

**CHANNAHON VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING
JULY 1, 2013**

Village President Joe Cook called the meeting to order at 6:00 p.m. with Trustees Slocum, Militello, McMillin, Schumacher and Scaggs present. Trustee Greco was absent.

Also present were Village Administrator Joe Pena, Finance Director Robert Guess, Village Attorney David Silverman, Police Chief Jeff Wold, Director of Public Works Ed Dolezal, Director of Community Development Mike McMahan and Deputy Village Clerk Leti Anselme. Village Clerk Patricia Perinar was absent.

VILLAGE PRESIDENT

Economic Development Incentives Program

VP Cook would like to look into implementing an Economic Development Incentive program, due to the closing of the hardware store and Ranch Pharmacy's owner retiring. He'd like to sit with Trustee Scaggs and McMahan to put something together.

Trustee Slocum agrees and feels that we need to get out and talk to the businesses and people. VP Cook stated that we need to be competitive to the communities around us, since they are offering incentives. Trustees Militello, Schumacher and Scaggs all agreed.

Trustee McMillin asked if this coincide with the Channahon Economic Development Council. VP Cook stated that they would be asked for their opinion, but this would be a Village Board policy.

VP Cook stated that he'd like to sit with the Board individually to discuss ideas for the Economic Development Incentives program. He then asked McMahan to research policies and programs that other communities have. This would primarily be for commercial.

Senator Bertino-Tarrent to present a Plaque to Patrol Officer Devine

Senator Jennifer Bertino-Tarrent thanked the Board for allowing her to present the plaque to Patrol Officer Mike Devine. Her unique relationship with Devine was when she was a school principal for four years. She stated that he was extremely helpful, always went above and beyond. She truly appreciated the relationship that the school had with the Channahon Police Department. She wanted to recognize him on behalf of the State Senate with that she presented him with plaque.

ADMINISTRATION DEPARTMENT

- **A Resolution Authorizing the Release of All Claims for Bond Safeguard Insurance Company**
- **A Resolution Authorizing a Settlement Agreement by and between the Village of Channahon and American Chartered Bank and its Successors and Assigns**

Pena stated that staff and the Attorney Silverman has been working with American Chartered Bank for the past couple months in regards to a settlement agreement for Keating Pointe. Also

for a release on the Letter of Credit funds that they are holding onto. Attorney Silverman has been working with the attorney from the bank and has come up with an agreement.

Attorney Silverman stated that all of our bond claims were assigned to the bank years ago and they have now settled with the bond company. The settlement agreement with the bank essentially provides that the Village will be given the Letter of Credit funds of \$388,010. Once the entrance to U.S. Route 6 for Keating will then release them from any further obligation.

FINANCE DEPARTMENT

No formal items for discussion.

POLICE DEPARTMENT

First Baptist Church Carnival

Pena stated that the First Baptist Church had approached the Village in regards to having a carnival from July 18 to July 21. They were asked to notify the surrounding homes to the property.

Wendy McCormack was present on behalf of First Baptist Church. She stated that they would have a band present and a concern from the Board was how late they would be playing. She stated that they would only play until 8 or 9 p.m.

PUBLIC WORKS DEPARTMENT

Purchase of Replacement Dump Truck

Dolezal stated Truck #5, a 1995 Ford L8000 Dump Truck, is planned to be replaced by a 2013 International model 7400 4X2 truck. Bourbonnais Supply, Inc. is the customary supplier of this equipment. The International chassis is through the State Purchase program. The Village budgeted \$131,320 and the proposal submitted is \$127,765, which is slightly under budget.

Additional Engineering Fee Request for Services Associated with Woods of Aux Sable/Wedgewood Highlands Improvement Completion Project

Dolezal stated that the Village is completing improvements in Woods of Aux Sable and Wedgewood Highlands, which were not done by the developers. Extended construction time and unanticipated project management time have resulted in the costs exceeding the previously approved agreement with Strand Associates. The amount is \$6,750 in additional fees to Strand Associates.

COMMUNITY DEVELOPMENT DEPARTMENT

Hitchcock Sign Study

McMahon stated that a few months ago a contract was approved with Hitchcock Design Group. The idea was to develop a signature sign theme for the Village. The goal is to have a welcome sign prior to the Thornton's Gas Station, which they will be funding since it was in the annexation agreement. Also coming up with messaging signage, secondary and way findings signs. After several meetings, an email was sent with the samples for the Board to view.

It was also discussed with the Channahon Park District to have an electronic message board to be placed at the corner of Route 6 and Navajo Drive. Trustee Slocum, Pena and McMahon met with Champion Drywall to see if they can come up with a quote for the project. McMahon is

working with Hitchcock and IDOT to determine if these signs can be put in the right-a-way. IDOT only allows certain signs on Route 6, tourist, organizations, municipalities, schools, etc.

McMahon asked the Board for any comments. Mike Rittof was present and stated that there were multiple meetings and the signs that are before them were the ones that they selected.

An Ordinance to Amend Special Use Ordinance #649 for a Preliminary Planned Unit Development and a proposed Gravel and Stone Mining Operation

McMahon stated that Ketone Partners, LLC is the contract purchaser of approximately 263 acres of vacant land located south of the intersection of U.S. Route 6 and Bluff Road. This is the former Material Services Property. The property's current zoning is R-1 Single Family. The Village's Future Land Use Map designates the property as residential and commercial. The zoning of surrounding properties are; North of Commercial, Institutional, Residential, South of Open Space, East of Open Space, Recreational, and West of R-2 Single Family.

Ketone is proposing to acquire the Property and resume mining operations designed so that in the future the Property can be developed into a low-density, residential subdivision with commercial along U.S. Route 6 and Bluff Road. The proposed development will feature a lake surrounded on three sides by residential. Each lot will be in excess of one acre in size located either adjacent to the lake or Heritage Bluffs Golf Course. The residential development will be private, gated, with private roads and connected to Village water and sewer. A homeowners association will be established to enforce covenants and to maintain the roadways and common areas.

Some of the major provisions of the new SUP Ordinance are as follows:

- The original development plan outlined a medium to high-density residential subdivision with up to 732 dwelling units. The new plan limits the residential units to no more than 100 single family homes on one acre minimum size lots.
- The amount of commercial acreage is cut in half.
- The Property is subject to a Village recapture for sanitary sewer in an amount of \$550,000.
- The residential and commercial developments will be connected to the Village water and sewer system.
- A tipping fee of \$.05 per ton will be paid to the Village and will be applied as a credit to the recapture amount owed.
- No mining operations shall be conducted on tracts aggregating more than 10 acres in any given year unless a state mining permit is first obtained.
- Daily mining operations shall be from 6:00 a.m. to 9:00 a.m. Monday through Saturday. Hours of operation shall cease two hours earlier during the months of November, December, January, February and March. Mining Operations conducted within six hundred feet of a residence shall be conducted between the hours of 6:00 a.m. and 5:00 p.m. Monday through Saturday.
- Grinding and crushing operations, ready-mix operations and batching plants shall take place no nearer than one thousand 1000 feet from any residence. All other Mining Operations shall take place no closer than 200 feet from any residence.

- Prior to the removal of the existing tree line on the western half of the property, a berm of no less than 15ø and no more than 20ø in height shall be constructed along the western boundary. The berm shall have a 3 to 1 slope on its eastern face and a 4 to 1 on its western face.
- A 6ø foot berm will be constructed along the property line adjacent to homes fronting on Bluff Road prior to the commencement of mining.
- All berms will be landscaped in accordance with a landscaping plan approved by the Village prior to installation. All berms are intended to be maintenance free consisting of naturalized plantings, prairie grasses and flora allowed to grow to their natural height selected by Owner. Berms shall be planted with trees no less than 1 tree per each 40 linear feet of berm between 1 1/2" 2 1/2" caliper.
- A 6ø foot tall chain link fence may be constructed on the eastern face of the western berm or a decorative fence installed on the west side of the berm.
- Prior to the commencement of mining operations, the Owner will take water quality and water table samples and test those samples to establish a new baseline. Baseline sampling and measurements must be taking quarterly In order to provide sufficient time for the Village to establish base line information as to water table levels, for at least twelve (12) months after the first measurement has been made. No mining shall take place below the water table during this (12) month period.
- Mining operations will be conducted so as to not adversely affect the water levels or water chemistry in wells located within the Village. The Village shall have the right to sample the monitoring wells from time to time.
- The mining operator will use industry best management practices to reduce the amount of dust and debris generated. In the event the Village determines that mining activities on the Subject Property have resulted in the dispersal of dust or debris onto U.S. Route 6 or Bluff Road within one-half mile of the entrance to the Subject Property, the Owner shall take all steps necessary to clean up the mud or debris tracked onto roadways.

On May 13, 2013, the SUP ordinance was presented to the PZC and a Public Hearing was held. Over 60 members of the public attended the meeting with 20 speaking and signing in. The majority of the speakers were against mining all together on the property. Complaints included mining negatively affecting their shallow water wells, excess noise, dust and pollution leaving the property, hours of operation, trucks travelling Bluff Road, etc.

After a lengthy decision, the PZC decided it needed more time to make a recommendation taking in the comments made and reading notes taken by staff. No action was taken so the item was carried over to a future meeting.

Since that meeting, the Village engaged the services of Gordon Stevens with Patrick Engineering to review various documents to include the draft ordinance, Ordinance #649, Ketoneø's mining plan, and a 2001 Groundwater Study in order to prepare a report that:

- Formulates an opinion to the potential adverse impacts this type of mining may have on groundwater and water wells in the area.
- Formulates an opinion on the potential adverse impacts on groundwater of a lake being constructed.

- Provide mining industry best management practices that could be included in the amended SUP.

In a report dated June 25, 2013, Mr. Stevens made the following opinions and provided suggestions to the amending ordinance:

- Based on the information provided, sand and gravel surface mining will not likely negatively impact water levels in the aquifer and the shallow water wells. As a safety measure, the shallow aquifer should be tested annually for the life of the mining activities.
- Contamination of the groundwater by mining activities is unlikely. However, to add further protection a number of steps can be taken to include providing a Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control and Counter measures Plan (SPCC).
- The SWPPP should be submitted to the Village for review and approval.
- The original groundwater testing wells be reinstalled and testing to resume once mining activities begin.
- The section discussing the 10-acre per year limit be strengthened and reinforced.
- Mining and open pit setback language needs to be clarified and strengthened.
- Recommended to include a 10 to 20 foot setback from the lake or pit edge to the western berm's toe to all for vehicular traffic during later stages of mining operation.
- A permanent safety shelf be considered along the margins of the lake with a 10-1 slope.
- Alternative safety alarms on moving equipment with obstructed rear views should be utilized such as strobe lighting or infrared light devices to detect objects during mining to reduce noise levels. Any such device would have to be approved by the Mine Safety and Health Administration.

On June 26, 2013, the Planning and Zoning Commission held a Special Meeting to continue the May 13, 2013, agenda item. A summary of Mr. Stevens report was read aloud at that meeting. Approximately 20 members from the public attended the meeting. Residents had concerns with noise, hours of operation, dust and truck traffic.

The PZC discussed the following suggestion for the Village Board of Trustees to consider:

- Require mining be a wet operation and no dewatering to construct the proposed lake or pits.
- Limit the hours of the stone crusher to 6:00 a.m. to 6:00 p.m.
- Require a time table to complete mining and begin the housing development.
- Have the mining operator's contact information available at the Village.
- Assign one person from the Village as a point of contact for water well issues.
- Retain a consultant to assist with mining and water well issues.
- Remove commercial on Bluff Road.
- Water sampling and testing be done quarterly.

After discussion, the Planning and Zoning Commission voted to recommend approval of the ordinance and forward its find of facts to the Village Board of Trustees.

Gordon Stevens with Patrick Engineering, Kyle Schumacher with Ketone and his attorney Tom Osterberger were present for any questions or concerns the Board might have.

Mr. Stevens stated that the monitoring period for the mine, should be quarterly monitoring for the first year and then annual after that for the water quality. The water level monitoring should occur at least every two weeks during the baseline study. This is all contingent that it is going to be a wet mine and not dry mine.

Mr. Schumacher appreciated the comments and concerns that Board and staff had. He has not read the final version of Mr. Stevens report, but they will make sure it is mined properly. Mr. Osterberger, Ketone's attorney, stated that this is an additional amendment to the original zoning ordinance. The zoning for the mining is there for this property.

Attorney Silverman was asked by the VP Cook to provide a background on the property. He stated that in the late 80's Material Service Corporation (MSC) owned the property, including the golf course along with the property that Exxon Mobil has by the river down Front Street. MSC wanted to mine the property, which at that time it was incorporated. They felt they could mine property under permission from Will County at the time. If MSC didn't have the authority, they were going to obtain it. The Village came into the process at that time. It was going to happen with or without the Village's consent.

The residential use is what the issue is now with the property, which is why it needs to be covered in the agreement. The annexation agreement in 1991 had a term of 20 years. What was brought before the Board tonight is a first read to an amendment to the special use permit. Attorney Silverman stated that McMahon hit all the points in regards to the ordinance.

VP Cook clarified that the vote for this item is not for mining, that vote was taken several years ago. The vote is for new conditions and changes in the housing plan. Trustee Slocum questioned the time on the mining. Attorney Silverman stated that Ketone agreed to shorten the hours, since it has been a concern to the residents nearby.

Trustee Scaggs questioned the days of operation. Attorney Silverman stated that it is Monday through Saturday, no Sundays.

Trustee Militello stated this vote is not on hours; Ketone is negotiating the hours with us. Attorney Silverman stated that the previous permit established the hours, which were 6 a.m. to 10 p.m. Ketone will shorten the hours from 9 a.m. to 9 p.m.

Trustee Schumacher asked Mr. Stevens in regards to baseline testing, if he is recommending that it be done a year prior to mining starts or can they start mining and not go below the water level. Mr. Stevens stated that mining starts as long as it doesn't go below the water level during the monitoring period.

Trustee Schumacher asked about the setbacks from the golf course. McMahon stated that has not been addressed yet. Trustee Schumacher also stated that staff needs to have a set procedure in place for residents with well issues. A Village staff should be assigned to help residents and be able to provide contact information for them.

VP Cook opened the floor to the public for comments.

Gus Tomac, 24537 Moorman Avenue, spoke on behalf of some Channahon residents. He stated that the old agreement had a time frame of 20 years. The original agreement speaks to a permanent solution to this problem, so does that mean R-1 zoning or R-1 zoning with SUP that Ketone is proposing. The new agreement has no time limit. There is nothing that says this project will ever get done. The demand of upscale housing is being proposed and a development of a huge lake, with restricted usage to the residents in that subdivision. Bottom line no matter how long this project goes, there are going to be residents affected with the traffic, dust, noise, well problems, water and visual.

Mr. Tomac asked the Village Board for 30 to 60 days for the residents to obtain an attorney to review the information. Mr. Tomac would like for restrictions for what can be done by the end of the year. Unless you live in the area surrounding the property, you do not know what they are experiencing, it's continuous, and it doesn't stop. A berm was discussed at the west end, but it would not be constructed until the tree line is reached. The residents do not want to see mining.

Rich Busching, 24711 Bluff Road. He was here during the last mining operation, which started at 6 a.m. to 9 p.m. He comes home from work, sits on his porch and hears the rock crusher running continuously. He has dealt with the dust and traffic. The residents met and had discussions because a concern with their wells. At the first meeting nothing was said in regards to dredging. It was said that they were going to mine and dig a lake; no one said anything about pumping water. The second meeting is when they mentioned dredging.

Mr. Busching stated that they would like to have a contact person, just to get some general information from as Trustee Schumacher mentioned. The scale guy at the gate house is not going to be helpful, he would give them a number to call and no one ever answered. He use to wash his house four times a year from the dust. If this does go through can they run water through so that the dust is somewhat controlled. This is going to be a gated community, not one person living around it will tolerate this for however many years. He lives right next to it and the lake will not serve him. When will the first house be constructed, since none of that information is in the agreement. He stated that Channahon is homerule, which allows us to do what we want to with noise. It doesn't matter that they have an agreement to mine, 20 years ago, there may have been 10 or up to 15, but now there are over 100 residents.

Mr. Busching just asks that something be done with the noise and the weeds. There is an ordinance for weeds over 8 inches. The piece is annexed into the Village and has never been mowed. If they are going to mine, it should be mowed. Another issue is the traffic to be considered. Since there is no end time frame, why not keep it at mining 2 acres a year, it'll keep the traffic down, dust down and noise down from the original agreement. They are asking for 10 acres a year, which would increase it 5 times of what it is.

Hillary Hammer, 24804 W. Bluff Road. She is going through Will County for some restrictions with Bluff Road, due to the pollution, traffic and the noise. A lot of these trucks will come up on Bluff Road. There are safety issues, it is a 45 MPH, and people push the envelope and drive quicker. As for the petition, she would like the help of the Village to petition Will County to do a traffic study to slow the traffic down. It will help with the noise, pollution, safety and water. As well as the walkway, which she brought up at the PZC meeting. There is a pedestrian walkway from the golf course parking lot to go to the park across the street. She feels it is not noticeable to large semi-trucks coming through and during the peak hours in the morning and in the afternoon about 4 p.m.

Bill Hulbert, 24913 S. Center Street. The berm collects all the garbage, is it possible to put the berm on the inside of the fence or at least one on top, so we can take care of the property. They should drill some test wells, as deep residents in the Lamping subdivision. They need to then monitor those wells, not one that's a mile down the road out in the field.

Mr. Osterberger, Ketone's attorney, stated that if an outside attorney looks at this agreement, it doesn't matter whether or not this Board passes this ordinance and if the attorney has a problem with the zoning. The Village attorney and staff who have reviewed this agreement and having an outside attorney look at it and make suggestions to the Village, all input is good, but it will not affect the vote here tonight.

Ms. Hammer stated that she thought that they were not going to start mining until winter, from a PZC meeting, which gives them a little more time for to investigate. Mr. Schumacher stated that there are a lot of different variables that impact when the property was acquired and the amount of time with delays going through this process.

Trustee Slocum stated that the residents are looking to stop the mining. Attorney Osterberger said the problem they have is the zoning and that is a different action, than appealing to the Board to not let this pass. This is from the special use permit conditions, not the granting of the mining.

Trustee Slocum stated that the residents would just like it stopped altogether with whatever power the Board has. VP Cook stated that there is no action for this issue at the Board meeting.

VP Cook adjourned the Committee of the Whole meeting at 7:08 p.m.

**Submitted by
Leti Anselme
Deputy Village Clerk**