

LIVINGSTON COUNTY BOARD
MINUTES OF March 16, 2017 MEETING OF THE COUNTY BOARD
(Revised)

OPENING

County Board 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.

Chairman Young asked for a moment of silence in lieu of an invocation. 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, Carolyn Gerwin, Steven Lovell, Vicki Allen, Kathy Arbogast, Robert F. Weller, Justin Goembel, Mark Runyon, William Mays, David W. Heath, Stanley R. Weber, Bob Young and Marty Fannin **Absent:** Paul A. Ritter, James A. Carley, Daryl N. Holt and John L. Yoder

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

AGENDA

Chairman Young noted that there were no minutes, the February meeting minutes would be ready for the April meeting. *Motion by Bunting, second by Fannin to approve the agenda as revised.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

The February 16 meeting minutes will be approved at the April 13 meeting.

PRESENTATION

Public Health Annual Report – Public Health Administrator MaLinda Hillman highlighted her report. Joe Steichen is the County Board’s representative on her board. Her department is comprised of 29 full-time, 2 part-time and 8 PRN employees. She is down 3 full-time employees due to state budget restrictions. The TB Clinic Fund ended with a November 30th balance of \$56,898., with local tax support being \$26,873. She explained that local tax support to the Public Health Department expenditures was \$372,085 or 19% of their total revenue source. MaLinda commented that their levy has been reduced back to the 2012 level. She gave a brief overview of the following programs this funding helps to subsidize such as Maternal Child Health, Senior Services, Environmental Health, Animal Control, rent, Communicable Diseases, and School Vision and Hearing Clinics. She reviewed the various revenue sources and stated that personnel (66%) and insurance (9%) comprised 75% of their expenditures. State and Federal Grant funding is 40% of their revenue source. They also pay \$54,500. for rent to the county general fund. MaLinda noted that \$233,290.00 was spent on the Livingston County Community Health Care Program with fees generated from people utilizing this program amounting to \$18,646. Between the home services and nursing care services, they served 70 unduplicated people. MaLinda also noted that as of November 30th, the state had paid most of their grant payments but as of February 29th, were behind about \$275,000. *Motion to approve the Public Health 2016 Annual Report by Steichen, second by Cohlman.* **MOTION CARRIED ON ROLL CALL VOTE.** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Runyon, Mays, Heath, Weber, Young and Fannin **Nays:** None **Absent:** Ritter, Carley, Holt and Yoder

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a) **Scot Cranford** – re-appointment to the Livingston County Regional Planning Commission, four year term commencing March 16, 2017 and ending on March 15, 2021.
 - b) **John Slagel** – appointment to the Livingston County Regional Planning Commission, four year term commencing March 16, 2017 and ending on March 15, 2021.

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

AG & ZONING

Extension of Moratorium – Vice-Committee Chairman Justin Goembel reported that at their meeting they were updated on solid waste issues and discussed the litter issue along I-55. Also in attendance, were the WECS consulting attorneys for the county, John Redlingshafer and Andrew Keyt of the Heyl Royster law firm. Goembel commented that they would be working with the A&Z committee on how the referendum results could be incorporated into the county ordinances.

Zoning Administrator-Chuck Schopp reported that our legal counsel was recommending another three month extension to the moratorium, which they felt would allow them adequate time to proceed and address the current zoning text and potentially another zoning text, to achieve all that the committee and county board would like to do. Since this would be an administrative process and would have to go through a public hearing through the Zoning Board of Appeals, we would need to start the process now in order to enable the county board to act on it at their May meeting. If approved, this extension would commence June 1 and end August 31, 2017. Chuck stated that at an Ag & Zoning Committee meeting held prior to the board meeting, the committee chose not to make any recommendation to the board on the extension. *Motion by Goembel, second by Fannin to approve forwarding the application for a zoning text amendment to the ZBA, in order to hold a hearing on the text amendment proposing a three month extension to the moratorium (June 1, 2017 – August 31, 2017).* Discussion followed. The current moratorium extension will end on May 31, 2017 if not extended. Some board members voiced their frustration over the number of extensions granted so far with no results. The Ag & Zoning Committee will be holding a special meeting on March 28 at 5:00 p.m., to discuss what parts of the ZBA recommendation on the ordinance they agree with and do not agree with. They will also be working with our legal counsel to see if they can come up with a solution incorporating the various setback distances, determined by the referendum results into our ordinance. It was noted that everyone is tired of the additional extensions, but no one wants to jeopardize the work that’s transpired so far and would rather safeguard the process by putting the additional extension in place so as not to leave any area vulnerable in the event the ordinance work wasn’t completed in time. Chuck reiterated that action taken tonight would be an administrative motion to send it forward to ZBA to meet the statutory requirement of holding a hearing for a zoning text amendment, wait the thirty days and then it would come back for the county board to take official action on it in May. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Slagel, Shafer, Cohlman, Gerwin, Allen, Arbogast, Weller, Goembel, Runyon, Mays, Weber, Young and Fannin **Nays:** Bunting, Ingles, Steichen, Kestner, Lovell and Heath **Absent:** Ritter, Carley, Holt and Yoder

Goembel reported that the Sun Trucking issue is going to be resolved. He also noted that he had been contacted by a constituent who had received information in the mail regarding a solar farm and advised residents to do their homework before signing on the dotted line.

HIGHWAY

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

- a) **Letting Results:** March 7, 2017 Letting
- b) **Agreement for Engineering Services:** Hampton, Lenzini & Renwick, Springfield, IL – Preliminary Engineering Services Agreement for the replacement of S.N. 046-3273 on the Livingston-Kankakee County line between Section 12 Round Grove Township, Livingston County and Section 7 Norton Township, Kankakee County, 3600E, 3150N, Section 17-00228-00-BR. Cost not to exceed \$27,000 including soil borings. Right-of-way engineering and environmental coordination to be done at consultant’s schedule of chargeable rates.
- c) **Quarterly Report:** 1st Quarter FY17

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

FINANCE

Treasurer’s Annual Report – Treasurer Barbara Sear highlighted her report as follows. Barb noted that her report was configured on a cash basis and won’t match up with the audit which is figured on an accrual basis. **General Fund (Pg. 2)** - Overall, our revenues were up \$586,806 over last year’s total revenue with our expenses down from last year’s total expenses by \$427,603. Our ending balance was \$365,000 more than our beginning balance from the year before. **Host Agreement Fund (Pg. 8)** - Barb stated that this ending balance was considerably larger than last year’s ending balance. The contract payments were up approximately \$300,000 over the year before and expenses were down significantly due to the completion of larger capital purchases such as the ETSB program and no new building construction. The ending balance for this fund was \$8,188,609. Barb stated that the rest of the report consisted of the bank accounts that her office handles and maintains records of. She also noted that the last six pages of her report contain information on property taxes, the amount collected and disbursed to the various county funds. And on a final note, she commented that the state has been keeping up with reimbursements to our county in a timely fashion. *Motion by Shafer, second by Steichen to approve the Treasurer’s Annual Report for the second half of FY 2016. **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Runyon, Mays, Heath, Weber, Young and Fannin Nays: None Absent: Ritter, Carley, Holt and Yoder*

PUBLIC PROPERTY

Resolution (#2017-03-12): Declaring Excess Property - Committee Chairman Mike Ingles reported that the recent public auction of the remaining contents of the Good Samaritan Nursing Home (formerly known as Livingston Manor) netted \$17,700. Ingles stated that the asbestos abatement work had begun with demolition to start once that process is finished. He stated that an emergency generator was left off of the sale because it was thought that it might be of use in another county department. Upon further review, it was determined that it was not needed within the county, so rather than paying to have it moved and stored, the committee decided to list the generator for sealed bid auction. The resolution declaring the generator as excess property allows us to sell it in this manner. *Motion by Ingles, second by Weller to adopt the resolution declaring the generator as excess property and allows us to sell it in a sealed bid auction.* Ingles stated that the Highway Department is working on relocating the generator to their department for storage. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Runyon, Mays, Heath, Weber, Young and Fannin **Nays:** None **Absent:** Ritter, Carley, Holt and Yoder

Intergovernmental Agreement: City of Pontiac Fire Department Training - Ingles stated that the Pontiac Fire Department had contacted the county regarding the use of the nursing home prior to its demolition for training purposes. The city attorney prepared an Intergovernmental Agreement that had been reviewed by the state’s attorney. Ingles commented that the agreement protects the county from any liability. *Motion by Ingles, second by Weller to approve the Intergovernmental Agreement with the City of Pontiac for fire training exercises at the former nursing home facility. **MOTION CARRIED ON UNANIMOUS VOICE VOTE.***

ELECTION, RULES & LEGISLATION

Amendment of Standing Rules – Committee Chairman Marty Fannin stated he took the amendment back to the committee after presenting it at last month’s meeting. A change was made which meant that he would have to give another 30 day notice to the board before action could be taken on the amendment. He stated that a change was made to the last sentence of the public comment section (the change is underlined) to include “or a majority of the public body.” He explained that with this change, if a majority of the public body wanted an extension on the thirty minutes, they could vote it in. This will come back to the board at their April meeting for action. The proposed section with the change follows.

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, or a majority of the public body.

Invocation Policy – Fannin noted that they had discussed this topic at last month’s meeting and felt that it should come back before the board to make the decision on a policy. *Motion by Fannin, second by Gerwin to adopt the Policy Regarding Opening Invocations before Meetings of the County Board.* Ingles commented that he didn’t have a concern or problem with the long-standing policy of the Board which allowed the chairman the latitude to have or not have an invocation, as he/she sees fit. He didn’t have a problem with a policy, just didn’t think it was necessary. His problem was with the board mandating extra work for one of the elected officials (the clerk) when the board has asked departments to reduce costs and in some cases staff. As a result, he would make a motion to amend the policy to replace the references of “the clerk” with the language “the County Board Office”. (He noted that the County Board Office didn’t need any more work either.) *Motion by Ingles, second by Kestner to amend the policy motion by replacing the references of “the clerk” with the language “the County Board Office”.* It was pointed out that Ingles motion would need to be corrected if he was amending Fannin’s motion since Fannin’s motion was to adopt the policy and Ingles was to amend the policy. Ingles clarified that his motion was to amend Fannin’s motion to include the replacement of the references of “the clerk” with the language “the County Board Office”. Ingle’s amended motion should read, *“Motion by Ingles, second by Kestner to amend Mr. Fannin’s motion to include a change in the references of “the clerk” with the language “the County Board Office”.* Discussion followed with some of the comments noted as follows: honest attempt was made to be all inclusive of everyone, but didn’t feel like that happened; the amount of time and work involved with this mandate; hard to find participants; policy not necessary, invocation directed at board and not public; leave amendment as written since the duty will be a joint effort between County Clerk and County Board Office; and the policy as written had been approved by the State’s Attorney. State’s Attorney Randy Yedinak stated that he had reviewed the policy and that it comports with recent US Supreme Court cases on this issue. He has no issues with the policy as written, it doesn’t put the county in a bind. Randy noted that in many of the cases in which this policy was based on, did not have an official written policy but had an invocation process that they followed. Bunting called for the question with the motion repeated as follows. *Motion by Ingles, second by Kestner to amend Mr. Fannin’s motion to include a change in the references of “the clerk” with the language “the County Board Office”.*

MOTION FAILED ON ROLL CALL VOTE. Ayes: Shafer and Young

Nays: Vietti, Bunting, Ingles, Steichen, Cohlman, Kestner, Gerwin, Lovell, Allen, Arbogast, Weller, Goembel, Runyon, Mays, Heath, Weber and Fannin **Pass:** Slagel **Absent:** Ritter, Carley, Holt and Yoder

The original motion was repeated. *Motion by Fannin, second by Gerwin to adopt the Policy Regarding Opening Invocations before Meetings of the County Board.* Discussion followed with it being noted that the vote was not for whether the board could have an invocation, but rather to have a written policy in place. **MOTION FAILED ON ROLL CALL VOTE. Ayes:** Shafer, Gerwin, Runyon and Fannin **Nays:** Vietti, Bunting, Slagel, Ingles, Steichen, Cohlman, Kestner, Lovell, Allen, Arbogast, Weller, Goembel, Mays, Heath, Weber and Young **Absent:** Ritter, Carley, Holt and Yoder

SHERIFF, JAIL & LICENSE

Committee Chairman Ron Kestner reported that they approved the minutes, paid the bills, asked that a monthly activity summary be provided (tickets, warning, DUI's, etc.), and approved two raffle licenses. Kestner reported that the jail is housing 37 Cook County detainees, 35 from the Federal Northern District and 6 from the Federal Central District, for a total of 78 out of County detainees with the total billing for February totaling \$135,186. There were 49 Livingston County detainees housed during the same time period. The Dwight Police Department has sent an officer to work with the Pro-Active Unit at no cost to the county.

INFORMATION & TECHNOLOGY

Committee Chairwoman Vicki Allen noted the following items of interest. Jon Sear reported that he had purchased and installed new laptops for the States Attorneys and set up new VPN's for them. He also stated that the board office had requested a conference line, and he discovered that our phone system had one built into it. The Circuit Clerk's server was to be installed March 9. Sear also reported that the Firewalls will be retired as of March 2018, so he is working on obtaining quotes for their replacement.

PERSONNEL

No report since the committee didn't meet.

VETERANS

Committee Chairman Joe Steichen reported they are working on their FY2018 budget and are substantially under where they thought they'd be and looking at a possible reduction in 2018.

ADMINISTRATION

Chairman Bob Young reported there was much discussion from the committee chairmen. He feels that all is moving along well with all members working to improve the meetings. Steichen said that at their Public Health meeting, MaLinda reported that she had three employees signed up for the early retirement incentive with three more seriously considering it. She has a total of 13 employees eligible for the early retirement incentive.

RECREATION

Joe Steichen reported that they reviewed their goals with a few of their members avidly in support of pursuing the Rte. 66 bike path. Committee members will be approaching the Highway Committee in hopes of initiating some activity since they learned through correspondence with IDOT that they were more apt to receive a grant if they started work or showed interest of doing something on the project.

HOUSING AUTHORITY

Kelly Cohlman reported that at their meeting held earlier in the day they heard facility, occupancy and financial reports, and learned that the executive director went through some extensive training and received certification. Their next meeting is scheduled for Thursday, May 18 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 to review the per diem forms on their desks and noted that their pay date would be March 24. She also reminded those members who hadn't turned in their Statements of Economic Interest forms, to do so as soon as possible.

Kathy Arbogast presented information on the 5th Annual Run for Respect 5K Fun Run/Walk (Spread the Word to End the Word). She had been contacted by Laura Baumgardner who had come before the board last month with her students to witness the passage of the resolution recognizing and declaring 2017 Respect Days. Laura was hoping the board would participate by putting a team together to do either the 5K run or the 1 mile walk. The race will be held on Saturday, April 22 at 10:00 a.m., at the Pontiac Township High School. If interested in participating, please contact Kathy or Kelly.

Jason Bunting announced that on Friday March 24, the Livingston County Farm Bureau would be holding their legislative breakfast. Contact Vickie or Jody at the Farm Bureau Office if interested in attending.

Chairman Bob Young announced that there would be a UCCI meeting on Monday, March 20 in Springfield. He invited anyone wishing to go to contact him and they could ride together.

ADJOURNMENT

The meeting adjourned at 7:10 p.m., on motion by Fannin, second by Steichen. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

Bob Young, Chairman

Attest:

Kristy A. Masching
County Clerk

April 13, 2017
Approved

Minutes Bd 03-16-17. R.A