

LIVINGSTON COUNTY BOARD
MINUTES OF February 16, 2017 MEETING OF THE COUNTY BOARD

OPENING

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

The invocation was presented by Reverend Dr. Richard Riley of the First Lutheran Church in Pontiac. Kelly Cohlman 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, Steven Lovell, Vicki Allen, Kathy Arbogast, Justin Goembel, James A. Carley, William Mays, David W. Heath, Bob Young and Marty Fannin **Absent:** Carolyn Gerwin, Robert F. Weller, Daryl N. Holt, Mark Runyon, Stanley R. Weber and John L. Yoder

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, Zoning Administrator-Chuck Schopp, Highway Engineer-Clay Metcalf, Human Resources Director-Linda Daniels, Circuit Clerk LeAnn Dixon, Sheriff-Tony Childress and Heyl Royster Attorney-John Redlingshafer

AGENDA

Chairman Young asked that the Executive Session be removed from the agenda. *Motion by Ritter, second by Bunting to approve the agenda as revised.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chairman Young called for approval of the January 12, 2017 meeting minutes. Marty Fannin noted that the initial roll call needed to be revised to reflect that he was in attendance and not absent (John Yoder was absent but shown as being present). *Motion by Fannin, second by Ingles to approve the January 12, 2017 meeting minutes with the noted revisions.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

PRESENTATION

Resolution (#2017-02-04): Recognizing Respect Days March 4 & 5, 2017 – Chairman Young announced with special pride that he and the county board were able to participate in a resolution from the Livingston County Board recognizing and proclaiming March 4th and 5th, 2017 as Respect Days. He then read the resolution endorsing the “Spread the Word to End the Word” campaign which is an ongoing effort by the Special Olympics and Best Buddies to inspire respect and acceptance through raising the consciousness of society about the R-word and how hurtful words and disrespect can be toward people with intellectual disabilities. *Motion by Ingles, second by Ritter to unanimously adopt the resolution recognizing Respect Days March 4 & 5, 2017.* Paul Ritter thanked the students and the teachers for being leaders and helping to make a difference in a lot of people’s lives by spreading the word to end the word. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Lovell, Allen, Arbogast, Goembel, Carley, Mays, Heath, Young and Fannin **Nays:** None **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a) **Ted Turner** – Trustee, Emington-Campus Fire Protection District, to complete term of Jim Steichen which expires May 1, 2018.

- b) **John A. Allen** – Trustee, Moon Point Cemetery, three year term commencing July 19, 2016 and ending on July 19, 2019.
- c) **Jake W. Herman** – Trustee, Moon Point Cemetery, three year term commencing July 19, 2016 and ending on July 19, 2019.
- d) **Kenneth Redfern** – Trustee, Moon Point Cemetery, three year term commencing July 19, 2016 and ending on July 19, 2019.
- e) **Arthur H. Johnson** – Trustee, Moon Point Cemetery, six year term commencing July 19, 2016 and ending on July 19, 2022.
- f) **David A. Lentman** – Trustee, Moon Point Cemetery, six year term commencing July 19, 2016 and ending on July 19, 2022.
- g) **Robert L. Turner** – Trustee, Moon Point Cemetery, six year term commencing July 19, 2016 and ending on July 19, 2022.
- h) **Carl Krause** – Trustee, Cullom Fire Protection District, to complete term of William G. Ommen which expires May 1, 2017.

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

AG & ZONING

Ordinance (#2017-02-05): Zoning Case ZT-1-17 – Extension of Moratorium - County Board Chairman Young reported that the law firm of Heyl Royster had been retained to help the county with the WECS ordinances. Attorney Redlingshafer of this firm, introduced himself and commented that their firm had been retained on two main WECS issues, the pending litigation against the county and the ordinances. He stated that they have recently heard from the counsel for the wind farm company and will resume the process. With regards to the ordinance, they will be in attendance at the March 7 committee meeting to discuss the existing situation, as well as propose options and opportunities for the committee in terms of recommendations to the full board at their March board meeting. They will also try to have some information to the committee members by the end of February so that the committee members will have some understanding of the options before coming to the March meeting. *Motion by Goembel, second by Fannin to approve Zoning Case ZT-1-17 which will extend the moratorium for three more months.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Slagel, Shafer, Cohlman, Kestner, Ritter, Lovell, Allen, Arbogast, Goembel, Carley, Mays, Young and Fannin **Nays:** Bunting, Ingles, Steichen and Heath **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

Committee Vice-Chairman Justin Goembel reported that the committee had discussed the litter along the highway from the landfill to Dwight and had asked Chuck to contact the landfill to resolve the issue.

HIGHWAY

Committee Chairman Jason Bunting introduced Clay Metcalf- County Highway Engineer, who reviewed the following **County Board Action Items:**

- a) **Bridge Petition:** Esmen Road District – SN 053-3245 (2965N, 1400E), Repair Existing Bridge, Estimated Cost = \$80,000.00
- b) **Bridge Petition:** Esmen Road District – SN 053-3191 (2400N, 1780E), Repair Existing Bridge, Estimated Cost = \$40,000.00
- c) **Bridge Petition:** Sunbury Road District – SN 053-3141 (2800N, 1485E), Repair Existing Bridge, Estimated Cost = \$80,000.00
- d) **Bridge Petition:** Esmen Road District – SN 053-3216 (2200N, 1625E), Replace Existing Bridge, Estimated Cost = \$350,000.00
- e) **Bridge Petition:** Nebraska Road District – SN 053-3096 (1585N, 400E), Replace Existing Bridge, Estimated Cost = \$350,000.00
- f) **Engineering Agreement:** Esmen Road District – SN 053-3245, Fehr Graham Eng. & Environmental

- Design for Repair of Existing Bridge, Cost not to exceed \$14,595.20
- g) **Engineering Agreement:** Esmen Road District – SN 053-3191, Fehr Graham Eng. & Environmental
– Design for Repair of Existing Bridge, Cost not to exceed \$14,595.20
- h) **Engineering Agreement:** Sunbury Road District – SN 053-3141, Fehr Graham Eng. & Environmental – Design for Repair of Existing Bridge, Cost not to exceed \$14,595.20
- i) **Engineering Agreement:** Esmen Road District – SN 053-3216, Hampton Lenzini & Renwick (HLR)
– Design for Replacement of Existing Bridge, Cost not to exceed \$32,000.00
- j) **Supplemental Resolution (#2017-02-06):** Appropriating an additional \$95,000 from County Matching Tax for the replacement of S.N. 053-3778 on CH 13 (Meadows Road), 920N, 700E.
- k) **Resolution (#2017-02-07):** Resolution appropriating \$90,000.00 from County Aid to Bridge Fund for Livingston County’s proportionate share of a bridge on the Livingston-Kankakee County line between Section 12 Round Grove Township, Livingston County and Section 7 Norton Township, Kankakee County, 3600E, 3250N, Section 17-00228-00-BR.
- l) **Resolution (#2017-02-08):** Resolution for Temporary Amendment of Exhibit A to Resolution No. 2016-11-65

Motion to approve Highway Action items a-l (with one roll call vote) by Bunting, second by Goembel. Clay explained that when two counties share a bridge structure in need of repair or replacement which has a drainage opening of 25 square feet or more, the cost division is based on the EAV of each county. With regards to the bridge shared with Kankakee County, we will pay about 25% of the cost with Kankakee County paying the rest. Clay also reported that the temporary amendment to Resolution 2016-11-65 (which was passed last November) regarding the permit process, came about after residents expressed their concerns that the current regulations would be detrimental to their operations. In order to accommodate the situations that might arise through the livestock industry, the amendment includes provisions for allowable loads such as eggs, feed, fuel, garbage, livestock, milk and utility companies. John Slagel noted that he had received positive feedback from his constituents regarding the weight limits and the timely manner in how it was resolved. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** Steichen **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

PERSONNEL

Resolution (#2016-02-09): Approving Voluntary Retirement Incentive Agreement - Human Resources Director-Linda Daniels noted that the idea of offering a voluntary retirement incentive plan came about at one of the board’s strategic planning initiatives last year, with the concept being approved by the board at their November meeting. Since then, a legal agreement and paperwork were drafted and included in this month’s packets. There was a change made at the request of a department official which would allow employees to come back and work PRN (as needed) in the department they retired from for up to one hundred hours in a calendar year. If they go over the 100 hours, they would be required to reimburse the county all of the money that was afforded them through this agreement. *Motion by Arbogast, second by Fannin to approve the Early Retirement Incentive Plan.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Steichen, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

FINANCE

Circuit Clerk Semi-Annual Report – Circuit Clerk Leann Dixon was present to entertain any questions the members had regarding her report. She also commented that the Probation Department had recently signed up with her GEMS case management software system so that paper reports are no longer hand copied and delivered but are scanned in and e-mailed to the Probation Department. *Motion by Shafer, second by Coleman to approve the Circuit Clerk’s Semi-Annual Report for the second half of FY 2016.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Steichen, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

SHERIFF, JAIL & LICENSE

Committee Chairman Ron Kestner reported that they heard the Probation Department's quarterly report, the Sheriff's Department monthly reports, paid the bills that were presented, approved a raffle license and were informed that the Finance Committee had approved approximately \$31,000. for a handicapped equipped detainee van.

Sheriff's Semi-Annual and Annual Reports –Kestner presented the reports for approval. *Motion by Kestner, second by Ingles to approve the Sheriff's Semi-Annual and Annual Reports for FY 2016.* Sheriff Tony Childress provided highlights from the reports as follows. In 2016, Chatsworth, Flanagan, Cornell, Reading Township and Odell contracted with his department for Sheriff's Police coverage for a total of \$125,000. The detective section consists of three detectives and a sergeant who also acts as the investigations commander as well as the commanding officer for the pro-active unit. He noted that investigators were called out 55 times for a total of 190 hours of call out time for investigations involving death, burglaries, sex offenses, theft cases, criminal damage cases, stolen vehicles, arson cases and miscellaneous cases. The detectives also logged 700 hours of training. The Pro-Active unit which conducts undercover/covert investigations consists of 2 LCSP and an LCSP Supervisor. He stated that they are looking to add officers to the unit from other police agencies located from within and outside of the county. Sheriff Childress also reported that Animal Control had responded to 462 calls regarding animals running at large, 74 bites and 56 wellbeing checks. The total income booked for FY2016 from registrations, reclaims and adoptions was \$64,622.93, with expenses for the same time period amounting to \$41,772.29. Sheriff Childress stated that since President Trump enacted the executive order implementing the travel ban for certain immigrants, his department had been asked by ICE to submit a weekly list to them of any foreign born nationals who were incarcerated in our jail. He also noted that he had previously sent two officers for training as task force agents for Homeland Security and ICE. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Steichen, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

PUBLIC PROPERTY

Resolution (#2017-02-10): Accepting low bid of Cove Remediation for Livingston Manor Asbestos Abatement, Resolution (#2017-02-11): Accepting low bid of Robert Shay Land Improvement for Livingston Manor Demolition and Accepting Proposal from Diegan & Associates for Owner's Project -

Committee Chairman Mike Ingles reported that a public auction of the remaining contents of the Good Samaritan Nursing Home (formerly known as Livingston Manor) will be held on Saturday, February 18. He stated that their committee had agreed that county appointed/elected department heads and employees could bid and pay full price on the county owned items if they wished since this would be done through a bidding process. Normally, the aforementioned county employees are not allowed to purchase items from the county.

Ingles stated that there were two resolutions and a proposal regarding the demolition of the nursing home building. The first resolution was accepting the low bid from Cove Remediation for the asbestos abatement/removal services in the amount of \$82,000. The second resolution was accepting the low bid from Robert Shay Land Improvement for demolition of the building in the amount of \$157,300. The proposal from Diegan and Associates was for the overall management of both projects in the amount of \$37,500. The total for all three items is \$276,800. *Motion by Ingles, second by Heath to approve the following three items with one roll call vote: Resolution (#2017-02-10): Accepting low bid of Cove Remediation for Livingston Manor Asbestos Abatement (\$82,000), Resolution (#2017-02-11): Accepting low bid of Robert Shay Land Improvement for Livingston Manor Demolition (\$157,300) and Accepting Proposal from Diegan & Associates for Owner's Project (est. cost \$37,500).* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Carley, Mays, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Steichen, Young, Ritter, Flott, Allen, Fannin, Kestner and Peterson **Nays:** None **Absent:** Gerwin, Weller, Holt, Runyon, Weber and Yoder

Ingles also commented on the status of the county owned Regions Bank Building with regards to proposals for lease or purchase of the building. He stated that two entities have come forward and expressed an interest in

leasing or purchasing the building. The Public Property Committee will pursue those proposals and present their findings to the county board members at a later date.

ELECTION, RULES & LEGISLATION

Committee Chairman Marty Fannin noted that they met and approved the appointments which were approved under the Consent Agenda.

Discussion and Direction on Invocation Policy – Fannin asked for open discussion and direction from the members on whether they were in favor of continuing with an invocation and if so, would an Invocation Policy would be necessary. Discussion highlights included: offering a moment of silence; the criteria for who would be eligible; allow everyone an opportunity; allow only board members or their religious affiliation contacts; continue on at the discretion of the County Board Chairman; and the pros and cons of having a formal written policy. A show of hands was taken with a majority of those members in attendance indicating they'd like to continue with the invocation. State's Attorney Randy Yedinak noted that we could be taken to court regardless of whether we had a policy in place or not. He stated that having an invocation at a public meeting is for the members of the board and that they are not be asking for public participation. There would be no violation of the establishment clause under state or federal law either. He noted that as long as the board is open and consistent to all the faiths within our region and accept that, he doesn't feel that a written policy is needed and that the county wouldn't be in any trouble if they choose to continue with an invocation. Public comment was heard from Joan Lipinski who voiced her opinion on the topic. She feels that if the board wants more public participation, then the board needs to be more welcoming and that they do not leave people out or turn them away by what is being done. She feels that a religious invocation is disturbing to a large number of people and recommends that a policy or system be in place if they continue to do an invocation. Fannin noted that he received his direction by the show of hands taken earlier, the board members want an invocation but don't want a policy.

Notice of Standing Rules Amendment Regarding Public Comment – Fannin stated that he was giving thirty days' notice (per Chapter 1-Rules of Procedure, Section #15. Amendment of Rules) of an amendment to the Standing Rules of the County Board. He then read the following proposed amendment regarding public comment and stated that action would be taken at next month's board meeting.

20. PUBLIC COMMENT - Each meeting of the Board and its various Committees shall include a public comment period in which individuals are afforded the opportunity to make a statement. Public comments shall be limited to three minutes per person unless the Chairman grants additional time as needed. The total time allocated for public comment shall not exceed 30 minutes unless extended by the Chairman.

Fannin noted that this would not only pertain to the public comment at the end of the meeting but would also include anytime a subject is on the floor for discussion. Slagel would like to see the inclusion of text giving the chairman the right to dismiss repetitive comments and thought the thirty minute maximum was a little short. Fannin noted that the thirty minute time limit can be expanded at the chairman's discretion and that the 30 minute time limit would be for each subject that is discussed.

INFORMATION & TECHNOLOGY

Committee Chair Vicki Allen noted the following items of interest. Jon Sear reported that he had replaced six computers this month due to software issues and commented that since they weren't old they would be reformatted and used again. He also stated that since the State Police were looking into eliminating their T1 lines, he had been checking into adding an additional fiber connection through CIRBN, or checking if we can use VPN connections with ISP. The committee also had a lengthy discussion on using the microphones for the live stream and on-line viewers' ability to hear. There is an option to add additional microphones and suspend them in front of the members if they aren't going to us their desk microphones or remind everyone to use their microphones during their comment session.

VETERANS

No report

ADMINISTRATION

Chairman Young reiterated information regarding the public auction of the remaining nursing home items.

Chairman Young also announced that on February 21 at 5:00 p.m., there would be a goal setting workshop of the county board. He also stated that he and Alina would be attending a UCCI meeting on February 27 and extended an invitation to the other board members who would be interested in attending the meeting with them.

RECREATION

Ed Lipinski encouraged the board members to keep the Recreation Committee in mind at their strategic planning session. He stated that he is still in contact with IDOT and has received some assistance from them on how to improve their chances of receiving a grant next year.

Housing Authority

Kelly Cohlman thanked Chairman Young for attending their last meeting. She reported that they are anticipating a routine inspection. Their next meeting is scheduled for Thursday, March 16 at 1:00 p.m. at the Livingston County Housing Authority office at 903 W. North Street, Pontiac.

PUBLIC COMMENT

Clerk Kristy Masching reminded the members of their obligation to fill out their annual Statement of Economic Interest forms and turn them into her office as soon as possible.

Recreation Committee member Ed Lipinski also noted that IDOT told them that one item that would benefit them in moving forward in the process would be an intergovernmental agreement between the county and the state.

EXECUTIVE SESSION

Removed from agenda

ADJOURNMENT

The meeting adjourned at 7:17 p.m., on motion by Vietti, second by Fannin. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

Bob Young, Chairman

Attest:

Kristy A. Masching

County Clerk

April 13, 2017

Approved