

## Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday, August 6, 2020 at 3:30 p.m. in Room 404, 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 (all via remote attendance)

Members Absent: Members Lyndsay Bloomfield

Other Board Members Present: Member Catherine Metsker

Staff Present: Ms. Camille Rodriguez, County Administrator, Ms. Cassy Taylor, Assistant County Administrator, Ms. Cathy Dreyer, Assistant County Administrator; Ms. Samantha Vasquez, 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 July 2, 2020 regular meeting for approval.

Motion by Wendt/Chung to approve the minutes from the July 2, 2020 regular meeting.

Motion Carried. Roll Call Vote – all present voted yes including the Chairman.

Chairman Erickson presented bills that had been reviewed and recommended by the County Auditor with a prepaid and fund total of \$1,415.59.

### MCLEAN COUNTY BOARD COMMITTEE REPORT


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AS OF 8/2/2020

#### EXPENDITURE SUMMARY BY FUND

##### Land Use Committee

FUND	FUND TITLE	PENDING TOTAL	PREPAID TOTAL	FUND TOTAL
0001	GENERAL FUND		\$1,415.59	\$1,415.59
			<hr/>	
			\$1,415.59	\$1,415.59



COMMITTEE CHAIRMAN

Motion by Wendt/Beard to recommend approval of the Land Use and Development Committee bills prepaid total and fund total of \$1,415.59.

Motion carried. Roll call vote – all present voted yes including the Chairman.

Chairman Erickson confirmed with Ms. Rodriguez there were no appearances by Members of the Public.

Chairman Erickson presented for action a request by Rex Toepke for a waiver of preliminary plan requirements and approval of a one-lot subdivision final plat for the Toepke Farm Subdivision. Mr. Phil Dick explained the proposed project and location.

Motion by Wendt/Watchinski to recommend approval of the request by Rex Toepke for a waiver of preliminary plan requirements and approval of a one-lot subdivision final plat for the Toepke Farm Subdivision.

Motion Carried. Roll call vote – all present voted yes including the Chairman.

Chairman Erickson indicated the next item on the agenda was an update on the dusty roads in Chenoa Township. Chairman Erickson recognized Ms. Samantha Vasquez who stated the Committee had asked her to determine what the County could do to enforce the road use agreements. She indicated the agreements are separate for Townships and County and Townships would have to enforce their own agreements as the County does not have authority to enforce on their behalf. Mr. Beard stated he wanted to have us look at a way in the future to put in language that would assist with these situations. He also asked for a status update on the dust control. Mr. Dick indicated wet weather improved the situation as well as the completion of the turbine bases. He stated Mr. Stokes met with contractor, company and commissioners and the commissioners indicated things are going better now. He stated he had not received any complaints about the dust in the last few weeks.

Ms. Wollrab stated she did drive out there; and that Ms. Metsker was present and asked if she could speak to whether the situation had improved. Chairman Erickson acknowledged Ms. Metsker. Ms. Metsker indicated she was out a week ago today and talked with residents as well as the road commissioner, Mr. Killian and there is more action on the part of the company after they receive a complaint. Ms. Metsker stated the road commissioner said they can fine the wind company for violations and apparently the Lexington Township Road Commissioner has \$80,000 worth of fines that have not been addressed. She stated that Mr. Killian also indicated Chenoa Township has outstanding fines. Ms. Metsker asked Ms. Vasquez if there could be a tie between the County agreement and the Township agreements in the future. Ms. Vasquez indicated they could look at adding language to future agreements.

Mr. Erickson stated he felt they were looking for language that says if wind company violates the township agreement, then they are in violation of the county agreement. Mr. Wendt asked about fines for damaging the County road. Mr. Dick indicated the County Engineer will follow up to have it fixed by the applicant and if the applicant does not fix then the County fixes it and invoices the Company for it. Mr. Erickson asked if language could be added to an agreement before it is approved. Ms. Vasquez indicated County Board could amend language. Mr. Dick indicated Road Use Agreements go through Transportation Committee so they could amend language at that Committee. Mr. Beard also asked about changes things such as noise levels in the agreement as he felt the Board needed to have the ability

to add language in the agreements. Ms. Metsker stated she had not seen other agreements with Townships besides road use agreements.

Ms. Metsker asked how you could pull a building permit. Ms. Vasquez indicated the special use permit says they should have road use agreements, not that they have to stay in compliance of those agreements. Ms. Metsker asked Mr. Dick when he could pull a permit. Mr. Dick indicated the only way to pull a permit is if one of the conditions that needed to be met could be proven to be false or fraudulent but could not pull the permit because they violated the road use agreement. Ms. Metsker asked if that could be added. Ms. Vasquez stated that special use permits are drafted individually and could be added at that time. Mr. Erickson also asked that language be considered as to who determines there is a violation. Ms. Wollrab asked about collaboration on the agreements. Ms. Vasquez agreed that it would take collaboration of the Townships and the County when the agreements are drawn up. Mr. Dick stated that Townships sometimes get advice from the County Engineer, but the Townships have their own attorney as the Township Commissioners do not want the County Engineer telling them how to handle their roads. He stated that Land Use Committee handles placement of the turbines and the roads are handled through the Transportation Department and the Transportation Committee. Mr. Wendt asked if there is anything, we can do to help collect the fines and if we could add language that stated applicant has to be current on payment of fines. Ms. Vasquez stated that if it is a fine from the Township then it is their jurisdiction to enforce it.

Ms. Vasquez reminded the Committee that if we are going to insert the County into another jurisdiction's agreement then it becomes our agreement. Mr. Beard asked in the next few months if options could be brought to the committee on ways to handle these situations taking into consideration pit falls and how to insert ourselves without taking on more risk. Mr. Erickson stated he did not feel there was more they could do today.

Chairman Erickson stated the next meeting would be on Thursday, September 3, 2020 at 3:30 p.m.

Mr. Erickson asked Mr. Dick for an updated on the text amendment that went before the Zoning Board of Appeals. Mr. Dick indicated they recommended approval and it would be on the consent agenda at the County Board meeting.

Chairman Erickson asked if there was anything else to come before the Committee, hearing nothing he adjourned the meeting at 4:16 p.m.

Respectfully Submitted,

*Julie A. Morlock*

Julie Morlock  
Recording Secretary