

# MONROE COUNTY PLANNING COMMISSION MINUTES

June 4, 2020

7:30 p.m.

The regular scheduled meeting of the Monroe County Planning Commission was called to order by Chairman Carlyle Mueller. Members present were Karin Callis, Dan Davis, Dave Glosecki, Carlyle Mueller, Mary Neff, Charles Pittman, Kurt Roettering, and Jay Vogt. Ex-Officio Members present were Robert Elmore, Vicki Koerber, Aaron Metzger, and Chris Voelker.

All decisions will be unofficial recommendations to the Board of Appeals due to only 8 members present, 11 are needed for a quorum.

APPROVAL OF MINUTES: Corrections – change the motion on the Meyer Special Use Petition to “own and managed.”

Meyer’s original petition in March. Letter intent was for the rezoning, not the special use. Dan Davis motion to change the minutes to reflect the correct letter of intent. Mary Neff second. All Aye by voice vote

## NEW BUISNESS:

Petition for: Area/Bulk Variance                      **Current Zoning: A-1**  
Petition by: Domenic and Christine Petruso  
Located at: 3306 State Route 156, Waterloo, IL 62298  
PIN: 07-33-300-010  
Fee: Paid

## Documents Reviewed:

### 1. Letter of Intent:

This Letter of Intent is in support of my request for a variance to the side yard setback requirement. I would like to replace an existing 8' x 16' shed on my property and use the space where that shed was to build a 24' x 24' outbuilding. The existing shed is only 8' off the east property line. I would like for the new outbuilding to be 8' off the east property line as well. I realize this does not meet the required setback. Due to the topography of my property and the location of my driveway there is no other feasible alternate location.

### 2. Health Department: No comment

3. Soil and Water Conservation Report: No Comment
4. Effect on Comprehensive Plan: Minimal
5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: Minimal
6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: Minimal
7. Present Use of Property: Residential
8. Comments: No neighbors present. Petitioner answered questions from the board.
  - Domenic Petruso stated the due to the topography of the property he needs the variance. He would like to replace an existing shed. He showed the location on the presented picture.
  - Dan Davis verified where the building would be.
  - Domenic Petruso asked if it was too late to ask for 5' due to a maple tree.
  - Dan Davis asked about the utility easement.
  - Carlyle Mueller went out there to look at it. The shed would go under the power line and Ameren's easement. He told the applicant he would have to contact Ameren regarding easement. It could be done on a different location, but it is not ideal with sinkholes and powerlines.
  - Domenic Petruso said the existing shed was portable, but has been there for many years.
  - Karen Callis asked if we can give someone a building permit on an easement.
  - Carlyle Mueller said the petitioner would have to convince Ameren that he can go on their easement.
  - Brain Coats said to go to RGIF view which shows (although not accurate) the easements. He asked if his house would be in the easement.
  - Domenic Petruso said he was told it was 8', so that is why the house was put there. He doesn't know the truth to it.
  - Carlyle Mueller said the powerline would go over the shed.
  - Dave Glosecki mentioned the powerline on the property line. Typically, there is a 16' easement, 8' in the property. He would need a variance from Ameren.
  - Carlyle Mueller thinks the powerline is probably the property line.
  - Dan Davis said it comes down to where we can say subject to, but thinks we need to table it until he gets Ameren survey.
  - Domenic Petruso said with the time would like to have it approved subject to getting approval from utility company to keep things moving.
  - Kurt Roettering said it all should've been together already.
  - Karin Callis agreed with Kurt Roettering.

- Brian Coats asked then why did we approve the other.
  - James Agne agrees with Karin.
  - Joann Hartman also agrees.
9. Motion made by Dan Davis to table the petition until utilities are surveyed, second by Joann Hartman to table application until proven that location is acceptable for utilities, passed by vote yes – 13, no – 2. Motion approved.
10. Dan Davis moved to remove from table Domenic and Christine Petruso’s Area/Bulk Variance, second Jay Vogt.
- Petition was tabled at the May 7<sup>th</sup> Planning Commission meeting to allow the applicant time to get approval from Ameren.
  - Domenic Petruso provided a letter from Clay Frankenreiter of Ameren Illinois. It read as follows:
    - Mr. Domenic Petruso reached out to Ameren Illinois regarding the constructing of a new out lot building on his property. Based on the location that Mr. Domenic Petruso provided us and as long as the horizontal clearance of a min. of 7.5’ and a vertical clearance of a min. 13.5’ from our existing lines are met, we do not see any issues of the proposed out lot building as found in the attached drawing.
  - Carlyle Mueller confirmed the provided letter.
11. Motion made by Dan Davis to approve, second Kurt Roettering, passed by vote, yes – 8, no – 0. (Unofficial recommendation due to not a true quorum).

Petition for: Special Use Exception **Current Zoning: A-1, Agriculture**  
 Petition by: Michael Killy  
 Located at: 7689 Tranquil Lane, Waterloo, IL  
 PIN: 07-18-300-002  
 Fee: Paid

Documents Reviewed:

1. Letter of Intent:

To whom it may concern Michael Killy owner of MK TRUCKINGSERVICE INC. would like to continue to let MK TRUCKING SERVICE INC. park dump trucks at 7689 Tranquil Lane Waterloo IL. With a special use permit 40-2-10 special use  
 (I) Construction related equipment

2. Health Department: no comment
3. Soil and Water Conservation Report: no comment
4. Effect on Comprehensive Plan: minimal

5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area:
6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: minimal
7. Present Use of Property: Agricultural, dump truck storage
8. Comments:
  - Dan Davis – Mr. Killy wants to be able to park his trucks there for his business.
  - Michael Killy said he's been doing it for years. Picture shows what it looks like most of the time. (on projector)
  - Dan Davis – How many trucks are on site and are they parked inside?
  - Michael Killy – 5 and yes
  - Carlyle Mueller – The road that goes in, goes in front of the shed.
  - Michael Killy said he owns it. And explained on the projector what each of his buildings are and what he owns. Has been as neighborly as he possibly can. Is in the process of building a house. The other house will be taken down. Showed two structures that are owned by the neighbors. He improves the driveway for himself and the neighbors to use. Four landowners around him plus a lot. They use his easement to access their properties.
  - Kurt Roettering asked how long he has lived there.
  - Michael Killy said his daughter lives there, bought in 2015.
  - Kurt Roettering questioned if his purpose would be changing.
  - Michael Killy - said he isn't changing anything. Everything is staying the exact same. When the house is finished, he may build a small detached garage. He raised the road, so it won't wash anymore.
  - Jay Vogt mentioned that evidently, he started out with one truck and has added.
  - Michael Killy responded no, started with three and added an addition to park inside.
  - Jay Vogt – at some point businesses become too big and need to be moved into a commercial area.
  - Michael Killy – not planning on expanding. In fact, considering down-sizing.
  - Carlyle Mueller asked if any neighbors are present to speak.
  - Sharon Taylor – the asphalt road on the side is all cracked and by her mailbox there is a huge rut.
  - Dan Davis questioned if this is on D Road and is the rut because of his trucks.
  - Sharon Taylor – has lived there for 40 years and it has never happened up until 3 years ago.
  - Michael Killy – talked to the commissioner and asked if it can be fix. He went and put some rocks to fix it about a year ago.
  - Sharon Taylor – showed her place on the map (projector). Noticed other areas that are cracked but they aren't as deep as the one in front of her mailbox.
  - Carlyle Mueller said it is probably for the road commissioner.

- Dan Davis mentioned that it is probably not from the trucks.
- Catherine Buchanan File – this has been an ongoing problem for 4 years. Michael Killy had to improve the road to get his trucks in and out. It is 5 days a week, sometimes 6 trucks in and out. Four years ago, when it first started, they were told it was agriculture. Then she saw the trucking name on the side of the trucks. Called zoning, they said it was a gray area and they would get back to her. Never got back to her, but there was a rain and a tree fell. The county came out regarding the tree. Has come in bullying telling them not to call the county. The adjoining neighbors are not happy, those that are happy live down the road. She has pictures of trucks not parked outside. There are employees coming in and out. She called Mike Fausz, to see how this can happen. He wouldn't call back. The piles and asphalt and equipment, trucks, employees have made it not a beautiful place. When the earth moving company came out, she called Chris Voelker. She was told to make a complaint, but she was scared. She just wants to live in a nice area. This has really been hard. Chris Voelker came out and understood what they were talking about. The application for the building permit was just marked agriculture there was nothing about a trucking company. She feels that was a misrepresentation. From day one Michael Killy had trucks in Valmeyer and they didn't want them there. He was running a business from the beginning because Valmeyer didn't want his trucks there. It is not true that everyone has been ok that he has been doing this. Everyone is concerned, but they are scared. Everyone is saddened by the whole thing.
- Dan Davis – so his employees come in and get the trucks.
- Catherine Buchanan File – they come in the morning and throughout the day. Have never gotten used to the noise the trucks make when they empty. At 6:00 every morning it is her alarm clock.
- Kurt Roettering– everything has been going on and now there was a complaint. So now he has to have a Special Use to be in compliance.
- Chris Voelker– it went to the Board of Appeals they agree that it was a business running there and that he needs a Special Use.
- Carlyle Mueller -There was one other trucking outfit there that ended up moving.
- Don File – when he first put up the buildings, we had the water problem. He has bought loads of rock too. Their road never had potholes before. His wife asked him how he can just raise the road and add a culvert. How can he insult a woman's capability to plan a road, she knows what she talking about? There's a fuel tank there, what happens if there is a spillage. It will run into the pond and onto their properties. At the beginning Mike Fausz said all he hauls is grain and lime. If he hauls that much grain why doesn't he have grain bin doors in the back of the truck.
- Michael Killy – they have never asked me what I haul. He raised the road and made it, so it didn't drop so hard. As a courtesy he put in a culvert.
- Kurt Roettering – asked where the neighbors live.
- Houses were shown on the map.

- Robert Huck – used to live there with his mom. It has not been maintained especially over the last 5 years. Sees extra piles of rock and materials.
- Dan Davis – it is an easement so everyone can maintain it just as much as he can.
- Carlyle Mueller – Asked if it was road district or private.
- Aaron Metzger – it is strictly private.
- Don File – our water lines are under where he parks his trucks. He is worried about HH where the trucks go.
- Carlyle Mueller– on D road at the North end it existed long before.
- Don File – but it got worst with the trucks.
- Douglas Heisner – how did the county let it get this far along. From his understanding there has been complaints before. How did it not get taken care of years ago? Michael Killy has invested his time and money. How did zoning let it go?
- Jay Vogt – when he came in for the Special Use. There’s a time frame.
- Catherine Buchanan File – on the application it is just checked agriculture.
- Kurt Roettering – we can’t go in the past. On a Special Use we can make decisions to please everyone. Is it possible to keep the neighbors happy and keep his trucking company?
- Douglas Heisner – he doesn’t have a problem with the trucks.
- Kurt Roettering – a row of pine trees can maybe beautify it.
- Douglas Heisner– if he just parking trucks and coming in and out.
- Kurt Roettering– now is the time where we can decide how to make everyone happy.
- Chris Voelker– it was suggested a fence or tree line.
- Douglas Heisner– ideally it would be nice to come to a solution.
- Kurt Roettering– let’s hear from the neighbors.
- Don File – not have a trucking company there.
- Kurt Roettering– technically he can’t but it is there.
- Catherine Buchanan File – she wants everyone to be good neighbors, but with the trucks coming in and out it is hard. It looks really bad. She doesn’t know how it can be made better. He doesn’t have a good track record to do what he says he’s going to do. She moved out there December 2005 and has worked so hard to have a beautiful home.
- Karin Callis– asked what is with all of the rock laying there?
- Michael Killy – showed on the map where the pile of rocks are going. He owns the easement and pays the taxes on it that they use. When he first moved out there he worked with Don at FS and they got along. It started when Mrs. File told him what he could and couldn’t do.
- Charles Pittman – asked why he didn’t apply for the Special Use before he had the trucking business.
- Michael Killy – showed other trucking business that have the same business as him. Business is licensed with Village of Valmeyer. He didn’t know he had to renew the license. Business is run in Valmeyer. He didn’t think he was doing anything wrong because other people take their work vehicles home.

- Kurt Roettering– should have had a Special Use before you had one truck.
- Jay Vogt – the Special Use is reviewed every so many years.

9. Motion by Dan Davis to approve with the limit of no more than 5 trucks, no stock piling materials, and for 5 years, only to Michael Killy. Second Jay Vogt.

10. Mary Neff Motion to amend to 2 years. Second Karin Callis. Passed by Vote, yes- 8, no – 0.

11. Motion by Dan Davis to approve with the limit of no more than 5 trucks, no stock piling material, reviewed in 2 years, and only to the ownership and management of Michael Killy. Passed by Vote, yes – 5, no -3. (Unofficial recommendation due to not a true quorum).

#### OLD BUSINESS:

TREASURER’S REPORT: No Report

#### ZONING OFFICER’S REPORT:

(Chris Voelker) In the month of May 2020, there were 29 permits (1 single family dwellings) Fees collected for the building permits were \$2,565.00, Inspections \$3,965.00, Electrical Permits \$910.00, Electrical License Renewals \$1,125.00, Filing Fees \$300.00, and Preliminary Plat Fee \$145.00. Total fees collected for the months of May 2020 was \$9,010.00.

Motion to approve Zoning Officer’s Report Karin Callis, second Kurt Roettering. All aye by voice vote.

#### ROAD REPORT:

- County Engineer, Aaron Metzger presented the 2020-2024 Highway improvement Program, and reported on the status of 2020 Projects.
- Arron Metzger reported on Motor Fuel Tax Allotments and the increase from last year gas tax increase and the decrease due to Covid 19.
- Aaron Metzger also reported on the number of grants that are available and the ones the Highway Department are applying for.
- Aaron Metzger discussed Real Estate Taxes and the uncertainty of receiving the full levy due to Covid 19.

Motion to approve Road Report Karin Callis, second Jay Vogt. All aye by voice vote.

#### COMMISSIONERS REPORT:

Robert Elmore – hired new employee for Oak Hill. Also going to hire a new IT Company. Got a call from the Sheriff regarding the protestors, doesn’t think it is going to happen.

COMPREHENSIVE PLAN COMMITTEE: No Report

POLICY REVIEW COMMITTEE: No Report

ECONOMIC DEVELOPMENT: Canceled due to stay-at-home order

Vicki Koerber – gave report on Covid and Protestors in Monroe County.

ADJOURNMENT: Dan Davis made a motion to adjourn, second by Mary Neff, all aye by voice vote.

Next Regular Meeting: July 2, 2020