

**LIVINGSTON COUNTY BOARD  
MINUTES OF June 11, 2015 MEETING OF THE COUNTY BOARD**

**OPENING**

Chairman Fannin called the meeting to order at 6:00p.m., in the auditorium of the Pontiac Township High School, 1100 Indiana Avenue, Pontiac, Illinois.

Father David Sabol of St. Mary's Catholic Church presented the invocation, with David Heath leading the Pledge of Allegiance.

The clerk called roll with the following **present:** Kathy Arbogast, Jason Bunting, Justin Goembel, James A. Carley, Robert F. Weller, Mark Runyon, William Mays, Daryl N. Holt, Stanley R. Weber, John "Jack" Vietti, David W. Heath, John L. Yoder, Kelly Cochran Cohlman, Joseph D. Steichen, Tim Shafer, G. Michael Ingles, Bob Young, Paul A. Ritter, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent:** None

**Also Present:** County Clerk Kristy Masching, Administrative Resource Specialist-Alina Hartley, Zoning Administrator-Chuck Schopp, Jim R. Griffin-Schain, Banks, Kenny, Schwartz & Co., Interim County Highway Engineer-Clay Metcalf

**AGENDA**

Chairman Fannin asked that item #13. Public Health, be added to the agenda. He then asked for approval of the amended agenda. *Motion by Steichen, second by Ritter to approve the amended agenda.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

**APPROVAL OF MINUTES**

Chair Fannin called for approval of the May 14, 2015 minutes. *Motion by Holt, second by Weller to approve the May 14, 2015 minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

**PRESENTATION**

None

**APPEARANCES**

None

**CONSENT AGENDA**

**A. Approval of Bills**

**B. Appointments**

- a. **Don Bunting** – Odell Fire Protection District, three year term commencing May 4, 2015 and expiring first Monday of May 2018
- b. **Tom Doran** – Odell Fire Protection District, three year term commencing May 4, 2015 and expiring first Monday of May 2018
- c. **Greg Yoder** – Fairbury Rural Fire Protection District, three year term commencing May 4, 2015 and expiring first Monday of May 2018
- d. **Jack Vietti** – Livingston County Mental Health Board (708 Board), four year term expiring June 2019
- e. **Steve Tock** – Livingston County Mental Health Board (708 Board), four year term expiring June 2019
- f. **Vickie Day** – Livingston County Board for the Care and Treatment of Persons with a Developmental Disability(377 Board), three year term expiring June 2018

*Motion to approve the consent agenda by Young, second by Weber.* **MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller,

Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson      **Nays:** None      **Absent:** None

### HIGHWAY

Chair Holt introduced Clay Metcalf-Interim County Highway Engineer, who reviewed **Action Agenda** items as follows:

1. **Letting Results:** June 2, 2015 Letting
2. **Agreement for Engineering Services:** Coombe-Bloxdorf, Springfield, IL. Agreement to perform NBIS bridge inspections on 303 Road District Bridges for a cost not to exceed \$44,000.
3. **Bridge Petition:** Esmen Road District: Replace existing 60” x 38’ CMP with a 78” x 52’ CMP, at Liv. Co. coordinates 2300N, 1471E, Section 15-09000-00-AB. Estimated cost = \$12,000.
4. **Quarterly Report:** 2<sup>nd</sup> Quarterly Report FY15

*Motion to approve Highway Action items #1-#4 with one roll call vote by Holt, second by Runyon.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson      **Nays:** None      **Absent:** None

**Other Items:** Chair Holt thanked the group working on the County Engineer interview process. They have interviewed two candidates and had decided to offer Clay the opportunity to reconsider this job opportunity. Clay reconsidered their recommendation and has scheduled a date for testing in Springfield.

### ELECTION, RULES & LEGISLATION

**Ordinance (#2015-06-31) Amending Raffle Ordinance to enact Provisions for Poker Runs** - Chair Vietti reported their action item was an ordinance amending the raffle ordinance to enact provisions for poker runs. *Motion to approve the poker run ordinance by Vietti, second by Ingles.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson      **Nays:** None      **Absent:** None

### SHERIFF, JAIL & LICENSE

**Ordinance (#2015-06-33) Intergovernmental Agreement: Loaning Property to the Kankakee County State’s Attorney’s Office** - Chair Yoder explained that this IGA would allow our State’s Attorney to loan two laptops to the Kankakee State’s Attorney’s office. The Kankakee County State’s Attorney had provided an assistant for our State’s Attorney to use during a recent murder trial, with our county loaning the equipment in return for the service provided. *Motion to approve the Intergovernmental Agreement with Kankakee County by Yoder, second by Heath.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson      **Nays:** None      **Absent:** None

### AG & ZONING

**Zoning Case SU-7-14: Application for Special Use Pleasant Ridge Wind Energy Project** – Chair Flott stated that he was prepared to make two motions regarding the Pleasant Ridge Wind Energy Project. The first one would be to deny the application and in the event it failed, then he would be prepared to make an alternate motion to delay with conditions. *Motion by Flott, second by Shafer that the application for Special Use No.7-14 for the installation of a wind energy conversion system be denied.* Chair Fannin explained that each board member would have an opportunity to speak once. They would need to address the Chairman for a second chance, with each speech lasting no more than two minutes. Jim Griffin, Attorney-Schain Banks (retained by County Board for the Pleasant Ridge WECS) reminded the Board that pursuant to the County Board Standing Rules, that if they had any legal conflict of interest, now would be the time to disclose and request to be excused from the discussion and any vote taken. He then provided a brief summary of the Zoning Board’s actions and of the project. He noted that the proposed project consists of 133 wind energy turbines (model GE 1.7-103 and 1.79-100), and

would include an above ground transmission line, a sub-station and a construction and lay down area. The ZBA conducted 36 evenings of hearings to hear information from the applicant and all interested parties and allow cross-examinations.

The Livingston County Zoning Ordinance provides a set of three standards (standard #3 had three parts) under which an application for a special use should be considered. The Zoning Board issued their findings and felt that the application only met Standard #1 and one part of Standard #3(i.). They raised concerns about the financial assurance for the construction of the project, compliance with noise regulations, property values and the impact of the project on the use and enjoyment of the surrounding property.

The County Zoning Ordinance also provides eight guidelines to be considered for a special use application. The Zoning Board felt that of the eight guidelines, the applicant was in compliance with four guidelines (#3, #6-#8). Based upon the findings, the ZBA recommended to the Board that the special use application be denied. Because they recommended denial, the ZBA did not consider or vote upon recommended conditions for the project if it were to be approved. He noted that the County Board had four options: they may approve the application for special use; approve the application for special use with conditions; deny the application for special use; or remand the matter back to the ZBA for further consideration. For other wind energy projects previously considered by the Board, in considering the applications for special use, the county has prepared two documents: 1) conditions for the project (construction, financial assurance for the construction, wildlife monitoring, complaint resolution, noise restrictions and decommissioning); and 2) an economic benefits agreement. The Deer Run Project, the last project considered by the Board, had thirty-four separate conditions, as well as an economic benefits agreement which relates to payments by the applicant to the county, relates to tax payments to the taxing districts, including commitments by the project owner to pay taxing districts the same amount of taxes as under the current law even if that law were to expire, and enterprise zones.

Discussion highlights follow. None of the residents residing in the other two Livingston County wind farm footprints came and testified against the conditions they're living in. There would be a great economic benefit to the Prairie School District, as well as the other taxing districts within the area. Noted that they were hearing from people in the area in favor of the wind farms, who didn't come to meetings because they felt intimidated by neighbors. Thanked everyone who came to all the meetings, with a special thank you to P.T.H.S. student, Blake Whittle for making the streaming of the meetings a reality. Would like to see a compromise on both sides to make it work, due to the financial benefit to the taxing districts and county. Thanked the community for their diligence and involvement in the process and the staff for their help and time in getting the hearing proceedings streamed on the internet. Zoning Administrator Chuck Schopp was also thanked for his time and hard work during the process too.

There was some confusion on how to vote on the motion since it was written in the negative. The motion was repeated, "I move that the application for Special Use No.7-14 for the installation of a wind energy conversion system be denied." It was noted that a "yes" vote would deny the application and that would be the end of the process. A "No" vote would defeat the motion and they would move forward with motion #2, to delay and consider special conditions.

**MOTION FAILED ON A TIE ROLL CALL VOTE. Ayes:** Arbogast, Goembel, Carley, Runyon, Mays, Weber, Cohlman, Shafer, Ritter, Gerwin, Flott and Allen      **Nays:** Bunting, Weller, Holt, Vietti, Heath, Yoder, Steichen, Ingles, Young, Fannin, Kestner and Peterson      **Absent:** None

Chairman Fannin stated that any vote by the County Board resulting in a tie vote results in a failed motion, it doesn't pass. It has to have a majority to pass and in this instance needed thirteen votes to pass.

*Motion by Flott, second by Holt that the County Board authorize the Chairman of the County Board and legal counsel for the County Board to prepare draft special use conditions and prepare a draft Economic Benefits Agreement for the Pleasant Ridge Wind Energy Project, and that such documents be presented to the County Board for consideration at the County Board's next regularly scheduled meeting, and that consideration of the*

*application for special use for the Pleasant Ridge wind energy project, SU-7-14, be postponed until the County Board's next regularly scheduled meeting.* Discussion followed. Jim Griffin explained what some of the economic benefits could be based on what was done with the Deer Run Wind Farm Project. Some of their major components follow: tax payments to the taxing districts, including commitments by the project owner to pay taxing districts the same amount of taxes as under the current law, even if that law were to expire; decommissioning requirements and security posting dates; and counties support of the project seeking Enterprise Zone or high impact status. Input for the conditions would be welcome from other Board members and attorneys representing both sides.

For this motion, it was noted that a "yes" vote would be giving consideration to the special conditions at next month's board meeting. Another vote would be taken to approve the application with special conditions.

**MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Bunting, Weller, Holt, Vietti, Heath, Yoder, Steichen, Ingles, Young, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Arbogast, Goembel, Carley, Runyon, Mays, Weber, Cohlman, Shafer, Ritter and Gerwin **Absent:** None

#### **FINANCE**

**Ordinance (#2015-06-32) Prevailing Wage** – Chair Shafer reported that one of the Board's annual functions was to consider the prevailing wage for the county. State law mandates that whenever we take on jobs we are required to pay prevailing wage. *Motion to approve the Prevailing Wage Ordinance by Shafer, second by Steichen.*

**MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Carley, Mays, Weller, Holt, Weber, Heath, Cohlman, Steichen, Shafer, Ingles, Young, Flott, Fannin and Kestner **Nays:** Goembel, Runyon, Vietti, Yoder, Ritter, Gerwin, Allen and Peterson **Absent:** None

#### **INFORMATION & TECHNOLOGY**

Chair Allen reported that they held interviews for the new IT Network and Systems Administrator and hope to release the name of that individual soon.

#### **PERSONNEL**

No report

#### **PUBLIC PROPERTY**

Chair Ingles reported the following. A special meeting was held at the L&J Center so that attendees could see first-hand and listen to the numerous issues that have been discussed the last few months. The conclusion concerning the noise issue is that they are related to problems with inconsistencies in the control system, which regulates the chillers on the roof. Consensus of the committee is that Chad work with Johnson Controls to remedy the control system issues, prior to proceeding with any additional noise relief expenditures. Since the meeting, Johnson Control was here and witnessed a complete shutdown of the system and has committed to coming back to recommission the system back to where we need to be. We have a maintenance contract with Johnson Controls, but they have indicated that they are willing to make things right.

#### **ADMINISTRATIVE**

No report.

#### **VETERANS**

Chair Steichen noted that they discussed capital purchases, noted that expenses were down and anticipate looking good at end of fiscal year.

#### **LIVINGSTON COUNTY HOUSING AUTHORITY**

Kelly Cohlman stated that the smoke free kick off began June 1<sup>st</sup> for all housing authority properties; the St. James Place project is waiting for HUD approval in Washington, D.C. for the layering of subsidies; a request was made to general contractor to communicate with local vendors and businesses who had submitted interest to do

work that the project is still in place but are waiting on HUD; and the next meeting is tentatively scheduled for July 22, 1:00 p.m.

### **RECREATION**

Joe Steichen noted the following from the Bicycle Network Master Plan meeting held on May 19<sup>th</sup>, at the Historic Courthouse. There were approximately 30-35 attendees at the meeting, with a lot of great ideas being presented. As a result of this meeting, they are on the agenda of the Prairie Land Parks Foundation (June 29<sup>th</sup>) to talk about extending the multi-use path in to the Fairbury, Forrest, Chatsworth areas.

### **PUBLIC HEALTH**

Joe Steichen reported that news at their last meeting was not good. Many of the services offered at the Public Health Department will cease immediately, if a state budget is not passed by July 1 (start of State's fiscal year). Malinda's department is monitoring the situation closely and if a budget isn't passed by the 1<sup>st</sup>, it is anticipated that a special meeting will be called to discuss what our plan of action will be.

### **PUBLIC COMMENT**

Comments heard regarding the Pleasant Ridge Wind Energy Project follow: using fertile farm ground for wind farms; object to the use of right to work individuals rather than union for WECS construction projects; interesting finding out about local government, but disheartening to see what transpires on local level; hasn't seen a more despicable display of partisanship behind the scenes deals, good ol' boy network displayed tonight; reconsider decision, very difficult for families to raise their children in the footprint of an industrial park; include consideration of option allowing people to get out of their easements; reminded board that government can't give to someone what they first haven't taken from someone else; make conditions specify that they must meet legal levels for noise; felt bad for the ZBA, all their hard work and then their recommendation is ignored; and same company has wind farms in Vermilion County and they are a disaster.

### **EXECUTIVE SESSION**

None

### **COMMUNICATIONS/ANNOUNCEMENTS**

None

### **ADJOURNMENT**

*The meeting adjourned at 7:20 p.m., on motion by Kestner, second by Steichen.* **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

The next meeting is scheduled for Thursday, July 16, 2015 at 6:00 p.m., at the auditorium in the Pontiac Township High School.

**Marty Fannin, Chairman**

Attest:

Kristy A. Masching  
County Clerk

July 16, 2015  
Approved

Minutes Bd 06-16-15.A