

LIVINGSTON COUNTY BOARD
MINUTES OF October 15, 2015 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.

Rev. Tom Goodell of the First United Methodist Church in Pontiac presented the invocation, with William Mays 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, John “Jack” Vietti, David W. Heath, John L. Yoder, Joseph D. Steichen, Tim Shafer, G. Michael Ingles, Bob Young, Paul A. Ritter, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson
Absent: Kelly Cochran Cohlman

Also Present: County Clerk- Kristy Masching, Administrative Resource Specialist-Alina Hartley, Collins Miller-Multi-Use Path Plan, Jeff Martin-Farnsworth Group, County Highway Engineer-Clay Metcalf, Treasurer-Barbara Sear, Finance Resource Specialist-John Clemmer, Zoning Administrator-Chuck Schopp, State’s Attorney-Seth Uphoff, Rick Hiatt-Good Samaritan Home and Attorney Tom Blakeman

AGENDA

Chairman Fannin asked that “Pending Litigation” be added to item VII. Executive Session and item X. Adjournment be amended to say “Recessed.” *Motion by Steichen, second by Bunting to approve the amended agenda.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the September 17, 2015 minutes. *Motion by Weller, second by Arbogast to approve the September 17, 2015 minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

Farnsworth Group: Multi-Use Network Master Plan – Collins Miller was present to discuss the Recreation Committee’s request for \$100,000 in the FY16 budget, to be used in part, to apply for a federal grant prior to March 1, 2016. Their committee was formed five years ago, with this being their first opportunity to bring forth a plan of action.

Jeff Martin of the Farnsworth Group presented an overview of the Phase II, Multi-Use Network Master Plan. He noted that trailways are beneficial in the following ways: enhance quality of life and attract new residents; health and wellness; tourism and recreation spending; safety; connections to adjacent communities and counties; and better positions county for funding (grant) opportunities. The paths aren’t only for bicycle use but may be used for cross country skiing, in-line skating and walking. He reviewed the process for designing the master plan which included: field research, analysis, stakeholder interviews and public workshops for public input. This plan incorporates the Phase I plan of using the unused section of Route 66 from Chenoa to Pontiac. The heaves in the road sections would be cut out and filled with asphalt, keeping as much of the original road bed as possible. The side rails of the bridges would also need to be replaced. It was explained that as a result of these minimal repairs, and not having to resurface the whole 7.29 stretch, the total proposed budget was \$377,000.00 and included all known costs.

Collins explained that the request for \$100,000., was the 20% portion they needed to have in order to apply for federal grants (overseen by IDOT). He also stated that there wasn’t any budget for maintenance in this plan and that the Recreation Committee had never had any county funding allocated to them. He stated that in 2014, the Finance Committee had approved FY15 funding for their committee from the farm ground income (estimated at \$64,000), but due to an administrative oversight, the final FY15 budget didn’t include this allocation. Their goal

for FY 2016 is to have the farm ground income less the real estate taxes allocated for the Recreation Committee's use towards the hiring of a firm to do the grant work and for maintenance.

At this time both men fielded questions from the members. Gerwin commented that she loved the idea of a bike path and thought the Rte 66 roadbed would make a good bike path, but noted that finances are currently being looked at very carefully. She wondered if the total budget of \$377,000 for the 7.29 miles of trail was all inclusive or just for construction. Jeff stated that the figure was all inclusive, everything but maintenance costs. Collins commented that the budget was a very low number because they are not resurfacing the whole trail. He mentioned that Chenoa did 1.2 miles at a cost of \$2 million because they tore out and resurfaced the whole stretch. Collins stated that the intent of the committee was to be as frugal as they could be for the County. They are very aware that the number is low, and that is due to the minimal repair work needing to be done. Our portion of Rte 66 is almost 100% intact with very little to do compared to what other counties have done. The greatest expense will be for repairing the side rails on the bridges. Gerwin stated that in her research of other similar projects, the average cost was consistently around \$400,000. per mile, whereas this project was only \$377,000 for 7.29 miles, and didn't factor in any cost for maintenance in the future. She also noted that the figures she looked at didn't include bridge or viaduct improvements. Collins stated that the grant is federal money and is overseen by the state (IDOT). If they do receive the money they will inform the board step by step all that they are doing. Ritter complimented the committee for their work on this project and wondered if they had an estimate on the turnaround time for us to see economically, the return on our investment. Collins responded that the first year would be very little, but this would gradually grow each year, which is what McLean County, Bloomington and Normal have experienced. Weber questioned what kind of agreement the county would have to enter into with the state to achieve this goal and whether the Highway Committee would receive any recompense. Collins explained that we would not be purchasing the ground but in order to use this property, would have to enter into a maintenance agreement with the state, as Rte 66 has been an easement since 1934. Our main obligation with this agreement is that we would have to mow the west side of that easement. We would also be responsible for the signage on the cross roads. Mowing costs could be paid from the Recreation Committee's operating budget. If Highway didn't have the man-power to do the mowing, it could be sub-contracted out and/or contact the local landowners/farmers and ask them to mow their adjoining area, which some of them currently do. He also commented that the agreement specifies that the easement needs to be mowed a minimum of one time. The states responsibility is to mow the east side of Rte 66 as well as the center section one time. Collins noted that for the signage work, their options would be the Highway Department, independent contractors or volunteers. Weber also asked if they had considered having some kind of referendum to form a tax district to maintain this section rather than it coming out of the county budget. Collins stated that they felt it wouldn't have a chance at this time, due to the project being in the planning stage, the state of the economy and the added cost to the taxpayers. In the future, when they have success, they would have no problem placing a referendum on the ballot to form a taxing district. Gerwin noted that previous budgets had the farm proceeds going into the general fund and the FY16 draft budget has it allocated for maintenance of the bike path.

Collins stated that they are not assured that they will receive a grant this time and if they don't, they won't pursue it again until next year. He noted that if they are granted their funding request they will not be used strictly for the maintenance of the path, but will be used to pursue other opportunities as well as other revenue sources that are available and not depend solely upon county funding. *Motion to approve the Multi-Use Network Masterplan by Young, second by Ritter. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Arbogast, Carley, Weller, Mays, Holt, Vietti, Steichen, Shafer, Ingles, Young, Ritter, Allen, Fannin, Kestner and Peterson **Nays:** Bunting, Goembel, Runyon, Weber, Heath, Yoder, Gerwin and Flott **Absent:** Cohlman

APPEARANCES

None

CONSENT AGENDA

A. **Approval of Bills**

B. **Appointments**

- a. **Neil Dassow – Chatsworth Fire Protection District**, to complete term of Richard Weller or until successor is appointed.

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

HIGHWAY

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

1. **Resolution (#2015-10-48):** Rescinding Resolution No. 2015-08-39
2. **Resolution (#2015-10-49):** Resolution per IDOT review Authorizing Loan from Pontiac Host Agreement Fund to County Motor Fuel Tax not to exceed \$826,000.00 to be repaid upon receipt of past-due Motor Fuel Tax distributions from the State of Illinois.

Motion to approve items #1 and #2 with one roll call vote by Holt, second by Runyon. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Cohlman

3. **Resolution (#2015-10-50):** Resolution appropriating \$260,000.00 from County Matching Tax for the county's share of resurfacing CH 3 from CH 1 (Campus) south approximately 6 miles to CH 12 (2100N), Sect. No. 08-00144-04-RS.

Motion to approve Resolution (#2015-10-50) appropriating \$260,000.00 from County Matching Tax for the county's share of resurfacing CH 3 from CH 1 (Campus) south approximately 6 miles to CH 12 (2100N), Sect. No. 08-00144-04-RS by Holt, second by Runyon. **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

Other Items: Chair Holt reported that the committee had authorized Clay to proceed with posting for the assistant engineer position for the Highway Department.

SHERIFF, JAIL & LICENSE

No report

FINANCE

A. Resolution (#2015-10-51) Authorizing Conveyance of Deed for Real Estate (Chatsworth-PIN#27-27-03-326-021, **B. Resolution (#2015-10-52)** Cancellation of Tax Sale Certificate for Redemption of Taxes (PIN#01-01-200-116) and **C. Resolution (#2015-10-53)** Cancellation of Tax Sale Certificate for Redemption of Taxes (PIN#15-15-800-220) – Treasurer Sear presented information on the resolutions concerning delinquent property taxes. She noted that the conveyance of deed was for a piece of property in Chatsworth bid on by the Village of Chatsworth at the sealed bid auction. The other two resolutions were to cancel certificates because the owners of the mobile homes had come up with the money to redeem the taxes. *Motion by Shafer, second by Mays to approve all three resolutions with one roll call vote.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Steichen, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Cohlman

Presentation of FY 2016 Budget & Levies – Chair Shafer noted that the proposed budget would be presented for display for thirty days, with final action taking place in November. Finance Resource Specialist John Clemmer commented on the FY 2016 Budget and Levies. He stated that three parameters were established: 1) to hold the tax levy at current rate; 2) determine appropriate uses for Pontiac Host Funds, cap at \$2 million for expenses and capital outlay; and 3) to make prudent decisions and decreases to maximize efficient funding of expenses. Factors taken into consideration in determining parameters to be used during the budget process were: slight increase in EAV; State and other revenues are anticipated to remain at current levels; fee assessments reasonable at this time; significant decrease in costs in Circuit Clerk's office driven by less citations being issued; decreased expenses in departments; and a significant increase in health insurance premiums. John reported that the proposed FY16

Budget reflects the following: estimated revenue at \$11,368,128. (includes a transfer in from Pontiac Host Fund of \$1,789,931.00 and transfers out of \$40,000. for Social Security and IMRF); and expenditures of \$11,341,551.00. It was noted that the county receives about \$1 million in revenue from the housing of federal inmates.

Chair Shafer also noted that this budget includes an allocation from the Enterprise Fund of \$647,000 for the GLCEDC. Since this amount was discussed, Adam Dontz had come to them asking that an additional \$1.5 million be allotted in that line item for next year, in order to attract potential businesses to our county. He has found out through other contacts in his field that areas having significant funding incentives readily available are more apt to attract businesses to their locations. This would make a total of a little over \$2 million on hand for cash incentives if he is successful. *Motion by Shafer, second by Holt to approve the FY16 Budgets and Levies with the addition of the \$1.5 million for GLCEDC.* Discussion followed. John Clemmer noted that another possible addition to the budget could be the setting up of a special fund for the Recreation Committee. There had been a suggestion that the \$64,000 generated from farm income be used as a possible source of funding for the Recreation Committee since nothing had been set up in the Enterprise Fund for their activities. Some concerns voiced against this suggestion follow: this income has been used to help balance the General Fund; and didn't agree with using it to fund the maintenance on the multi-use path plan when it was just in the early stages of planning. *Motion by Gerwin to amend the motion to keep the \$64,000 farmland revenue in the General Fund.* A discussion was held on Roberts Rules of Order as to how to proceed with the two motions on the floor with the amended motion being declared out of order. Shafer repeated his original motion. *Motion by Shafer, second by Holt to approve the FY16 Budgets and Levies as presented with the additional allocation of the \$1.5 million for GLCEDC.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Mays, Holt, Weber, Vietti, Shafer, Ingles, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Runyon, Heath, Yoder, Steichen and Gerwin **Absent:** Cohlman

Shafer and Fannin both commended the Finance Committee and Department Heads on their diligence in working through the budget goals set before them.

AG & ZONING

Zoning Case: ZT-3-15 (Ordinance #2015-10-54) WECS Moratorium Extension – Zoning Administrator Chuck Schopp explained that his was a follow-up from a formal request from the county board regarding an extension to the existing moratorium concerning Wind Energy Conversion Systems. He noted that it had gone through the Livingston County Board of Appeals hearing process and had been recommended for approval by the Livingston County Regional Planning Commission, the Livingston County Zoning Board of Appeals as well as the Agriculture, Zoning and Emergency Services Committee. This six month extension would commence as of October 15, 2015 and expire April 15, 2016. *Motion by Flott, second by Arbogast to approve Zoning Case ZT-3-15 WECS Moratorium Extension.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Goembel, Carley, Runyon, Mays, Holt, Weber, Vietti, Shafer, Young, Ritter, Gerwin, Flott, Allen, Fannin and Kestner **Nays:** Bunting, Weller, Heath, Yoder, Steichen, Ingles and Peterson **Absent:** Cohlman

ETSB (911) Update – Chair Mike Ingles stated that with the implementation of new state regulations requiring consolidation of dispatch centers on a county-wide level, the City of Streator had approached us about a merger with Livingston County. He reported that the Streator City Council had voted unanimously to come to Livingston County and begin the lengthy consolidation process.

Chair Flott noted that Pleasant Ridge Wind Energy/Invenergy filed a complaint in Livingston County Circuit Court on October 9th. He stated that each board member received an e-mail copy of the complaint for their review.

ADMINISTRATIVE

Extension Agreement: Good Samaritan – Rick Hiatt was present on behalf of Good Samaritan to discuss the need for the seventh extension agreement. Some of his comments follow: the building is at 63% completion; additional cost with reverting to an aggregate base for structure and roads because of soil composition; 90 bed skilled and rehab facility; and includes locked-down Alzheimer's wing. The original date for occupancy was December 2015 but due to inclement spring weather conditions, it was moved back to March 2016. He thanked the Board for their financial support and patience in the process. Attorney Blakeman noted that the process

started in November 2008. The sixth extension has expired, primarily since the facility hasn't been completed. The extension of the new completion date is on or before January 23, 2017. This extension will be approved by Good Samaritan on October 19th. *Motion by Flott, second by Ingles to approve the 7th Extension Agreement with Good Samaritan.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Mays, Holt, Weber, Vietti, Heath, Yoder, Shafer, Ingles, Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Runyon and Steichen **Absent:** Cohlman

ELECTION, RULES & LEGISLATION

No report

INFORMATION & TECHNOLOGY

No report

PERSONNEL

No report

PUBLIC PROPERTY

Chair Ingles reported that they've had significant issues with Johnson Controls at the Law & Justice Center, but thanks to our Facilities Manager-Chad Carnahan, are close to having a system that works as intended.

VETERANS

Ron Kestner reported that they approved bills and discussed the request for a new van.

LIVINGSTON COUNTY HOUSING AUTHORITY

No report in the absence of Kelly Cohlman due to the birth of her twins. Congratulations!!!!

RECREATION

No report

PUBLIC COMMENT

None

EXECUTIVE SESSION

Motion to go into Executive Session pursuant to 5ILCS 120/2 (c) (21) Semi-Annual Review of Executive Session Minutes; 5ILCS 120/2 (c) (2) Collective Negotiating Matters; and 5ILCS 120/2 (c) (11) Pending Litigation was made by Steichen with second by Ritter. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Vietti, Heath, Yoder, Steichen, Shafer, Ingles Young, Ritter, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Weber (left at 7:30pm) and Cohlman

Recess started at 7:30 p.m. and ended at 7:40 p.m., with Executive Session beginning at 7:40 p.m.

Regular Session resumed at 8:08 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

5ILCS 120/2 (c) (21) Semi-Annual Review of Executive Session Minutes – The Board reviewed minutes from: 04-11-13, 09-12-13, 04-17-14, 05-15-14, 07-17-14, 09-11-14 and 11-13-14.

Motion by Steichen, second by Arbogast to:

- **Approve executive session minutes for content & open:** 07-17-14, 09-11-14 and 11-13-14
- **Approve executive session minutes for content & close:** None
- **Open previously approved executive session minutes:** 09-12-13, 04-17-14, 05-15-14
- **Keep closed the following previously approved executive session minutes:** 04-11-13, and
- **The authorization of the destruction of all verbatim records dated eighteen months and older, previously approved for content.**

MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

5ILCS 120/2 (c) (2) Collective Negotiating Matters – Motion by Flott, second by Kestner to approve the amendment to the Canine portion of the Sheriff's Collective Bargaining Agreement and authorize the County Board Chairman and Secretary to execute the agreement on behalf of the county. **MOTION CARRIED ON VOICE VOTE.** Nays: Young Absent: Cohlman

5ILCS120/2 (c)(11) Pending Litigation – No action taken

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting recessed at 8:11 p.m., on motion by Ritter, second by Allen. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

The next meeting is scheduled for Thursday, November 12, 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

December 17, 2015
Approved

Minutes Bd 10-15-15.R.A