

AGENDA OF THE LEE COUNTY BOARD

June 15, 2004

6:00 p.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 MINUTES

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA - VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA - VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD: 04-P-1393 - Gilmore - Brooklyn Twp

TO PLANNING COMMISSION: -0-

FROM ZONING BOARD: 04-P-1392 - Sterling Grain & Storage, Inc. - Palmyra Twp

FROM PLANNING COMMISSION: -0-

REPORTS OF COMMITTEE:

911 BOARD

ADMINISTRATIVE SERVICES

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE

COMMITTEE CLAIMS

COUNTY PROPERTIES

R.C.&D. - BLACKHAWK HILLS

COUNTY SERVICES

FINANCE

CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

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

OLD BUSINESS

NEW BUSINESS

- APPOINTMENTS
- 1. Donald Lawrence - Franklin Grove Sanitary District
 - 2. Raymond Delhotal - Inlet Swamp Drainage District
 - 3. Amy Jo Clemens - Lee/Ogle Regional Office of Education
 - 4. Rick Bowers - Lee County Board of Health

Resolution - County Engineer's Salary

3 Ordinances - Health Department fee structure - Water, Sewage & Food Services
(lay over for one month)

Contract for Police Services - Lee County/Paw Paw

Resolution - Remove Jepsco from tax auction

Treasurer's Quarterly Report

Ordinance - Prevailing Wage

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY
ZONING BOARD OF APPEALS
TELEPHONE 288-3643 LEE COUNTY COURT HOUSE
DIXON, ILLINOIS 61021

ZONING REPORT FOR MAY 2004

There were a total of 25 permits issued for the month of May with a total dollar volume of \$690,310. There were 3 permits issued for single-family homes in the amount of \$384,000.

There is one petition to be acted upon by the County Board this month.

1. 04-P-1392, Sterling Grain & Storage, Inc.
Petitioner is requesting approximately 4.24 acres of PPN #16-01-27-100-001 and approximately 6.3 acres of PPN #16-01-27-100-002 both located in Palmyra Township, be rezoned from AG-1, Agricultural District to Special Use for removal of ledge rock with required approval for blasting, quarrying and crushing of stone for petitioner's own use. Property is located on the west side of Peek Home Road at the intersection with Timber Creek Road.

The Zoning Board voted unanimously to deny this petition.

Very truly yours,

Chris Henkel

Chris Henkel
Zoning Administrator

LEE COUNTY ZONING BOARD OF APPEALS

BOARD MEMBERS

Ron Conderman, Chairman
Craig Buhrow, Vice Chairman
Mike Pratt, Member
Gene Bothe, Member
Tom Fassler, Member
Howard Schoenholz, Alternate
Gene Hardiek, Alternate

Chris Henkel, Zoning Administrator
Katie Murray, Clerk

The Lee County Zoning Board of Appeals met Thursday, June 3, 2004 at 7:00 p.m. in the Lee County Courthouse, Dixon Township, Dixon, Illinois. The Chairman called the meeting to order and the Clerk called the roll with the following members present: Fassler, Bothe, Pratt, and Conderman.

Chairman Conderman asked for approval of last months minutes. Gene Bothe made a motion to approve, seconded by Mike Pratt. All in favor.

Craig Buhrow joined the meeting which was reflected in the roll call.

Chairman Conderman indicated that there have been no new petitions filed.

Under Old Business the first petition on the agenda for consideration was Petition No. 04-P-1392, Sterling Grain & Storage, Inc. Chairman Conderman stated that this was a petition from last months meeting. Anyone that was sworn in at the May meeting does not have to be sworn in tonight, Chairman Conderman explained.

Chairman Conderman stated that he has a couple of questions for Norman Koster. He asked if the plan is to remove shelf rock of a 30 foot depth on the six acre trac first and if there was not enough rock you would do it on the four acre tract. Mr. Koster stated that is correct but he believes he stated it would be no more than 30 foot deep.

Mr. Conderman also asked if Mr. Koster is aware that this would create 200,000 ton of rock and with the figures Mr. Koster gave is he aware of the potential number of ton that it might generate. Norm Koster indicated he is planning on going 9-10 feet deep on a 6 ¼ acre trac. He stated that they will not need 30 feet if the 6 ¼ acre trac produces the material needed.

Mr. Conderman stated that limestone is the only by-product of surplus of which Mr. Koster discussed but what if Mr. Koster has a surplus of other agricants. Mr. Conderman asked, would that material also be sold? Mr. Koster stated no he will control the production because his only focus is to produce enough CA2, two inch material. Mr. Koster explained that to have an adequate base you have to have the right mixture of material. Mr. Koster reported he is not intending to sell anything. The selling of the

limestone is so insignificant that he would give it away because he is not interested in the merchandizing business, Mr. Koster stated.

Chairman Conderman stated that according to Palmyra Township's minutes the request was for three years and will replace the dirt within a year. Chairman Conderman asked Mr. Koster if he had any suggestions as to who should police this project. Mr. Koster explained that he has 55 acres that will be stripped of its topsoil north of Menards. This will produce about 120,000 yards of black dirt and then they need to excavate for a detention pond which will result in about 30,000 yards of clay. It would be in his best interest to bring the clay and black dirt back to the area they are going to take the ledge of rock out of. Mr. Koster stated that it will be to his benefit to bring the six acres back in a timely fashion. He stated as far as policing there was a suggestion that a performance bond be put up. Mr. Koster stated that they could calculate the base value for 3 feet of clay and 2 feet of black dirt which could be put up in a bond. Mr. Koster also stated that he does not know of any other quarry offering to fill in their hole.

Mr. Koster stated this quarry will be within 300 feet of his residence. He stated he will put up a bond if they come up with a dollar amount.

Ron Conderman asked if his other property is within the city limits of Sterling. Mr. Koster stated that it borders the city limits. Mr. Koster indicated that he has been before the Sterling City Plan Commission and they presented their development plan to them. That area would be annexed into the city.

Ron Conderman asked about other quarries that are not able to supply the quantity within a timely fashion and if he contacted any other area quarries. Mr. Koster stated there is only one quarry (Propheter) in the proximity that is able to produce the tonnage that would allow them to do their own hauling. The cost would be about \$4-\$5 a ton. He stated he is going to hire someone to crush his product in the winter for .50 to .75 cents a ton. He stated he could make a \$3 to \$4 savings by not having to go out and buy the rock. Mr. Koster stated that Propheter currently has a large project in Kewanee where he is taking his rock therefore he does not have the excess. He also indicated that he has not talked to Mike Propheter about needing this project. He stated the nature of Propheter's business is to produce oversize rock for bases for roads and his excess is ag-lime and road rock.

Tom Fassler asked Mr. Koster if he needed to strip all of the 55 acres. Mr. Koster stated for the size development that they are looking at yes. Mr. Fassler asked if it would be a clean strip. Mr. Koster explained he needs to take 14-16 inches of topsoil off because it has organic matter which will depress over time and you cannot build buildings. He stated that if there was less topsoil there would be less to strip. He stated Sterling Grains position is they will maintain ownership of the 55 acres and will establish long term leases to the major retailers around. It is in their best interest to make the best base they can so they are not looking at parking lots that break up.

Mr. Koster stated that a week ago today he received a call from Vern Gattel who is a trustee for Palmyra Township. Mr. Gattel called in reference to the development of the 55 acres. Mr. Koster stated that while visiting with Mr. Gattel Mr. Koster was informed that Mr. Gattel placed a favorable vote with the trustees. Mr. Koster stated that when his petition was presented at the Palmyra Township Plan Commission it was a 4-1 vote. There was no open meeting at the trustee meeting which the vote was 3-2. Mr. Koster stated he was informed by Vern that it took a major majority to overrule the plan commission. He stated that it would have taken a 4-1 vote to be able to overrule him. Mr. Koster indicated that it appeared to him at the last meeting it was conveyed the Palmyra vote was a very close vote at 3-2. The reality of it was it would have taken a 4-1 vote against him for the board of trustees to approve it.

Mr. Koster stated he is prepared to address some concerns from the audience/neighbors which he does not believe are warranted. He stated that as for the issue of the dust it will be crushed in the off season which the dust will not be an issue. Mr. Koster reported that in his submitted petition there is an unknown when he strips the dirt off if it is going to be adequate. But a theoretical calculation will show on his 6 ¼ acres he needs between 9-10 feet of rock. Given that depth it is going to take an insignificant charge to be able to blast that rock.

He indicated that this is a minimal project as a whole. Mr. Koster stated that to say they will set off a charge that will disrupt the people around the area lacks merits because it would be saying the state of Illinois standards are inconsiderate to what it does to the people around them. Mr. Koster stated that the size charge needed for a 10 foot depth would not be as significant as one needed for a 20-30 foot depth.

Mr. Koster reported that they did a traffic study picked up Illinois Department of Transportations traffic counts. The conclusion was that Palmyra road was carrying 2,500 vehicles per day. He stated he does not believe his one truck per day would create a burden that would amount to the traffic already on the road.

Ron Conderman asked Mr. Koster if he plans on buying another truck. Mr. Koster stated no. He stated his objective is to do this project and if his youth does not escape him he still has a prompting to raise some corn and soybeans in Brazil. He reported that if there is an objective for growth it would not be here but south of the equator.

Ron Conderman asked if that took place would the property in this petition be sold. Mr. Koster stated no but with today's technology he would not have to give up his roots.

Mike Pratt asked Mr. Koster to clarify the 200,000 ton. Mr. Koster stated if figure building a road base of 12 inches and a parking lot base of 8 inches of crushed rock you will come up with about 2,000 tons per acre. So our 50-55 acres including the roads would be about 110,000 tons but then there is a plan with the city to extend a road west to Freeport road that the extra tonnage would allow for, Mr. Koster explained. Mr. Koster stated he has some cushion on the 200,000 tons.

Mike Pratt asked if that would be 50 loads a day if you do it in a year. Mr. Koster stated that yes; his time takes about 20-25 minutes on a round trip. They would run a double shift to be able to accomplish that.

Mike Pratt asked about the quality of the roads. Mr. Koster reported that the previous road commissioner rebuilt the base on any areas that developed softness. Since that time the trucks on the road have not created any more softness. Mr. Koster indicated that Bob Rhodes built an adequate base. Mr. Koster asked if we now look at it as his trucks will use it up with his operation as opposed to someone else from out of the county using the road that pays no taxes. He stated that since he bought that property he has paid \$75,000 in property taxes. Mr. Koster stated that the issue could be debated on how much the road is used.

Ron Conderman asked what the weight limit is on the road. Mr. Koster stated he has received written permission from Bob Rhodes in the past to haul 80,000 down to the state route. He stated he would ask the new road commissioner for that same liberty.

Norm Koster indicated that Bob Rhodes did an adequate job of building the base. The edge of the road has been patched. Mr. Koster asked if we should start assessing who uses the road.

Mr. Conderman discussed the issue of the weight limit on the road. He indicated that a state police officer would not accept a written slip from a road commissioner. Mr. Koster stated that he tested this issue with a judge in this county upheld the road commissioner granting the 80,000.

Albert Tieken approached the board. He indicated that he would like to thank Tom Fassler and Mike Pratt for postponing last months meeting. He reported that first of all he is not opposed to Mr. Koster's project but is concerned with establishing a quarry in Palmyra Township which is their largest objection. Mr. Tieken stated he has 156 signatures of those opposed to this petition; the signatures were entered into evidence. Please see attachment # 1. Mr. Tieken conveyed that he would like to read the objections and concerns of Palmyra Township citizens as they relate to Petition No. 04-P-1392, Sterling Grain and Storage, Inc. Mr. Tieken read the findings of fact. Please see attachment # 2. Mr. Tieken referred to a letter from Hicks Insurance Agency dated June 2, 2004. Paying special attention to paragraph three. Please see attachment # 3.

Ron Conderman commented on finding of fact number three. He stated that it does not appear to him the water table would be affected if the mining is only 30 feet deep. Mr. Tieken reported the only information he can give is that the Cement Plant is doing their own monitoring of the wells by the cement plant and what there findings are as a result of these probes he does not know.

Mr. Tieken stated there are two series of questions to present. What happens to the Special Use Permit for removal of ledge rock if Sterling Grain and Storage, Inc. is sold? Is the permit null and void or does it transfer to the new ownership?

If the county should begin allowing special use permits for the removal of ledge rock for "private" use who then enforces these projects to see that all rules, regulations, and agreements are closely adhered to so as to protect the public?

Mr. Tieken also asked if this petition will set precedence for the rest of the county.

Tom Fassler stated to answer one of the questions if the board passed this petition we could say if he ever sold it; it goes back to ag-1. Tom Fassler stated to Mr. Tieken that it sounds as if he wants no more quarries in Palmyra Township.

Mr. Tieken answered yes; we have an odd situation that the Township approved a housing development and then approved a quarry. Mr. Tieken referred to Kelly Wards statements at the last meeting.

Ron Conderman stated that it seems that Palmyra Board did not comply with their Comprehensive Plan. He stated that this board is not binding on Palmyra's decision.

Mr. Tieken asked for all of those opposed in the audience to please stand, the majority of the room stood.

Tom Fassler reported that one thing Palmyra Township has that is beneficial to a quarry is the rock is close to the surface. Mr. Fassler commented that he wonders how many more times we are going to go through this with Palmyra Townships.

Chairman Conderman asked for any persons in the audience that would like to speak to please come forward and be sworn in.

Jim Bushman sworn in and stated he lives at 2109 Peek Home Road. Mr. Bushman indicated he is the road commissioner for Palmyra Township. He stated that he has spoken to Norm Koster on three different occasions and told him up front that he is opposed to this project. Mr. Bushman stated that he is speaking as the road commissioner. Palmyra Township has fairly good roads and the road in question is a good tar and chip road but the fact is tar and chip roads will not hold up the heavy semis or heavy equipment, Mr. Bushman reported.

Mr. Bushman stated that he has talked to the county engineer and as far as he knows that road is 73,280. Mr. Bushman reported he does not know about granting permission to allow 80,000. Mr. Bushman stated he is speaking as a concerned citizen of Palmyra Township. He stated that in response to the question about price it was never stated until tonight what it will cost Mr. Koster to get the final product done. He reported he knows by talking to people in the business it will cost more than \$1 a ton.

Mr. Bushman conveyed he has been on the Palmyra Township committee for 3 years and was present the night this petition was brought forth. He does not vote but does give suggestions. He reported on of the persons voting no was Sharon Moeller who is not present tonight but gave him permission to speak for her. He stated that she did not know about anymore about the petition until the night of the hearing. According to Mr. Bushman Ms. Moeller stated she was not asked to check the site like Mark Fassler and Gene Booke. Mr. Bushman reported that he does not believe this petition was studied or checked into by Palmyra Township Planning Commission.

Mr. Bushman expressed his concern with the history and restoration of Sugar Grove Church and School. He stated that there is a chance it could structure damaged. Mr. Bushman asked the board to please vote no to this petition.

Craig Buhrow asked what the foundation of Sugar Grove Church and School is made of. Mr. Bushman stated he could not answer this but there has been a lot of time and effort put into this project

Mike Pratt asked about the road issue. Mr. Bushman answered it is his opinion it will not. The trucks will tear it up, the only thing he can do is black top it. If the trucks can stay off the edges or those will be torn up, Mr. Bushman reported.

Mike Pratt stated it could be argued that tax dollars help build the road. Mr. Bushman stated that not that many semis run the road but they can legally run it within the weight restrictions.

Tom Fassler asked how much the cost is to blacktop the road. Mr. Bushman answered \$60,000 a mile for 2 inches but with semi traffic 4 inches would be needed.

Mike Pratt stated that if Norm put four or five more grain bins up we cannot govern agricultural. Mr. Bushman agreed that is agricultural. He also stated that it is their roads they don't want to tear it up. Mr. Bushman stated that if Mr. Koster buys the rock from Propeter he would be using the highway to haul it.

Mr. Pratt asked what if Mr. Koster bought gravel off of Propeter he would still have to haul. Mr. Bushman stated it would be on the highway which is built for semi traffic. Mr. Pratt asked what if Mr. Koster decided to haul the topsoil and dirt back. Mr. Bushman said that is another thing Mr. Koster never said he was going to do it but that is part of the eight point agreement. The point of this thing is to improve Mr. Koster's farm by bringing the hills down and building the ditches up and isn't there a better place to use this dirt, Mr. Bushman asked. Mr. Pratt said he just wanted to make the point that he still going to haul 10,000 loads of dirt back on that same road. Mr. Bushman stated that it is not what is being hauled but the weight of what is being hauled is the problem.

Ron Conderman stated that the whole township is zoned agricultural and a farmer does not need permission to haul grain. The quarry, even though private or commercial, is business and that's what makes this different than a farmer hauling grain to town.

