

Minutes of the Executive Committee Meeting

The Executive Committee of the McLean County Board met on Tuesday, December 12, 2000 at 4:15 p.m. in Room 700, Law and Justice Center, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Sweeney, Members Sommer, Segobiano, Salch, Bass, Berglund, Sorensen

Members Absent: None

Other County
Board Members
Present:

Members Renner, Kinzinger, Johnson, Emmett, Hoselton, Selzer, Owens, Bostic, Gordon, Rodman

Staff Present:

Mr. John M. Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Mr. Eric Ruud, Chief Civil Assistant State's Attorney; Ms. Martha B. Ross, Executive Secretary, County Administrator's Office

Department Heads/
Elected Officials
Present:

Mr. Charles Wunder, Director of Building and Zoning;
Mr. Craig Nelson, Director of Information Services

Chairman Sweeney called the meeting to order at 4:17 p.m. Chairman Sweeney presented the minutes of the November 14, 2000 meeting for approval.

Motion by Bass/Berglund to approve and place on file the minutes of the November 14, 2000 meeting. Motion carried.

The minutes of the November 14, 2000 meeting were approved and placed on file as presented.

Chairman Sweeney, Chairman of the Executive Committee, presented the Chairman's recommendations pertaining to appointments and reappointments.

Motion by Segobiano/Sommer to approve the Chairman's recommendations for Appointments as presented. Motion carried.

Chairman Sweeney stated that there are three (3) candidates who are seeking appointment to the vacant seat in County Board District #10. He explained that he would introduce each of the candidates in turn, and each would have up to five (5) minutes to state their qualifications and reasons why they desire to serve on the County Board. Chairman Sweeney noted that there were originally five (5) applicants for the District #10 position.

However, two (2) were eliminated, one as a result of an untimely filed application, and the second as a result of an ineligible residency.

Mr. Ren A. Lafferty addressed the Executive Committee and present Board members by stating that he has been a resident of Bloomington since 1972 and is employed by State Farm Insurance. He explained that he and his wife are owners of apartment buildings in the local area and that he has a specialty in audio-visual communications. Mr. Lafferty remarked that he holds a Bachelor of Science Degree in Speech from the University of Oregon and earned his Masters in Journalism and Communication from the University of Illinois. He is active in a variety of business and professional organizations throughout the community.

Mr. Bob Nuckolls addressed the Executive Committee and present Board members by stating that he is employed by Illinois State University as the Director of Parking Services and has previously held other positions of responsibility with the university. Mr. Nuckolls noted that he believes he possesses the necessary experience, political awareness, and strong work ethic that will be needed, should he be selected to serve District #10. Mr. Nuckolls explained that he received an Associate of Arts and Sciences Degree in Law Enforcement from Parkland College and earned his Bachelor of Science Degree in Criminal Justice Sciences from Illinois State University. He is active in a variety of professional and community associations and has received a number of awards pertaining to his profession.

Mr. Esaw Peterson addressed the Executive Committee and present Board members by stating that he is a former County Board member, having served on the Board from 1991 to the end of 1996, and from November 1999 to November 2000. He noted that he had served on six (6) County Board Committees during his tenures, including the chairmanship of the Human Services Committee and the vice chairmanship of the Justice Committee. Mr. Peterson stated that he is active in the McLean County Republican Central Committee. He further stated that he is employed by State Farm Insurance and holds a Bachelor of Science degree in Political Science from Eastern Michigan University. Mr. Peterson is active in a variety of professional and community associations. He cited several issues that are currently facing the Board in the near future and opined that he is well-qualified to address those issues, should he receive the appointment.

Chairman Sweeney presented the Request for Approval of an Ordinance Establishing County Board Meeting Dates for Calendar Year 2001.

Motion by Segobiano/Berglund to Approve the Ordinance Establishing
County Board Meeting Dates for Calendar Year 2001.
Motion carried.

Chairman Sweeney presented the Request for Approval of an Ordinance Establishing a Holiday Schedule for County Employees for the Year 2001.

Motion by Segobiano/Sommer to Approve the Ordinance Establishing a Holiday Schedule for County Employees for the Year 2001.
Motion carried.

Chairman Sweeney presented the proposal for the construction of a livestock management facility by Stone Ridge Dairy. Mr. Segobiano asked, as a point of information, whether the only document(s) eligible for consideration in examining the dairy issue would be the official transcript of the public information meeting, held on November 28, 2000 in Bellflower, Illinois. Chairman Sweeney explained that the official transcript of the public information hearing has not yet been made available by the Illinois Department of Agriculture for review. However, there are other items of documentation and information that are currently available for review.

Mr. Segobiano asked, with regard to the information citing eight (8) specific criteria, which is contained in the Executive Committee packet, whether such information is also eligible for consideration in the decision-making process.

Mr. Eric Ruud, Chief Civil Assistant State's Attorney, stated that the items of record that are currently available to the Board are compiled in a notebook, that was received from the Illinois Department of Agriculture. He explained that the notebook contains: 1) all of the exhibits that were tendered for the record at the time of the hearing; 2) written testimony that was submitted at the hearing; 3) copies of oral remarks that were also committed to writing and tendered to the hearing officer at the time of the hearing; 4) information on the lagoons; 5) photocopies of the Power Point presentations that were made by various hearing participants; and, 6) a list of attendees who signed in and spoke during the hearing, or submitted written testimony.

Mr. Ruud noted that the transcript of the proceedings of the public hearing on November 28, 2000 has not been received, and there is no indication of when that transcript will be received. He stated that Board members may consider, in determining their non-binding advisory recommendation, the information contained in the record, the transcript when it becomes available, and the information prepared by the administrative staff and provided within the Executive Committee Agenda packet. He explained that findings had been prepared which illustrate how Stone Ridge Dairy either achieves or did not achieve each of the eight (8) criteria required by the Livestock Facilities Management Act.

Mr. Ruud stated that the official, non-binding advisory recommendation tendered by the McLean County Board on December 19, 2000, and subsequently submitted to the Illinois Department of Agriculture, would be based upon the Board's determination of whether each of the eight (8) criteria have been met.

Mr. Ruud stated that the absence of the transcript is inconvenient in that Board members are currently unable to avail themselves of the information contained therein. He noted that, however, once the transcript is obtained, there is no legal admonition to read the transcript. The only obligation that the hearing officer has is to make the transcript available.

Mr. Selzer stated that, as a result of inquiries he has made, the County Board may present their non-binding advisory recommendation at the public hearing. Therefore, as a result of the fact that there has been a lapse of time in which to acquire further information since the public hearing, could that additional information be considered in the formulation of the Board's non-binding recommendation. Mr. Ruud respectfully responded that no information can be considered outside the bounds of the public hearing that occurred on November 28, 2000. He explained that information obtained following adjournment of the hearing, used in formulating a recommendation, could be considered "ex parte" communication, and would, therefore, be ruled ineligible for consideration.

Mr. Emmett stated that general knowledge, customarily part of a person's general frame of reference and a product of one's life experience, should be eligible for consideration in the decision-making process at hand. He opined that such general knowledge, acquired over time, could not be considered "ex parte" communication in the traditional sense.

Mr. Ruud stated that, in this particular instance, general life experience is not specific enough to utilize in the decision-making process. The Board's recommendation must be based upon the official record of the proceedings of the public hearing, which only includes the official transcript and the items of documentation tendered during the public hearing. He noted that it may, in fact, be impossible to entirely filter out all life experience in the decision-making process. However, the stated objective in the process is to determine whether or not the eight (8) criteria have either been met or not met, based upon the evidence presented during the hearing.

Mr. Ruud explained that, in addition to the statement of whether or not the criteria were or were not met, it must also be clearly stated what information formed the basis for deciding whether each of the 8 criteria were met.

Mr. Emmett stated that Mr. Ruud's comments indicated that the findings will ultimately be a product of each individual's interpretation of the evidence presented. Mr. Gordon asked whether he might liken the Board's role to sequestered jurors, in that they cannot consider any other information except within the narrow scope of the information contained within the official record and the transcript of the public hearing. Mr. Ruud confirmed this assertion.

Mr. Sommer stated that each individual Board member may have a lifetime of accumulated information, which helps the individual form an opinion about the issue at hand. However,

only the narrow scope of information presented at the public hearing and in the official record is to be considered. He then asked what liability the Board may incur in the event that the Board's final recommendation is based, in whole or part, on information other than what has been established as acceptable.

Mr. Ruud noted that the Board's duty is to tender an advisory recommendation only, and such recommendation is non-binding. He admonished the Committee members and Board members in attendance to follow the acceptable standard. The Department of Agriculture will be charged with the responsibility of determining whether the provisions of the Livestock Facilities Management Act have been met.

Mr. Bass commented that the Illinois Department of Agriculture will most likely make the final determination, based upon what the department wishes. They may override what some of the residents of Bellflower and some of the residents of the County have expressed, in terms of rejecting the proposed dairy's location within the County.

Chairman Sweeney presented Criteria #1. Mr. Sommer asked whether the required payment of \$250.00 for lagoon registration was tendered to the Illinois Department of Agriculture. Mr. Ruud stated that there is no evidence of said payment. He noted that it is undetermined whether payment of the lagoon registration fee must take place prior to the informational meeting. Mr. Sorensen added that the lagoon plans do not require approval until the dairy begins operations.

Chairman Sweeney presented Criteria #2. Mr. Selzer stated that there was a woman in attendance at the public hearing who presented herself as an expert on aquifers. He further stated that her testimony is relevant in that she is a disinterested party, and that her testimony should be referenced.

Mr. Emmett commented that, to his knowledge, there has not been a complete study made on the Mahomet aquifer. Chairman Sweeney stated that there has been a complete study done on that aquifer.

Mr. Segobiano stated that the woman's statements were of a cautionary nature.

Chairman Sweeney presented Criteria #3. Mr. Sorensen stated that he invested the time to read the complete Livestock Facilities Management Act. He noted that it would be helpful for the Board members to have a copy of the act at their disposal. Mr. Zeunik responded that the information was provided previously, but can be provided again in the Board packet.

Mr. Sommer asked whether an Executive Summary of the Livestock Facilities Management Act would be accurate enough to suffice for the Board's needs. Mr. Ruud responded that a summary

would be insufficient for the Board's purposes at this time. He noted that the Act is too technical to summarize, and indeed, the technicalities will heavily factor into the areas the Board will consider. He stated that, if necessary, a copy of the Act and the accompanying Administrative Regulations could be inserted into the County Board's December Agenda packet.

Chairman Sweeney presented Criteria #4. Mr. Gordon asked whether there were any specified construction standards. Mr. Ruud responded that, at this time, construction standards are not specified. The Notice of Intent does not provide for the specification of construction standards. Therefore, if the majority of the Board determines that this criteria has not been met, that determination is so stated.

Mr. Selzer noted that there was reference made to construction standards made in the presentation made by Mr. Feldman during the public hearing. Mr. Gordon asked how technical the standards need to be in order for the Board to use them in considering its overall recommendation.

Mr. Ruud stated that the documentation regarding construction standards states only that construction standards are consistent with protecting the safety of the area. Other than that, no further standards were stated. He noted that the proposed Stone Ridge Dairy has 37 calendar days prior to the date of commencement of operations before construction standards must be presented for review.

Mr. Bass asked whether there are sufficient assurances that liners to protect ground water contamination are not necessary. Mr. Ruud responded that Criteria #2 and Criteria #5 are similar in this respect. Criteria #2 speaks to protection of the environment, although no assurances can be given.

Mr. Hoselton stated that Mr. Kasbergen was asked whether he had an intent to drill perimeter wells around the lagoons to monitor any potential leakage. He stated that he hoped Mr. Kasbergen would indeed do that.

Mr. Sommer stated that Ms. Herzog would be qualified to render an opinion regarding permeability of the lagoons. She also indicated that the main well boring produced some aquifer material, suggesting that any leakage from the lagoon could potentially cause ground water contamination.

Mr. Ruud stated that there was testimony given at the public hearing stating that ground water monitoring is not required. The Board may wish to consider this fact in their recommendation.

Mr. Selzer stated that the Board's recommendation should include a provision that the State provide an independent person to test for ground water contamination. He also noted concern over potential run off contamination.

Mr. Emmett stated that the reason monitoring wells to measure potential contaminated run off have not been required is that the State legislature has not passed legislation addressing this subject.

Chairman Sweeney presented Criteria #6. Mr. Selzer stated that an engineer for Mr. Kasbergen suggested that two lagoons should have aeration. In the plan, there was provision for only one lagoon to be aerated. He noted that the Board's recommendation should include a provision for both of the lagoons to be aerated. The benefit of aeration is primarily odor control.

Mr. Sommer stated that it was his understanding that one lagoon was aerobic and one was anaerobic. Mr. Gordon asked whether clarification on this point could be provided by the staff.

Chairman Sweeney presented Criteria #7. Mr. Hoselton stated that the issue of damage to the roads providing ingress and egress to the proposed dairy is a noted concern. He stated, that Mr. Kasbergen indicated that he would adjust the loads being transported to meet road specifications. However, he stated that the County would not support the cost of upgrading the roads to meet the transportation needs of the dairy.

Mr. Sorensen noted that Mr. Kasbergen has stated that he intends to comply with the posted weight limits of the County roads. He stated that the Sheriff's Department may, in fact, ticket the dairy trucks if they are found to be in non-compliance.

Mr. Bass stated that the road weight limits are enforced. He further noted that the provision of adequate roads to support the increased traffic is not as thorny an issue as some of the other criteria to be considered.

Mr. Sommer noted that the area of greatest concern for him is the adequacy of the roads. He noted that the County would be heavily dependant on the veracity of Mr. Kasbergen with regard to monitoring the weight of his truck traffic.

Mr. Selzer noted that Criteria #7 speaks to the issue of traffic flow as much as it speaks to the weight limit of the trucks themselves. Mr. Ruud stated that weight limit evidence is important to consider. He noted that in a previous Appellate Court ruling, weight limit violations were a strong consideration.

Mr. Hoselton stated that there is not enough traffic on the roads in the area to be of great concern regarding damage from traffic volume. He noted that a greater consideration is the acquisition of the necessary Right-of-Way to upgrade the roads.

Mr. Gordon stated that the roads might not be wide enough to avert damage. Mr. Hoselton explained that Piatt County roads are currently wide enough to support the increase in traffic that is anticipated.

Mr. Bass noted that acquisition of adequate Right-of-Way will potentially be time consuming. He explained that many landowners in the area are not in favor of the dairy locating near Bellflower and, consequently, may not negotiate willingly for Right-of-Way acquisition.

Chairman Sweeney presented Criteria #8. There was no discussion of Criteria #8. He explained that each of the 8 criteria will be voted on by the full County Board at the regular December meeting.

Mr. Ruud stated that each of the 8 criteria must show supporting documentation, not just whether the criteria was deemed to be met or not. Mr. Ruud noted that the deadline to submit the Board's recommendation is December 28, 2000. It must show whether each of the 8 criteria is achieved or not achieved, and the supporting documentation used to arrive at each decision.

Mr. Emmett stated that environmental standards need to be carefully considered and the needs and tone of the local community should be considered as well.

Chairman Sweeney stated that the vote on each of the 8 criteria will take place on December 19, 2000 at the regular session of the County Board.

Mr. Sorensen, Member of the Finance Committee, presented the Amendment to the Consolidated Lease for SHOWBUS Vehicles for Meadows Mennonite Retirement Community.

Motion by Sorensen/Sommer to Approve the Request for an
Amendment to the Consolidated Lease Agreement for SHOWBUS
Vehicles for Meadows Mennonite Retirement Community.
Motion carried.

Mr. Sorensen presented the Request for Approval of a Resolution Authorizing a Referendum Relating to Tax Levy to Benefit McLean County Programs of University of Illinois Extension.

Motion by Sorensen/Berglund to Approve the Resolution Authorizing
a Referendum Relating to Tax Levy to Benefit McLean County Programs
of University of Illinois Extension.

Mr. Segobiano asked whether this resolution would result in another tax levy without any review by a local elected governing body. Mr. Sorensen replied that the County Board would have final review and approval of this proposed levy.

Motion carried.

Chairman Sommer, Chairman of the Justice Committee, presented a request by the Sheriff's Department to Award the Bid for 8 vehicles for use by that department.

Motion by Sommer/Segobiano to approve the award of the Bid for Purchase of 8 Vehicles for use by the McLean County Sheriff's Department. Motion carried.

Chairman Sommer presented the Request for Approval of Intergovernmental Agreements between the City of Bloomington, Town of Normal, and Illinois State University for Booking services.

Motion by Sommer/Berglund to Approve the Intergovernmental Agreements between the City of Bloomington, Town of Normal, and Illinois State University for Booking Services. Motion carried.

Chairman Sommer presented the request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2000 Combined Annual Appropriation and Budget Ordinance regarding the LiveScan Grant.

Motion by Sommer/Bass to Approve an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2000 Combined Annual Appropriation and Budget Ordinance, Sheriff's Department 0029 – LiveScan Grant. Motion carried.

Chairman Sommer presented the request for approval of an Emergency Appropriation Ordinance regarding the COPS in Schools Program.

Motion by Sommer/Berglund to Approve an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2000 Combined Annual Appropriation and Budget Ordinance, Sheriff's COPS in Schools Fund 0166, Sheriff's Department 0029. Motion carried.

Chairman Sommer presented the request for approval of a contract between the McLean County Juvenile Detention Center and Livingston County for lease of bed space.

Motion by Sommer/Bass to Approve a Contract Between the McLean County Juvenile Detention Center and Livingston County for Lease of Bed Space.
Motion carried.

Chairman Sommer presented the request for approval of an Emergency Appropriation Ordinance regarding the Circuit Clerk's Document Storage Fund.

Motion by Sommer/Segobiano to approve a Request for an Emergency Appropriation Ordinance Amending the McLean county Fiscal Year 2000 Combined Annual Appropriation and Budget Ordinance, Circuit Clerk Court Document Storage Fund 0142, Circuit Clerk's Office 0015, General Fund 0001, Information Services Department 0043. Motion carried.

Chairman Sommer presented the request to approve an Emergency Appropriation Ordinance regarding the Circuit Clerk's Court Automation Fund.

Motion by Sommer/Berglund to approve an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2000 Combined Annual Appropriation and Budget Ordinance, Circuit Clerk Court Automation Fund 0140, Circuit Clerk's Office 0015, General Fund 0001, Information Services Department 0043. Motion carried.

Chairman Sommer presented the request to approve an Emergency Appropriation Ordinance regarding the Circuit Clerk's Child Support Enforcement Fund.

Motion by Sommer/Sorensen to Approve an Emergency Appropriation Ordinance Amending the McLean County Fiscal year 2000 Combined Annual Appropriation and Budget Ordinance, Circuit Clerk Child Support Enforcement fund 0156, Circuit Clerk's Office 0015. Motion carried.

Chairman Sorensen, Chairman of the Legislative Committee, presented a Resolution to Oppose Ceding of Property Rights which will be presented to the full Board for its consideration.

Chairman Salch, Chairman of the Land and Development Committee, stated that there are no items for action at this time.

Chairman Berglund, Chairman of the Human Service Committee, presented a request to approve an Ordinance Amending the 2001 Combined Appropriation and Budget Ordinance for Fund 0103, which will allow the Health Department to provide limited funding for a breastfeeding program with the WIC program.

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Motion by Berglund/Sorensen to Approve an Ordinance of the McLean County Board Amending the 20001 Combined Appropriation and Budget Ordinance for Fund 0103. Motion carried.

Chairman Bass, Chairman of the Transportation Committee, stated that there are no items for action at this time.

Chairman Segobiano, Chairman of the Property Committee, presented a request to approve Attachment Number 10 to the Amendment to the Lease and Operation and Maintenance Agreement for the Law and Justice Center. He stated that this request occurs annually at this time.

Motion by Segobiano/Bass to Approve Attachment Number 10 to the Amendment to the Lease and Operation and Maintenance Agreement for the Law and Justice Center. Motion carried.

Chairman Sweeney presented the bills and transfers, which have been reviewed and recommended for transmittal to the Executive Committee by the County Auditor.

Motion by Segobiano/Sommer to recommend payment of the bills and transfers as presented by the County Auditor. Motion carried.

There being nothing further to come before the Committee at this time, Chairman Sweeney adjourned the meeting at 6:02 p.m.

Respectfully submitted,

Martha B. Ross
Recording Secretary

