

LIVINGSTON COUNTY BOARD
MINUTES OF July 16, 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.

In the absence of Rev. Andy Fuqua (Pontiac Bible Church) Bob Young presented the invocation, with Daryl Holt 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, Daryl N. Holt, Stanley R. Weber, John “Jack” Vietti, David W. Heath, 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:** William Mays and John L. Yoder

Also Present: County Clerk Kristy Masching, Administrative Resource Specialist-Alina Hartley, Public Health Administrator MaLinda Hillman, Zoning Administrator-Chuck Schopp, County Highway Engineer-Clay Metcalf

AGENDA

Chairman Fannin asked for approval of the agenda. *Motion by Arbogast, second by Ritter to approve the agenda as presented.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the June 11, 2015 minutes. *Motion by Young, second by Steichen to approve the June 11, 2015 minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

None

APPEARANCES

None

CONSENT AGENDA

- A. **Approval of Bills**
- B. **Appointments**
 - a. **Linda Dionne** – Board of Review, two year term commencing June 1, 2015 through May 31, 2017.
 - b. **Nancy Giovanini** – Board of Review, two year term commencing June 1, 2015 through May 31, 2017.
 - c. **John V. Hartman** –Indian Grove Drainage District, three year term commencing July 16, 2015 and expiring first Tuesday of September, 2018.
 - d. **Jay B. Nussbaum** – Indian Grove Drainage District, three year term commencing July 16, 2015 and expiring first Tuesday of September, 2018.
 - e. **Glen P. Steidinger** – Indian Grove Drainage District, three year term commencing July 16, 2015 and expiring first Tuesday of September, 2018.
 - f. **James Steichen** – Emington-Campus Fire Protection District, three year term commencing 1st Monday in May, 2015 and expiring first Monday in May, 2018.

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

HIGHWAY

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

1. **Letting Results:** July 7, 2015 Letting
2. **Agreement for Engineering Services:** Farnsworth Group, Pontiac, IL – Preliminary Engineering Services Agreement for Phase II Design for replacement of S.N. 053-3331 over Rooks Creek, (1350E, 950N) Eppards Point Road District, Section 11-08108-00-BR for a cost not to exceed \$34,800.
3. **Bridge Petition:** Broughton Road District: Replace existing single span bridge at Liv. Co. coordinates 2390N, 3460E, Section 15-04000-00-AB. Estimated cost = \$25,000.

Motion to approve Highway Action items #1-#3 with one roll call vote by Holt, second by Runyon. MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Heath, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Mays and Yoder

Chair Holt read the resolution appointing Clay A. Metcalf as County Engineer.

4. **Resolution (#2015-07-34) Appointing County Engineer:** Clay A. Metcalf for a six year term, commencing July 16, 2015
5. **Resolution (#2015-07-35) Appropriating Funds for Payment of County Engineer Salary:** July 17, 2015 through December 31, 2015
6. **Agreement:** IDOT Agreement for County Engineer's Salary Program

Motion to approve Highway Action items #4-#6 with one roll call vote by Holt, second by Runyon. MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Heath, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Mays and Yoder

Other Items: Chair Holt reported that Clay was working on an ad as well as a new job description for the assistant county highway engineer's position, with hopes of posting the position next month. The department has gone out for bids for the shelter and building/restroom upgrades. Clay briefly touched on his concerns with the state's budget impasse and the impact this is having on their budget and road work schedule, especially MFT funding. Clay also thanked the Board for their confidence in him with his appointment as County Highway Engineer.

FINANCE

County Clerk Semi-Annual Report – Clerk Masching reviewed the six-month report for her office, for the time period December 1, 2014 through May 31, 2015. She reported the following changes from the prior six months: revenues were down about \$800; submitted \$28,406. in fees to the state; number of marriage licenses issued was down; recording fees were up; and her office is in the process of implementing a new recording software system as well as a marriage license program. *Motion to approve the County Clerk's Semi-Annual Report by Shafer, second by Ingles. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Heath, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Mays and Yoder

Resolution (#2015-07-36): Livingston County Community Healthcare Program – Chair Shafer stated that the committee had endorsed on to the Board, passage of this program for FY2016. MaLinda Hillman-PH Administrator explained that approval of the resolution would continue this program for another year. The program was started in the latter part of 2008, and was designed to serve people of lower incomes who do not qualify for any other state programs. She stated that our program is mirrored off the state's plan, if the state changes their criteria, then she would adjust our program accordingly. She noted that in the home nursing program, they made over 900 visits to set up medications, do blood draws, assess patients and make sure they're following their medications. On the home services side, they provided over 5,000 hours of services for

housekeeping services, meal preparation and laundry with the goal of keeping them in their homes and out of the nursing homes for as long as possible. The average age of three-fourths of the people served was 70+. Shafer commented that funding would be approved during the FY2016 budget process, but he had hoped that approval of the program at this time would secure the funding needed. MaLinda noted that her proposed FY2016 budget was \$275,000., and that the program had served 77 in the home services program and 42 in the home nursing program. Gerwin noted that she was not in favor of this program since we were spending a lot of money per person for a non-mandated program. The Affordable Care Act does not reduce the need for this program, since this is not a certified Medicare home-health program. Steichen explained that they were just voting on the program itself tonight and that if the state reduces its criteria, this would determine what the county would do going forward. MaLinda stated that she has always controlled the program by the budget the Board has given to her, which is according to needs. If they don't have the need to do the visits, the county doesn't pay for it. *Motion to approve the resolution for the continuation of the Livingston County Community Health Care Program for FY2016 by Shafer, second by Arbogast.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Heath, Cohlman, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Mays and Yoder

AG & ZONING

Zoning Case SU-7-14: Application for Special Use Pleasant Ridge Wind Energy Project – Chair Flott started off with a motion. *Motion by Flott, second by Holt that the County Board concur with the findings and recommendation of the Zoning Board of Appeals and that the application for Special Use No.7-14 for the installation of a wind energy conversion system be denied.* Chairman Fannin explained that by voting “yes” or “aye” or “yea”, you are indicating that you agree with the findings and recommendation of the Livingston County Board of Appeals made on June 4, 2015, and consistent with those findings and recommendation, you are voting that the application for Special Use No. 7-14 filed by the Applicant, Pleasant Ridge Energy, LLC, for the installation of a wind energy conversion system be denied. In summary, a positive vote is a vote to deny the application. By voting “no” or “nay” you are indicating that you are voting against the motion.

Discussion followed with a few board members explaining why they would vote for or against the motion. Some comments in favor of denying the application follow: the footprint encompasses a highly populated area; on-going noise level issues; concerns and illnesses expressed, can't be disproven and no conditions will eliminate them; land owners who no longer want to participate can't get out of agreements; show respect to the ZBA's recommendation, since they are appointed by the board; each application has to be looked at on its own and the communities it affects; inconsistency in mailer information and what the ZBA found; and it's been five years since the last wind farm application, a lot of new information was presented by citizens. Comments in favor of approving the application follow. This is a zoning issue, and one basic premise of zoning's decision is special uses are to be granted unless the applicant can't meet the ordinance. He couldn't find significant deficiencies to the application to deny it.

Before the vote was taken it was noted that this question was basically the same question they voted on at last month's meeting. It was questioned as to whether it could be called for again next month if the vote didn't go the way someone wanted. After some discussion amongst the members, and an apology and explanation from Chairman Fannin for his actions after last month's meeting, Attorney Griffin explained what procedure could take place. If the motion tonight, to deny is considered a renewal of the motion that was previously voted and was not prevailed by a tie, under Robert's Rules of Orders, it only prohibits the same motion from being made at a particular session. So that only prohibited the same motion from being made again at last month's meeting. Since this is a new session, the motion could be made again, additionally the motion would not be identical or considered a renewed motion because of the passage of time and change in circumstance and that includes the fact that the Board now has before it the special conditions, which have been provided to each of the county board members and were not previously available. So the Board can tonight, vote on any motion to deny or to approve or approve with conditions, which are the three statutory possibilities that the county must act upon. *Motion by Weller, second by Steichen to call for the question.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

Motion by Flott, second by Holt that the County Board concur with the findings and recommendation of the Zoning Board of Appeals and that the application for Special Use No.7-14 for the installation of a wind energy conversion system be denied. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Goembel,

Carley, Runyon, Holt, Weber, Cohlman, Shafer, Ritter, Gerwin, Flott, Allen and Fannin **Nays:** Bunting, Weller, Vietti, Heath, Steichen, Ingles, Young, Kestner and Peterson **Absent:** Mays and Yoder

Ordinance (#2015-07-37): Zoning Case ST-1-15: Zoning Regulation Text Amendment – 3 Month Extension of Moratorium - *Motion by Flott, second by Gerwin that the 3 month extension of moratorium be approved.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Cohlman, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen and Fannin **Nays:** Heath, Steichen, Kestner and Peterson **Absent:** Mays and Yoder

ELECTION, RULES & LEGISLATION

No report

SHERIFF, JAIL & LICENSE

2016 Holiday Schedule - *Motion to approve the 2016 Holiday Schedule by Peterson, second by Weller.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

INFORMATION & TECHNOLOGY

Vice-Chair Cohlman reported that the new IT Network and Systems Administrator had been hired and were moving forward.

PERSONNEL

No report

PUBLIC PROPERTY

Chair Ingles reported that they had much discussion regarding the on-going noise issues at the Law & Justice Center. Chad had met with the plumbing contractor who was involved as well as the manufacturer and distributor of the chilling towers, which are a majority of the source of concern. They will be bringing ideas to reduce the noise, to next month's committee meeting.

ADMINISTRATIVE

No report

VETERANS

No report

LIVINGSTON COUNTY HOUSING AUTHORITY

Kelly Cohlman stated that they hadn't met since she gave her last report. The next meeting is scheduled for July 22, 1:00 p.m., at 903 West North Street in Pontiac at the Housing Authority office.

RECREATION

Joe Steichen reported that they had a good meeting the day before. They have a basic bike plan in place to present to the Finance Committee. They had met with two representatives from the Fairbury area who had information about trails that are in place in that area already. Farnsworth presented a program on June 29 to the Prairieland Parks Foundation. It was suggested that they reach out to the students at the county high schools for their participation and input.

PUBLIC COMMENT

Some comments heard from the public follow. Many thanked the Board for their time in reviewing the Pleasant Ridge proposal, but were disappointed that the Board didn't pass it due to the financial deficits many schools are facing, especially the Prairie Central school system. Disappointed it was denied because it would have created 2-300 jobs during the life of the project. Contracts being used had many deficiencies. Land owners should have some say in what they can and can't do with their land. Should have listened to the facts and not the rumors that are mentioned to drive fear. Wind and renewable energy are the future, and Livingston County could be a leader in Illinois and the nation. As a farm owner, this project would have meant a stable and secure future for their family for generations to come. Worked for ten years to see this project happen and was sorry to see it fail.

Encouraged public to attend Finance meetings to see how diligently the Board and Department Heads are working to control their budgets in order to reduce their dependency on the landfill funds.

EXECUTIVE SESSION

None

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 7:17 p.m., on motion by Holt, second by Arbogast. **MOTION CARRIED WITH ALL EYES ON VOICE VOTE.**

The next meeting is scheduled for Thursday, August 13, 2015 at 6:00 p.m., at the county board room of the Livingston County Historic Courthouse

Marty Fannin, Chairman

Attest:

Kristy A. Masching
County Clerk

Approved

Minutes Bd 07-16-15