

LIVINGSTON COUNTY BOARD
MINUTES OF June 16, 2016 MEETING OF THE COUNTY BOARD

OPENING

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

Father Adam Cesarek of St. Mary's Catholic Church presented the invocation, with Robert Weller 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, John "Jack" Vietti, David W. Heath, John L. Yoder, Kelly Cochran Cohlman, Tim Shafer, Bob Young, Paul A. Ritter, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent:** Daryl N. Holt, Stanley R. Weber, Joseph D. Steichen and G. Michael Ingles

Also Present: County Clerk, Kristy Masching; Administrative Resource Specialist, Alina Hartley; County Highway Engineer, Clay Metcalf; Linda Daniels, Human Resources Specialist, Zoning Administrator Chuck Schopp; Adam Dontz, GLCEDC; and Barb Sear, Treasurer

AGENDA

Chairman Fannin asked for approval of the agenda. *Motion by Bunting, second by Gerwin to approve the agenda as presented.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the May 12, 2016 meeting minutes. *Motion by Ritter, second by Goembel to approve the May 12, 2016 minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

None

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a. **Re-Appointment: William Bruer** – Pontiac Rural Fire Protection District, three-year term commencing May 2, 2016 and expiring the first Monday in May, 2019.
 - b. **Re-Appointment: William F. Endres** – Chatsworth Fire Protection District, three-year term commencing May 2, 2016 and expiring the first Monday in May, 2019.
 - c. **Re-Appointment: Merle Jehle** – Cullom Fire Protection District, three-year term commencing May 2, 2016 and expiring the first Monday in May, 2019.
 - d. **Re-Appointment: Donath C. English** - Kempton Community Fire Protection District, three year term commencing May 2, 2016 and expiring first Monday in May, 2019.
 - e. **Re-Appointment: Rich Ribordy** – Odell Fire Protection District, three year term commencing May 2, 2016 and expiring first Monday in May, 2019.
 - f. **Re-Appointment: Marjo Stadel** – Odell Fire Protection District, three year term commencing May 2, 2016 and expiring first Monday in May, 2019.
 - g. **Re-Appointment: Scott Wyllie** – Emington-Campus Fire Protection District, three year term commencing May 2, 2016 and expiring first Monday in May, 2019.
 - h. **Appointment: Joan Huisman** – Chairman, Zoning Board of Appeals

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

HIGHWAY

Vice-Chairman Mark Runyon introduced Clay Metcalf - County Highway Engineer, who reviewed the **Action Agenda** items as follows:

- a) **Letting Results:** June 7, 2016
- b) **Bridge Petition:** Charlotte Road District – Timber pile repairs to Structure 053-3386 @ 1025, 3100E, Section 16-05000-00-AB, Estimated Cost = \$20,000.
- c) **Quarterly Report:** 2nd Quarter FY16

Motion by Runyon, second by Young to approve Highway Action items a-c (with one roll call vote). **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Holt, Weber, Steichen and Ingles

PERSONNEL

Resolution (#2016-06-26): Amending Personnel Policies – Travel Policy – Linda Daniels, Human Resources Specialist presented information on the amendment. She stated that currently employees use their own vehicles for county business and then are reimbursed the Internal Revenue Service standard mileage rate. The reimbursement is to cover the employee’s vehicle expenses including the cost of gas, oil, tires, maintenance and insurance. Linda stated that the county policy needed to be amended to include that if an employee is on county business and is involved in an accident or incurs damage to their vehicle, the employee’s claim for damage would need to be turned in to their personal insurance carrier. Livingston County’s automobile policy does not provide any coverage for an employee’s personal vehicle and requires that employees carry the required minimum amounts of liability protection and uninsured motorist coverage mandated by the State of Illinois. It is up to the employee as to whether they carry comprehensive and collision coverage. Discussion followed. Livingston County carries an umbrella liability insurance policy. Noncompliance of the state mandated minimum requirement for vehicle insurance by an employee using their personal vehicle for county business could result in disciplinary action or termination of that employee. It was noted that the county is looking into having an administrative vehicle that would be available for employees to use in order to minimize the amount of personal vehicle use. *Motion by Arbogast, second by Cohlman to approve Resolution (#2016-06-26) Amending Personnel Policies – Travel Policy.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

Linda also reported that due to technical difficulties, the implementation of the Employee Self Service module will be delayed a couple of months.

AG & ZONING

Zoning Case No ZT-4-16: Text Amendment Violation and Remedy - Chuck Schopp, Zoning Administrator stated that the information in the packet was a follow-up from previous discussions regarding changes to the wind energy regulations, in the county ordinance. It was brought out that the fines of \$100 in the county’s current ordinance originated from the 1970’s, when the ordinance was adopted. The proposed zoning text amendment would increase the fines in the Livingston County zoning regulations to \$500, matching the amount set in the Illinois State Statutes. Upon recommendation of the Board, the application would move on to the Zoning Board of Appeals for official review and return back to the Board for final approval at a later date. *Motion by Flott, second by Ritter to authorize the Livingston County Board to instruct the Livingston County Zoning Board of Appeals to prepare notice, conduct a hearing and report to the Livingston County Board regarding a text amendment to Chapter 56, Zoning, Article XIII, Administration and Enforcement, Sec. 56-940., increasing a fine not to exceed \$500, with each week the violation remains uncorrected constituting a separate offense.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays,

Vietti, Heath, Yoder, Cohlman, Shafer, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson
Nays: None Absent: Holt, Weber, Steichen and Ingles

WECS Referendum – Committee Chairman Bill Flott noted that they are under the perception that the Attorney General is not going to respond to their questions and have decided to move forward with the process of placing a non-binding question on the November ballot. He reviewed the four WECS referendum language options they had received from the State’s Attorney’s office. He then read and commented on the following referendum options:

- Referendum Question – Alternative No. 1
Do you support the development of wind farms in Livingston County, Illinois?
(Bill thought that most agreed that this was the simplest and would be the easiest question to understand.)

- Referendum Question – Alternative 1(a) – inclusion of township language
Do you support the development of wind farms in your township in Livingston County, Illinois?
(Bill noted that this one included township language. Their legal team is looking into the advisability of whether or not to include “in your township” in this question.)

- Referendum Question – Alternative 2
Unless a property owner agrees otherwise, do you support increasing the minimum distance that a wind turbine must be placed from a residence, from 3.75 times the height of the wind turbine to 10 times the height of the wind turbine, and increasing the minimum distance that a wind turbine must be placed from a property line, from 1.375 times the height of the wind turbine to 4 times the height of the wind turbine?
(This question seemed to be wordier to him and the committee.)

- Referendum Question – Alternative 2(a) – inclusion of township language
Unless a property owner agrees otherwise, do you support increasing the minimum distance that a wind turbine must be placed from a residence in your township, from 3.75 times the height of the wind turbine to 10 times the height of the wind turbine, and increasing the minimum distance that a wind turbine must be placed from a property line in your township, from 1.375 times the height of the wind turbine to 4 times the height of the wind turbine?
(Includes township language. Their legal team is looking into the advisability of whether or not to include “in your township” in this question.)

- Referendum Question – Alternative 3
In regards to the development of a wind energy project in your township, do you support increasing the minimum distances that a wind turbine must be placed from a home from 3.75 times the wind turbine height (minimum 1640 feet) to 10 times the wind turbine height (minimum 4000 feet)
AND
increasing the minimum distances that a wind turbine must be place from a property line from 1.375 times the wind turbine height to 4 times the wind turbine height,

unless the property owner waives this right? *(No comment was made on this option.)*

Bill Flott commented that he and the committee would like to hear from anyone if they had any questions or thoughts about which question should be on the ballot. Shafer felt that since the question would be non-binding that the inclusion of “the township” verbiage would be advisable and would give windfarm developers a roadmap telling them which townships to pursue developments in. Young commented that a lot of work and time had been spent on this proposal and noted that they needed to know if there were many board members who felt that a referendum shouldn’t be on the ballot. These members should contact Chuck Schopp or Bill Flott, because if the support isn’t there then there isn’t a need to proceed with this project.

Chuck updated the group on the Zoning Board of Appeals wind energy text amendment process. They will start the review at their regularly scheduled Thursday, July 7 meeting, with a second night scheduled for Tuesday, July

12. Both meetings will commence at 7:00 p.m. and will be held in the County Board Room. He also announced that the landfill will hold an open house during the day on Friday, July 29. This would provide an opportunity for people to see what the bottom of the landfill looks like, since they are constructing a new cell. Chuck also stated that a notice could be placed in the newspaper in July sometime regarding the Hoosier Energy facility in Pontiac and their pursuit of amending their air permit with the IEPA, which would meet their operating plans.

FINANCE

Resolution of Support (#2016-06-27): Amending Streator Area Enterprise Zone – Adam Dontz (GLCEDC) was on hand to provide details of the Resolution of Support amending the current Streator Area Enterprise Zone by adding new portions of the Villages of Dwight and Forrest, the cities of Pontiac and Fairbury and some unincorporated areas of the County. They are adding two square miles of ground to be identified in their respective jurisdictions to the Enterprise Zone that was approved by the State of Illinois, to the City of Streator last year. The Finance Committee approved this action at their meeting last week. *Motion by Shafer, second by Cohlman to approve the Resolution of Support: Amending Streator Area Enterprise Zone.* Gerwin noted that she had contacted the City of Pontiac and was told that they had strategically chosen their properties and were in favor of this proposal. **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

Resolution (#2016-06-28): Authorizing Transfer of Deed for Parcel: 27-27-04-430-009 – Treasurer Sear was requesting approval of a resolution authorizing the sale of an empty lot in Chatsworth that was deeded to the County Trustee for delinquent taxes. The parcel was offered for sale at the sealed bid auction last fall with no buyers. An adjacent land owner has offered to purchase the lot for the minimum bid of \$641. The county receives \$250 of the \$641 paid. *Motion by Shafer, second by Arbogast to approve Resolution: Authorizing Transfer of Deed for Parcel 27-27-04-430-009.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Holt, Weber, Steichen and Ingles

Ordinance (#2016-06-29): Prevailing Wage – Committee Chairman Shafer reported that one of the Board's annual functions was to consider the prevailing wage for the county. State law mandates that whenever we take on jobs we are required to pay prevailing wage. *Motion to approve the Prevailing Wage Ordinance by Shafer, second by Cohlman.* Discussion followed. Gerwin noted that she would again be voting against this ordinance on principle, because she feels that the State of Illinois doesn't have any business telling the County how to run its financial affairs. She noted that there had been protests in other areas of the state on this matter, with these entities incorporating protest language as part of their resolution. **MOTION FAILED ON ROLL CALL VOTE. Ayes:** Bunting, Cohlman, Shafer, Young, Flott and Kestner **Nays:** Arbogast, Goembel, Carley, Weller, Runyon, Mays, Vietti, Heath, Yoder, Ritter, Gerwin, Allen, Fannin and Kestner **Absent:** Holt, Weber, Steichen and Ingles

Discussion followed on what course of action to take since the motion failed. Alina Hartley explained to the group that the Board would have to keep moving on this ordinance until it was passed since it is mandated by state statute that a Prevailing Wage Ordinance be passed in June and certified copies filed with the Department of Labor by the middle of July. Members commented that the failure to pass the ordinance on the first motion has happened in the past and is to be construed as a sign of their protest. A suggestion was made that a resolution be passed which incorporates language to the effect that the Board is protesting that it is not appropriate for the State of Illinois to require us to do this. *Motion by Gerwin, second by Yoder to pass the Prevailing Wage Ordinance, but include language that says the Board does not agree with this mandate and are protesting.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Weller and Runyon **Absent:** Holt, Weber, Steichen and Ingles

Resolution (#2016-06-30): North Central Illinois Economic Development District Boundary Modification - Adam Dontz (GLCEDC) was present to request that Livingston County consider joining this district which is comprised of Bureau, LaSalle, Marshall, Putnam and Stark Counties. This group administers the economic

development district for that region. The main benefit of being a member is that you can qualify for federally funded public works infrastructure grants. Shafer noted that the GLCEDC had paid the first year participation fee of \$7,000. Dontz commented that Livingston County is not a member of any economic development district and that this would be the first step of an economic development strategy. He also reiterated that the GLCEDC had paid the initial membership fee, with subsequent payments to be addressed in the future with possibly a cost-sharing agreement between the GLCEDC and the County. *Motion by Shafer, second by Heath to approve participation in the North Central Illinois Economic Development District.* **MOTION CARRIED ON VOICE VOTE.**

SHERIFF, JAIL & LICENSE

Ordinance (#2016-06-31) Amending Liquor License Hours of Sale - Committee Chairman John Yoder reported that they had received requests from some of the county's liquor license holders to consider changing the hours of sale on Sunday to be in line with the other six days of the week, allowing for the sale of liquor starting at 6:00 a.m. and continuing until 1:00 a.m. of the following day. Many of the county's liquor license holders are also operating gambling machines on their premises. State regulations mandate that the hours of operation for the gambling machines be the same as the hours set for sale of alcoholic beverages. One member voiced his concern over the precedence of selling alcohol on Sunday morning just for financial reasons. *Motion by Yoder, second by Weller to approve the resolution amending the hours of sale for alcoholic beverages on Sundays to start at 6:00 a.m. and continue until 1:00 a.m. the following day, to be consistent with the rest of the week.* **MOTION CARRIED ON VOICE VOTE.**

PUBLIC PROPERTY

Chairman Fannin read a note from Committee Chairman Mike Ingles in his absence. Chad, the Facilities Maintenance Manager continues to find ways to save operation costs by: working on installing air vents on closed loop systems and condensation pumps to recycle water for the cooling systems at the LJC and Historic Courthouse; working with contractors to determine alterations to balance water consumption from the water basins; working with Johnson Controls to fine tune the control systems for the aforementioned buildings, with the changes significantly reducing the noise levels at the LJC; repairs to water heater system at the Safety Complex are underway to correct control issues and leaks; consulting with Midwest Energy to maximize the energy purchases; and working to correct humid conditions at the LJC.

ELECTION, RULES & LEGISLATION

Committee Chairman Jack Vietti reported that they had recommended a number of re-appointments which were approved under the consent agenda. The Board had also appointed their recommendation of Joan Huisman as Chairman of the Zoning Board of Appeals.

INFORMATION & TECHNOLOGY

Committee Chairman Vickie Allen reported that they reviewed the monthly report provided by Jon Sear, the Network & Computer Systems Administrator. He reviewed his monthly department report with them. He hopes to be able to spend more time on the server consolidation now that the sheriff's PC's are done. He also introduced summer intern Braden Thomas to the committee.

VETERANS

Vice-Committee Chairman Ron Kestner reported State's Attorney Uphoff as well as Carey Luckman, the Veteran's Commission attorney were present at their meeting. Both attorneys are working on agreeable language for the intergovernmental agreement.

ADMINISTRATION

No report, the committee didn't meet.

LIVINGSTON COUNTY HOUSING AUTHORITY

Kelly Cohlman reported that at their May 18 meeting they learned the following: that plans are underway for parking lot patching; the inspector at the annual inspection was very complimentary of the LCH as compared to

other housing authorities; minor roof repairs have been addressed; free summer meals are being served in Pontiac through August 12, to any child from 2-18; and St. James's Place is on schedule. The next meeting is scheduled for Wednesday, July 20, 2016 at 1:00 p.m. at the Housing Authority office at 903 West North Street in Pontiac.

RECREATION

Alina Hartley reported on their meeting held the day before. They learned that the IDOT grant application had been completed and submitted. They discussed the Live Livingston website and noted that the committee is working with the GLCEDC on an interactive map which will identify various types of recreational activities located throughout the county.

PUBLIC COMMENT

Alcha Corban, Extension & 4H Youth Development Educator and Sara Attig, Program Coordinator & 4-H Youth Development Educator from the Livingston-McLean-Woodford County Extension offices introduced themselves and invited the members to attend the Livingston County Agriculture Fair which starts on Monday, July 18 and ends Thursday, July 21.

Recess was held from 6:55-7:00 p.m.

EXECUTIVE SESSION

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

Executive Session began at 7:00 p.m.

Regular Session resumed at 7:04 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

None

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 7:05 p.m., on motion by Ritter, second by Mays. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

Marty Fannin, Chairman

Attest:

Kristy A. Masching
County Clerk

July 21, 2016
Approved