

LIVINGSTON COUNTY BOARD

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THEIR SEPTEMBER 2, 2014 MEETING

The committee chair called the meeting to order at 6:00 p.m. at the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois and roll call was taken.

Present: Bob Young, Bill Flott, Mike Ingles, Ron Kestner, Bill Peterson, Earl Rients and Paul Ritter.

Absent: None.

Committee chair Young noted the agenda relating that he is willing to move public comment to being prior business or after business 2a or to allow public comment in both places. Paul Ritter then moved, seconded by Ron Kestner, agenda for this meeting be approved as amended allowing public comment both before the business portion of this meeting and after business 2a. This motion was approved by a voice vote of all ayes.

Minutes of the August 5, 2014 committee meeting were referred to the committee. Bill Flott moved, seconded by Paul Ritter, that these minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Public Comment:

Dieter Elbert addressed the committee pertaining to possible changes to the wind energy regulations pertaining to setbacks, property values, surface and sub surface drainage and a comprehensive decommissioning plan. In referencing safety Mr. Elbert suggested setbacks of 3960 feet to property lines, and 5280 feet from residences be considered. Mr. Elbert noted that other health concerns that may be addressed are audible sounds, inaudible and low frequency sounds, and shadow flicker. Mr. Elbert also believes that the zoning ordinance should address property values, and surface and sub-surface drainage. Mr. Elbert concluded by what he believes a need for a more comprehensive decommissioning plan. A copy of Mr. Elbert's printed comments was presented to the committee.

Establishment of a process for a review of the County's Wind Energy Ordinance:

Committee Chair Bob Young noted a need to consider the entire area of the county in reviewing the wind energy ordinance. Mr. Young remarked that this meeting is a time to address potential changes to the ordinance, not a time to discuss specific wind farm applications. Comments on specific wind farm applications should take place at the zoning board of appeals public hearings regarding those applications. Mr. Young then noted that for the next 30 days the county board office will accept written suggestions for amending the wind energy section of the county zoning ordinance and that these suggestions should include some comments as to the reasoning for such amendment suggestions. Since this committee's members encompass a large area of the county, Mr. Young stated that this Agriculture, Zoning and Emergency Services Committee will be the primary committee reviewing any proposed changes to the county wind energy regulations. Mr. Young also remarked that four people that requested to be part of the wind energy zoning regulations review committee will be able to sit at the table and have voice in this matter.

These four people are Jeff Reinkemeyer, Mark Runyon, Rebekah Fehr and John Slagel. Mr. Young related that the committee should listen to those in favor and to those opposed to wind energy. Mr. Young stressed his desire to have business like review of the potential amendments, and that in the end with there being varying opinions, everyone will not be satisfied with potential committee decisions. Mr. Young also noted that this zoning ordinance review process may be taking place during the same time frame in which the Pleasant Ridge Wind Energy Project application is being reviewed. Committee Ingles commented about the e-mails comments he has received, and that the county board members should be entering this hearing process with an open mind. Mr. Ingles encouraged all who have an interest in these issues to take part of the hearings, and the zoning board of appeals will make a recommendation and the county board will make a decision based on factual information presented at the public hearings.

#### Public Comment:

Megan Dassow from the Chatsworth area keyed her comments on her families concerns on precision aerial applications and how the placement of wind turbines create an obstacle for the aerial application of pesticides, fertilizers and the seeding of cover crops. Megan Dassow commented about how it is more difficult to fly around the turbines and how it is needed to coordinate applications with the wind energy companies. Megan Dassow related as to how the non-participating land owners in wind projects will be negatively affected. Printed copies of Megan Dassow's comments were presented to the committee, along with copies of letters from Scott Petersen of Pontiac Flying Service and Scott Schertz of Schertz Aerial. This information also included a copy of a fact sheet from the NAAA on the dangers of low level obstacles. The committee again commented on the legal process of reviewing applications. Harvey Fehr then clarified with the committee the committee desire for written comments for potential wind energy ordinance changes. Mark Slagel, a member of the Prairie Central School Board, commented about how this board is at this point taking a neutral view on the proposed Pleasant Ridge Energy project, at the same time considering the comments of the citizens in this school district. The importance of being elected officials was then commented upon. Kelly Kinate then commented on his discussions with his neighbors on his belief that all should be well informed, with due diligence being part of the review of proposed land developments. Tarry Knauer commented about how she was surprised by this Pleasant Ridge Wind Energy Project proposal, in that she thought she would have heard more information about this project.

#### Review of Consultant Agreements for the Administration of the Pleasant Ridge Wind Energy Project Special Use:

County consulting attorney Tom Blakeman reviewed a first consultant agreement with the committee being a letter of agreement from James Griffin of Schain Banks Kenny and Schartz LTD. This agreement is for legal services relating to the Invenergy Special Use Application for a wind energy project. Mike Ingles moved, seconded by Bill Flott, that this committee recommend the approval of this agreement. This motion was approved by a voice vote of all ayes. A discussion also took place as to potentially using Mr. Griffin services in advising the county on potential zoning regulations text amendments pertaining to wind energy.

Mr. Blakeman then reviewed a second consultant document from Patrick Engineering, being a Proposal to Evaluate a Proposed Wind Farm Application. Mike Ingles moved, seconded by Ron Kestner that this committee recommend the approval of this agreement. This motion was approved by a voice vote of all ayes.

The intent and past practice is to pay for these wind energy project consultant fees from the \$150,000 WECS special use application fee.

#### ETSB Report/Budget/Capital Request:

Mr. Ingles remarked that the ETSB met last week, and they are considering moving their meeting time so that they have more regular committee time to discuss ETSB issues. Mr. Ingles then remarked that the ETSB is getting closer to finalizing a proposal to have a new CAD program. Mr. Ingles then commented on their ongoing discussions to upgrade their radio system(s). Mr. Ingles quickly reviewed a need for tower upgrades and new towers or moving forward with utilizing the Starcom radio system.

#### Solid Waste Report:

A copy of Deigan and Associates Livingston Landfill submittal reviews was given to the committee members. The regular monthly synopsis of landfill information and correspondence was presented to the committee members. The monthly information highlights related to gas system reports, groundwater monitoring results, and the abandonment of two gas collector wells. Pertaining to the Streator Area Landfill gas probe X309 was still in indicating high gas levels, Deigan's staff will continue monitoring probe X309 for trends of methane exceedences. Host agreement information was presented to the committee. Mr. Ritter had questions regarding tetrahydrofuran parameter having an observed increase in well GB8S. Well GB8S has been redrilled, and a split sample was taken in the last few days to retest this well, in part to see if the first test was a false positive.

#### Briefing on Zoning Issues:

Comments were made that the Sun Trucking issues continues to be a problem and will be more visible when the foliage around the property becomes less of a visual barrier this winter.

#### Comments:

County Board Chairman Marty Fannin commented about how the county board is moving forward to listen to the public hearing comments, and to work on due diligence in reviewing the Pleasant Ridge Wind Energy project application. Non committee member Joan Bullard commented on how she was surprised with this wind farm application, in that she thought that the economy had stopped wind energy development. Dieter Elbert requested that funds from the wind energy special use application fee be provided to the interested citizens for their review of the application. Mr. Blakeman related that this would not be an appropriate use of these funds.

#### Review and Approval of Bills:

An invoice in the amount of \$3,233 from Deigan and Associates, LLC for Professional Services for August 2014 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator Area Landfills, for environmental/solid waste landfill consulting services to Livingston County was reviewed by the committee. Bill Flott moved, seconded by Mike Ingles, that this statement be approved. This motion was approved by a unanimous voice vote.

Then Ron Kestner moved, seconded by Paul Ritter, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:00 p.m.

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Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission