

**DEKALB COUNTY REGIONAL PLANNING COMMISSION**  
**MEETING MINUTES**  
**March 22, 2007**

The DeKalb County Regional Planning Commission (RPC) met on March 22, 2007 at 7:00 p.m. in the DeKalb County Administration Building, Conference Room East, in Sycamore, Illinois. In attendance were Commission members Cheryl Aldis, Frank Altmaier, Mike Becker, Rich Gentile, Becky Morphey, Bill Nicklas, Paul Rasmussen, Suzanne Sedlacek, Roger Steimel, Jerry Thompson and Ralph Tompkins. Audience members in attendance were Bruce Meerman, W. C. Van Lewt, Linnea Kooistra, Paul Rasmussen, Paul Butler, Rob Cisnerus, John Begun, Jim Schreiler, Doug Dashner, Scott Hunt, and Patricia LaVigne. Also in attendance were staff Paul Miller and Marcellus Anderson.

1. **Roll Call** -- *Mr. Rasmussen noted that all members were in attendance, except: Dan Godhardt, Jim Knox, Don Pardridge, and Dennis Ragan. Suzanne Sedlacek arrived shortly after the roll was called.*
2. **Approval of Agenda** – *Ms. Morphey moved to approve the agenda, seconded by Mr. Altmaier, and motion carried unanimously.*
3. **Approval of Minutes** – *Mr. Tompkins noted that in the fourth paragraph under item eight (8), "... approximately 3,300 lots ..." should be corrected to say "... a total of 3,300 lots, approximately 1,500 of which ...". Mr. Tompkins then moved to approve the corrected minutes of the January 25, 2007 meeting of the Regional Planning Commission, seconded by Mr. Nicklas, and the motion carried unanimously.*
4. **Summary of February Informational Seminar**

Mr. Miller related the events of the Informational Seminar sponsored by the Regional Planning Commission, which occurred on February 22, 2007 in the DeKalb County Legislative Center in Sycamore. He noted that the seminar was well attended, with approximately 40 persons from a number of different communities, including one municipality from outside DeKalb County. Mr. Miller complimented the Ralph Tompkins, Rich Gentile, Daniel Hirsch, and Kelly Cahill on their presentations and informed the Commission that feedback he had received since the Seminar indicates that the information provided was useful to and appreciated by the attendees.

Mr. Miller suggested that Commission members should consider whether a second informational seminar, perhaps in the Fall of 2007, should be planned. He also recommended that Commission members informally poll the members of their municipal boards and councils to see what information or topics would be of greatest interest.

**5. Proposed Water Authority**

Mr. Miller informed the Commission that since January, the boundaries of the proposed water authority had been modified by the Circuit Court. The revised Kishwaukee Valley

Water Authority boundaries would include all of DeKalb County except the City of Genoa, the Village of Maple Park, and Sandwich and Somonauk Townships. If approved, the Authority would exempt agricultural uses and individual single-family residential wells, but include other users of groundwater, in particular the other municipalities within the County. The exclusion of Genoa and Maple Park would apply only to the current boundaries; territory annexed by either city in the future would be under the jurisdiction of the KVWA. Which would mean that cities would have to receive the approval of the Authority before new municipal wells within its boundaries could be dug. Mr. Miller noted that The Commission tabled action on the issue in January pending the outcome of the Court ruling on the petition and the possible boundaries. He noted that the petition is now on the April 2007 ballot, and given the potential impact the proposed water authority would have on growth and development plans and jurisdiction by the County and the municipalities within it, he had suggested that it would be appropriate that the Regional Planning Commission to consider taking a formal position on the proposal. He informed the Commission that they could choose to express support, opposition, or a neutral stance with respect to the proposed regional water authority.

Mr. Miller added that the Commission could also choose to not have any discussion on the issue at all; he explained that at the DeKalb County Board meeting, which held on the previous evening, that the DeKalb County State's Attorney had advised the County Board of a recent recommendation from the Attorney General's office against discussing such issues, due to possible a possible conflict with an Illinois ethics law. Based on that recommendation, the County Board opted to remove the KVWA from its agenda. Mr. Miller informed the Commission that they should be aware of this and that may want to consider whether it would be appropriate to continue discussing this issue.

Mr. Rassmussen asked Mr. Miller whether or not the recommendation from the Attorney General's office applied to the Commission. Mr. Miller answered that he had attempted to contact the DeKalb County State's Attorney concerning that question, but had not yet received a response. Mr. Rassmussen inquired of Commissioners whether they wanted to discuss the issue or not. He added that the City of DeKalb was currently neutral on the issue.

Mr. Nicklas stated that the City of Sycamore was also neutral on the issue.

Mr. Thompson stated that he felt that the Commission should discuss the issue, and further added that they should recommend against supporting the KVWA. He opined that proponents of the proposed authority were using the State ethics law to strangle public discussion of the issue.

Mr. Rassmussen related that, in his experience, DeKalb County is far better equipped than most counties to deal with the issue of its water resources, in particular noting the presence of DeKalb County Unified Comprehensive Plan and the Commission itself. He added that although he was taking no stand on the issue, he wondered whether the KVWA was needed.

Ms. Sedlacek also questioned whether the KVWA was needed and added that the whole process seem very rushed.

Mr. Tompkins also agreed that there seemed to be no need for the KVWA in DeKalb County.

Mr. Steimel recounted what occurred at the County Board meeting on the previous night, and noted that the County Board opted to take no stance. He noted, however, that the issue of managing the County's water resources was important and requires looking into now, not later. He also stated that he saw many of the arguments, both for and against the KVWA as valid.

Mr. Nicklas stated that legal consul for the City of Sycamore had informed their City Council of the same recommendation from the Attorney General's Office, and that he also felt constrained against voting on this issue. However, he added that he agreed with Mr. Steimel's concern that this is an important issue, and that further study and investigation needs to be done.

Ms. Aldis stated that the move to create the KVWA is happening too quickly.

Mr. Tompkins agreed, adding that once the Authority has been established, it can not be removed.

Mr. Rassmussen added that he had some questions about the motives behind the creation of the KVWA.

Mr. Thompson voiced his desire to see what evidence the supporters of the KVWA have that including DeKalb County in the KVWA would be beneficial to the County.

*Mr. Thompson made a motion that the Commission take a formal stance in opposition to the proposal to establish the KVWA. The motion was seconded by Ms. Sedlacek.*

Mr. Nicklas, Mr. Rassmussen, and Mr. Steimel all noted that they would have to abstain from voting on this issue due to the recommendations put forth by their respective legal consuls. Ms. Sedlacek noted the Village of Waterman had already filed its objection to the KVWA, and thus she felt no restriction in her ability to vote on the issue.

*A roll call vote was called. Ms. Aldis, Mr. Gentile, Ms. Sedlacek, Mr. Thompson, and Mr. Tompkins voted yes. Mr. Altmaier, Mr. Becker, Ms. Morphey, Mr. Nicklas, Mr. Rassmussen, and Mr. Steimel choose to abstain from voting. Five (5) yes votes, and six (6) abstentions; the motion failed for lack of a majority.*

Ms. Morphey explained that she abstained because the Village of Somonauk had been removed from the area to be included within the KVWA.

Mr. Altmaier explained that he abstained because he did not feel it would be appropriate for him to take a stance on the issue until he had received some direction from the Village of Kingston as to its position on the issue.

Mr. Miller inquired whether any further action would be taken by the Commission on this issue.

Mr. Nicklas suggested that since the vote on the proposal would occur before the next meeting of the Commission, that the Commission plan to discuss the results of the vote at its next meeting in May of 2007.

*No further action was taken on this item.*

## **6. Proposed Annexation Law**

Mr. Miller noted that the Commission had discussed possible legislation regarding municipal annexation law in January and March of 2006. The issue at that time concerned an existing provision that allows that a municipality might enter into an annexation agreement with the owner of a property not contiguous with the boundaries of the municipality, and thus could not be annexed, and subsequently would allow development to occur on that property as though it were within the municipal boundaries. Such authority has the potential to thwart regional planning efforts, and to pit municipalities against one another. State Representative Robert Pritchard had filed a bill to address the issue, proposing to include DeKalb County among the collar counties which are currently (largely) exempt from this provision. The bill was subsequently withdrawn, and staff promised to advise the Commission if the issue was resurrected.

Mr. Miller stated that Representative Pritchard had re-submitted the Bill with a modifications. As currently drafted, municipalities would retain the ability to allow development via an annexation agreement on properties that are not contiguous, provided those properties are within 1½ miles of the corporate limits. However, DeKalb County and others abutting the collar counties would be able, by a 2/3 majority vote of the County Board, to retain its development authority over any properties outside the 1½-mile planning jurisdictions. It should be noted that the bill would not prohibit a municipality from entering into an annexation agreement with a property outside its planning jurisdiction; it would merely prohibit that municipality from allowing development of that property until the property is within 1½ miles of the corporate limits. Further, if a municipality did want to allow development on a property that is more than 1½ miles away, it could petition the County to allow the municipality to have jurisdiction over that project, which could be granted for that project by a majority vote of the County Board. Mr. Miller noted that a copy of HB 3597 is attached. He stated that the Commission was requested to consider the Bill and to decide whether it should take a stance with respect to the proposed change to municipal law.

Mr. Tompkins inquired whether the a property had to be completely within the 1 ½-mile area or if only a portion of it had be inside that area. Mr. Miller responded that a reasonable interpretation is that if any part of a property is inside the planning area, then the property should be allowed to be developed via an annexation agreement.

Ms. Aldis stated that the Commission should not sign onto anything, and read a statement written by the mayor of Cortland, indicating the town's opposition to the amended bill.

Mr. Nicklas indicated that the City of Sycamore has supported the amendments to the annexation agreement law in the past.

Mr. Steimel stated his opinion that the bill has merit and should be supported.

Mr. Rasmussen commented that the City of DeKalb wouldn't be affected since its own policies would prevent it from taking the kind of actions the bill would prevent.

*Following further discussion, Mr. Nicklas made a motion that the Commission take a formal stance in support of the amended bill. The motion was seconded by Mr. Gentile. A roll call vote was called. Mr. Gentile, Mr. Nicklas, Mr. Rasmussen, Mr. Steimel, and Mr. Tompkins voted yes. Ms. Aldis, Mr. Becker, Ms. Morphey, Ms. Sedlacek, and Mr. Thompson voted no. Mr. Altmaier choose to abstain from voting. Five (5) yes votes, five (5) no votes, and one (1) abstention; the motion failed for lack of a majority. No further action was taken on this item.*

- 7. Municipal Development projects** - Included within each Commissioners packets were the current development projects that was / was not highlighted by each Commissioner.

Mr. Thompson reported the Malta has one annexation agreement underway.

Mr. Tompkins reported that nothing new was happening in the Village of Maple Park.

Mr. Altmaier reported that nothing new was happening in the Village of Kingston.

Mr. Gentile reported that nothing new was happening in the City of Genoa.

Mr. Becker reported that the Village of Kirkland was still working on updating their subdivision ordinance.

Ms. Sedlacek reported the opening of a new restaurant called Trattoria Da Francesca in the Village of Waterman, and that the Aurora Sportsman Club had recently had its groundbreaking ceremony. She also advised staff that the Kennedy Homes entry on the Current Development Projects list has been withdrawn.

Mr. Nicklas reported that the City of Sycamore has seen a lot of commercial interest recently along the Bethany Road and Gateway Drive corridors, east of the new hospital. He also added that he felt that the Commission was doing a good job.

Mr. Rasmussen distributed copies of the City of DeKalb's Downtown Revitalization Plan. Mr. Thompson inquired whether a special assessment district would be included in the plan, and Mr. Rasmussen responded that there would not.

Ms. Aldis reported that the Town of Cortland has been quiet. She noted that Cambridge Homes were putting the models for their subdivision, and that the new sewer plant was up and running.

Ms. Morphey reported that nothing new was happening in the Village of Somonauk except that the new well is still under construction.

Mr. Steimel reported that if the KVWA proposal is passed, the County Board would work with it, but that if it failed, the County Board would do its own study to address the issue.

**8. Adjournment** -- *Mr. Tompkins motioned to adjourn, seconded by Mr. Altmaier, and the motion carried unanimously.*

Respectfully submitted,

Paul Rasmussen  
Chairman, DeKalb County Regional Planning Commission

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