

**DEKALB COUNTY REGIONAL PLANNING COMMISSION**  
**MEETING MINUTES**  
**March 25, 2010**

The DeKalb County Regional Planning Commission (RPC) met on March 25, 2010 at 7:00 p.m. in the DeKalb County Administration Building, Conference Room East, in Sycamore, Illinois. In attendance were Commission members Cookie Aldis, Frank Altmaier, Ken Andersen, Les Bellah, Bill Beverley, Rich Gentile, Derek Hiland, Dave Maroo, Becky Morphey, Bill Nicklas, Suzanne Sedlacek, and Jerry Thompson. Staff included Paul Miller and Rebecca Von Drasek.

**1. Roll Call** -- *Commission members Kathleen Curtis, Jerry Olson, and Don Pardridge were noted absent.*

**2. Approval of Agenda** -- Mr. Ken Andersen requested the addition of an item to present the Commission the 2009 Solid Waste Report from the DeKalb County Health Department.

*Ms. Aldis moved to approve the agenda as amended, seconded by Mr. Hiland, and the motion carried unanimously.*

**3. Approval of Minutes** -- *Mr. Nicklas moved to approve the minutes from January 28, 2010, seconded by Ms. Aldis, and the motion carried unanimously.*

*Mr. Beverley arrived at 7:02 p.m.*

**4. Chair and Vice-Chair Elections**

*Ms. Morphey nominated Cookie Aldis for Chairman of the Regional Planning Commission, seconded by Mr. Nicklas. Mr. Andersen moved to close the nominations, seconded by Ms. Sedlacek and the motion carried unanimously. The Commission voted unanimously to appoint Ms. Aldis.*

*Mr. Nicklas nominated Mr. Hiland as Vice-Chair for the Commission, seconded by Ms. Sedlacek. Mr. Andersen moved to close the nominations, seconded by Mr. Beverley, and the motion carried unanimously. The Commission voted unanimously to appoint Mr. Hiland.*

The Commission thanked outgoing Chairman Rich Gentile for his service.

**5. Public Improvement Guarantee Techniques:**

Mr. Miller explained that the Regional Planning Commission discussed at its January 28, 2010 meeting the measures that municipalities may take to assure that public improvements associated with new development are completed when a developer abandons the project. He noted a related issue is how governments can assure that undeveloped properties within abandoned or stalled

developments are maintained in a minimally acceptable fashion. Mr. Miller thanked Bill Nicklas, with the City of Sycamore, for providing excerpts from the City's regulations and samples of adopted agreements related to guaranteeing public improvements. Mr. Miller encouraged Commissioners to share this information with their municipal staffs so that the communities could benefit from these important protections.

Mr. Nicklas briefly noted that the 2008 presentation to the Commission by Kelly Cahill, an attorney with Zukowski, Rogers, Flood & McArdle, had encouraged Sycamore to be proactive in its review of existing financial guarantees. The City subsequently amended its requirements for future developments. He noted the inclusion of the following within the Commissioner's packets:

1. A portion of the City of Sycamore Unified Development Ordinance related to public improvement guarantees and acceptance procedures;
2. An example of public improvement guarantees included in annexation agreements;
3. A public improvements completion agreement; and
4. A sample tripartite agreement between the City, a bank, and a developer related to completion of public improvements in a stalled development.

Mr. Nicklas noted that it was cheaper to address problems during the annexation agreement phase of a project. He highlighted that the guarantees needed to include a completion date within the annexation and development agreements. He emphasized that the deadline assured that the municipality would have a date for when work is to be completed and prevent the withdrawal of a letter of credit by a lender prior to the completion of the work.

Mr. Beverley clarified that the City of Sycamore included the Development Agreement with every Annexation Agreement. Mr. Nicklas agreed that the City had committed to this inclusion with all future improvements.

Mr. Nicklas explained the hybrid solution that Sycamore had devised to complete proposed improvements in existing developments where the bank has taken over from the developer. He provided as an example a hypothetical development with 250 planned homes where only 20 have been constructed and the final lift of asphalt has not been completed. He explained that the community is not ready to accept the roads but the developer (or lender) is ready to hand over the public improvements. Originally Mr. Nicklas noted that without an escrow agreement the community generally does not have the funds to complete the improvements. The existing 20 homeowners within the subdivision can be expected to assert that they have already paid for their portion of the improvements. Using the hybrid solution, Sycamore and the developer agree to have an engineer estimate the cost of the remaining improvements and then divide that amount by the number of remaining lots. The developer then will escrow the determined amount following the sale of each remaining lot. Mr. Nicklas explained that this way the improvements are funded by the development. The downside to this plan is that without continuing lot sales funding may take time to trickle in.

Ms. Aldis clarified that the original financial guarantee was a letter of credit rather than a bond for the hypothetical subdivision. Mr. Nicklas explained that this hybrid option was designed as a response when collecting on the original guarantee has failed. He emphasized that the City Attorney for Sycamore has opined that the Annexation Agreement requires any successor to be responsible for the outstanding improvements. He noted that this option may not be foolproof but it was better than nothing. Mr. Nicklas noted that the City had been successful in working with some lenders (developers).

Mr. Maroo asked a few questions about the requirements of Annexation Agreements and clarified that the agreements are recorded, are enforced for 20 years, and that the present value is calculated in the hybrid solution so that the prorated share is increased over time.

Mr. Beverley stated he was impressed that the City could determine a method to justify charging a prorated share for outstanding improvements within a development. Mr. Nicklas agreed but he shared with the committee that, like many things, there were both examples of the hybrid guarantee's success and its draw backs.

Ms. Aldis stated that Cortland continues to wrestle with whether it is best to install the final lift or leave the base road way. Mr. Nicklas stated when possible Sycamore is installing the final lift rather than let the base deteriorate.

Ms. Aldis informed the Committee that in one instance Cortland had a bond company act as the developer.

Mr. Beverley relayed that the City of Sandwich had worked with the developer and accepted improvements following a review by the City Engineer.

Mr. Gentile pointed out that it was important for communities to review the cost estimates when attempting to collect for improvements. He noted that in Genoa one estimate attempted to collect for every chip the snow plow had put into the curbs which may not be the best use of the letter of credit funds. He concluded that communities should prioritize their needs when the funding source is limited.

The Committee briefly debated when a Community takes ownership of a road. Ms. Aldis emphasized that case law includes an example wherein a municipality snow-plowed a road, and a developer was thereby successful in arguing that the municipality had accepted the roads. Mr. Nicklas pointed out however that contract law provides some protection to a community if the developer has committed to certain level of improvements.

Mr. Bellah asked if the Annexation Agreements had built in time limits. Mr. Miller responded that the Annexation Agreement requires the improvements be made within 20 years, unless as Mr. Nicklas had suggested, a deadline is included within the initial agreements detailing when the improvements will be completed. Mr. Miller also noted that communities and developers could revise existing agreements if both parties are amiable. He encouraged municipalities to review their agreement language and consider revisions for future agreements.

## **6. County Comprehensive Plan Update**

Mr. Miller explained that DeKalb County adopted the Unified Comprehensive Plan at the end of 2003. The Plan incorporated the future land use plans of the municipalities within DeKalb County (with the exception of Maple Park), creating a planning document that represented a collective vision for the future of the region. Mr. Miller observed that since its adoption there have been changes in land uses through annexation and development. He noted that there have also been changes in elected officials, who are authorized to represent the desires of their constituents with respect to how their communities should look and grow. Lastly, he noted that several municipalities have adopted amendments to their comprehensive plans since 2003.

Mr. Miller explained that the Planning and Zoning Committee of the DeKalb County Board has endorsed the idea of updating the DeKalb County Unified Comprehensive Plan, with an eye toward adoption by the County Board in December of 2010. Staff is recommending a relatively simple process for updating the Comprehensive Plan, with the oversight of the Regional Planning Commission:

1. Gather all of the current municipal future land use plans and integrate them into the County GIS system to create a new unified future land use plan. The GIS system already has the current municipal boundaries (NOTE: This task has already been completed);
2. Update demographic data from available sources;
3. Make any desirable changes to goals, objectives and future land use categories;
4. Conduct three open houses, one each in the north, central and south portions of the County, to solicit public input on the goals, objectives, land use policies and future land use plan, and use the input to finalize these elements of the updated plan;
5. Conduct one public hearing on the updated Unified Comprehensive Plan;
6. Send the updated Plan to the County Board for adoption in December of 2010.

Mr. Miller believes this process can be done largely “in-house” at minimal cost. Further, there is an opportunity for municipalities to “piggy-back” on the County’s process to update their individual comprehensive plans, especially given that the current economic downturn affords an opportunity for consideration of future growth without the pressure of actual development proposals pending before the decision-makers. Mr. Miller informed the Commission that the County had also received \$3,000 from the state to off set some costs of the update.

As a way of kicking-off the update process, Mr. Miller proposed that the May, 2010 meeting of the Regional Planning Commission be devoted to a community-by-community review of each municipal future land use plan. In this way Mr. Miller emphasized, Commission members will be updated on the plans for growth and development throughout the County, and hopefully be better positioned to address any issues for the update to the County’s Unified Comprehensive Plan. Commission members were encouraged to review their respective comprehensive plans and be prepared to provide feedback to staff at the May meeting.

Mr. Gentile requested large version of each municipalities current Future Land Use Map for the purposes of mocking up any proposed changes. Mr. Miller agreed to talk with the County’s Information Management Office regarding this possibility for the May, 2010 meeting.

## **7. Municipal Development Projects/Issues:**

Mr. Beverley noted that he had met with Tom Horak, City Engineer for the City of Sandwich, who was interested in additional information regarding wetlands. Mr. Miller noted that some of the information was already available on the County's GIS maps. Mr. Miller also agreed that presenting these maps to the Commission will be on a future RPC Agenda.

Ms. Sedlacek informed the Commission that Village of Waterman's Mayor has cancelled all future Waterman Planning Commission meetings. She also noted that she was not reappointed for the next term with the Regional Planning Commission. Mr. Miller and the Commission thanked Ms. Sedlacek for her service. Mr. Miller also extended the Commission and County's willingness to continue to offer planning assistance to the Village of Waterman.

Mr. Miller informed the Commission that Derek Hiland had found an upcoming conference to be held at DePaul University on April 16, 2010 that will also focus on what can be done with abandoned developments.

Ms. Aldis noted that Cortland updated and added "abandoned" and "dormant" to the community developments list.

Ms. Sedlacek stated that "abandoned" would best describe their current development projects.

Mr. Bellah noted that Kirkland's new goals and objectives were "survival". Mr. Bellah emphasized that he was meeting with local business and property owners to continue to encourage annexation to Kirkland.

Mr. Maroo stated Hinckley had received grants to assist in the construction of a new well.

Mr. Hiland informed the Commission that the City of DeKalb has had some projects which have stalled, but there also continues to be interest from developers for future projects.

Mr. Thompson reported that Resource Bank is building a new building, although Community officials are unsure what will happen with the old structure. He also reported that the Village is renovating an existing structure for a Police Department, break room, and meeting rooms. The work is being completed by Kishwaukee Education Consortium which has saved the Village on the costs of the renovation.

Ms. Morphey stated that the water tower in Somonauk would be completed by the end of June.

Ms. Aldis relayed that Cortland was also in the process of filling their water tower. Ms. Aldis noted that there was a small unveiling of the Lincoln Highway Dedication, however a larger event is also scheduled for May 29, 2010 (Memorial Day weekend).

Mr. Beverley informed the Commission that Sandwich was allowing the installation of a reverse vending machine adjacent to a City parking lot. Mr. Beverley noted that the Waves of Fun project has extended their completion date but is still moving forward.

Mr. Bellah highlighted Kirkland's successful installation of a reverse 911 system. He noted that Village officials tested the system by sending out a reminder regarding the 2010 Census.

Mr. Andersen noted that the County has been very busy with revisions to the Liquor and Building Codes, as well as various Special Use Permits. He noted the County continues to work on the Jail and Courthouse expansion plans and is in the process of considering the Landfill expansion proposal. Mr. Andersen explained the procedural process that a landfill expansion proposal is first brought to the County Board for consideration. Then the County's recommendation is sent to the Environmental Protection Agency for a final decision. He stated that the County Board may make its recommendation in May. Mr. Andersen observed that the state decision may take a year or two.

The Committee also briefly discussed the method for bonds and the grant applications for federal funds through the "Build America" bonds and Reinvestment Act programs.

#### **8. 2009 Solid Waste Report**

Mr. Andersen noted that the report indicated a drop in tonnage and explained that the Health Department had felt this may be related to the drop off in the economy. He also noted that the County was attempting to offer rural recycling points to encourage more recycling in the County.

The Electronic Recycling Event dates were also discussed, the next event is scheduled for May 15, 2010.

#### **9. Next Meeting Date -- The Commission agreed that the May RPC meeting would be changed to June 3, 2010 at 7:00 pm in the Conference Room East.**

**10. Adjournment** -- *Ms. Sedlacek motioned to adjourn, seconded by Mr. Gentile, and the motion carried unanimously.*

Respectfully submitted,

Cheryl "Cookie" Aldis  
Chairman, DeKalb County Regional Planning Commission

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