

## **AGENDA**

1. Call to Order and Roll Call
2. Adoption or Amendment of Agenda
3. Approval or Amendment of Minutes – January 25, 2018
4. Audience Comments
5. Resolution -Army Corps of Engineers to hold public hearings on the Middle Fork/coal ash situation
6. Executive Session:
  - A. Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (1)** The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.
  - B. Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (6)**  
The setting of a price for sale or lease of property owned by the public body.
  - C. Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11)** Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting
7. Items of Information and Committee Concerns
8. Adjournment

**Executive/Legislation Committee**  
**Thursday January 25, 2018**  
**Courthouse Annex, Room 319, 5:00 PM**

## **MINUTES**

### **Agenda Item 1 - Call to Order and Roll Call**

Chairman Mike Marron called the meeting to order at 5:00 PM. Upon the call of roll, the following members were present; Mike Marron, Todd Johnson-joined via telephone, Kevin Green, Crisi Walls, AJ Wright, and Becky Stark. 6 – Present & 1 Absent. Steve Fourez joined the meeting at 5:04 P.M.

Also attending the meeting were: Chuck Nesbitt-CB member, Bill Donahue-Risk Consultant and Jennifer Jenkins-CB Office Manager.

### **Agenda Item 2 - Adoption/Amendment to the Agenda**

Becky Stark moved, seconded by Green, to adopt the agenda as presented. Motion passed by acclamation.

### **Agenda Item 3 – Approval or Amendment of Minutes- January 2, 2018**

Green moved, seconded by Walls, to adopt the minutes as presented. Motion passed by acclamation.

### **Agenda Item 4 - Audience Comments**

None.

### **Agenda Item 5 –Infrastructure Assistance Fund Guidelines**

Marron asked County Board member, Chuck Nesbitt to join the discussion as he has information to share. Marron advised that Nesbitt had the great idea of going back to U.S.D.A. Rural Development. Nesbitt advised the committee that he sent a link to Marron that Marron adjusted to Vermilion County. Marron advised this is a work in progress and is definitely something that would be presented to the County Board along the way.

Nesbitt indicated that within the paperwork he has provided there are two different areas to review; roadwork and water infrastructure. He suggested that this is reviewed to ensure what our focus is.

Nesbitt indicated that this U.S.D.A. program is specific to Illinois and it is for communities 10,000 or less.

The program specifies that the money is to be used specifically for drinking water, sourcing treatment, storage and distribution, sewer collection, transmission and treatment, solid waste disposal, storm water collection, etc.

The committee discussed the concern of including road work as that could become very costly and would wipe out the fund.

Marron explained that he wanted to leave this open and worded properly so that there were not too many constraints. It would be adjusted as needed for proper submittal.

He understands that we do not have enough money in the fund for road work as this would be the majority of these projects. The committee suggested verbiage that could be used to specify what type of road work would be considered whether it be from erosion, water damage, etc.

Donahue informed the committee that these suggestions indicate that these things are included but not limited too. If there is a specific project then it must go to the board for approval. Of course, this would go through the board, as usual, for final approval.

Motion was made by Walls, second by Wright for the verbiage to be changed to necessary road work for project, motion passed by acclamation.

Scope has been amended. Upon the roll of call the following voted yes to wit: Marron, Johnson, Fourez, Green, Walls, Wright, and Stark. 7-Yes

**Agenda Item 6 – Executive Session**

None needed

**Agenda Item 7 – Items of Information and Committee Concerns**

Supervisor of Assessments is still targeted to move to VCAB on the weekend of Lincoln's birthday.

The logistics of moving departments is the tough part as it is a challenge to ensure all is taken care of before moving, etc.

Green shared that the Kickapoo Rail Trail from Urbana to St. Joseph is complete.

Additional construction from St. Joseph to Ogden will start this summer.

The Dynegy Fly Ash situation on the Middlefork River has a new citizens group called Protect the Middlefork. They are working with the Eco Justice Collaborative group.

There is an effort underway to possibly have a meeting with the Governor and local officials.

**Agenda Item 8 – Adjournment**

Marron adjourned the meeting at 5:25 P.M.

Minutes by: Jennifer Jenkins, CB Office Manager

## **RESOLUTION**

### **RE: RIVERBACK ARMOURING ALONG THE MIDDLE FORK OF THE VERMILION RIVER**

**PROJECT ID: 2018-602-SJK**

**WHEREAS**, in July of 2018, Vistra Energy Corporation submitted a permit application to the U.S. Army Corps of Engineers to install 22,370 cubic yards of fill below the ordinary high-water line of the Middle Fork of the Vermilion River in an effort to stem the continuing erosion of the riverbank next to their coal ash storage in Vermilion County, Illinois, and

**WHEREAS**, the project site is just upstream of Kickapoo State Park, where numerous kayakers, canoers, tubers and waders participate in the use of the river. This much stone would potentially damage the esthetic and scenic value of the river as well as impeding the recreational use in construction areas during low water periods. The impact on the recreational use of the Middle Fork and its economic benefits would be affected. Kickapoo State Park alone generates significant county-wide revenue, and

**WHEREAS**, placing 22,370 cubic yards of stone in the river channel for a distance of 1900 feet in an already erosion-prone area could have significant downstream impacts by increasing flow velocities which could speed up erosion at other locations and worsen flooding, and

**WHEREAS**, construction in the river is bound to release heavy silt loads into the river. Flows in the Middle Fork can be particularly flashy or prone quick and rapid discharge of rainwater. Quick rising water levels would leave little time for work to adapt, and could cause significant downstream sedimentation with each rainfall event, and

**WHEREAS**, the Middle Fork is one of the most diverse aquatic habitats in the State of Illinois and home to 57 different species of fish and a variety of mussels, a number of which are state-protected. Heavy silt loads from construction pose a risk to many of these species and could lead to temporary or permanent depopulation, and

**WHEREAS**, the area in which construction would take place is actively leeching dangerous chemicals into the river from the adjacent coal ash impoundment. Any disturbance of the riverbank could potentially release even more of these chemicals into the water. While the coal ash remains in place, any solution for bank armoring is temporary and allows for further degradation of the river. The only permanent solution to protect the Middle Fork from coal ash pollution is the complete removal of the coal ash from the floodplain, and

**WHEREAS**, Vistra will ultimately fulfill its obligations to approving agencies and leave the area. Ongoing monitoring, maintenance and repair of the coal

ash impoundments and riverbank armoring that will be required should not be left to the taxpayer, nor should Vermilion County be left to the threat of a coal ash spill in the event a portion of the riverbank armoring were to fail.

**BE IT THEREFORE RESOLVED THAT** the Vermilion County Board requests the Army Corps of Engineering to present a public meeting on the project to inform the public, allow for public and expert testimony and comment on the scope and nature of the riverbank stabilization project proposed, and further that the ultimate approved project be one that best serves to protect the river and the interests of the public and taxpayers who both use the river and ultimately pay for its care and preservation, and that the ultimate project protect the economic value of the Middle Fork River for the good of the taxpayers and residents of Vermilion County, Illinois.

**PRESENTED, APPROVED, AND RESOLVED BY THE Vermilion County Board** at the November 13, 2018 A.D. Session.

DATED this 13<sup>th</sup> day of November 2018 A.D.

AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN \_\_\_\_\_

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Chairman, Vermilion County Board

ATTEST:

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Clerk of the County Board

Approved by Executive Committee: Larry Baughn Y N A  
Chairman

Crisi Walls Y N A

Becky Stark Y N A

Steve Fourez Y N A

A.J. Wright Y N A

Kevin Green Y N A