

LIVINGSTON COUNTY BOARD
MINUTES OF December 15, 2016 MEETING OF THE COUNTY BOARD

OPENING

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

Jason Bunting led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Jason Bunting, John Slagel, G. Michael Ingles, Joseph D. Steichen, Tim Shafer, Kelly Cochran Cohlman, Ronald L. Kestner, Paul A. Ritter, Carolyn Gerwin, Steven Lovell, Vicki Allen, Kathy Arbogast (left at 6:22 p.m.), Robert F. Weller, Justin Goembel, James A. Carley, Daryl N. Holt, Mark Runyon, William Mays, Stanley R. Weber (left at 7:07 p.m.), Bob Young, John L. Yoder and Marty Fannin **Absent:** David W. Heath

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, State’s Attorney-Randy Yedinak, County Highway Engineer-Clay Metcalf and Zoning Administrator-Chuck Schopp

AGENDA

Chairman Young noted a change to the agenda with the addition of an Executive Session pursuant to 5 ILCS 120/2 (c) (2) Collective Negotiating Matters and 5 ILCS 120/2 (c) (11) Pending Litigation. This will follow item #10- Administrative Committee report. *Motion by Goembel, second by Fannin to approve the agenda as amended.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chairman Young called for approval of the November 17, 2016 meeting minutes. *Motion by Holt, second by Gerwin to approve the November 17, 2016 meeting minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

Resolution (#2016-12-70) of Appreciation in Honor of Former Chairman Marty Fannin: Chairman Young read the Resolution of Appreciation and presented Marty Fannin with a plaque for his service as the Livingston County Board Chairman from 2012-2016. *Motion by Runyon, second by Arbogast to approve the Resolution of Appreciation in Honor of Former County Board Chairman Marty Fannin.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Heath

APPEARANCES

None

CONSENT AGENDA

A. Approval of Bills

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

Reconsideration of Appointment of Vice-Chairman Requested by Steichen – Joe read a message he had received describing in abbreviated form, the fundamentals of intentionally leading well for community and family leaders, which he felt applied to everyone. Joe felt that tonight was an opportunity for open dialogue to take place in light of the negative comments and correspondence that had come out since the organizational meeting and

since he made his request to reconsider the appointment of the vice-chairman. *Motion by Steichen, second by Kestner under Chapter 1, Section 12 of the Standing Rules for reconsideration of his vote for vice-chairman.* Discussion followed with many members sharing their thoughts on the situation. It was noted that even though Steichen had asked for reconsideration of his vote it would be a re-vote of all the board members. Chairman Young explained that a roll call vote would take place with a “no” vote meaning you don’t want a reconsideration of vice-chairman, which would leave Tim Shafer as the vice-chairman. A “yes” vote would be to reconsider and open up the nominations for vice-chairman. If a majority of the board members vote “yes” then the nomination process would take place immediately. **MOTION FAILED ON ROLL CALL VOTE. Ayes:** Steichen **Nays:** Vietti, Bunting, Slagel, Ingles, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Absent:** Heath

FINANCE

Resolutions (#2016-12-71): Appellate Prosecutor – Committee Chairman Tim Shafer explained that this annual agreement allows the State’s Attorney’s Office to receive expertise help as needed from the Appellate Prosecutor’s Office for a fee. The \$15,000 fee is included in the State’s Attorney’s budget. State’s Attorney Yedinak stated that he is very much in favor of this agreement and noted that these attorneys handle appeals. Livingston County files about 350 felony cases a year with most of the DOC cases filing appeals. One appeal alone can cost \$10,000 or more in man power and resources. *Motion by Shafer, second by Cohlman to approve the resolution authorizing the State’s Attorneys Appellate Prosecutor Agreement for FY2017.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Arbogast (left at 6:22 p.m.) and Heath

HIGHWAY

Committee Chairman Bunting introduced Clay Metcalf-County Highway Engineer, who reviewed **Action Agenda** items as follows:

1. **Resolution (#2016-12-72): Appropriating MFT Funds for 2017 Highway Maintenance Expenses** – Appropriating \$748,410.00 from County MFT Fund for estimated 2017 highway maintenance expenses.
2. **Resolution (#2016-12-73): Appropriating MFT Funds for 2017 Salary of County Engineer** – Appropriating MFT funds for the 2017 salary of the County Engineer, Section 17-CS105-00-AC.
3. **Quarterly Report:** 4th Quarter FY 2016

Motion by Bunting, second by Runyon to approve Highway Action items #1-#3 with one roll call vote. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Arbogast and Heath

AG & ZONING

Intergovernmental Agreement: Joint 911 Authority – Committee Chairman Daryl Holt reported that they had discussed the IGA document with the Joint 911 Authority. Daryl Holt, Randy Wittenberg, Chuck Schopp, Alina Hartley and State’s Attorney Randy Yedinak have also reviewed it and made changes which were more beneficial to the county. *Motion by Ritter, second by Holt to approve the Resolution authorizing the execution of an Intergovernmental Agreement to form the Vermilion Valley Regional Emergency Communications Center Joint 9-1-1 Authority; to incorporate the amendments to the by-laws as outlined by Alina Hartley in the minutes; and pending upon State’s Attorney review and approval of the final document, prior to the County Board Chairman and County Board Clerk signing off on behalf of the County.* Discussion followed. Alina Hartley presented the following information. The resolution and intergovernmental agreement on their desks was in its final form and ready to go. The by-laws (included in the packet) were reviewed by the State’s Attorney’s office and were approved for content only. Alina stated that she, Barb Sear and John Clemmer had met with Randy Wittenberg the day before to discuss concerns they had with the by-laws themselves. It was a very productive meeting but there were a lot of changes to come within the by-laws. Based on that fact, she recommended that the board

approve the by-laws pending final attorney review and approval. She reviewed some of the proposed pertinent changes as follows. Some references had to do with the fiscal agent who will be the county versus the treasurer. Any language referring to capital outlay and participation fees was removed (item 2.18 and 4.1). References referring to a re-capture fee to the county, with the fee determined by the 9-1-1 Authority Board for withdrawal or termination from contract (item 2.28) was also removed. The by-laws gave the 9-1-1 Authority Board the ability to amend the by-laws without approval because there was so much the county was agreeing to as part of the by-laws (item 5.0.2). It was thought to be important that any changes to the by-laws be required to be by unanimous vote of the 9-1-1 Authority Board since we have two appointees on the board or any proposed amendments need to come back to the original 911 ETSB members. The by-laws also included a voluntary withdrawal option effective thirty-six months after joining with a twenty-four month cancellation notice (item 11.0), so that you would be required to be a member for a minimum of five years. This has been changed from thirty-six to twelve months with a twenty-four month cancellation notice. Any sections referencing voluntary withdrawals and the penalties associated with that action have been removed as well [11.1.B (1)]. There are some other minor changes in addition to the aforementioned amendments that will need to be incorporated into the new agreement. Once the agreement with the recommended amendments has been received by the county, it will be reviewed internally as well as by the State's Attorney's office before the county signs off on it. Gerwin asked that the motion be amended to incorporate the items Hartley reviewed with the board members during this meeting and include upon attorney review and approval of the final draft. Ingles stated that he and Bill Flott would continue to represent the county on the new 9-1-1 Authority Board during the transition at the request of the County Board Chairman. He explained that the old members transferring to the new board (including Streator) drafted a ten-page document which they felt met their intent but needed to be reviewed by an attorney experienced in ETSB law to ensure that they were complying with state statute. This attorney drafted the current document by incorporating language he had used in other agreements, but went beyond the 9-1-1 Authority Board's original intention. By removing these items the document will represent the intent of their original ten page document. The new 9-1-1 Authority Board will be a nine member board and at this time has two members each from Livingston County and the City of Streator, and one each from Fairbury, Pontiac and Dwight. **MOTION CARRIED ON ROLL CALL VOTE.**
Ayes: Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Arbogast and Heath

Extension of Moratorium – Committee Chairman Holt stated that the Ag & Zoning Committee members recommended extending the moratorium for three months. *Motion by Holt, second by Fannin to extend the moratorium for three months.* Zoning Administrator-Chuck Schopp stated that the action taken at this time would be voting to approve the administrative process to allow for an option to have a moratorium available to the Board to vote on in February. The ZBA would hold a public hearing in January regarding this, with the actual moratorium to be approved or denied when it comes back before the board at their February meeting. The current moratorium ends on February 28, 2017.

Public Comment – Adam Dontz stated that from a position of economic development this issue needed to be resolved. He noted that his comment stems from the message we send, much broader than with respect to wind.

Committee Chairman Holt also reported that at the Zoning Board of Appeals meeting it was noted that most of the proposed zoning text amendments to the WECS section of the County Ordinance were based on the recommendations made by the UCLC (United Citizens of Livingston County). Runyon voiced his frustration over the time that has been spent on this subject and questioned when they'd see the final product. Chair Holt stated that at the ZBA meeting it was stated that the ZBA would approve their text amendment changes at their December 20 meeting and send the document back to the Board. Chuck Schopp said the changes were being put into final draft form this week for ZBA's December 20 meeting. Gerwin commented that it was taking longer because they were trying to take the results of all this process and make sure that the new ordinance reflected those changes. If the moratorium ended then the old ordinance would still be in effect. Chairman Holt also noted that they wanted to do it right this time, therefore extra time had been put into the review process. John Slagel noted he was not a fan of the extension in that he would like to see it over too, but noted there were two items on the table, the ad-hoc committee results that are being reviewed by the ZBA, as well as implementing the results of

the referendum. Chuck Schopp stated that with regards to the ZBA, there has been some discussion but not on the administration of or moving forward with the results of the November 8 referendum. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Slagel, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Goembel, Carley, Holt, Runyon, Mays, Weber, Young, Yoder and Fannin **Nays:** Bunting, Ingles and Steichen **Absent:** Arbogast and Heath

Committee Chairman Holt also requested that all of the board members attend the Zoning Board of Appeals meeting on Tuesday, December 20, 2016 at 7:30 p.m. to hear what the ZBA has to say about their draft document. Hartley noted that draft documents are not subject to FOIA and are not available. Once they are approved by ZBA, they will be e-mailed out as part of the committee packet.

PUBLIC PROPERTY

No report.

PERSONNEL

No report.

ELECTION, RULES & LEGISLATION

They didn't meet so there was no report.

SHERIFF, JAIL & LICENSE

Committee Chairman Kestner reported the following: they approved the bills and two raffle license applications; heard the Animal Control and Pro-Active Unit reports; and noted that the jail is housing forty-five federal prisoners and thirty Cook County prisoners.

INFORMATION & TECHNOLOGY

Committee Chairman Vickie Allen reported that they met earlier this evening and paid the bills.

VETERANS

Committee Chairman Joe Steichen met and reviewed their year-end financials which showed that Tom Bailey was approximately \$35,000 under budget. Bills were down this month. He also welcomed the two new board members to the VAC Committee, Kathy Arbogast and John Slagel, which brought their total up to five.

ADMINISTRATION

Chairman Young reported that it had been a very busy time with committee assignments being completed. He will be having monthly Administration meetings. He recognized and thanked Bill Flott for contributing an American flag to be displayed in the committee room.

PUBLIC COMMENT

Recreation Committee - Joe Steichen reported that the Recreation Committee met on Wednesday, December 14. He reported the following: one member resigned since he's moved out of the county; discussed the issues they're seeing with the bike path; and the composition of the committee going forward. At their January meeting, it is anticipated that discussion will center on what's going to happen going forward. He also stated that they did not receive the grant for the bike path. There are some issues with Rte. 66 and the fact that it is not state property but is leased from the original land owners.

Public Health Committee Report - Joe Steichen reported that the topic of concern was the employee early buy-out package. There are potentially five employees who could utilize this proposal which could affect her department adversely since all of the proposed costs hadn't been factored into her budget. Another concern is with the state's stop gap budget, she will receive funding through the end of December and is not sure what to expect after that. Tim Shafer commented that with the early buy-out incentive there were conditions in place authorizing the county to reserve the right to stagger exits.

Clerk Masching reminded the board members to turn any additional per diems or meeting changes for payroll to her no later than 10:00 a.m. on Friday, December 16. She also noted that any board member wishing to have a bound paper copy of the FY17 budget would need to contact her as soon as possible.

Recess was held from 7:07-7:10 p.m.

EXECUTIVE SESSION

Motion to go into Executive Session pursuant to 5ILCS 120/2 (c)(2) Collective Negotiating Matters and 5ILCS 120/2 (c)(11) Pending Litigation was made by Steichen, second by Fannin. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Goembel, Carley, Holt, Runyon, Mays, Young, Yoder and Fannin *Nays:* None *Absent:* Arbogast, Heath and Weber

Executive Session began at 7:10 p.m. Regular Session resumed at 7:45 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

No action was taken.

ADJOURNMENT

The meeting adjourned at 7:45 p.m., on motion by Ritter, second by Mays. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

Bob Young, Chairman

Attest:

Kristy A. Masching
County Clerk

January 12, 2017
Approved

Minutes Bd 12-15-16.A