

**Kane County Road Improvement Impact Fee
Advisory Committee**

**Kane County Government Center
County Board Room**

Meeting Minutes - March 8, 2007, 8:00 a.m.

Members in Attendance:

Chairman Don Wolfe
Vice Chairman Frank Griffin
Larry Keller
Jeffrey Schielke
Christine Ludwiszewski
Dave Morrison
Catherine Hurlbut
Jan Carlson
Mike Rorex (alternate for Dunlap)

Kane County Board
Kane County Economic Development Advisory Board
President, Village of West Dundee
Mayor, City of Batavia
Attainable Housing Alliance
Village of Elburn
Kane County Board
Kane County Board
Local 150

Others Present:

Deborah Allan
Gerald Jones
John Fahy
Tom Van Cleave
Phil Bus
Carl Schoedel
Jerry Dickson
Steve Coffinbargar
Heidi Files
Christy Sabdo
Patrick Jaeger
Karl Fry
Susan Secondi
Mary Randle
Sherman Jenkins
Scott Buening
Chad J. Pannucci
Ron Naylor
Charles Radovich
Scott Marquardt
Freda Beth Schmulte

Kane County Board
Kane County Board
Kane County Board
Kane County Board
Kane County Transportation and Development Group
Kane County Division of Transportation
Kane County Division of Transportation
Kane County Division of Transportation
Kane County Division of Transportation
Kane County Development Department
Kane County State's Attorney
Intersect LLC, Consultant for Kane County
Nihba/Sterling Homes
Metro West COG
City of Aurora
Village of Sugar Grove
Centex Homes
Engineering Enterprises
City of Geneva
Village of Carpentersville
Village of Hampshire

I. CALL TO ORDER

Chairman Wolfe called the Kane County Road Improvement Impact Fee Advisory Committee meeting to order at 8:07 a.m. Mr. Mike Rorex was introduced as Mr. Dunlap's alternate.

II. ROLL CALL/

A quorum was established with nine (9) voting members present.

IV. APPROVAL OF MINUTES (January 17, 2007 meeting)

Under Old Business, second paragraph, last sentence, Griffin clarified his point was that there were deficiencies on Randall Road but he did not believe new development should pay all of the fees. On page 3, first full paragraph, Griffin clarified the letter he received was information he received at a public meeting in the Village of Sycamore. Also, the last sentence of the same paragraph, Griffin clarified he was using Sugar Grove as an example of a community and that if they had development, it probably would lower the traffic counts east and west. **The minutes of January 17, 2007 were approved, with noted clarifications, on motion by Carlson, seconded by Griffin. Motion carried by voice vote of 7-0.**

A change in the agenda followed:

VI. REPORTS - None

VII. OLD BUSINESS

A. Updated Municipal Comment Summary - Mr. Fry noted that the comments received were reorganized from the most current comments (in bold) to the last.

B. CRIP Project List - Coffinbargar referred to a number of maps in the packet, noting the first map depicted the projects that contained elements which were existing deficiencies in 2004, the future deficiencies that were impact-fee

eligible and identified in the original development of the ordinance, and those projects that were newly identified future deficiencies and were fee eligible. (Mr. Schielke arrives.) The second map was basically the same as the first but now included those projects that contained elements that had existing deficiencies and all CRIP eligible projects. The third map reflected the three services areas and would be presented at the public hearing. The last document was a revised CRIP project list which included refined scopes of work. The items in "red" were revised from the last version the members saw. Coffinbargar clarified that projects were not being added but, instead, the location limits of the projects were either revised, expanded, or reduced due to municipal comments and/or staff comments. The "Estimated Cost" column was further refined to bring the costs up to date. The "Non-County" column included outside funding sources or elements not impact-fee eligible. The "Estimated Calendar Year" column was added and included when anticipated construction would start, as required by statute. The last three columns reflected how the costs were distributed between the three service areas if a CRIP project overlapped a service area. Final costs per trip were shown in the bottom right-hand corner.

Coffinbargar explained the phase-in fee schedule would fund 32% of the CRIP projects during the first year, followed by 40% the following year. If reviewing the fees that are being charged in the service areas, based upon those percentages, Coffinbargar explained they were roughly what the largest amount the county was charging under the current ordinance. Also, in proposing the grandfathering clause, it further reduced the amount of impact fees the county received, which had an effect on the programming. Griffin expressed concern about the costs of future construction and infrastructure. Mr. Fry stated the projects were in current dollars and as projects costs increased, the county board could adjust the fees to address the increases. Coffinbargar explained State statute and the county's existing and proposed ordinance allowed for a construction cost index increase should the county board want to consider it. Also, every five years it would require this advisory board's review.

C. Phase-in of Revised Impact Fee Schedule - Per Coffinbargar, staff has been looking at the CRIP projects and adjusting the scope and necessary costs. The phase-in fee schedule has been adjusted accordingly. The costs have decreased slightly but not dramatically. The fees are within 5% between the three service areas. The schedule will be shown at the public hearing.

D. Impact Fee Ordinance Amendments - Mr. Fry discussed the new and revised sections of the ordinance. When he meets with the county board, two copies of the documents will be provided -- one clean and one red-lined. Mr. Fry walked through the changes, noting some of the highlighted changes were an outgrowth of staff's experience, recommendations from legal staff, or were housekeeping matters. Ludwiszewski asked for clarification of "Existing Deficiencies" as it relates to those deficiencies referenced in 2003. Griffin expressed concern that the board was not updating its figures prior and now it was. An error was noted on Line 127 under Building Permit ("or a municipality"). Continuing, Mr. Fry stated that through the Fee Agreement process the county has the ability to address concerns a developer may have if he claims a use will be a lower intensity. They can be addressed on a case by case basis. Hurlbut noted on Line 416, the board did not pass a motion to include the verbiage "upon the request of the Developer". She specifically recalled otherwise. Mr. Fry would revise Line 416 to read, "Approval prior to January 1, 2008, shall be assessed a Road..." Griffin recalled that it was agreed upon prior because it was the fair thing to do and it delineated a specific line. On page 13 and 14, Wolfe called attention to the fact that this was where the formula changed from a needs-based approach to facilities-based approach. A suggestion was made by Ludwiszewski to combine Section Sixteen, *Refunds*, subparagraph 3a and 3d since they were basically stating the same thing. Attorney Jaeger recommended combining the two paragraphs together. Mr. Fry stated Section Eighteen, *Discounts*, was a new section. Ludwiszewski asked staff to send her an electronic copy of the revised fee schedule.

III. PUBLIC COMMENT

Mr. Sherman Jenkins, Exec. Dir. of the City of Aurora's Economic Development Commission, expressed concern how the fees would affect the City of Aurora's downtown area. He stated much redevelopment was occurring in his city and while the discounts were fine, he believed the issue of brownfield cleanups needed to be addressed. Specifically, he stated the impact fees would be substantial to Shodeen Development, who had a redevelopment project in Aurora's downtown area, as well as other developers who were interested in his downtown. He asked that brown field clean-ups be an exemption from the impact fees. While he had some other issues as well, he again, reminded the board of the progress being made in his city. Per Keller's question, Mr. Jenkins stated the costs of the brown field cleanup compared to the impact fees for the Shodeen development would range from \$8 million to \$10 million dollars. Chairman Wolfe asked whether Mr. Jenkins had spent time with county staff discussing this matter, wherein Mr. Jenkins stated he did not but would in the future.

Listening to the concerns raised and discussing his own municipality's concerns about brown fields, Keller agreed

brownfield clean-ups were expensive. To have a developer assume the responsibility was a positive for a community but he also stated he would like to ensure that developers who are willing to take on that responsibility are not discouraged by the impact fees. However, he also recognized that the county had to charge impact fees relative to development. Keller suggested that the cost of brownfield remediation in areas be deducted 100% from the impact fees. Hurlbut, however, raised discussion that just about every community had redevelopment occurring along the river and she did not know how significant of an impact this would have on the county's fees. To say that brownfields should be exempted would need more discussion. She recommended that the City of Aurora meet with county staff to discuss the real impacts. She also pointed out that this board has not heard from any of the other developers working in downtown Aurora.

Mr. Fry offered to bring back the discussion of brownfields after the public hearing and after discussions with the City of Aurora. Per Carlson's question to Batavia's Mayor Schielke, Mr. Schielke explained that in his city, usually waiving impact fees were an inducement but believed the matter had to be treated on a case by case basis. He agreed with Hurlbut that Aurora should speak to county staff. Furthermore, Mr. Schielke pointed out that there has always been a common notion among this board about sustaining and supporting downtown redevelopment. He believed the ordinance already allowed much latitude for staff to work with downtown redevelopment issues, as discussed in the ordinance. Carlson suggested that if the cities expected the county to waive its fees, he would expect the cities to waive their fees to the developers, if they have not already done so. Mr. Schielke discussed the positives already being seen in Aurora and believed that anything that could be done would be helpful. Ludwiszewski cautioned staff, however, that when they meet with Aurora that they be cognizant of the "specific and uniquely attributable" requirements of the state statute as it relates to the CRIP draft because the downtown redevelopment appeared remotely from the improvements on North Montgomery Road and the county could be vulnerable on that issue if a developer were to challenge it.

Van Cleave commented it would interesting to know how many brownfield sites were part of a TIF district and whether staff should take it under consideration. Hearing a discussion about TIFs, Griffin questioned whether brownfields needed to be eliminated from the discussion. Hurlbut expressed concern that if this issue needed to be addressed then all of the other issues had to be addressed. Wolfe pointed out that besides discounts, extensions and credits, there was individual assessments of projects that could take place which allowed for much latitude.

Regarding the ordinance, Ludwiszewski expressed concern about the verbiage "effective date upon adoption by the County Board." She recalled the Committee talked about the effective date being either six months or a year after adoption by the board. Mr. Fry explained the new ordinance included the grandfather clause but the intent was to make the ordinance effective immediately. Ludwiszewski expressed concern that if the ordinance adoption date took place immediately it would affect those developers getting their proformas in order. Hurlbut reminded the board that the time frame was discussed prior and it was determined to begin January 1, 2008. Ludwiszewski recalled there were two discussions: the first was the effective date of the ordinance that would apply to all projects. The second was for those projects that already received site specific approval by January 1, 2008 and for those projects that were not site specific, there would be a "cushion" when the fee was immediately in place. Mr. Fry responded that those developers who did not have site specific approval would have to then get their projects site specific by January 1, 2008. Ludwiszewski expressed concern there were developers who were not aware of the fees. Wolfe disagreed, stating this was not new information and developers were very sophisticated and the fees were of percentage of the cost of the projects.

V. RECEIVING COMMUNICATIONS - Wolfe received an e-mail received by the county board chairman with nine questions. He would have staff respond to the questions. Mr. Fry would insert the responses into the municipal comment.

VIII. NEW BUSINESS

A. Schedule Next Meeting - Coffinbargar stated the public hearing was scheduled for April 11, 2007, 7:00 p.m. in the lower Auditorium. Asked if another meeting should be held prior to April 11th, members did not feel one was necessary. The committee will have 30 days to make a final recommendation to the county board. Staff suggested meeting on April 26, 2007 to allow staff more time to gather public input after the public hearing. The committee concurred on the April 26th date. After this committee makes a recommendation to the county board, the county board will have not less than 30 to nor more than 60 days to act on the recommendation.

IX. ADJOURNMENT

The meeting was adjourned at 9:23 a.m. on motion by Carlson, seconded by Hurlbut.. Motion carried.

Celeste Weilandt
Recording Secretary