

**PROCEEDINGS  
OF THE  
MACON COUNTY BOARD**

**FEBRUARY 11, 2010**

**Jay A. Dunn  
Chairman**

**Stephen M. Bean  
Clerk**

The Chairman called the meeting to order at 7:15 p.m. with the Sheriff and State's Attorney present.

The Roll Call showed all members present.

Mrs. Taylor led the members in Prayer.

All led in the Pledge of Allegiance.

#### **A. PROCLAMATIONS**

Mr. McGlaughlin: Mr. McGlaughlin presented a proclamation supporting the 2010 Census.

#### **MOTION**

Mr. McGlaughlin moved, seconded by Mr. Meachum to approve the proclamation supporting the 2010 Census by unanimous voice vote.

#### **MOTION CARRIED.**

Mr. Matt Snyder, Regional Superintendent of Schools, presented a proclamation regarding Career and Technical Education Month February 1 – 28, 2010.

#### **MOTION**

Mr. Williams moved, seconded by Mrs. Wilkins to approve the proclamation supporting Career and Technical Education Month by unanimous voice vote.

#### **MOTION CARRIED.**

#### **B. APPROVAL OF THE MINUTES OF THE JANUARY 14, 2010 MEETING**

#### **MOTION**

Mr. Smith moved, seconded by Mr. Drobisch to approve the minutes of the January 14, 2010 meeting.

There were no questions or comments from the board floor.

#### **ROLL CALL.**

Ayes: Ashby, Baxter, Cox, Drobisch, Dudley, Dunn, Greenfield, Hogan, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Smith, Taylor, Westerman, Wicklund, Wilkins, Williams, Yoder

Nays: (None)

**AYES = 21**

**NAYS = 0**

**MOTION CARRIED.**

**ZONING / SUBDIVISIONS**

1. Mr. Dudley presented Resolution Z-1102-2-10 which is regarding Case R-01-01-10, a petition submitted by Phillip Pugsley for rezoning approximately 38 acres from R-1 Single Family Residential to RE-5 Single Family Estate on property commonly known as 802 N. Moffet Lane in Decatur Township. Staff recommended at the January 6, 2010 public hearing that the petition be approved. After hearing the evidence, the Zoning Board of Appeals voted in favor of recommending to the County Board that the petition be approved. The EEHW Committee met and reviewed the petition and recommended by an 8-0 vote that the County Board approve the subject petition.

**MOTION**

Mr. Dudley moved, seconded by Mr. Meachum to approve Resolution Z-1102-2-10 by prior roll call vote.

The petitioner was not present at the meeting.

There were no objectors present at the meeting.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**C. CORRESPONDENCE**

Three letters from Comcast regarding channel changes and programming updates.

Two letters from the Illinois Department of Transportation regarding notification to maintain on two projects completed and accepted by the Department of Transportation. Project: BROS-0115(059) and Project BRS-0555(205).

A letter from AmerenIP regarding tree trimming that will be done in the near future in and around the Decatur and Forsyth area.

A letter from Ameren Illinois Utilities regarding upcoming vegetation management that will be performed in the near future.

An objection letter regarding Case R-01-12-09 rezoning of 1220 E. Washington Street Road in Maroa Township filed by Robert & Bobbi Mashburn.

**REPORTS**

Sheriff's Report – January 2010  
Coroner's Report – January 2010  
Macon County Collector Bank Report – January 2010  
Macon County Treasurer Fund & Investment Report – January 2010

**MOTION**

Mr. Smith moved, seconded by Mr. Dudley to approve the Correspondence and Reports and that they be placed on file by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**2. CLAIMS**

**MOTION**

Mrs. Cox moved, seconded by Mr. Meachum to approve the Claims by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

There were no appointments presented at the meeting.

There was nothing submitted on the Consent Calendar.

**JUSTICE COMMITTEE**

3. Mr. Baxter presented Resolution G-3404-2-10 which is approving a contract between the Macon County Sheriff's Department and the Decatur Public Building Commission.

**MOTION**

Mr. Baxter moved, seconded by Mr. Yoder to approve Resolution G-3404-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

**EEHW COMMITTEE**

4. Mr. Dudley presented Resolution G-3405-2-10 which is approving a department name change for the Solid Waste Management Department to Macon County Environmental Management Department.

**MOTION**

Mr. Dudley moved, seconded by Mr. Williams to approve Resolution G-3405-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

5. Mr. Dudley presented Resolution G-3406-2-10 which is recognizing April 2010 as “National Donate Life Month”.

**MOTION**

Mr. Dudley moved, seconded by Mr. Yoder to approve Resolution G-3406-2-10 by prior roll call vote

**QUESTION:**

Mrs. Wilkins: Mrs. Wilkins asked what this is exactly.

Sheriff Schneider: Sheriff Schneider said he would call it a grass roots effort. He had two representatives at the meeting, one from St. Mary’s and the other from the Secretary of State’s Office encouraging people to donate for life in reference to organs. This is a situation where there is a new registry which allows you to make the choice, not your family. If you make a choice then they can go ahead and make that law abiding. These people have been involved with this for some time. We have really been trying to work hard. He wanted to give a round of applause to these two individuals here because they have done a phenomenal job of putting together this group to be able to get this passed. It is through the Secretary of State’s Office. It has been in place for a period of time. Sheriff Schneider said we have a location on our website that actually deals with donate for life. We also have decals for cars and so forth. It is a very important movement. If we are going to do one thing he thinks if you pass this we will be encouraging people to go ahead and donate for life. He thinks here in Macon County we are at almost 44%, more specifically 43.7% and we would like to bring that up a little bit more.

**MOTION CARRIED.**

The Operations, Personnel & Legislative Committee had nothing to submit at the meeting.

**FINANCE COMMITTEE**

6. Mr. Ashby presented Resolution G-3407-2-10 which is approving a fee for Macon County Plat Books in the Recorder's Office.

**MOTION**

Mr. Ashby moved, seconded by Mr. Jacobs to approve Resolution G-3407-2-10 by prior roll call vote.

**COMMENT:**

Mr. Meachum: Mr. Meachum said he would like to amend the resolution to state instead of 300 books to amend that down to 100. There would be no additional cost for that reduction.

Mr. Dunn: Mr. Dunn said he would like Mr. Meachum to put in the words "up to 300". There are 3 places in the resolution where it talks about buying 300, but he would like to amend that to say "up to 300". He asked Mary to call the company, and they said they would sell us 100 plat books for the same price as 300. So, we could buy 100 books and then if we sold those and needed to order more we could order another 100.

Mr. Ashby: Mr. Ashby asked if we order them in lots of 100.

Mr. Dunn: Mr. Dunn said yes.

**MOTION TO AMEND**

Mr. Meachum moved, seconded by Mr. Williams to amend Resolution G-3407-2-10 to state "up to 300" plat books in the 3 places in the resolution by prior roll call vote.

**QUESTION:**

Mrs. Little: Mrs. Little asked the Recorder if she will buy them in lots of 100 if they change the wording of the resolution or does she still intend to buy 300.

Mary Eaton: Mrs. Eaton said she will buy 100 at a time.

Mr. Westerman: Mr. Westerman asked for a clarification on whether we are buying these for \$35.00 and selling them for \$35.00.

Mr. Ashby: Mr. Ashby said no; we are buying them \$20.00 a piece and selling them for \$35.00.

**MOTION CARRIED. (AMENDMENT TO RES. G-3407-2-10)**

**MOTION CARRIED. (MAIN MOTION G-3407-2-10 AS AMENDED)**

7. Mr. Ashby presented Resolution G-3408-2-10 which is approving applying the Decatur Public Building Commission rent surplus and for reduction in the levy for the Decatur Public Building Commission Fund. The amount is \$778,206.06.

**MOTION**

Mr. Ashby moved, seconded by Mr. Smith to approve Resolution G-3408-2-10 by prior roll call vote.

There were no questions or comments from the board.

**MOTION CARRIED.**

8. Mr. Ashby presented Resolution G-3409-2-10 which is executing deeds to convey property on which taxes were delinquent.

**MOTION**

Mr. Ashby moved, seconded by Mr. Meachum to approve Resolution G-3409-2-10 by prior roll call vote

There were no questions or comments from the board floor.

**MOTION CARRIED.**

9. Mr. Ashby presented Resolution G-3410-2-10 which is regarding health insurance costs (medical and dental) for actively deployed current employees.

**MOTION**

Mr. Ashby moved, seconded by Mr. Wicklund to approve Resolution G-3410-2-10 by prior roll call vote.

**COMMENT:**

Sheriff Schneider: Sheriff Schneider said we went through all of the oversight committees on this and he thinks a lot of you know what this involves. He encouraged the board to support it and thanks you when you do because he has had a lot of positive input. He said they have to proud of their constituents because a lot of hard questions have been asked regarding financing. He just wanted to thank them in advance.

**MOTION CARRIED.**

10. Mr. Ashby presented Resolution G-3411-2-10 which is regarding approving a budget amendment for Workforce Investment Solutions FY10 budget.

**MOTION**

Mr. Ashby moved, seconded by Mr. Smith to approve Resolution G-3411-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

11. Mr. Ashby presented Resolution G-3412-2-10 which is approving increase in appropriations in the FY10 Health Fund for WIC/FASD Special Project Grant Document #L11GL322000 Attachment E.

**MOTION**

Mr. Ashby moved, seconded by Mr. Jacobs to approve Resolution G-3412-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

12. Mr. Ashby presented Resolution G-3413-2-10 which is approving a Memorandum of Agreement with the Army Corp of Engineers and an amendment to the FY10 GIS budget.

**MOTION**

Mr. Williams moved, seconded by Mr. Drobisch to approve Resolution G-3413-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED. (ASHBY SHOWED HIS VOTE AS NO)**

**QUESTION:**

Mrs. Wilkins: Mrs. Wilkins asked if we are paying 100% of the deployed employees' medical expenses. Would we have paid 100% anyway?

Mr. Dunn: Mr. Dunn said we would have paid 75%.

Mrs. Wilkins: Mrs. Wilkins said so we just want to pay all of them.

Mr. Dunn: Mr. Dunn said that is correct.

The Negotiations Committee had nothing to submit at the meeting.

### **TRANSPORTATION COMMITTEE**

13. Mr. Potts presented Resolution H-1694-2-10 which is approving permission for Horve Developers LLC to install a new street entrance into Shadow Ridge Estates on Illiniwick Road (CH 20) in Forsyth.

#### **MOTION**

Mr. Potts: moved, seconded by Mr. Meachum to approve Resolution H-1694-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

#### **MOTION CARRIED. (ASHBY SHOWED HIS VOTE AS YES)**

14. Mr. Potts presented Resolution H-1695-2-10 which is appropriating funds to cover the construction expenses on Section 03-00184-00-BR, the Twin Bridges Project on CH 20 in Forsyth.

#### **MOTION**

Mr. Potts moved, seconded by Mr. Williams to approve Resolution H-1695-2-10 by prior roll call vote.

#### **COMMENT:**

Mr. Williams: Mr. Williams said we would ask that, that project move along as quickly as possible.

#### **MOTION CARRIED.**

15. Mr. Potts presented Resolution H-1696-2-10 which is awarding annual county sign bid.

#### **MOTION**

Mr. Potts moved, seconded by Mr. McGlaughlin to approve Resolution H-1696-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

16. Mr. Potts presented Resolution H-1697-2-10 which is awarding the annual county culvert bid.

**MOTION**

Mr. Potts moved, seconded by Mr. Williams to approve Resolution H-1697-2-10 by prior roll call vote.

**QUESTION:**

Mrs. Little: Mrs. Little asked what the purpose of this resolution is.

Mr. Potts: Mr. Potts said they go ahead and order the culverts and when they need the culverts they would go pick them up.

Mrs. Little: Mrs. Little said then we are guaranteed this price throughout the year.

Mr. Potts: Mr. Potts said yes.

**MOTION CARRIED.**

17. Mr. Potts presented Resolution H-1698-2-10 which is appropriating funds to cover the engineering expenses on Section 10-00233-00-EG, the Lost Bridge-Baltimore Connector Trail Project.

**MOTION**

Mr. Potts moved, seconded by Mr. Smith to approve Resolution H-1698-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

18. Mr. Potts presented Resolution H-1699-2-10 which is appropriating funds to cover the engineering expenses on Section 10-00234-00-DR, the Warrensburg CH 20 box replacement and drainage improvement.

**MOTION**

Mr. Potts moved, seconded by Mr. Hogan to approve Resolution H-1699-2-10 by prior roll call vote.

There were no questions or comments from the board floor.

**MOTION CARRIED.**

The Executive Committee had nothing to submit at the meeting.

**SITING RULES & ORDINANCE SUB-COMMITTEE**

Mr. Meachum: Mr. Meachum said he is planning to schedule a meeting next month to start working on some other ordinances.

The Building Sub-Committee had nothing to submit at the meeting.

There were no citizen's remarks presented at the meeting.

**OFFICEHOLDER'S REMARKS**

Mr. Williams: Mr. Williams wanted to remind the board that next month will be our job shadow month with our 4-H friends. He said we will have about 12 kids present and we look forward to having them sit amongst us.

**OLD BUSINESS:**

**MOTION TO REMOVE FROM THE TABLE**

Mr. McGlaughlin moved, seconded by Mr. Meachum to remove Resolution Z-1101-2-10 from the table by prior roll call vote by prior.

**MOTION CARRIED.**

**MOTION**

Mr. Dudley moved, seconded by Mr. Wicklund to approve Resolution Z-1101-2-10.

**PETITIONER:**

James Keith: Mr. Keith lives at 1220 E. Washington Street Road, Maroa, Illinois, 61756. He thanked the board for their time and patience in resolving this issue. He knows they have discussed it a lot but he just wanted to touch on a couple of key points. This issue has taken on several faces since it began. It started off as a zoning issue, and it has kind of transformed into a nuisance and environmental issue. He wanted to emphasize that his mother-in-law, Sharon Johnson, who owned the property before he did provided a copy of her petition to rezone that she submitted in 1993, and it specifically states that she wanted one acre zoned residential, not the entire acreage. She actually requested a Special Use Permit. How that got mistaken and rezoned a different way, he did not

know. But, he does believe that restoration is the right thing to do. That is the zoning issue. From a nuisance perspective, Mr. Mashburn raised a couple of issues at the last meeting that he would like to address. One of the issues that Mr. Mashburn raised was flies. Mr. Keith said he has been in contact with Dr. Doug Whitman who is an Illinois State University Professor of Entomology. Mr. Keith had a long discussion with him, and his position on the flies is that there are a couple of different kinds of flies. There are Blow Flies, Face Flies and Horn Flies that traditionally congregate around livestock. However, they won't travel very far if they have what they need, and they do on our property. What Dr. Whitman thinks the probable infestation is, and he has volunteered to test these flies in the spring when they come out again, is Cluster Flies. Due to an abundance of earthworms which are Cluster Flies host and the Cluster Flies are parasites, they are common around turned fields where there has been a high amount of rain, which we have had the last two years. Mr. Keith wanted to point out that Mr. Mashburn has very close proximity to those fields. He presented a map that indicated where Mr. Mashburn's property is. His property is 4 acres. Of those 4 acres which are R-4, 2 of those acres he has also leased out for corn and soybean growing. That is about 50 feet from his house. The professor thinks that a lot of these flies are because of the heavy rains and the silage very close to his property as it exists currently. The professor also mentioned that the Asian Lady Beetles have been a major infestation over the last two years. The smell, he just wanted to emphasize that he has never had more than 30 cows on that acreage, and of those 30 cows 12 have always been calves. So to think of them in terms of full grown cows is inaccurate. Those 30 cows have only been present in the winter time for winter feeding. The Doaks have actually sold 3 since the last meeting so we only have 27. In March, as soon as it gets nice enough 12 of those cows will go to a farm in DeWitt County, which they have done every year for the last 5 years, which will only leave 12 to 18 cows on our property. That is all that has ever been there in the spring and summer. In September or October they will return, but that is a very short window where there is a large herd on our property. What happened last spring was unfortunate. We had a high level of rain and it delayed moving the cows to the farm in DeWitt County, and it also delayed moving the manure. But, that was a very short window. He wanted to emphasize that the winds are typically out of the southwest so even during that window most of that smell is blowing to the north and to the east. Regardless of that we really want to resolve this issue. We have talked to Dr. Paul Walker and Nick Anderson. Dr. Paul Walker is a Professor at Illinois State University of Agriculture and Nick Anderson is with the Illinois Livestock Development Group. They have given us some solutions for both the flies and the odor that we are going to try to use. Nick Anderson came out and determined that the cows are healthy and that the pastures are well maintained. The industry has no concerns. One of the issues was also environmental that Mr. Mashburn raised, an issue about his well head. Mr. Keith wanted to emphasize again that Mr. Mashburn's well head is closer to his own 2 acres that he has leased out and there is a higher risk of herbicide and pesticide contamination 50 feet away than there is from manure about 600 plus feet away. Now that we know there is an issue again, we are going to work to make our operation better. He wanted to emphasize that we did not know there was an issue until we got this zoning violation. The Mashburns were very supportive as this operation was put into effect. They knew about it. They commented about how nice the property looked as it was being cleared. They

commented about how nice it would be to have the trailer moved off the property. So, it wasn't as if this happened in a vacuum; they did know about it. It took 5 years for them to complain. He also wanted to point out from the cemetery that there is no issue from the township or the trustees. My wife's family has 5 generations in that cemetery, and we will be the 6<sup>th</sup> when we are buried there and we plan on being. The Doaks have 6 generations. We believe that the pastoral scene is very respectful. In fact, the back section of that cemetery use to be Julie's family farm, so there is some history there as well. The City of Maroa had no issues. They voted unanimously to not involve the city in this issue. The Zoning Board of Appeals, from this body, twice voted 4-1 in favor of rezoning. The EEHW Committee twice voted unanimously to approve this rezoning. There is no 20% contiguous shared properties by the Mashburns as stated earlier. He also wanted to emphasize that even if the property stays R-4, it does not solve the Mashburn's problem because we still have one acre of agriculture that will not be turned, and that is the frontage acre. So, we will end up compressing that small herd onto this 1 acre across the county road from the Mashburns as opposed to being able to have them distributed over 3 acres. He asked that they support the rezoning because he thinks it is the right thing to do and he believes that in his heart.

Mr. Williams: Mr. Williams said we have had to work off of small maps and Mr. Van Natta has a larger map that he has prepared. He asked if he could bring that map and explain about the 2 parcels and where the Mashburns live in relationship to the Keith properties.

Mr. Van Natta showed on the map where the Keith property is. He said they would notice that the frontage on the footage goes this way and takes out the 1 acre that was in question. This is the portion here 2.97 acres which is zoned R-4. Their east side is 365 feet deep and the north side is 474.9, and 228 to the north on the short side and 206 to the west and the west side is 137 feet deep. We have 268 frontage on the road. He said that is 15.96% which is less than 20%.

Mr. Greenfield: Mr. Greenfield said Mr. Keith has agreed to do a lot of fine things and he appreciated that, but he asked why the county can't just issue him a Special Use Permit to make sure he follows what he says he is going to do instead of rezoning and taking the risk that maybe he won't do what he said he is going to do.

Mr. Van Natta: Mr. Van Natta said he didn't think the Special Use Permit that was issued on this property, the first time, for a mobile home, was proper in the way it was handled because of the change in zoning to do that. It didn't need to be changed for the Special Use Permit. It should have stayed A-1. In the actual petition, they only petitioned to have 1 acre rezoned and the entire acreage got rezoned. It shouldn't have happened. Mr. Van Natta thinks it was a mistake on the county's part. He thinks it was a mistake on the zoning office's part. He thinks it was a mistake on EEHW Committee, so on and so forth. It was a mistake. There is no question about it.

Mr. Keith: Mr. Keith said he wanted to add to that, that the cows are only going to be out there for five more years. That is the agreement we have with the Doaks, and they have no intention beyond 5 years of continuing to harvest cattle.

Mr. Greenfield: Mr. Greenfield said he appreciates that but if it is rezoned then he doesn't have to live up to that agreement. His question is that if Mr. Keith was issued a Special Use Permit then he would have to live up to it.

Mr. Keith: Mr. Keith said their plan past 5 years is to have a flower farm. That has been our goal for a long time. He thinks that would be very fitting next to the cemetery. It is going to be a small business and it is going to require an A-1 rezoning. So, whether we zone it now or later, we will be here again.

Mr. Ashby: Mr. Ashby asked if on the original rezoning in 1993 they requested 1 acre.

Mr. Van Natta: Mr. Van Natta said yes, but it was 1991.

Mr. Ashby: Mr. Ashby asked what the location was for that 1 acre. Is it on the road? Where is it in that 2.97?

Mr. Van Natta: Mr. Van Natta said the 1 acre they requested was on the northwest corner of the property which would have put it in the actual A-1 zoning because there was already 1 acre in the front that was already zoned A-1. Mr. Van Natta showed him on the map the original 1 acre that was agricultural after the rezoning. He showed where it was all A-1 in the very beginning. Mrs. Johnson requested an acre (Mr. Van Natta showed on the map) to be rezoned R-4 to enable her to have a mobile home, which is not consistent because R-4 does not constitute the privilege of a mobile home. They could have gotten a Special Use Permit to put the mobile home in without changing anything at all because it was agricultural. The Special Use Permit could have come under that, but it got rezoned he thinks by accident. He thinks there was a communication problem from the very beginning. The Special Use Permit could have put the mobile home here (he showed the spot on the map). Actually he said you are land locking a piece of R-4 property that is what would have happened, so they rezoned the entire thing, which was a mistake. Mr. Van Natta said it is his contention that the county as well as the Zoning Board, the EEHW and the County Board made a mistake. He thinks any time a mistake is made like that and it is brought to attention then it should be corrected. As far as a Special Use Permit for Mr. Keith, he thinks it would be out of the question. It should go back to what the farmstead was originally. It dates clear back to 1906 and he really believes they were done an injustice when that happened.

Mrs. Wilkins: Mrs. Wilkins asked if there is a moratorium on mistakes, because she was thinking since it was a mistake and you can prove that it was a mistake, that we could just take it back there, and that just be it. You wouldn't have to go through a total voting of it.

Mr. Van Natta: Mr. Van Natta said he would have liked to hope we could do that but he doesn't think that would have been proper. It needs to go through the channels to do it correctly.

Mrs. Wilkins: Mrs. Wilkins said it is good to bring it to the attention, but it was a mistake made, and usually mistakes are just corrected.

Mr. Van Natta: Mr. Van Natta said from the minutes he read and the way it was handled he could only come up with the assumption that a mistake was made. He has got the minutes with him if you would like to hear him read them. They are quite lengthy. It is one of those things that after a month and a half of hearings and what not it was out of proportion.

Mr. McGlaughlin: Mr. McGlaughlin said based upon profound desire to make sure that we are not making another mistake and in an effort not to revisit this he needs to ask a procedural question. Have we indeed voted to remove this issue from the table?

Mr. Dunn: Mr. Dunn said there was a motion and a second, but he was not sure about the vote.

Mr. Bean: Mr. Bean said we did. It was a voice vote, and then we had a motion on the resolution.

Mr. Hogan: Mr. Hogan said in talking about mistakes, he asked if they could review again why the objector could not make a legal objection, a legal protest, and why wasn't it brought up before today.

Mr. Van Natta: Mr. Van Natta said in the total perimeter around the 2.97 acres you come up with 1679 feet in the perimeter. This is the way our rule reads. Mr. Keith has 268 foot of frontage and the percentage of that is 15.96% and it requires 20%.

Mr. Dunn: Mr. Dunn said he thought that was reported at the last EEHW meeting. Mr. Dunn said he called Mr. Mashburn after that meeting and told him it didn't meet the requirements, and if he had any questions to call Tony or Randy Waks. He was not sure if there was any follow up on it. So, it doesn't require a super majority vote, just a normal vote.

Mrs. Little: Mrs. Little said her concern is that we are focusing on this being cattle land and not the proper use of the land which is A-1. Her question for consideration, which is rather rhetorical is, if the Keith's were growing a crop on land that was zoned R-5 instead of grazing cattle would anyone be protesting? The point is, is this zoning A-1 from R-5. It is not cows or pigs or sunflowers or daisies. It is A-1 which she believes is the proper zoning for the land.

**OBJECTORS:**

Robert Mashburn: Mr. Mashburn lives at 1217 E. Washington Street Road across the street from the Keiths. He is opposing this as being a nuisance. He knows it may not be a cattle issue, but it is what has become of the property. Having that on there is what has become a nuisance. It doesn't smell every day there, but when it does during those nice summer days and you want to be outside that is when it smells. We don't want to be outside. We have a pool that he wasn't in one time last year. He said when he mows his yard he gets his mower out and puts his garage door down so his garage is not filled with flies that eventually get into the house. He thinks it is kind of a coincidence when the number of cattle have picked up in the last couple of years that is when the fly problem picked up also, not whether they are eating on worms or whatever they do. At first he didn't think much about it when they first put them on there 5 years ago because they just had a few head on there and it wasn't an issue. In the last 2 years they have picked up and have had 25 to 30 head of cattle on there, which for that small of an area is quite a few. That is his complaint as far as the nuisance issue. The cattle are not the homeowner's. It is what he considers to be a business going on there because they are leasing the ground out. They still have their 1 acre if they would like to have a few cattle or however many cattle they want to try and put on there; they still have it. He knows some of you here live 20 miles away and think in Maroa we are way out in the boondocks. But, the fact of the matter is it is within a 1000 feet of the city, next to the cemetery. He is R-4 and the people back west of him are R-5 so it is not a good fit for where it is at, especially for that small of an acreage. Mr. Mashburn has nothing against anybody making a living raising cattle, but he thinks they need to be somewhere where they are not infringing on other people's property. He knows you are a ways from it, but he is 100 feet from it. He doesn't think there is anybody here who would want to trade places with him if any of them have driven by and seen where it is at and gotten a full picture of what is there. He does have agriculture on two sides of him. That is a given. Mr. Keith brought up about the well head. Mr. Mashburn said his well head is probably 300 feet from their cattle. They are within the Illinois Department of Public Health's guidelines. Also, when it comes to the EPA cities have a ¾ mile water supply protection area too. So, it shows there is some concern that they don't let people dump gasoline or whatever kind of contaminates could happen within 50 feet of a city well somewhere. He is in that business and as far as distance wise they are set up basically out on farms that even if you own the ground and the cattle you still have to be 50 feet with your well away from it. When going around with the people he has worked for, this just doesn't happen where somebody else's well is right close. He is sighting that as an environmental issue that could come up some day. As far as that goes we don't know how it is going to travel. We had 50 inches of rain last year. It has been two wet years. Our ditches after these 2, 3, 4 inch rains are full of water, and part of the runoff is coming off of that cattle lot right into the ditch where water is standing. He does feel that is an issue to go along with it. When he talked to David Williams, and he and Mr. Van Natta told him they went back through records and had not found where there had ever been a piece of property go from R-4 back to agricultural. To him they are trying to set a precedent with this. He thinks that is going to encourage other people to go back, and if they start going back to agricultural then their taxes will be a little less. So, he thinks they will be missing out on a little bit of real estate taxes along the way possibly. By opposing this he is hoping to reduce the nuisance. That is what he is hoping for. He just asks that if you do pass this

that you put a restriction on there to limit the number of cattle per useable acre. Mr. Mashburn feels this nuisance is going to decrease his property value. He has been there for 24 years and until the last few there hasn't been anything like this across there. He feels he is being infringed on by this. He thinks if the county zoning is making their decisions on this by the environmental and what it is doing to other people, he thinks they should concentrate on not only what is going on above ground but what is going on below ground and what kind of effect it has on other people. They shouldn't just ram this through and give people a free pass on it to do whatever they want to do. He would appreciate their no vote.

**ROLL CALL.**

Ayes: Baxter, Dudley, Dunn, Jacobs, Little, McGlaughlin, Meachum, Oliver, Potts, Smith, Taylor, Westerman, Wicklund, Wilkins, Williams, Yoder

Nays: Ashby, Cox, Drobisch, Greenfield, Hogan

**AYES = 16**

**NAYS = 5**

**MOTION CARRIED.**

There was no new business presented at the meeting.

**MOTION TO CLOSE SESSION**

Mr. Smith moved, seconded by Mr. Potts to go into closed session to discuss personnel issues by prior roll call vote.

**MOTION CARRIED.**

**MOTION TO OPEN SESSION**

Mrs. Little moved, seconded by Mr. Dudley to return to open session by prior roll call vote.

**MOTION CARRIED.**

**MOTION TO ADJOURN**

Mrs. Little moved, seconded by Mr. Drobisch to adjourn until March 11, 2010 at 7:15 p.m.

**MOTION CARRIED.**

Meeting adjourned at 8:15 p.m.

