

LIVINGSTON COUNTY BOARD
MINUTES OF July 19, 2018 MEETING OF THE COUNTY BOARD

OPENING

County Board Chairman Young called the meeting to order at 6:00 p.m., in the County Board Room of the Historic Courthouse, 112 W. Madison, Pontiac, Illinois.

The invocation was presented by Pastor Nathan Moore. Robert Weller (in the absence of Stan Weber) led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, G. Michael Ingles, Joseph D. Steichen, Tim Shafer, Patrick D. Killian, Ronald L. Kestner, Carolyn Gerwin, Vicki Allen, Kathy Arbogast, Robert F. Weller, Linda Ambrose, James A. Carley, Daryl N. Holt, Mark Runyon, William Mays, David W. Heath, Bob Young and Marty Fannin **Absent:** Jason Bunting, John Slagel, Paul A. Ritter, Steven Lovell, Stanley R. Weber and John L. Yoder

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, Invenergy Representatives-Elizabeth Harvey & Nick Edwards, County Highway Engineer-Clay Metcalf, Farnsworth Representative-Neil Finlan and Zoning Administrator-Chuck Schopp,

At this time, Chairman Young read a statement regarding the issue of the Standing Rules of the County Board not being followed for the calling of the May 30th Special Board meeting to further discuss the Health & Education Building-Farnsworth Analysis. He noted that at the May 15th regular board meeting he believed the direction of the full board was clear, a special board meeting needed to be scheduled. More notice was given of said meeting than what was required and two-thirds of the board members attended. The issue is that the request wasn't submitted in writing to the County Clerk as required. After consulting with the State's Attorney, it was noted that there was no stated remedy for this situation, no penalty for not following the procedures nor guidance when something like this happens. He noted that throughout this process all was done in good faith and before the public eye. He apologized for any confusion that this situation may have caused and will ensure that proper procedure is followed in the future.

AGENDA

Chairman Young called for approval of the agenda as presented. *Motion by Kestner, second by Steichen to approve the agenda.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chairman Young called for approval of the May 17, May 30 and June 14, 2018 meeting minutes. *Motion by Weller, second by Holt to approve the meeting minutes as presented.* **MOTION CARRIED ON VOICE VOTE.**

EXECUTIVE SESSION

Motion to go into Executive Session pursuant to 5ILCS 120/2 (c) (11) Pending Litigation was made by Fannin, second by Steichen. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Executive Session commenced at 6:05 p.m. and ended at 6:50 p.m., with the regular session resuming at 6:53 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

No action was taken.

APPEARANCES

Invenergy-Discussion of Potential Projects – Invenergy Representative-Elizabeth Harvey and Renewables Development Manager-Nick Edwards were present to inform the board about two projects Invenergy is

considering for Livingston County, an electrical transmission line and a solar facility. Ms. Harvey stated they would not be proposing a new windfarm in Livingston County. She also noted that they don't have all the plans put together for these projects but want to work with Livingston County and are letting the board know up front what they are considering. Nick Edwards stated the electrical transmission line would run about seven miles from the existing Livingston County substation (McDowell) to McLean County. The lines would be sited entirely within the county right-of-way and would adhere to guidelines from the national electric code standards as well as to local ordinances. With regards to the solar facility concept, Edwards noted the following items: in the order of 300 megawatts; would need 1,500-2,000 acres for a facility this size; spoke a little on the construction and decommissioning of sites; and that the State had passed legislation allowing for assessments on these types of facilities.

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a) **Duane Meister** - reappointment to the Cullom Fire Protection District.

Chairman Young called for approval of the consent agenda. *Motion by Fannin, second by Weller for approval of the Consent Agenda.* Ms. Hartley asked that the appointment of Mr. Meister be delayed until next month in order for the State's Attorney to review whether he is eligible to serve. *Motion by Fannin, second by Weller to amend their motion to approve the Consent Agenda with the removal of the appointment of Duane Meister.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

HIGHWAY

Vice-Committee Chairman Mark Runyon (in the absence of Committee Chairman Jason Bunting) and County Highway Engineer-Clay Metcalf reviewed the **Action Agenda Items:**

- a) **Bridge Petition:** Broughton Road District – Replace existing 2, 42” ERS CMP with one 2 – 42” ERS x 44’ Precoated CMP’s @ 2600N, 3025E Road. Estimated Cost = \$5,000. Section 18-04000-00-AB

Motion by Runyon, second by Carley to approve the Highway Action Agenda item. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Runyon also reported that they reviewed the proposed budget for next year and approved forwarding his capital requests on to the Finance Committee. Metcalf also reported on the status of the bridge work in Dwight Township noting that the bridge deck had been poured earlier in the day, with hopes of having it opened within a month.

PUBLIC PROPERTY

Proposal: Farnsworth Schematic Design – Farnsworth Group Civil Engineer-Neil Finlan was in attendance to present a proposal for the schematic design phase for the Health and Education Building and to answer any questions the board had. Committee Chairman Ingles noted the following: originally budgeted \$50,000 for study of available options; through discussions narrowed it down to defining a new building, its design and requirements; schematic drawing is a preliminary design of building, utilities, etc. needed for details of documents for bids; original \$50,000 plus additional \$44,550 from the Construction Fund (approved by Finance Committee at their last meeting) pays for the schematic design services. Neil Finlan felt that the board had accomplished the first two steps of the six part design and construction process by establishing the vision and discussing and arriving at funding for the project. He stated that discussions had taken place regarding responsibilities and expectations, meetings had been held with staff, and some site evaluations had been performed. Finlan then reviewed the Schematic Design process as follows: they work with staff to develop concepts into a specific floor

plan and building image; analyze the building code and other regulatory requirements; study how the design concept interfaces with mechanical, electrical and plumbing systems in an efficient, yet simple manner to maintain; and work on the coordination of building and site plan layouts and details. Finlan explained that the Schematic Design proposal presented for the Board's consideration would take about two months to complete at a cost of \$94,550. The purpose of a schematic design phase is to do away with the guesswork, to try to establish what function the building is to have and how it works with clients and the staff. Finlan talked about what some of the details would be that he would be looking for in his capacity as a civil engineer. He stated that what everyone was doing was trying to make good decisions, all aimed at a cost. This step is about 20% of the design fee. It was noted that the \$94,550 was included in the \$6 million estimate. Ingles stated that they had asked Farnsworth to utilize a conservative design approach (space wise) in the event grant funded programs were reduced. *Motion by Ingles, second by Kestner to approve the additional \$44,550 from the Construction Fund, as it was by the Finance Committee.* Discussion highlights follow: questioned whether we had decided to proceed with building since the minutes indicated that the motion had been withdrawn; this proposal doesn't lock-in Farnsworth as the architect for the entire project; the 19,000 square foot building is priced at \$225/square foot which is the \$4 million estimated cost; the \$6 million cost includes demolition of the current building, site work, contingency allowances and fees; and noted that there was no increase in Farnsworth's fee, just that we've gone further along than where we thought we might be when we budgeted. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Ingles, Shafer, Killian, Kestner, Allen, Arbogast, Weller, Carley, Holt, Runyon, Heath, Young and Fannin **Nays:** Steichen, Gerwin, Ambrose and Mays **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Other items of interest: Ingles noted that there had been an issue with squirrels and raccoons gaining entrance into the upper rooms of the H & E Building. Maintenance had been working on ways to seal the area to keep them out. The committee also viewed a maintenance software system which allows employees to submit requests, keeps track of the work which has been completed, and could be used for preventive maintenance scheduling.

AG & ZONING

Committee Chairman Daryl Holt reported that all three action items had been reviewed by the Planning Commission, the Zoning Board of Appeals and the Ag Committee.

Resolution (#2018-07-31): Zoning Case SU-2-18 Threshermen Solar LLC – Threshermen Solar LLC is submitting the application on behalf of John and Delores Woodburn for a 2 MW solar farm situated on thirty acres northeast of Threshermen's Park. Holt explained that the solar farm would be located south of a pipeline running through the northwest corner of the farm ground. A living screen (evergreen hedge) would be planted on the south side of the solar farm at the request of a homeowner residing there. Zoning Administrator-Chuck Schopp commented on the two solar applications noting that both were 2 MW (equivalent to one wind turbine) solar farms. He stated that the narratives for both solar farms were basically the same since they were being proposed by the same company (Cypress Creek) and utilizing the same attorney for both. Their site plans were different due to the contour of the land. Schopp reported that the special conditions of both applications were identical with the exception of the Miacomet application (SU-3-18) which contained an additional condition that an evergreen hedge be added along the Rt. 17 side, shielding it from traffic on the road. He noted the following items: how the decommissioning financial surety was arrived at; project to be reviewed after a year to determine status of the project; some people attended the first hearing out of curiosity with one resident requesting the evergreen hedge; and the Planning Commission reviewed the Comprehensive Plan noting the importance of the agricultural area. Discussion followed. One board member voiced their concern regarding the use of prime farm ground for the development of the solar farms and for the Board members to consider their goal in the comprehensive plan to preserve prime farm ground. Another member considered the fact that the farmers were deciding to set aside this acreage themselves, receive more income and were generating tax revenue for the county. *Motion by Holt, second by Ingles that the Livingston County Board approve Livingston County Zoning Case SU-2-18 Threshermen Solar LLC, concurring with the recommendation of the Livingston County Board of Appeals, including the conditions that were part of the Zoning Board of Appeals recommendation, and then modified by the Ag, Zoning and Emergency Services Committee of this Livingston County Board with a copy of*

the final conditions being attached to the resolution of the Livingston County Board approving this case.

MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Carley, Holt, Runyon, Heath, Young and Fannin **Nays:** Ambrose and Mays **Abstain:** Weller **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Resolution (#2018-07-32): Zoning Case SU-3-18 Miacomet Solar LLC - Motion by Holt, second by Ingles that the Livingston County Board approve Livingston County Zoning Case SU-3-18 Miacomet Solar LLC, concurring with the recommendation of the Livingston County Board of Appeals, including the conditions that were part of the Zoning Board of Appeals recommendation, and then modified by the Ag, Zoning and Emergency Services Committee of this Livingston County Board with a copy of the final conditions being attached to the resolution of the Livingston County Board approving this case. Discussion followed. Miacomet LLC is submitting the application on behalf of Kyle B. and Julieta Appel for a 2 MW solar farm situated on thirty acres north of Manville. Schopp stated that this solar farm is located north of Manville on Rt. 17. Holt noted that the lone attendee present at the hearing requested that a row of evergreens be planted on the west side between his home and the solar farm. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Carley, Holt, Runyon, Heath, Young and Fannin **Nays:** Ambrose and Mays **Abstain:** Weller **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Resolution (#2018-07-33): Zoning Case ZM-1-18 Harlan Knapp – Holt reported that this property was located on the east side of Fairbury, east of the Fairbury Fastener business. The applicant would like to have the zoning classification amended from an Agriculture District to a General Business District classification to allow for the development of a new building for a truck service center. The Planning Commission and Zoning Board of Appeals have reviewed this request. Motion by Holt, second by Killian that the Livingston County Board approve Livingston County Zoning Case ZM-1-18 Knapp. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Committee Chairman Holt reported the following items of interest: several members attended a flood control meeting in Fairbury; county was notified that some gas wells were replaced at the landfill; and heard concerns from Manville residents regarding the proposed hog farm and forwarded their petition against it to the state.

FINANCE

County Clerk Semi-Annual Report – Committee Chairman Shafer stated that Kristy Masching had reviewed her report for the first six months in 2018 and mentioned that fees were down due to a decline in local real estate transactions. She also stated that her office would be offering an on-line system for requesting certified copies of birth, death and marriage documents. She is also completing a fee cost study for her office noting that 2002 was the last time a study was conducted. Masching is also starting a Property Fraud Alert system which notifies residents when documents have been recorded in her office. *Motion by Shafer, second by Fannin to approve the County Clerk's Semi-Annual report for the time period ending May 31, 2018.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

Circuit Clerk Semi-Annual Report – Committee Chairman Shafer stated that LeAnn Dixon had reviewed her report for the first six months in 2018 and noted that more of her payments were coming into her office electronically (credit and debit cards) rather than in the form of checks. *Motion by Shafer, second by Kestner to approve the Circuit Clerk's Semi-Annual report for the time period ending May 31, 2018.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Ingles, Steichen, Shafer, Killian, Kestner, Gerwin, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

ELECTION, RULES & LEGISLATION

Certification of Election Judges – County Clerk-Kristy Masching explained that election judges are certified every two years at the start of their two year term which begins with the November 6, 2018 General Election. Ms. Masching noted that she needs about 230 judges and at this point has received confirmations back from around 170. She stated that she utilizes the help of Junior and Senior High School students and noted that she is still looking for more judges. *Motion by Fannin, second by Vietti to approve the certification of the election judges.*

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

Resolution (#2018-07-18): Supporting 2nd Amendment Rights – Committee Chairman Marty Fannin explained that this resolution in support of our 2nd amendment rights has been passed in a number of other counties in Illinois. He noted that lively discussion had taken place on this item. Fannin commented that the resolution had been sent to the State’s Attorney’s Office for approval with some items being removed upon his recommendation. *Motion by Fannin, second by Mays to approve the resolution in support of the 2nd Amendment Rights.* Discussion followed with a few members voicing their opinions as to whether this issue is something the Board should be getting involved in. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Steichen, Killian, Gerwin, Arbogast, Weller, Ambrose, Carley, Runyon, Mays and Fannin **Nays:** Ingles, Shafer, Kestner, Allen, Heath and Young **Abstain:** Holt **Absent:** Bunting, Slagel, Ritter, Lovell, Weber and Yoder

PERSONNEL

Committee Chairwoman Kathy Arbogast reported that they did not meet.

SHERIFF, JAIL & LICENSE

Committee Chairman Ron Kestner reported the following from their July 10 committee meeting: they reviewed the budget and capital requests from the eight departments that were assigned to their committee; 135 detainees are being housed in the Public Safety Complex; and learned that \$214,964.93 was the gross income received from all revenue sources.

ADMINISTRATIVE

Chairman Young reported that most of the items that were discussed were presented earlier in the report.

VETERANS ASSISTANCE

Committee Chairman Joe Steichen reported that their budget had been hit with high rent expenses in June. He noted that the commission had settled for a 3.5% decrease in the budget they will be presenting to the Finance Committee.

INFORMATION & TECHNOLOGY

Committee Chairwoman Vicki Allen reported that they met with Jon Sear. Vicki highlighted her report as follows. Sear stated that he will not be including any capital requests in his FY2019 budget and plans to complete projects that were initiated in 2018 including the jail cameras. He also noted that the majority of the month was spent working on the phone system changeover. Sear also reported that the State of Illinois had changed the gateway for video conferencing. He’s been able to get the system running, but will have to make some changes moving forward.

HOUSING AUTHORITY

No report

PUBLIC COMMENT

Board member Carolyn Gerwin commented on a recent presentation she attended regarding the opioid crisis. She noted that of the people who abuse these prescription pain killers, they get 55% of the pain killers free from friends or family, with another 16.2% being bought or stolen from friends or family. She asked that residents dispose of their drugs rather than sharing them.

CLOSING CEREMONY

The next meeting will be held on Thursday, August 16, 2018 at 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:14 p.m., on motion by Fannin, second by Mays. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

Bob Young, Chairman

Attest:

Kristy A. Masching
County Clerk

September 13, 2018
Approved

Minutes Bd 071918.A