

AGENDA OF THE LEE COUNTY BOARD

OCTOBER 20, 2009 9:00 A.M.

3rd FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE
112 E. SECOND STREET, DIXON, ILLINOIS

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MEETING

Certified County Official Certification

TO ZONING BOARD -0-

TO PLANNING COMMISSION -0-

FROM ZONING BOARD 09-P-1463 - College Station LLC - Palmyra Twp.
09-P-1464 - Heller - Dixon Twp.

FROM PLANNING COMMISSION -0-

DEPARTMENT HEADS TO ADDRESS BOARD - SHERIFF VARGA - SPOKESMAN
PUBLIC/VISITOR COMMENT

A. ITEMS ON THE AGENDA - VISITORS ALLOWED 10 MINUTES

B. ITEMS NOT ON THE AGENDA - VISITORS ALLOWED 5 MINUTES

REPORTS OF COMMITTEE

FINANCE/CLAIMS

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE/CLAIMS

COUNTY PROPERTIES

RC&D - BLACKHAWK HILLS

COUNTY SERVICES

911 BOARD

ADMINISTRATIVE SERVICES

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS
PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS

BUDGET/LEVY/APPROPRIATIONS

CLERK/RECORDER - Policy for Compliance with HB-5586 & HB-0547

LEASE - Lee County & Best, Inc.

RESOLUTION - Recovery Zone Economic Development

ORDINANCE- Adult Entertainment (held over from July)

HIGHWAY - RESOLUTION - Designate F.A.S. Routes in Reynolds & Alto Twp.

SAFETY COMMITTEE - ORDINANCE - Lee County Administrative Safety Manual (held over
from Sept)

SHERIFF'S DEPARTMENT - Paw Paw - Public Safety Contract

EXECUTIVE SESSION

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman
Craig Buhrow, Member
Mike Pratt, Member
Gene Bothe, Member
Tom Fassler, Member

Chris Henkel, Zoning Officer
Alice Henkel, Clerk

The Lee County Zoning Board of Appeals met on Thursday, October 8, 2009, at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and Chris Henkel called the roll. The following members were present: Members Craig Buhrow, Gene Bothe, and Mike Pratt. Member Tom Fassler and Clerk Alice Henkel were not present.

Chairman Conderman asked if there were any changes or corrections to the minutes from the September 2009 meeting and there were not. Mike Pratt made a motion to approve and Craig Buhrow seconded it. All were in favor resulting in a 4-0 vote.

There was no old business.

The first order of new business was petition no. 09-P-1464, by Scott Heller, PPN# 07-02-14-351-018, located in Dixon Township, requesting a Special Use in an Ag-1 zone for the purpose of a sawmill and firewood sales.. The parcel is currently zoned R-1, Rural Residential.

Petitioner Scott Heller and Cole Ghert came forward and were sworn in.

The Petitioner has met the requirements for proper notification.

The board members were provided a map of the property.

Mr. Heller stated their intention is to use the old scale house of the former junkyard for storage of equipment for a tree-trimming business that his cousin owns. Mr. Heller is going to use the barn on the back portion of the parcel for raising pigs and a couple of cattle. Mr. Heller also owns the residence behind these buildings.

Mr. Henkel explained that the for the most part, it is going to be for a possible, small sawmill for wood chips and pulps. There would be no hazardous materials present. And since the parcel is currently zone R-1, Rural Residential, the Petitioner is also looking to revert the zoning to Ag-1, Agricultural.

There was no objection from the neighboring property owners. There were no questions and/or questions from any visitor that was present.

Mike Pratt made a motion to approve the petition, and Gene Bothe seconded it. All were in favor, resulting in a 4-0 vote.

Chairman Conderman stated that this matter will go before the Lee County Board on October 20, 2009, at 9:00 a.m. with a recommendation for approval.

The next petition was petition no. 09-P-1463, by College Station, LLC, PPN# 16-07-11-201-009, located in Palmyra Township, requesting a Special Use in a C-3 zone for the purpose of temporary housing for students. The parcel is currently zoned C-3, Commercial.

Brian Davis was sworn in on behalf of the petition.

The Petitioner has met the requirements for proper notification.

Mr. Davis explained that it is his and his brother's attention to create temporary housing for students by using the now vacant Reagan Hotel.

The proposed housing facility will provide security staff around-the-clock, surveillance system, on-site weight room, commercial swimming pool, laundry mat, residence center.

The facility will provide a more comfortable environment that will provide students with more on-site activities.

The full-time security will not only protect the students but will also maintain control of the students so as not to offend residents of the subdivision.

Chairman Conderman asked if there is a need for temporary housing for students.

Mr. Davis stated that he feels this facility has more to offer than Sauk Commons. He believes that by not having enough activities to keep the student residents occupied, this has resulted in several incidents where police were called.

He and his brother have interviewed friends, staff, students and parents regarding this idea who have deemed it to be a good idea.

Chairman Conderman asked what this facility has to offer that Sauk Commons does not. Mr. Davis feels the full-time security is major aspect that Sauk Commons does not provide. It will also provide things such as a swimming pool, food service, computer lab, free internet and free local calling.

The rate will be \$500 per month per student and all services and utilities are included in that fee. Leases will be offered for 3, 6, 9 and 12 month terms. Residents must be a college student; however, they do not have to be enrolled at Sauk. If they wish to live at the facility and commute to another college, they will be able to do so.

All residents will have a pass key to get into the building. Background checks will be done on all applicants. The residents must also provide proof of enrollment and allow the property manager to check with the school monthly to confirm enrollment status. Older

students such as those who are 30 or older will not be able to reside at the facility as a safety precaution.

The facility will be co-ed; however, the top floor will be designated for male residents, and the bottom floor will be designated for female residents.

There will be set hours for visitors. All non-residents must sign in, will be given a wristband, and will be granted use of the facilities amenities at a nominal fee.

The facility is currently in good condition and it needs few minor repairs.

The facility has 90 rooms which will house 180 students. The rooms are larger than the average dorm room and each has its own bathroom/shower.

The number of security staff will be determined by the number of residents. There will be only one entrance/exit to the building. All other doors will become fire doors that will set off an alarm if opened.

There is also the possibility of providing a shuttle to town and/or Sauk.

Mr. Davis and his brother both have experience in handling multi-unit housing as each owns rental properties including duplexes, triplexes, 5-plexes and 6-plexes.

It was asked how they planned to control alcohol. While the petitioners feel that can not keep alcohol out completely because some will sneak it in their rooms but rules will be put in place to maintain control.

If rules are not followed or a resident is a repeat offender or an offender of a serious nature, he or she will be evicted from the premises.

Chairman Conderman asked if there were any questions and/or comments from any visitor present.

Dennis Tumbleson, George Mihel, Amy Viering, Dave Babics, Dan Rick, Tom Langenfeld, Julie Ammen, Dave Powers, Don Sivits, were sworn in.

Dennis Tumbleson, a resident of the subdivision, approached the board in opposition stating his concern about how a younger crowd may clash with the lifestyle of the current residents. He is also concerned about how traffic will be affected since there is only one entrance/exit to the subdivision.

Amy Viering, Sauk Foundation Director, is currently in charge of student housing at Sauk Valley College. She feels that there is no need for this type of facility. Sauk Commons has 140 beds available and only 86 are occupied. This has been about the average since the Commons opened. Ms. Viering feels this lack of need will not only affect Sauk, but also the Petitioner.

Ms. Viering stated that Sauk Commons offers everything Mr. Davis is proposing. There is a kitchen in each room, food service on campus 4 days a week, transportation to Walmart, a fitness center, computer labs, and activities.

While Ms. Viering feels security is always an issue, the Commons has only had one incident in which the police were called, and ultimately the call turned out to be unnecessary. The Commons is staffed 24 hours a day and has trained resident advisors.

Sauk Commons is also able to provide student support services such as counseling.

She also feels Mr. Davis' facility will not attract other college students because the nearest college is 40 miles away.

The cost of Sauk Commons is also somewhat less expensive. For a 4 bedroom unit, the rate is \$399 per month, plus utilities that average \$30-50 per month.

George Mihel, President of Sauk Valley Community College, stated that aside from the reasons stated by Ms. Viering, the college feels the facility is in an inconvenient location because students residing at Sauk Commons can walk to school.

Also, Sauk Commons is not located near residences and has no neighbors. Also, the Commons units are apartment-style, as opposed to dorm room-style, and are preferred by residents.

Dave Babics, a resident of the subdivision, feels that Mr. Davis has withheld important information such as who the "wealthy investors" are and who are the individuals that were interviewed.

Also, Mr. Davis has stated that this project is a \$1.5 million investment, yet he can not provide a detailed business plan for this investment. When specific questions are asked, vague answers are given. He also feels Mr. Davis should have gone door-to-door to speak with the residents of the subdivision.

Dan Rick, the closest resident to the former hotel, stated he is in agreement with the concerns already stated. He is very concerned about the lack of a business plan from Mr. Davis. He has noticed that Mr. Davis' testimony, statements, intention and so-called business plans have changed and keep changing.

Mr. Rick does not wish to see the hotel remain vacant; however, he feels there is a more suitable use for the building than for college student housing. He suggested an assisted living center might be more compatible with the neighborhood.

Tom Langenfeld, a resident of the subdivision, is in agreement with the statements previously made and is opposed to the petition.

Julie Ammen, a resident of the subdivision, is also in agreement with the statements previously made and is opposed to the petition. She has concerns about how traffic will

be affected and if it will be safe for her child to ride her bike around the neighborhood.

Dave Powers, a resident of the subdivision, is also in agreement with the statements previously made and is opposed to the petition. He feels that noise will become an issue. He is concerned about the lack of a detailed business plan and is worried that plans and intentions will change to meet the financial demand of Mr. Davis.

Don Sivits, a resident of the subdivision, is also in agreement with the statements previously made and is opposed to the petition.

Chairman Conderman asked if there were anymore questions and/or comments. There were none and testimony is closed.

Mr. Henkel stated that the Palmyra Plan Commission voted unanimously against the petition. This recommendation went to the Palmyra Township Board of Trustees where they voted unanimously against the petition.

Zoning Board of Appeal asked to review the finding of fact that was determined by Palmyra Township. The finding of fact is public record.

Chairman Conderman proceeded with the Finding of Fact that is based on the testimony provided at this meeting and not the meetings held by Palmyra Township.

The first finding of fact is the **effect of the proposed use upon the character of the neighborhood**. Chairman Conderman then asked the Board if there is an effect of the proposed use upon the character of the neighborhood.

The effects stated by the board are noise, traffic, only one entrance/exit to subdivision, and security concerns. Mike Pratt made a motion that these are the effects of the proposed use, and Gene Bothe seconded. The Board voted Yes, 4 – 0, making the finding that there is an effect on proposed use upon the character of the neighborhood.

Chairman Conderman proceeded with the second finding of fact by asking the Board to state if there is an **effect of the proposed use upon traffic conditions**.

The effects stated by the board are that traffic would be greatly increased by this zoning, this zoning will make the intersection more dangerous, traffic would be somewhat clustered, shuttle would also create more traffic. Craig Buhrow made a motion that these are the effects of the proposed use, and Gene Bothe seconded it. The Board voted Yes, 4 – 0, making the finding that there is an effect of proposed use upon traffic conditions.

Chairman Conderman proceeded with the third finding of fact by asking the Board to state if there is an **effect of the proposed use upon public utility facilities**.

The effects stated by the board are that it has City of Dixon sewer and a private well.

Mike Pratt made a motion that these are the effects of the proposed use, and Gene Bothe seconded it. The Board voted Yes, 4 – 0, making the finding that there is an effect of proposed use upon public utility facilities.

Chairman Conderman proposed the final finding of fact by asking the Board to state if there is an **effect of proposed use upon public health, public safety, and/or general welfare.**

The effects stated by the board are that the facility would require more police, public safety as younger children having general access to this area because it is where they live, a greater fire risk and security issues.

Gene Bothe made a motion that these are the effects of the proposed use, and Mike Pratt seconded it. The Board voted Yes, 4 – 0, making the finding that there is an effect of proposed use upon public health, public safety, and/or general welfare.

Chairman Conderman asked if there was a motion to either recommend or deny this petition to the full County Board.

Gene Bothe made a motion to deny this petition, and Craig Buhrow seconded it. All were in favor of denying the petition resulting in a 4-0 vote.

Chairman Conderman stated that this matter will go before the Lee County Board on October 20, 2009, at 9:00 a.m. with a recommendation for denial of the petition.

On the motion of Gene Bothe, seconded by Mike Pratt, the meeting adjourned.

Respectfully submitted,

Alice Henkel

LEE COUNTY REGIONAL PLANNING COMMISSION

William O'Keefe, Chairman
Robert Logan, Vice Chairman
John Hilleson, Member
Jim Book, Member
Wendy Ryerson, Member
Ellen Smith, Alternate Member

Chris Henkel, Zoning Officer
Alice Henkel, Clerk

The Lee County Planning Commission met on Monday, October 5, 2009, at 6:30 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman William O'Keefe called the meeting to order and Alice Henkel, Clerk, called the roll with the following members present: Robert Logan, Wendy Ryerson, John Hilleson, James Book and Alternate Member Ellen Smith.

The first order of business was the approval of the August 2009 minutes and the September 2009 minutes.

Robert Logan made a motion to approve the August 2009 minutes and John Hilleson seconded it. All were in favor and the minutes were approved.

With regards to the September 2009 minutes, Rose Ann Para addressed the Members with a complaint regarding the minutes.

She stated that on September 17, 2009, while before the Planning Commission, she presented a letter to the Planning Commission, requesting that they overturn zoning that was granted with regards to a proposed subdivision that is located in Willow Creek Township.

She was under the impression that her letter would be attached to and made apart of the minutes for the September 2009 meeting. The letter was not attached to the minutes.

Chairman O'Keefe explained that the Planning Commission has no jurisdiction in this matter, as it was recommended by the Lee County Zoning Board of Appeals, and approved by the Lee County Board. He further stated that the Planning Commission directed her to appeal to the Lee County Zoning Board of Appeals, as it is the governing body that initially granted the zoning for this subdivision.

Ms. Para requested direction from the Planning Commission and asked if she is to appear before the Lee County Zoning Board of Appeals on October 8, 2009.

Chris Henkel responded to Ms. Para, stating that it is her decision whether she wants to present her letter to the Lee County Zoning Board of Appeals. He explained that the

Zoning Board of Appeals will not be able to act on her letter either, as it only made a recommendation to the Lee County Board. The County Board is the one that approved the petition for zoning. He stated that the matter in which Ms. Para's letter refers to, has been taken to the Lee County State's Attorney to be handled and at this point it is out of everyone's hands except the State's Attorney.

Clerk, Alice Henkel, stated that she did not attach the letter to the minutes because no action was taken by the Planning Commission as the letter did not concern the Planning Commission.

Chairman O'Keefe stated that the Ms. Para's letter would be attached to the October 5, 2009 minutes that are to be distributed to the Lee County Board.

Robert Logan made a motion to approve the September 2009 minutes and that Rose Ann Para's letter presented at the September 17, 2009, meeting would be attached to the October minutes and John Hilleson seconded it. All were in favor and the minutes were approved.

Chairman O'Keefe asked if there were comments and/or questions from any visitors present.

Steve Robery, resident of rural Lee County, came forward and addressed the board. Mr. Robery stated that he is opposed to further development of industrial wind farms in Lee County. He went on to state that with regards to the Comprehensive Plan, it is premature that Lee County makes a statement in its Comprehensive Plan in support of further wind energy development without looking at adverse impacts associated with them.

Mr. Robry presented to the Planning Commission various articles addressing noise and health affects cause by wind energy systems; a list of 30 additional articles concerning noise and health affects; several examples, including a 73-page study, of how wind turbines adversely affect property values; and over 50 additional articles that provide additional information on the adverse affect of wind turbines on property values. A copy of Mr. Robery's articles and lists is located in the Zoning Office and will be made available for review by public and county officials. A copy was also provided to Mike Slavney of Vandewalle & Associates.

Mr. Robery would like the County to hold off on approving any further development of wind energy systems in Lee County until its officials have had time to rewwview these issues in greater details.

Chairman O'Keefe stated that the materials will be reviewed and disseminated; however, ultimately it is up to the Lee County Board to determine whether is it appropriate for the County to continue an economic development policy and an agricultural preservation policy in the Comprehensive Plan that generally support wind farm development.

