

LIVINGSTON COUNTY BOARD

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE OCTOBER 7, 2014 MEETING

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

Present: Bob Young, Bill Flott, Earl Rients, Bill Peterson and Ron Kestner.

Absent: Mike Ingles and Paul Ritter.

Committee Chair Young noted the agenda. Bill Flott then moved, seconded by Ron Kestner, that the agenda for this meeting be approved as outlined by the committee chair. This motion was approved by a voice vote of all ayes.

Minutes of the September 2, 2014 committee meeting were referred to the committee. Ron Kestner moved, seconded by Earl Rients, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

ETSB Report:

Randy Wittenberg, Manager of Communications, LIVCOM/911, presented the ETSB draft budgets for next year. Mr. Wittenberg noted that their current budget is coming in under budget, and they are planning on a reduced budget next year. Though the proposed programs and proposed new equipment are not part of these budgets. Proposed new programs and new equipment are being proposed in the county capital budget which is being reviewed by the Livingston County Board's county finance committee. Bill Flott moved, seconded by Ron Kestner, that this committee forward these LIVCOM/911/ETSB budgets on to the county board finance committee. This motion was approved by roll call voted. Young-yes, Flott-yes, Ingles-absent, Kestner-yes, Peterson-yes, Rients-yes, Ritter-absent.

Beginning the Process of Reviewing of the County's Wind Energy Ordinance:

Committee Chair Bob Young invited the additional persons of Mark Runyon, John Slagel, Rebekah Fehr and Jeff Reinkemyer to join the regular committee members in being seated in front of the room. This group of people volunteered to assist the committee in a review of the county's wind energy ordinance. Committee Chair Young then commented on this process of reviewing the wind energy section of the ordinance, explaining interested parties will be given a chance in the discussions about the proposed changes. Mr. Young remarked that he proposes that everyone act professionally as this process evolves with this committee crafting a good ordinance at the conclusion of this matter.

Before proceeding with the wind energy ordinance review Chair Young open the floor for public comments. The first person to comment was Steve Weeks. Mr. Weeks commented that he has proposed a text amendment to the Livingston County zoning regulations as they pertain to wind energy. Mr. Weeks text amendment pertains to a property value guarantee agreement. Mr. Weeks stressed to the committee that they allow for this proposed text amendment move forward to a public hearing. Mr. Weeks mentioned a 1977 Illinois Attorney General's opinion which he believes gives him the right to proceed with this request. Chair Young remarked that his proposal can be part of the proposed amendments to the wind energy ordinance that the committee is reviewing as a whole. Mr. Weeks related that he is seeking his right to proceed and have his proposal voted up or down.

Livingston County legal counsel Tom Blakeman related to the Livingston County Zoning Regulations section that indicates how text amendments should begin with the zoning board of appeals, by the direction of the county board or

by a petition of 50% of the residents in the zoning district. Mr. Blakeman then commented on the Illinois Attorney General's opinion remarked by Mr. Weeks. Mr. Blakeman believes that the county zoning regulations take precedent over this legal opinion. Mr. Blakeman then commented about the formal zoning regulations amendment process. Mr. Weeks asked that this issue be voted up or down. Mr. Weeks proposed text amendment is included as part of the packet of information to be presented to the committee members that contains all of the proposed text amendments to the wind energy section.

Mary Brown in Pike Township related that she is concerned about wind energy invading her area. They do not want wind energy in her area and she is concerned about and questions the financing and subsidies involved in wind energy. Rick Miller then commented about going to the county zoning office on October 1st of this year to research the proposed wind energy special use. While he was at this office he saw that representatives of Invenergy also came into the building. These Invenergy representatives went back into a meeting, which he was not allowed into. Mr. Miller noted that this meeting involved county officials and a county attorney. Mr. Miller noted that this meeting lasted from about 2 pm to about 4 pm when the Invenergy officials left. Mr. Miller then noted that the county officials continued to meet at least until he was asked leave the building when the building was being locked at the conclusion of business hours for the building. Mr. Miller gave his opinion of this not being an open meeting, noting that while the meeting may have been legal he believed it was sleazy. Mr. Blakeman noted this was an administrative meeting. Mr. Blakeman reported that the application issues of Chuck Schopp and Jim Griffin, County legal counsel on this wind energy project, along with scheduling issues were discussed at this meeting. Mr. Blakeman noted that this was a proper administrative meeting.

Kelly Kinate inquired about overall potential wind energy development in Livingston County. Mr. Schopp commented about the areas of Livingston County that have been discussed for wind energy development. Mr. Kinate expressed his disappointment on information regarding wind energy. Mr. Kinate stressed his belief of the need to update the zoning regulations and for the county board to do the right thing. An idea to start the hearings in Fairbury in December was then made. Committee Chair Young then explained that it is planned to begin the hearings on the Invenergy's proposed Pleasant Ridge Wind Energy Project on November 17, 18 and 19th. in the Pontiac Township High School Auditorium. Mr. Young noted that an effort had been made to hold the meetings in a Prairie Central School facility, but that they area several conflicts in the use of those facilities.

Megan Dassow commented about the now ongoing review of the zoning regulations pertaining to wind energy and how the committee can still consider a moratorium of accepting new wind energy project applications for at least six months, as this review of the zoning regulations will take several months. Mr. Blakeman then commented on the text amendment process necessary for the approval of a moratorium, and how this moratorium would not affect the proposed Pleasant Ridge application.

John Slagel commented on the Steve Weeks proposed property value guarantee text amendment. Mr. Slagel believes that the county should move forward with this Weeks proposal.

At this point Committee Chair Young requested that the packets of information containing the written comments for proposed text amendments be passed out to the committee members. Mr. Young thanked all those that have provided comments for this committee to review. Mr. Young noted that it would take a few weeks for the committee to review the information. County staff will work to categorize the proposed changes. Mr. Young then remarked about how he would like to review the ordinance for changes, including suggestions relating to setbacks and shadow flicker.

Rebekah Fehr then inquired as to how a moratorium can be formally proposed and processed. Mr. Blakeman commented about how the text amendment process that would be the formal process for a proposed moratorium. A need to create formal language for such a moratorium was discussed, along with the intent of a moratorium. The committee members were polled on their opinion on a moratorium and the committee agreed to proceed with a moratorium with Mr. Blakeman and Mr. Schopp to work on drafting language for the proposed moratorium.

Jeff Reinkemyer, then read a statement introducing himself and giving a brief history of his and his employer, Iberdola Renewables pertaining to wind energy. Mr. Reinkemyer then related that Iberdola does not plan on filing any new wind energy project applications during the proposed moratorium time period. Upon questioning Mr. Reinkemyer replied that he is a resident of Wisconsin and he provided his contact information. How the committee was to proceed with their review of the proposed text amendments were further discussed. Rebakah Fehr mentioned the potential use of experts, which will be allowed as long as it is remembered that this committee does not have funds to pay for experts pertaining to this text amendment review.

Amendment to the Patrick Engineering Consultant Agreement:

Mr. Schopp informed the committee of his proposal to have Patrick Engineering conduct one additional, an third, sound study, as part of their review of the Pleasant Ridge Wind Energy Project Special Use Application. The additional cost of this study is \$1,500. Mr. Flott moved, seconded by Mr. Rients, that this committee recommend this additional sound study be Patrick Engineering. This motion was approved by a unanimous voice vote.

Mr. Young then inquired about the availability of the committee members as to when they may be available to meet. John Slagel then had some comments on the sound study and how he is researching the sound issues with the Pleasant Ridge Wind Energy project proposal. It was mentioned that DVR copies part of Carolyn Gerwin's zoning comments were available.

Solid Waste Report:

A copy of Deigan and Associates Livingston Landfill submittal reviews along with a planning commission monthly synopsis of landfill information and correspondence was presented to the committee members. The monthly information synopsis relating to Livingston Landfill focused on report copies pertaining to groundwater testing, landfill gas monitoring, CAAPP and NPDES monitoring and leachate sampling results. The Deigan report did give a synopsis of the results of the split sampling for well GB8S – for Tetrahydrofuran. Laboratory results found no detection of Tetrahydrofuran in the ground water sample. The committee was informed that work has begun to build a new cell area that will be used in 2015. Host agreement information was also presented to the committee.

Briefing on Zoning Issues: The committee noted limited progress, on the cleanup of the Sun Trucking property.

Other Issues to Come Before the Committee:

The committee was informed that the County Emergency Management Agency has been tentatively accredited by IEMA for another two years.

Public Comment: No additional public comments were made.

Review and Approval of Bills:

An invoice in the amount of \$1,341.00 from Deigan and Associates, LLC for Professional Services for July 2014 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator area Landfills, for environmental/solid waste landfill consulting service to Livingston County was submitted to the committee. An invoice in the amount of \$1,341.00 from Deigan and Associates, LLC for Professional Services for September 2014 relating to landfill monitoring and technical reviews of Republic/Allied Waste's Livingston and Streator area Landfills, for environmental/solid waste landfill consulting service to Livingston County was reviewed by the committee. Ron Kestner moved, seconded by Bill Peterson, that this statement be approved for payment. This motion was approved by a unanimous voice vote.

The committee agreed to review a work agreement from Deigan and Associates for 2015 at their next meeting.

Adjournment:

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

This meeting was adjourned at 6:55 p.m.

Charles T. Schopp, Administrator
Livingston County Regional
Planning Commission