the site from the date of the incident to the present. Mr. Dick indicated some of the material had been moved to the alley, so it is not currently leaning on the post office. Chairman McIntyre asked that this be put on the agenda and to include the statute that says before the township can tear the building down, they have to ask the County to do it. He stated the statute also lays out procedures for Township to tear down the property. Mr. Dick further stated there are similar County regulations whereby the County could go in and clean it up and put a lien on the property. Ms. Rodriguez indicated she had been invited to Cropsey with other members to view this and other sites in Cropsey. She also indicated that Mr. Jerome (Jerry) Beyer, 39143 East 2300 North Road in Cropsey, IL the supervisor for 24 years and on the Township Board for 47 was present to answer any questions. He said they are not sure the next steps but want to have the site cleaned up and had been given estimates of \$15,000 to \$20,000 to clean it up but the Township does not have the means to do that

Mr. Wendt asked Staff to confirm the Committee was only voting to give Cropsey permission to go to Court to start procedures and not accepting responsibility for cost of clean up at this time. Mr. Dick indicated his understanding was that the Cropsey Township Board is asking the County to clean it up. Mr. Sierra stated that if the County does not act on the request in 60 days then it is deemed a denial and Township can go to Court without the County taking action. Mr. Erickson asked them to confirm we can accept or deny the request. Mr. Sierra stated they could decide that today and if they accept then it would start another process. Mr. Wendt asked if the Committee approved this request the County would be responsible for the cost. Mr. Sierra said if they say yes, then the County would be responsible for costs. Mr. Wendt stated he wanted to reject this until we know the actual costs for this clean up.

Mr. Beyer indicated Cropsey it is not incorporated and would think the clean up would fall to the County. Mr. Erickson stated a statute was included in the packet and read part (a) of that Statute. Mr. Sierra clarified that the Committee can say yes to this request, but it would not bind them to a set amount as the County would then initiate process of bids, and contracts that would have to be approved by the Committee and Board. Mr. Erickson asked if

Township has attorneys on staff. Mr. Beyer indicated they do not. Mr. Erickson asked if the Township has funds to hire an attorney. Mr. Beyer indicated they do not. Mr. Erickson asked what the steps would be if the County says yes. Mr. Sierra went oversteps including filing proceeding in court to establish site unsafe and get order to clean it up as one way to address the situation. He stated that another way to address the situation would be that the County Board could also take a vote and bypass the Court if the area is determined a safety hazard. He stated notice would then have to be posted and mailed to the owner and then after 30 days if nothing had been filed to stop the process, the County would have 180 days to clean up the site and file a lien on the property. Mr. Erickson asked about declaring the property abandoned. Mr. Sierra indicated the property did not meet the criteria for that to occur.

Ms. Wollrab indicated she felt it was a hazardous site and asked if the County had the ability, other than filing a lien, to try to recover any of costs of clean up. Mr. Sierra indicated the County could file a claim against the landowner but would first need to determine if there are funds for us to recover. Ms. Wollrab said she felt we should try to cover the costs but was concerned what position this would put us in where other property owners allowed their property to fall into disrepair. Mr. Beard asked if the Property owner was willing to give up the property. Mr. Beyer indicated he was not sure. Mr. Wendt indicated the County could get a lien against property, but he did not want to set a precedent to clean up this property. He stated that while we are probably going to have to pay for clean-up, he wanted more information before making that decision. Mr. Phil Dick asked if Mr. Courtland was willing to give or sell it to the Township for a \$1 would the Township take it. Mr. Beyer stated he could not speak on behalf of the rest of the Board. Mr. Dick indicated he had talked with individuals who would be willing to contribute to clean up but not if Mr. Courtland continues to own the property.

Ms. Rodriguez asked Mr. Dick to explain the attempts he has made to mitigate this situation. Mr. Dick stated Mr. Courtland was put in violation and sent him a letter and had several phone calls with him through November and would continue to follow up with him until he gets it cleaned up. He stated he had not asked him if he would give it up, just asked him to clean it up. Mr. Wendt stated he wanted Mr. Courtland to be responsible for costs or part of the cost. Ms. Watchinski stated she also had concerns about doing the cleanup and setting a precedent for being responsible for future instances. Ms. Wollrab agreed with Ms. Watchinski and said that was why she wanted to sue Mr. Courtland even if the County only recovered a portion as it would give the County a stance for future instances.

Mr. Beard asked about grant we had in the past. Ms. Rodriguez indicated the grant could not be utilized because it is commercial property. Ms. Rodriguez indicated they are still looking at options, but ownership of the land would have to be determined first for several of those options. Mr. Beard asked if it was preferable no matter the path for Mr. Courtland to give up property. Mr. Dick indicated we do not know who he would give it up to. Mr. Beard asked about Township. Mr. Beyer indicated he was not sure, but the Township did not want to take responsibility with the property in its current state. Mr. Wendt stated he would vote against until they received more information about the cost to clean it up and to find out if the owner has any assets that he should be liable for clean-up as he felt Mr. Courtland should be liable

Minutes of the Land Use and Development Committee Meeting

March 5, 2020

Page 4 of 4

for some of the costs. Mr. Erickson said he did not feel Mr. Courtland would have to disclose his assets until we had a judgement against him. Mr. Dick asked if the Township received a bon-a-fide bid, there were some in Cropsey willing to contribute and if the Township and the County contributed to clean up, would the Township take it. Mr. Beyer indicated he would have to ask the Township Board. Ms. Wollrab asked if there was property tax revenue from the property. Mr. Sierra indicated there was about \$400 per year. Ms. Wollrab asked if that was in its current condition. Mr. Sierra indicated based on property being abandoned.

Mr. Wendt and Mr. Beard agreed with Mr. Phil Dick's suggestion, of bid, assistance of township residents, township and County. Mr. Erickson asked if we could bring this back next month. There was discussion about tabling the matter to get more information about what private owners and township would be willing to do as a possible collaboration. Mr. Beyer indicated he would be able to return. Mr. Wendt indicated he felt total costs should be taken to the current owner to get him to pay part of the costs. Ms. Wollrab said she wanted the current owner to realize we might take him to court. Ms. Wollrab made a motion to table. Mr. Beard asked for confirmation we would get bid by next month and would have also engaged property owner on offer and get information about where the Township stood with options. Mr. Dick indicated he would work with the Township on a bid for clean-up.

Motion by Wendt/Beard to recommend approval of a request from the Cropsey Township Board for the McLean County Board to assist with the rectification of unsafe conditions of a collapsed building owned by Steve Courtland located at 105 Belle Prairie Street in the unincorporated Village of Cropsey, IL on parcel # 11-23-432-008. This request is under Township Code 60 ILCS 1/85-50.

Motion by Wollrab/Watchinski to table until the April 2, 2020 Land Use and Development Meeting.

Motion Carried

Chairman Erickson indicated there were no positions filed under the purview of the Committee. He stated the next meeting would be on Thursday, April 2, 2020 at 3:30 p.m.

Chairman Erickson asked if there was anything else to come before the Committee, hearing nothing he adjourned the meeting at 4:28 p.m.

Respectfully Submitted,

*Julie A. Morlock*

Julie Morlock  
Recording Secretary