

AGRICULTURE, ZONING AND EMERGENCY SERVICES COMMITTEE

MINUTES OF THE APRIL 5, 2016 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: Bill Flott, Bob Young, James Carley, Justin Goembel, Daryl Holt, and Bill Peterson.

Absent: Paul Ritter.

Additional County Reps: County Board Chairman Marty Fannin, County Administrative Resource Specialist Alina Hartley. Non-committee county board members present included Vicki Allen, Kathy Arbogast and Carolyn Gerwin. Livingston County State's Attorney Seth Uphoff, Livingston County legal counsel Tom Blakeman, Livingston County Treasurer Barb Sear, Livingston County Supervisor of Assessments Shelly Renken, Livingston County Public Health Environmental Health Specialist Donnie Simmons. Ad Hoc committee members present included Bekah Fehr, Mark Runyon and John Slagel. Adam Dontz of the GLDEDC. Representing Zoning Cases SF -2-16 and V-5-16, Russell and Robert Rich. Several citizens of the county were also present at this committee meeting.

Committee Chair Flott noted the agenda remarking that he was going to be flexible in the order in which the business items on the agenda will be reviewed. James Carley then moved, seconded by Justin Goembel, that the agenda for this meeting be approved and reviewed as remarked by the committee chair. This motion was approved by a voice vote of all ayes.

Minutes of the March 8, 2016 committee meeting were referred to the committee. Daryl Holt moved, seconded by Justin Goembel, that these meeting minutes be approved as presented. This motion was approved by a voice vote of all ayes.

Emergency Telephone System Board (ETSB) Report:

County Administrative Resource Specialist Alina Hartley handed out ETSB Chair Jim Woolford's Emergency Telephone System Board (ETSB) typed report to the Agriculture, Zoning and Emergency Services Committee. Committee chair Flott accepted this report.

Review of Case SF-2-16; Pertains to a request by Russel and Robert Rich for the approval of a final plat of re-subdivision. Notice of public hearing was made in reference to this proposed final plat of subdivision, and the property owners surrounding the subject property were notified of the proposed subdivision and of the public hearings. The property owners of Richwood Estates have reached an agreement pertaining to amending the covenants and plat of Richwood Estates. The applicants are proposing to divide the existing Lots of 14 and 15 of Richwood Estates into five lots. The proposed re-subdivision will also require an approval of lot width variances. The subject property for this subdivision request is located in the Northwest Quarter of Section 25 of Rooks Creek Township. The zoning administrator presented his report and information about this proposed subdivision, including copies of the proposed plat of the re-subdivision.

It was mentioned that Donnie Simmons from the Environmental Health section of the Livingston County Public Health Department had sent a letter to the applicants, outlining issues regarding water wells, private sewage disposal systems, and ground water drainage. The Rooks Creek Road Commissioner has also expressed his consent for this proposed re-subdivision. The committee was informed that the Livingston County Regional Planning Commission had reviewed this subdivision proposal at their meeting on Monday April 4, 2016, since a quorum was not present at this planning commission meeting, they did not take any official action regarding this proposed subdivision, but the planning commission members present did not note any issues with this proposed re- subdivision. The presence of the applicants Russell and Robert Rich and of Donnie Simmons from the county Environmental Health department was noted. Bob Young then moved, seconded by Bill Peterson, that this committee recommend the approval of Livingston County Zoning Case SF-2-16. This motion was approved by a unanimous voice vote.

#### Smith Douglass Intergovernmental Agreement:

Copies of an updated version of an intergovernmental agreement of which the City of Streator is proposing with Livingston County pertaining to the Smith Douglass property was distributed to the committee members. Adam Dontz, of the GLCDEC discussed this proposal with the committee as a representative of the City of Streator. The City of Streator city manager and attorney had other commitments and they were unable to attend this committee meeting. Mr. Dontz remarked how no taxes have been generated off of the abandoned Smith Douglass property since 1982, and that with the City of Streator's proposal to make this property part of one of their TIF districts may be an avenue to making this a revenue producing tract of land. Mr. Dontz, in remarking about the proposed intergovernmental agreement, related what he thought the City of Streator is asking of Livingston County in this agreement. A committee member inquired of Tom Blakeman and State's Attorney Seth Uphoff, Livingston County's legal counsel present at this meeting, as to any county liability in regard to the Smith-Douglass property. Mr. Blakeman replied that Livingston County has no current liability in regard to this property. Mr. Uphoff related that he is continuing his legal review of this agreement explaining that he has yet to sign off on this agreement, in that he still has reservations about the agreement. He related that the legal descriptions in the draft agreement do not match legal descriptions that Livingston County has of the property. He further commented about a 10 day out clause, and how it may be hard to work within that time frame, and that he would like to further research this document. Mr. Dontz commented that he thought these issues can be worked out with further discussions. In a discussion relating to the potential economic benefit to the City of Streator, Mr. Dontz considered that if the City of Streator can get this property environmentally remediated and developed, the property can be put back on the tax rolls. Mr. Dontz asked that the committee recommend the approval of this proposed intergovernmental agreement contingent upon further legal review. Mr. Dontz further commented on how further review of the document may take place. Daryl Holt commented on the win/win aspects of someone working to tackle this abandoned property. Livingston County Treasurer Barb Sear remarked about the potential rare scavenger sale of the property, of which a deed would not actually transfer, and that other legal steps would be necessary for a deed to be acquired. Mrs. Sear further commented about how a title search description of the property does not match county property description information. IEPA issues with the property were noted. County Board Chair Marty Fannin expressed how this can be a good way to have someone take this abandoned property and work towards the development of the property so everyone can end up benefitting from this concept in some way. A conversation about how the TIF district plan worked with this matter. Dialogue took place on an option to slow down on this process, to allow more time to research the project. It was related that the TIF creation document is the process of being approved.

Supervisor of Assessments Shelly Renken remarked about how exemptions can be applied for regarding the City of Streator's interest in acquiring the property. It was mentioned about how no one owns the property at this time. Daryl Holt then moved, seconded by James Carley, that this committee recommend to the County Board to approve the concept of this proposed intergovernmental agreement, contingent to the completion of legal review of this document.

This motion did not pass with the results of the roll call vote being; Flott-no, Young-no, Carley-yes, Goembel-yes, Holt-yes, Ritter-absent, Peterson-no.

Dialogue on this matter continued, with Mr. Blakeman commenting about the rarity of a scavenger sale of property. Mr. Blakeman also remarked about the differences in the legal descriptions of the property. The unknown of the future development of the property was mentioned. Mr. Uphoff expressed that this is a county board policy call, that his office is just reviewing the legal issue considerations of the proposed intergovernmental agreement. Time limits on the approval of this agreement were further discussed. Non-committee county board member questioned the plans for the property, indicating that the FOIA of information may be an option to find out more about this proposal. Bob Young then moved, seconded by Bill Peterson, that this committee forward this onto the county board Administrative Committee to allow for that committee to recommend action on this proposed intergovernmental agreement. This motion was approved by roll call vote; Flott-yes, Young-yes, Carley-no, Goembel-yes, Holt-yes, Ritter-absent, Peterson-yes.

#### Whispering Oaks Subdivision Residents Comments:

Mark Heil, a resident of Whispering Oaks Subdivision made some comments about his subdivisions concerns about the further development of the Enbridge oil transportation facility. Mr. Heil related that with the Enbridge development there is no precedent in how Enbridge can deal with area residential property owners. Mr. Heil commented about the light and odors resulting from the Enbridge property development. Mr. Heil continued to remark about the subdivision residents' concerns for their health if Enbridge developed their project closer to their subdivision. Mr. Heil commented about past pipeline accidents that involved leaks and about how people in the area of those leaks suffered health effects from headaches to abdominal issues. Mr. Heil wants the health and welfare of the residents of Whispering Oaks protected. Mr. Heil expressed his opinion that it would be less than one percent of the cost of the improvements at Enbridge to purchase the houses located in the Whispering Oaks subdivision. Then 20 year Whispering Oaks Subdivision resident Alan Barling spoke to the committee. Mr. Barling referred to the landfill host agreement property value section, mentioning what he believes are the shortcomings of that document. Mr. Barling commented about how his property value has changed through the years, and he is concerned about his ability to sell his house. Buyouts of these residential properties by Enbridge were further mentioned as a good idea by the area residents.

#### Review of Livingston County Zoning Case ZT-1-16 – WECS Moratorium Extension:

Having previously discussed this zoning case, and with the zoning report copy noting the planning commission and zoning board of appeals recommended approval before the committee, Daryl Holt moved, seconded by Justin Goembel to recommend that this Agriculture, Zoning and Emergency Services Committee recommend that the Livingston County Board recommend the proposed zoning text amendment to Chapter 56, Schedule VIII, Code of Ordinances, Livingston County Illinois, proposing a 230 day extension to the existing moratorium on Livingston County, Illinois delaying the processing or acting upon any special

use applications for the construction and operation of a wind energy conversion system filed after the date an ordinance is adopted by the County Board authorizing the moratorium as a text amendment.

Update on Wind Energy Issues:

Committee chair Flott remarked about how language suggestions have been presented regarding the Livingston County Wind Energy regulations, as the committee continues the review process of these regulations. John Slagel then commented on the Indian Grove Township Planning Commission's review of these wind energy regulations and their findings, which are in part in correspondence sent to Mr. Flott. Dean and Helen Steidinger then commented on the suggestions they have made regarding the wind energy regulations. Copies of these proposed language changes will be made to the committee members. Committee chair Flott reasoned that a separate committee meeting should be set to review these proposed text comments. A committee meeting date of April 26, 2016 at 4 pm in the Historic Courthouse was discussed as a meeting date, with Bob Young moving, seconded by Daryl Holt that this date and time and place be established for the next committee meeting. This was unanimously approved by voice vote. A general discussion followed on this matter, including the referendum consideration previously discussed. Committee Chair Flott then established that he would like to have all comments on the wind regulations matter submitted by the end of the day on April 15<sup>th</sup>, 2016, so that the committee can move towards a conclusion on this matter. Judy Campbell presented a copy of an Illinois Attorney General's opinion to the committee members that pertain to establishing construction setback regulations. And Carolyn Gerwin commented on the zoning regulations.

Solid Waste Report:

A printed copy of the planning commission monthly synopsis of landfill information and correspondence was presented to the committee members, along with a copy of Deigan & Associates Livingston Landfill and Streator Area Landfill #3 submittal reviews. A printed copy(s) of host fee information from the last month was also presented to the committee.

Other Issues to Come Before the Committee: None

Public Comment:

Review and Approval of Bills: None

Adjournment:

Then Justin Goembel moved, seconded by Bill Peterson, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:25 p.m.

---

Charles T. Schopp, Administrator  
Livingston County Regional  
Planning Commission