

LIVINGSTON COUNTY BOARD
MINUTES OF September 17, 2015 MEETING OF THE COUNTY BOARD

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.

Bob Young presented the invocation, with Ronald Kestner leading the Pledge of Allegiance.

The clerk called roll with the following **present:** Kathy Arbogast, Jason Bunting, Justin Goembel, James A. Carley, Robert F. Weller, Mark Runyon, William Mays, Daryl N. Holt, Stanley R. Weber (left at 6:54pm), John “Jack” Vietti, David W. Heath, John L. Yoder, Kelly Cochran Cohlman, Joseph D. Steichen, Tim Shafer, G. Michael Ingles, Bob Young, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent:** Paul A. Ritter

Also Present: County Clerk- Kristy Masching, Administrative Resource Specialist-Alina Hartley, County Highway Engineer-Clay Metcalf, Treasurer-Barbara Sear, Zoning Administrator-Chuck Schopp and Human Resource Specialist-Linda Daniels

AGENDA

Chairman Fannin asked that item #13. Public Health – Joe Steichen, be added to the agenda. *Motion by Steichen, second by Ingles to approve the amended agenda.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the August 13, 2015 minutes. *Motion by Holt, second by Steichen to approve the August 13, 2015 minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

None

APPEARANCES

None

CONSENT AGENDA

A. Approval of Bills

B. Appointments

- a. **Joseph Vaughn** – Livingston County Housing Authority, five year term commencing May 23, 2015 – May 23, 2020.
- b. **Michael Fogarty** – (Res#2015-09-39A) Odell-Nevada Drainage District, one year term to expire first Tuesday of September, 2016.
- c. **Michael Dwyer** – (Res#2015-09-39A) Odell-Nevada Drainage District, two year term to expire first Tuesday of September, 2017.
- d. **Steven Gall** – (Res#2015-09-39A) Odell-Nevada Drainage District, three year term to expire first Tuesday of September, 2018.
- e. **Shelby Hoerner** – Livingston County Farmland Assessment Review Committee, two year term commencing September 1, 2015 – August 31, 2017.
- f. **Michael Fogarty** – Livingston County Farmland Assessment Review Committee, two year term commencing September 1, 2015 – August 31, 2017.
- g. **Merle Jehle** – Northeast Sullivan Mona Drainage District, three year term expiring first Tuesday in September, 2018.

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

HIGHWAY

Chair Holt introduced Clay Metcalf- Acting County Highway Engineer, who reviewed **Action Agenda** items as follows:

Quarterly Report:

- 3rd Quarter FY 2015

Motion to approve the Highway Quarterly Report by Holt, second by Runyon. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson
Nays: None **Absent:** Ritter

Motor Fuel Tax (MFT) Letters:

- Letters from the County Board to the Office of the Governor and Speaker of the House requesting release of MFT distributions.

Motion by Holt, second by Weller to approve sending a letter to the Governor and Speaker of the House regarding the release of Motor Fuel Tax monies by Holt, second by Weller. MOTION CARRIED ON UNANIMOUS VOICE VOTE.

Other Items: Chair Holt stated that they had also reviewed and prioritized additional building improvement items which could be submitted for the grant funding.

SHERIFF, JAIL & LICENSE

Sheriff's Semi-Annual Report – *Motion by Yoder, second by Kestner to approve the Sheriff's Semi-Annual report. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter

FINANCE

Circuit Clerk's Semi-Annual Report – Chair Shafer presented the report for approval. *Motion by Shafer, second by Cohlman to approve the Circuit Clerk's Semi-Annual report. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson
Nays: None **Absent:** Ritter

Resolution (#2015-09-40) Redemption of Delinquent Mobile Home Taxes – Treasurer Sear presented information on the county trustee resolution, noting that the authorization of this resolution would allow the homeowner to redeem the taxes and keep the unit off the sealed bid auction. *Motion by Gerwin, second by Cohlman to approve the resolution authorizing redemption of the mobile home taxes by the owner. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter

Resolution (#2015-09-41) Appointing Supervisor of Assessments – Chair Shafer reported that Supervisor of Assessments Duane Kiesewetter had given notice of his retirement effective December 22, 2015. This position requires that candidates take a state-wide examination. The committee is recommending his successor be Shelly Renken, his current Chief Deputy. She was the singular Livingston County individual who took the test and passed. *Motion by Shafer, second by Arbogast to appoint Shelly Renken as Supervisor of Assessments. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter

IMRF Resolution (#2015-09-42): Including Taxable Allowance as IMRF Earnings – Chair Shafer and Kristy Masching explained that a recent IMRF audit had taken place with one finding being that we hadn't approved an IMRF required resolution allowing travel allowances as IMRF reportable earnings. The county resolution had been approved by the board in 2011 for the former County Highway Engineer's travel allowance. *Motion by Shafer, second by Heath to approve the IMRF resolution allowing for travel expenses to be included as IMRF*

taxable earnings. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Flott, Allen, Fannin, Kestner and Peterson **Abstain:** Steichen and Gerwin **Nays:** Mays **Absent:** Ritter

Resolution (#2015-09-43): Repealing IMRF Resolution Including Taxable Allowances as IMRF Earnings – Chair Shafer commented that the former action was for a one-time deal and that by repealing the prior resolution this type of activity wouldn't happen again. Ingles explained that the former resolution had been passed by the county in 2011, which allowed travel allowances to be included in wages used for pension calculation, without the proper IMRF resolution being filed with the state. He noted that Finance saw no reason to continue this practice as it is a subtle way of inflating a pension. The resolution was passed with the intent of not doing that type of arrangement in the future. By repealing the resolution, past practice is taken care of, but going forward travel allowances will not be included as wages used in pension calculations. *Motion by Shafer, second by Cohlman to repeal the IMRF Resolution allowing travel expenses included as IMRF taxable earnings.* Discussion followed with it being noted that this practice had taken place since 1992. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Abstain:** Steichen **Absent:** Ritter

Shafer also reported that they were forging through the budget process with a couple of exceptions to work through.

AG & ZONING

Zoning Case: ZM-1-15 - Pflibsen (Resolution #2015-09-44) & Zoning Case: ZT-2-15 (Resolution #2015-09-45) – Zoning Administrator Chuck Schopp reviewed both zoning cases together since they were related to each other. The first case is a proposed zoning map proposal to change a zoning classification on three lots from an R2, Low Density Multiple Family Residence District to a C1, Local Business District. The property is located in unincorporated South Streator. The owner would like to build onto an existing building, which currently is a gun sale shop, to include a rental store as well as for parking. This amendment would extend the commercial zoning classification onto the other two lots which he also owns. The ZBA recommended approval of this zoning case based on the fact that some adjoining property is already zoned as C1 (commercial).

During the ZBA's review of this case, it was noted that the uses the applicant has proposed are not special or permitted uses included in the Livingston County Zoning Regulations. Therefore, the ZBA also recommended that the proposed commercial district uses: (10) Rental Service and (11) Shooting Range, Indoor be incorporated into the county regulations. These text amendment changes are included in the second case, ZT-2-15. Chuck noted that if these changes are approved, then the applicant will have to come back before the ZBA, go through the Planning Commission and through the special use process. Both cases went before the Planning Commission, the ZBA and the Ag and Zoning Committee with all recommending that both cases be approved. At the hearings, no one objected to the proposals.

Motion by Flott, second by Young to approve Zoning Case ZM-1-15 (Pflibsen). **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter

Motion by Flott, second by Holt to approve Zoning Case ZT-2-15. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Steichen **Absent:** Ritter

Resolution (#2015-09-46): Authorizing AZES Committee to Pursue an Advisory Referendum – Chair Flott started off with the following comments. “The Ag & Zoning Committee is looking to the full board for some advice. The Ad Hoc Committee charged with reviewing the WECS Ordinance is far apart on key issues. By example, if a current 1200 foot setback exists and some request that it change to 4,000 or 5,000 feet, a compromise of a 25% increase to 1500 foot is still unacceptable to some members. A “split the difference” (4,000 = 1200)/2=2,600 is not acceptable to others. The only conclusion that the majority (I think) could agree to

is to let the voters decide. Thus, some areas of the county might wish to have windfarms while other areas would not. If you are personally “locked-in” to a position on windfarms—“I don’t want them anywhere in the county” or “I like the current ordinance and will stick to my position” or “The voters won’t understand or care about this” then you should vote “no” on this proposed resolution and save the committee and legal staff time and effort. The key word in the resolution is “investigate.” I personally will vote in favor of the resolution.” He then read the proposed resolution.

Resolution of the County Board of Livingston County, Illinois Authorizing the Agriculture and Zoning Committee to Investigate an Advisory Referendum for Wind Energy Conversion System Zoning.

WHEREAS, Livingston County, via its Agriculture and Zoning Committee (hereinafter “Committee”), is engaged in reviewing and amending its zoning ordinance related to Wind Energy Conversion Systems (hereinafter “WECS”); and

WHEREAS, the Committee believes that it would be helpful to understand the position of the general public on WECS zoning issues by way of a countywide advisory referendum; and

WHEREAS, the next ballot upon which such a referendum could be placed is the ballot for the primary election on March 15, 2016; and

WHEREAS, the Committee seeks to investigate what requirements are necessary to legally place the referendum on the next ballot and what specific language would be needed in the referendum to gain the information the Committee desires.

NOW, THEREFORE, BE IT RESOLVED by the Livingston County Board that the Committee is authorized to investigate the necessary requirements for placing an advisory referendum on the March 15, 2016, ballot, and to further investigate what language should be used to ensure the referendum is legal, understandable, and will provide the information sought by the committee; and

BE IT FURTHER RESOLVED, that no such referendum may be proposed by Livingston County for placement on the ballot until such time as the proposed referendum is properly approved by resolution of the full County Board.

Bill explained that this resolution would not authorize the board to put a referendum question on the ballot, but allow them to investigate the criteria for this action. They will come back and report their findings to the board and then decide whether to place a question on the ballot. *Motion by Flott, second by Arbogast to approve the Resolution of the County Board of Livingston County, Illinois Authorizing the Agriculture and Zoning Committee to Investigate an Advisory Referendum for Wind Energy Conversion System Zoning.*

Discussion highlights follow: whether referendum would be advisory or binding; results could be reviewed on a township by township basis; if not going to adhere to results of non-binding referenda, then don’t do it; the effect on our zoning office and authority if going township by township; possible creation of new zoning district layers and text amendments; the resolution would allow the committee to determine what could be asked in the referendum question; costs to conduct investigation; thought behind advisory referendum was to see what each township’s residents thought about a WECS in their area; didn’t want townships to have different set-backs, wanted to present two options, either the county ordinance setbacks or Indian Grove’s suggestion; concerns over township approach rather than utilizing traditional zoning districts set up by district boundaries; and could be checkerboard system if went with question generating two-tiered system, but not if local people allowed to decide. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Heath, Cohlman, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Bunting, Vietti, Yoder, Steichen and Ingles **Absent:** Ritter

ETSB (911) Update – Chair Mike Ingles reported that SB96 (passed in June, 2015), was enacted after a lengthy study to define the future of emergency service response dispatching. The intent of legislation was to consolidate multiple answering services and dispatching into a minimum of a single, one point answering service and one dispatch center in each county, which is currently being done in Livingston County. There are also incentives for further consolidation into regional centers (such as State Police). We have been in discussion with the City of Streator on their joining us, as they investigate all of their options under this new legislation. One part of the legislation turns the authority over from the ICC to the State Police at the end of the year, which could hold up the consolidation process under this new management. Therefore, the City of Streator and our ETSB are moving forward with the composition of an intergovernmental agreement, to have in place before the end of the year, in the event they decide to consolidate with us. He will have more details to report on at next month’s meeting.

ELECTION, RULES & LEGISLATION

No report

INFORMATION & TECHNOLOGY

No report

PERSONNEL

Resolution (#2015-10-47): Personnel Policy Amendment: Retirement Payout of Vacation & Sick Time – Linda Daniels-Human Resources Specialist, stated that it has been learned through the last couple of retirements, that there is an issue with the way our personnel policy is written, due to the fact that accelerated payments have been incurred with IMRF. Our IMRF representative said that many entities are adopting language in their policies delaying the payment of sick time payouts for up to ninety days, thus eliminating the accelerated payments, since anything paid out at ninety days is not IMRF reportable. The committee is proposing the addition of one sentence stating that they are not changing how employees accrue sick time, but payout for sick time accrued over 240 days, up to 120 days, will be paid out in one lump sum, no later than ninety days from retirement. This will not affect their pension calculations. *Motion to approve the amendment to the Personnel Policy by Arbogast, second by Bunting.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Weber (left at 6:54) and Ritter

PUBLIC PROPERTY

Chair Ingles reported that Chad's department was working on some significant items in various buildings including: preventive maintenance items, system modifications for more functionality, and working on ways to reduce utility costs.

VETERANS

Joe Steichen noted that at their August 24th meeting, with Chairman Fannin and State's Attorney Uphoff in attendance, discussion was held on entering into an intergovernmental agreement with the VAC due to issues happening around the state. Chris Studebaker was elected unanimously to fill the vacancy created with the passing of Bob Thorson.

ADMINISTRATIVE

No report

LIVINGSTON COUNTY HOUSING AUTHORITY

Kelly Cohlman reported the following: demolition was to start on the Livingston Property Development project at St. James Place today, but has been delayed, waiting for Com Ed to cut power; Morrissey Construction is the general contractor; occupancy is anticipated to begin in July 2016; occupancy report reflects high rate of units full across the county; unit in Chatsworth is still available for a police officer; and the next meeting is scheduled for November 18th at 1:00 p.m., at the Housing Authority office at 903 West North Street, in Pontiac.

RECREATION

Joe Steichen reported that a small, but very attentive group attended the open house in Forrest on Tuesday (15th). Plans are in the works for other open house events in District #2.

PUBLIC HEALTH

Joe Steichen reported that much discussion was held on the lack of a state budget. At this time, the department is utilizing FY2016 funds to continue operating. Consensus is that with the current tax distributions they should make it through FY2015 and possibly the end of December. A special meeting may have to convene if nothing changes on the state level to determine what actions may need to be implemented, in order to maintain minimal state requirements for operating a Public Health Department.

PUBLIC COMMENT

County Clerk Masching noted that per diems needed to be in her office no later than 10:00 a.m. in order to meet the payroll date of September 25th.

Megan Dassow voiced her concern over indications at the A&Z discussions that some county board members would like to remove, replace or in some other fashion, alter the Zoning Board of Appeals involvement in the special use permitting process for wind farms in Livingston County. She expressed opposition to any such change and complimented the ZBA on the work they had done. She noted that this board, as well as the Regional Planning Commission provides us with a checks and balance in our government.

EXECUTIVE SESSION

Motion to go into Executive Session pursuant to 5ILCS 120/2 (c) (2) Collective Negotiating Matters was made by Young with second by Ingles. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Weber and Ritter

Recess started at 7:12 p.m. and ended at 7:15 p.m., with Executive Session beginning at 7:15 p.m.

Regular Session resumed at 7:25 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

Collective Negotiating Matters – *Motion by Peterson, second by Yoder that the proposed amendment of the Sheriff's Collective Bargaining Agreement and the Canine Officer be approved and the County Board Chairman and Secretary for the County Board be authorized to execute the amendment on behalf of the county. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Bunting, Carley, Weller, Mays, Holt, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Goembel, Runyon, Steichen and Gerwin **Absent:** Weber and Ritter

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 7:28 p.m., on motion by Young, second by Kestner. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

The next meeting is scheduled for Thursday, October 15, 2015 at 6:00 p.m., at the county board room of the Livingston County Historic Courthouse

Marty Fannin, Chairman

Attest:

Kristy A. Masching
County Clerk

October 15, 2015
Approved

Minutes Bd 09-17-15.A