

LIVINGSTON COUNTY BOARD
MINUTES OF April 17, 2014 MEETING OF THE COUNTY BOARD
(Revised)

OPENING

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

Tim Shafer led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Tim Shafer, Kathy Arbogast, Robert F. Weller, Kelly Cochran Cohlman, Joseph D. Steichen, Carl Borngasser, G. Michael Ingles, Daryl N. Holt, Stanley R. Weber, Earl A. Riens, Judy Campbell, Vicki Allen, William Mays, Bob Young, John L. Yoder, Carolyn Gerwin, William G. Flott, Mark Runyon, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent:** Joan Bullard and Paul Ritter

Also Present: County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Chuck Schopp-County Zoning Administrator, County Highway Engineer-David Winters, Treasurer Barbara Sear, Attorney Tom Blakeman and Donnie Simmons-Public Health Dept. Environmental Services

AGENDA

Chair Fannin noted the following changes: under Elections, Rules & Legislation Committee, remove items “a. Contract: Animal Control Contract-Dr. Albright” and “b. Animal Control Restructure”; and “II. Presentations A. Scott Bryant -Illinois Federation of Outdoor Resources”, as he was unable to attend but had sent John Blanton to speak during the public comment session. He also stated that after “Approval of the Agenda” and before “Approval of Minutes”, Stan Weber would say a few words about Arnold Natzke. Judy Campbell asked that she be allowed to speak on the East Central Illinois Area Agency on Aging in place of the “Recreation Report” since that committee hadn’t met. *Motion by Steichen second by Ingles to approve the agenda as amended.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

Stan Weber paid tribute to his former teacher, County Clerk and County Board Member, Arnold Natzke, who passed away April 8th. He noted that with his record of public service, we would do well to remember him as a faithful servant to the people of Livingston County.

APPROVAL OF MINUTES

Chair Fannin called for approval of the March 17, 2014 minutes. *Motion by Runyon, second by Cohlman to approve the April 17, 2014 minutes.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

PRESENTATION

~~Scott Bryant—Illinois Federation of Outdoor Resources~~ (Removed from agenda)

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments
 - a) **John Vitzthum** – Livingston County Zoning Board of Appeals, 5 year term commencing April 17, 2014 through April 16, 2019
 - b) **Michael Cornale** – Livingston County Zoning Board of Appeals, 5 year term commencing April 17, 2014 through April 16, 2019
 - c) **Armin Groom** – Livingston County Board of Health, 3 year term commencing June 2014 through May 2017

- d) **Janine Boggs, J.D.** – Livingston County Board of Health, 3 year term commencing June 2014 through May 2017
- e) **Dr. Nathan Holt** - Livingston County Board of Health, 3 year term commencing June 2014 through May 2017
- f) **Janine Boggs, J.D.** –TB Board, 3 year term commencing June 2014 through May 2017
- g) **Dr. Nathan Holt** - TB Board, 3 year term commencing June 2014 through May 2017
- h) **Jerome Berry** – Reading Community Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- i) **Mike Katcher** - Reading Community Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- j) **Eric P. Stewart** – Dwight Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- k) **Brad Maley** - Fairbury Rural Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- l) **Nelson Zehr** - Fairbury Rural Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- m) **Parnell Kennedy** – Odell Fire Protection District, 3 year term commencing May 5, 2014 and ending first Monday in May, 2017
- n) **Rich Ribordy** - Odell Fire Protection District, to fill unexpired 3 year term (James Schott vacancy) ending first Monday in May, 2016

Motion to approve the consent agenda by Steichen, second by Ingles. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Bullard, Ritter

AG & ZONING

Chair Young reported that the committee had heard from two representatives from Invenergy on a proposed wind farm project encompassing an area located south of Wing and north of Forrest. He also noted that the wind farm siting legislation that had been discussed last month had been dropped for now. The committee had also discussed the use of drones and the effect they may have with regards to the agriculture industry in Livingston County. Zoning Administrator Chuck Schopp stated that the wind farm project is estimated to be 200-235 megawatts, with 106-130 turbines.

HIGHWAY

Chair Weber introduced David Winters-County Highway Engineer, who reviewed **Action Agenda** items as follows:

1. **Supplemental Resolution (#2014-04-11)** Appropriating an additional \$100,000 from County Matching Tax for construction of a bridge 1.3 miles east of Charlotte on CH 9, Section 12-00109-02-BR
2. **Resolution (#2014-04-12)** Appropriating \$30,000 from County Matching Tax for emergency repairs on CH3 at two bridge approaches north of Campus.
3. **Engineering Agreement:** Hampton, Lenzini and Renwick, Inc., Springfield, IL – Agreement for Preliminary Engineering Services for design of a bridge replacement in Newtown Road District, Section 13-17111-03-BR, Liv. Co. Coordinates 780E, 2950N. Cost for basic services not to exceed \$26,500.00. ROW, environmental coordination, project report and any necessary land surveying at schedule of chargeable rates. STR-BR Program FY15.
4. **Engineering Agreement:** Hampton, Lenzini and Renwick, Inc., Springfield, IL – Agreement for Preliminary Engineering Services for design of a culvert replacement in Forrest Road District, Section 14-11108-01-BR, Liv. Co. Coordinates 2448E, 700N. Cost for basic services not to exceed \$13,000.00. ROW, environmental coordination, and any necessary land surveying at schedule of chargeable rates. TBP Program FY16.
5. **Engineering Agreement:** Hampton, Lenzini and Renwick, Inc., Springfield, IL – Agreement for Preliminary Engineering Services for design of a bridge replacement in Esmen Road District, Section 12-

09101-01-BR, Liv. Co. Coordinates 2190N, 1710E. Cost for basic services not to exceed \$26,500.00. ROW, environmental coordination, project report and any necessary land surveying at schedule of chargeable rates. STP-BR FY17.

6. **Engineering Agreement:** Hampton, Lenzini and Renwick, Inc., Springfield, IL – Agreement for Preliminary Engineering Services for design of a bridge replacement in Owego Road District, Section 13-19136-00-BR, Liv. Co. Coordinates 2360E, 1900N. Cost for basic services not to exceed \$27,500.00. ROW, environmental coordination, project report and any necessary land surveying at schedule of chargeable rates. STP-BR Program FY18.

Motion by Weber, second by Rients to approve County Board Action items #1- #6, with one roll call vote.

MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson Nays: None Absent: Bullard, Ritter

Discussion followed. Winters commented that his department was monitoring CH3 (Campus Rd). They were looking at possibly moving it up in the five year resurfacing program, if they could find another five to six mile patch to trade with, that would be comparable dollar wise, due to federal program criteria.

The Minonk Wind Farm (GAMESA) is paid up to date for the county road use agreement, but will continue to pay the \$2,000/month administration fee to the county until they reach an agreement with the townships for road rehabilitation. GAMESA does not agree with the dollar amount the townships are proposing for road repairs, so they are in the process of implementing a provision in their road use agreement to hire a third party engineer as an arbitrator, to determine the extent of the damage and cost.

FINANCE

Resolution (#2014-04-13): Authorizing Amendment to Joseph E. Meyer (Delinquent Tax Agent) Contract – Treasurer Sear reported that this firm acts as our trustee in the collection of delinquent taxes. He has changed his business structure from a sole proprietor to a corporation; therefore an amendment to the contract must be adopted. *Motion by Shafer, second by Arbogast to recommend approval of the resolution authorizing the amendment to the contract with the Joseph E. Meyer Company.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

Illinois Department of Healthcare & Family Services Liability Adjustment – Chair Shafer reported that Good Samaritan had received notification from the state (Healthcare & Family Services) regarding nursing home Medicare and Medicaid credit adjustments in the amount of \$48,603.67. Good Sam is requesting that the county pay these adjustments since they pertain to the time period during the county's ownership (July 2008-July 2010). Attorney Tom Blakeman provided additional information on the subject. He commented that this audit is performed by the state every 3-5 years, but was delayed by the state due to the transition in ownership from the County to Good Samaritan. He explained that these credit adjustments pertain to Medicare and Medicaid payments made to the Nursing Home, which the State says were overpayments and need to be paid back. According to a provision provided for in the Memorandum of Understanding signed by the Board (February 11, 2010), that prior to March 1, 2013 the County shall be solely responsible for all debts, liabilities and obligations of the Home and entitled to all income earned before this date and correspondingly, Good Sam is responsible after that date. He also cited a provision from a November 13, 2008 Management Agreement that Livingston Manor was responsible for overpayments or underpayments made to the Nursing Home by Medicaid and Medicare. He said the County was aware of this provision in 2010, and is carrying on the books, an amount that exceeds the amount we are being charged for. He feels that this is an obligation of the County but would like more time to research further to make sure these alleged overpayments are justly due. HFS (Healthcare and Family Services) is on hold, pending our response. There are no interest or penalty charges added to these adjustments. Blakeman is suggesting that action on this item be tabled for further investigation. Daryl Holt felt that we could be spending more time and money in auditing these charges than may be recouped. *Motion by Holt, second by Borngasser to go ahead and pay the credit adjustments as billed by HFS.* Discussion followed. Blakeman said that he needs to verify if there is still an appeal process in place. *Motion by Steichen, second by Runyon that this issue be tabled*

upon advice of counsel, for further review, and present his findings to the Board at a later date. (Motion to table takes precedence of prior motion.) Discussion followed with the following comments: since we have an agreement with Good Sam and have the money, we should pay it as it would cost more money in research than if we pay it now; and we should research now as this may come up in future and we'd know what we could and couldn't do. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** Holt **Absent:** Bullard, Ritter

ELECTION, RULES & LEGISLATION

~~**Contract: Animal Control**~~ ~~**Dr. Albright:**~~ Removed from agenda
~~**Animal Control Restructure**~~ Removed from agenda

Resolution (#2014-04-14): Amending Sewer Ordinance – Private Sewage Disposal Systems – Chair Vietti reported that they had approved this item at their meeting. Donnie Simmons-Public Health Environmental Services explained that the proposed minor changes to the County Ordinance resulted from recent code changes to the Illinois Private Sewage Disposal Ordinance Code. Copies of the proposed ordinance changes had been sent to all local contractors who do this type of work, with no responses being returned. He explained that they will no longer require contractor registration within the county as this information is available through the Illinois Dept. of Public Health website. Another change will require the installation of effluent filters prior to secondary treatment in private sewage disposal systems; as well as establish effluent filter characteristics and requirements. *Motion by Vietti, second by Steichen to approve the amendment to the Sewer Ordinance-Private Sewage Disposal Systems.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Bullard, Ritter

Resolution (#2014-04-15): Requesting Illinois General Assembly Review of 911 Funding – Chair Vietti reported that the committee had approved sending this on to the General Assembly. Mike Ingles commented that the long standing funding problem with 911 dispatch centers is that current funding relies on the \$1.50 /month charge per land line and \$.58 of the \$.73/monthly charge (state keeps the difference) for cell phones. Land lines going down and cell phone income is not keeping up. We are encouraging our legislators to become part of an effort to raise the 911 fees on cell phones. *Motion by Vietti, second by Campbell to approve the resolution requesting the Illinois General Assembly review 911 funding.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Bullard, Ritter

SHERIFF, JAIL & LICENSE

Liquor License Applications: Chair Borngasser stated that the committee had approved the applications and asked for approval. *Motion by Borngasser, second by Arbogast to approve the liquor license application for the period of May 1, 2014 through April 30, 2015.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

Sheriff's Semi-Annual Report & Sheriff's Annual Report – Sheriff Lindsay stated that under the liquor license applications, he had waived the requirement that they be fingerprinted every year unless they were a new application or under new management. He commented on both his reports at this time. He noted that he had condensed the Semi-Annual Report to one page and the Annual Report to 14 pages by removing registry numbers. He noted that anyone interested in receiving this information should contact him and he would provide them with a copy. He said that close to 90,000 people passed through the doors of the Law & Justice Center without any incidents. In 2013, there were no zero tolerance reports (underage drinking). *Motion by Borngasser, second by Steichen to approve the Sheriff's Annual Report and Sheriff's Semi-Annual Report with one roll call vote.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Bullard, Ritter

PUBLIC PROPERTY

Chair Runyon noted that the minutes covered everything they had discussed. Earl Riens stated that he had been contacted by a constituent regarding the number of city parking spots in the public parking lot on the west side of the Law & Justice Center being used by county employees. His constituent felt that this should be utilized by the general public, rather than by the employees. Runyon noted that since this was a city public parking lot, the county couldn't mandate that the employees not park there. He said they had sent out a memo in the past encouraging all employees to use the employee lot located on the east side of the Law & Justice Building and could do it again. He would also see that it got on next month's agenda for discussion.

ADMINISTRATIVE

No report

INFORMATION & TECHNOLOGY

No report

PERSONNEL

Chair Holt reported that Linda Daniels has been working on revisions to update the Personnel Policy. Job descriptions are moving right along, with many departments having completed theirs. Information on the upcoming Respect and Professionalism Training was provided on the member's desks tonight. One of the sessions has been scheduled for Thursday, July 17th at 3:30p.m., which makes it more convenient for board members to attend since it is the same day as the county board meeting. He also noted that he and Chairman Fannin had attended the recent GLCEDC graduation ceremony for fourteen students who had completed the Fundamentals of Modern Manufacturing class. The participants were given the opportunity to be interviewed by many of the businesses that are participating in the county.

VETERANS

Chair Steichen reported they had tightened their belts and are keeping their monthly bills less than \$10,000. They have put in a request for the transfer of funds for the cost of two new vans. At this time, he doesn't believe they will need to receive monetary assistance before distribution of tax levy funds this year.

RECREATION AD-HOC

No recreation report as they didn't have a meeting. Judy Campbell presented information on the East Central Illinois Area Agency on Aging, which serves a sixteen county area in East Central Illinois. As a member of their Finance Committee, she proudly reported that 93% of its funding provides services for the aging, which is very good for a non-profit organization. They provide many programs for the elderly, focusing on senior nutrition through congregate and home delivered meals. They rely heavily on federal and state funding for their programs.

PUBLIC COMMENT

Joe Steichen (County Board) introduced John Blanton, a board member of the Illinois Federation of Outdoor Resources (IFOR) and the Illinois Federation of Hunting Dogs, who was invited by some board members to speak about their organization and the activities they support pertaining to outdoor recreation. Their organization has 68 affiliates with 77,000 individual memberships. John presented information on the annual outdoor youth camp that is available to all Illinois youth between the ages of 10-16. Participants have the opportunity to learn about fishing, archery, gun safety, horseback riding, wildlife ecology, field trials, hunting, trapping and shooting sports. Registration information may be obtained at www.if-or.org. Joe said they are working with IFOR on getting an annual youth camp in Livingston County.

Chairman Fannin reported that some sort of animal control would be in place by the end of the month.

Richard Meier, Mark Heil and Alan Barling, all residents from the Whispering Oaks subdivision, voiced their concerns over the proposed expansion of the Enbridge pump station and holding tanks, which will end up about one fourth of a mile from their subdivision. They cited the following potential concerns: well contaminations from leaks into their wells, creek and aqua firm; fires and explosions; and reduced property values. Chair Bob

Young invited the group to attend the May 6th Ag, Zoning and Emergency Services Committee meeting to further discuss their concerns. Zoning Administrator Chuck Schopp noted that the special use application had been tabled for two months for parties to discuss the issues.

Patty Dawson provided information she has found through her research of animal welfare and ordinance changes to the Animal Control Act and stated that it is up to the county to take care of the problems with the Livingston County Animal Control and the issues they are experiencing.

EXECUTIVE SESSION

Motion by Holt, second by Ingles to move into executive session pursuant to: 5 ILCS 120/2 (c) (2) Collective Negotiating Matters. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Bullard and Ritter

There was a recess from 7:40 until 7:45p.m. Executive Session commenced at 7:45p.m., open session resumed at 7:50 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

Motion by Arbogast, second by Ingles to approve the proposed collective bargaining agreement for 911 and authorize the secretary and chairman of the board to sign on behalf of the county. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Shafer, Arbogast, Weller, Cohlman, Steichen, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Flott, Fannin, Kestner and Peterson **Nays:** Gerwin and Runyon **Absent:** Bullard, Ritter and Borngasser

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 7:55p.m. on motion by Vietti, second by Ingles. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

The next meeting is scheduled for Thursday, May 15, 2014 at 6:00 p.m., at the Historic Courthouse Board Room.

Marty Fannin, Chairman

Attest:

Kristy A. Masching
County Clerk

May 15, 2014
Approved