

**LIVINGSTON COUNTY BOARD
MINUTES OF AUGUST 15, 2024 MEETING OF THE COUNTY BOARD**

OPENING

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

James Carley presented the invocation. Jack Vietti led the group in the Pledge of Allegiance.

County Clerk Kristy Masching called roll with the following members **Present:** John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Absent:** None

Also Present: Executive Director Alina Hartley, Executive Assistant Jordan Uselding, County Clerk Kristy Masching, Sheriff Ryan Bohm, Sergeant Emily Frobish, Deputy Gary Lisewski, Deputy Justin Givens, State’s Attorney Michael Regnier, Public Defender Marinna Metoyer, Finance Director Diane Schwahn, Zoning Administrator Brittney Miller, Network & Computer Systems Administrator Jon Sear, Treasurer Nikki Meier, Director of Environmental Health Donnie Simmons, Paul Scharnett (Hewn Studio PLLC), Attorney Andrew Keyt and Attorney Alex Rives (Heyl Royster)

AGENDA

Chair Carley requested to amend the agenda to add an appearance from the Director of Environmental Health to discuss the tire collection program. Carley also requested to move the Public Property Committee before the Agriculture & Zoning Committee under the action agenda. *Motion by Ritter, second by Blackard to approve the agenda as amended.* **MOTION CARRIED ON VOICE VOTE WITH ALL AYES.**

APPROVAL OF MINUTES

Chair Carley called for approval of the meeting minutes from July 11, 2024. *Motion by Lovell, second by Ritter to approve the minutes as submitted.* **MOTION CARRIED ON VOICE VOTE WITH ALL AYES.**

PRESENTATION

Introduction of Newly Hired Deputies: Sheriff Bohm introduced Gary Lisewski and Justin Givens to the County Board as the new deputies within the department. Bohm also recognized Emily Frobish as the newly promoted Sergeant.

APPEARANCES

Environmental Health Director – Tire Collection Program: Donnie Simmons reported that the Health Department will begin their annual tire collection program in September and county residents may drop off up to 20 tires each by appointment only.

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a. Zoning Board of Appeals – Richard Kiefer (5-year term commencing 7/16/2024 and expiring 7/15/2029)
- C. Acceptance of Decennial Reports:
 - a. Avoca-Owego-Eppards Point MTAD
 - b. Sunbury-Nevada-Esman MTAD
 - c. Saunemin-Pleasant Ridge-Charlotte-Union MTAD

Motion by Earing, second by Fannin for approval of the Consent Agenda. MOTION CARRIED ON ROLL CALL VOTE. Ayes: John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** None **Absent:** None

PUBLIC PROPERTY

Resolution (#2024-08-72): Approving Bid Results and Budget Historic Courthouse Roof Project: Vitzthum reported that the lowest responsible bidder being Western Specialty Contractors of Peoria, Illinois, came in with a bid of \$4,894,620. Vitzthum stated the Property Committee is recommending a contingency be allotted for the project resulting in a total overall budget of \$5,500,000. *Motion by Vitzthum, second by Fannin to approve the bid results and budget of the Historic Courthouse Roof Project. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** None **Absent:** None

Committee Chair John Vitzthum reported that the Maintenance Department has been taking care of a lot of regular maintenance and updates on the buildings. Vitzthum stated that he would encourage the Board Members to tour the buildings to see the work that needs to be done, to work towards implementing a predictive maintenance plan. Hartley mentioned that as part of the capital budget for FY 2025, they will be contracting a company to develop a capital improvement plan, which would identify the age of all the equipment and building systems to help plan ahead.

AGRICULTURE & ZONING

Resolution (#2024-08-62): Zoning Case SU-16-24 Livingston Landfill: Miller reported this case pertains to the review of a special use permit to allow for the operation of a mineral extraction and stockpile site located in Unincorporated Pontiac. Miller stated the Regional Planning Commission, Zoning Board of Appeals and Agriculture & Zoning Committee all recommended this case for approval. *Motion by Barickman, second by Fannin to approve Zoning Case SU-16-24. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** None **Absent:** None

Amendment of the Host County Agreement and Renewal: Miller reported the American Disposal Services of Illinois, Inc. has requested to extend the Amendment Agreement of July 15, 2021 to the Host County Agreement. *Motion by Blackard, second by Lovell to approve the Amendment of the Host County Agreement and renewal. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** None **Absent:** None

Resolution (#2024-08-63): Zoning Case SU-9-24 Anaconda 1A, Zoning Case SU-10-24 Anaconda 1B, Zoning Case SU-11-24 Anaconda 1C: Miller reported these zoning cases pertain to the review of 3 proposed special uses for the development of 3 co-located 5MW Solar Farms. Miller stated the Zoning Board of Appeals and Agriculture & Zoning Committee have recommended these cases for approval with conditions. Barickman expressed concern with the location of these solar farms and how it would be taking away cultivable land. *Motion by Blackard, second by Haag to approve Zoning Cases SU-9-24, SU-10-24 and SU-11-24. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* John L. Vietti, Michael Haag, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson and William Mays **Absent:** None

Resolution (#2024-08-64): Approval of Decommissioning Plan: SU-14-22 Allium Solar, LLC: Miller reported this zoning case pertains to the review of a decommissioning plan of a previously approved 5MW solar farm and indicated the decommissioning plan is in the amount of \$65,826. Miller stated the decommissioning plan was approved at the Agriculture & Zoning Committee. *Motion by Haag, second by Lovell to approve the decommissioning plan of Allium Solar, LLC.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** None **Absent:** None

Resolution (#2024-08-65): Approval of Decommissioning Plan: SU-15-22 Beebalm Solar, LLC: Miller reported this zoning case pertains to the review of a decommissioning plan of a previously approved solar farm and indicated the decommissioning plan is in the amount of \$86,209.

Resolution (#2024-08-66): Approval of Decommissioning Plan: SU-15-23 USS Avoca Solar, LLC: Miller reported this zoning case pertains to the review of a decommissioning plan of a previously approved solar farm and indicated the decommissioning plan is in the amount of \$50,044.

Resolution (#2024-08-67): Approval of Decommissioning Plan: SU-17-23 USS CEK3 Solar, LLC: Miller reported this zoning case pertains to the review of a decommissioning plan of a previously approved solar farm and indicated the decommissioning plan is in the amount of \$37,662.

Resolution (#2024-08-68): Approval of Decommissioning Plan: SU-19-23 TPE IL LI177, LLC: Miller reported this zoning case pertains to the review of a decommissioning plan of a previously approved solar farm and indicated the decommissioning plan is in the amount of \$240,776.16.

Motion by Lovell, second by Haag to approve the decommissioning plans of Beebalm Solar, USS Avoca Solar, USS CEK3 and TPE IL LI177. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** William Mays **Absent:** None

Resolution (#2024-08-69): Zoning Case SU-5-23 Junegrass LLC - SUP Extension: Miller reported this is a review of a proposed extension of a previously approved special use to allow for a development of a 2MW solar farm. Miller stated Trajectory Energy is requesting a 1-year extension and a substantial completion date of December 2026. Miller noted the reason for the extension was due to the developer having a hard time getting the materials needed. Miller stated the extension was approved at the Agriculture & Zoning Committee. *Motion by Haag, second by Lovell to approve the extension of Zoning Case SU-5-23.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** John L. Vietti, Michael Haag, Rebekah Fehr, Linda Ambrose, Craig Monson, Robert F. Weller, John J. Vitzthum, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** Gina Manker, Joel Barickman, Marty Fannin, Dan Myers, William Mays and Jim Blackard **Absent:** None

Resolution (#2024-08-70): Zoning Case SU-6-23 Granite LLC - SUP Extension: Miller reported this is a review of a proposed extension of a previously approved special use to allow for a development of a 5MW solar farm. Miller stated Trajectory Energy is requesting a 1-year extension and a substantial completion date of December 2026. Miller noted the reason for the extension was due to the developer having a hard time getting the materials needed. Miller stated the extension was approved at the Agriculture & Zoning Committee. *Motion by Earing, second by Vietti to approve the extension of Zoning Case SU-6-23.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** John L. Vietti, Michael Haag, Rebekah Fehr, Linda Ambrose, Craig Monson, Robert F. Weller, John J. Vitzthum, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter **Nays:** Gina Manker, Joel Barickman, Marty Fannin, Dan Myers, William Mays and Jim Blackard **Absent:** None

Ordinance (#2024-08-71): Zoning Case SU-5-24 Heritage Prairie Wind: Miller reported this is a review of a proposed 600MW utility scale wind farm facility located East of Dwight and within Dwight, Broughton, and Round Grove Townships. Miller stated this project consists of 71 turbines located on 12,350 acres of private land.

Attorney Andrew Keyt reported that the case has gone through the Regional Planning Commission and Zoning Board of Appeals processes and has now come before the board with a recommendation of approval subject to conditions, to which a draft version of special conditions was provided to all board members. Fehr asked for clarification on condition #17, regarding the shadow flicker. Keyt reported the condition is in place to ensure that there is compliance with the 30-hour limit requirement at all reception sites, and to be able to ensure that requirement is met the county would receive data every 6 months for a 5-year period.

Fehr raised concerns regarding the compliance of weather radar interference analyses and recommended the case be sent back to the ZBA for further testimony and studies.

*Motion by Haag, second by Weller to approve Zoning Case SU-5-24 Heritage Prairie Wind with special use conditions. **MOTION FAILED ON ROLL CALL VOTE.** Ayes: John L. Vietti, Michael Haag, Robert F. Weller, Seth L. Welch, James A. Carley and Steven J. Lovell Nays: Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, John J. Vitzthum, and Paul A. Ritter Abstain: Jim Blackard Recused: Gerald L. Earing Absent: None*

*Motion by Fannin, second by Fehr to send Zoning Case SU-5-24 Heritage Prairie Wind back to the ZBA for further testimony regarding weather radar interferences and a study to be provided. **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Seth L. Welch and Paul A. Ritter Nays: John L. Vietti, James A. Carley and Steven J. Lovell Abstain: Jim Blackard Recused: Gerald L. Earing Absent: None*

HIGHWAY

Quarterly Report: 2nd Quarter, FY 24. *Motion by Earring, second by Fannin for approval of the Highway Quarterly Report. **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter Nays: None Absent: None*

SHERIFF, JAIL & LICENSE

Liquor License Application: Planet Pizza/Outer Limits Weller reported that the owner of Planet Pizza/Outer Limits in Streator has sold and the business will now operate as 4DERO, Inc. *Motion by Weller, second by Blackard to approve the liquor license application for 4DERO, Inc. **MOTION CARRIED ON VOICE VOTE WITH ALL AYES.***

Committee Chair Robert Weller reported that regular department reports were given and Superintendent Draper informed the Committee that the Martha Wright-Reed Act will go into effect starting January 1, 2025, allowing the FCC to prevent the Jail from collecting commission on phone calls and video visitation.

FINANCE

Committee Chair Marty Fannin reported that the Committee met with Sheriff Bohm and Public Defender Marinna Metoyer to go over their budget and capital requests. Fannin reported that there will be a special meeting on August 28, 2024 at 6:00pm.

RULES, LEGISLATION, VETERANS, AND COMMUNITY SERVICES

Intergovernmental Agreement: Veteran’s Assistance Commission: Vietti reported that this is an IGA between the County and the VAC. *Motion by Vietti, second by Blackard to approve Intergovernmental Agreement.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** John L. Vietti, Michael Haag, Rebekah Fehr, Gina Manker, Joel Barickman, Linda Ambrose, Marty Fannin, Dan Myers, Craig Monson, William Mays, Robert F. Weller, John J. Vitzthum, Jim Blackard, Gerald L. Earing, Seth L. Welch, James A. Carley, Steven J. Lovell and Paul A. Ritter
Nays: None **Absent:** None

INFORMATION and TECHNOLOGY

Committee Chair Gina Manker reported that the IT Committee did not meet this month.

ADMINISTRATIVE

Chair James A. Carley reported that the Administrative Committee briefly discussed the FY 2025 budget. Carley noted that there was also discussion concerning the UCCI Conference where cyber security and matters of obtaining legal advice from our State’s Attorney were topics of discussion.

PUBLIC COMMENTS

The floor was open for public comment.

EXECUTIVE SESSION

N/A

ACTION RESULTING FROM EXECUTIVE SESSION

N/A

ANNOUNCEMENTS

N/A

ADJOURNMENT

The meeting adjourned at 7:38 p.m. on motion by Vietti, second by Barickman. **MOTION CARRIED ON VOICE VOTE.**

James A. Carley, Chair

Attest:

Jordan E. Uselding

Executive Assistant

On behalf of County Clerk, Kristy Masching