LIVINGSTON COUNTY BOARD MINUTES OF September 15, 2016 MEETING OF THE COUNTY BOARD (Revised)

OPENING

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

James Carley 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, Kelly Cochran Cohlman, Joseph D. Steichen, Tim Shafer, G. Michael Ingles, Bob Young, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent**: Paul A. Ritter

Also Present: County Clerk-Kristy Masching, Administrative Resource Specialist-Alina Hartley, County Highway Engineer-Clay Metcalf, Treasurer-Barb Sear, Zoning Administrator-Chuck Schopp and Network & Computer Systems Administrator Jon Sear

AGENDA

Chairman Fannin noted that item 8.a. Resolution: Declaring Excess Property and Authorizing Sale would be removed from the agenda and there would be no Executive Session either. He called for approval of the agenda as amended. *Motion by Goembel, second by Arbogast to approve the agenda as amended.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the August 11, 2016 meeting minutes. *Motion by Holt, second by Vietti to approve the August 11, 2016 meeting minutes.* **MOTION CARRIED ON VOICE VOTE.** (Abstain: Gerwin)

PRESENTATION

None

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a. **Kip Harms** Northeast Sullivan Mona Drainage District, three year term to expire first Tuesday of September, 2019.
 - b. **Jim Tronc** Saunemin Fire Protection District, appointment to fill remainder of term (Charles Ehrhardt) commencing 1st Monday in September 2016 and expiring May 1, 2017.
 - c. Mark Hovren Grundy, Kankakee, Livingston Workforce Investment Board

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

HIGHWAY

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

- a) Quarterly Report: 3rd Quarter FY 2016
- b) IDOT Compliance Reviews: TBP & County MFT for FY14 & FY15

Clay explained that IDOT had changed from conducting in-depth audits to compliance reviews due to changes in staffing. The central office is now performing in-depth audits which take weeks to complete and requests from IDOT for tremendous amounts of information.

Motion to approve the Highway Action items a. and b. with one roll call vote by Holt, second by Steichen.

MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson

Nays: None

Absent: Ritter

PRESENTATION

At this time, Chairman Fannin presented Assessor-Shelly Renken with her twenty-five year recognition award for her service to Livingston County.

ELECTION, RULES & LEGISLATION

Appointment: Reddick Community Fire Protection District — Chairman Vietti reported that there were two people interested in this position, Brandon Petry and Sue Bergan. The committee moved the nominations forward without a recommendation after the nomination of Sue Bergan failed on a tie vote. *Motion by Steichen, second by Ingles to appoint Sue Bergan to the Reddick Community Fire Protection District*. Steichen read a letter from Mike Bossert, the Kankakee County Board Chairman encouraging the Board to appoint Sue Bergan as trustee. Discussion followed with the following comments heard: wondered what the controversy was surrounding this appointment as there are rarely two people being considered for an appointment; Sue Bergan is a first class gal; Kankakee County is involved since district is in both counties; this appointment would make the board whole; and there were a number of letters in support of Sue Bergan. MOTION CARRIED ON ROLL CALL VOTE.

Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson

Nays: None

Absent: Ritter

Resolution (#2016-09-35): Temporary Change of Hours of Operation – Chairman Vietti stated that Clerk Masching had been in attendance to request that the County Clerk's Office be closed on Election Day for all business other than her primary duties of the elections on November 8, due to the large volume of registrants anticipated to come to her office for Same Day Voter Registration. She noted that many counties are closing for the same reason. *Motion by Vietti, second by Young to approve the resolution authorizing the temporary change of hours of operation for the County Clerk's Office on Election Day, November 8, 2016.* MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ritter

VETERANS

Intergovernmental Agreement: Veterans Assistance Commission - Committee Chairman Joe Steichen presented the intergovernmental agreement and fielded questions from the board members. He stated that the annual payment of \$4,800.00 to the County for partial reimbursement of ancillary costs was the sum of the VAC's current monthly payment of \$400.00/mo., lumped into one annual payment. *Motion by Steichen, second by Yoder to approve the Intergovernmental Agreement between the County of Livingston and the Veterans Assistance Commission of Livingston County.* MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ritter

FINANCE

Resolutions (#2016-09-36 - #2016-09-38): Authorizing Cancellation of Tax Certificates — Treasurer Sear presented information on three resolutions (#2016-09-36, PIN# 15-15-800-018), (#2016-09-37, PIN#15-15-800-122) and (#2016-09-38, PIN#15-15-800-225) cancelling the tax certificates on three mobile homes located in Vermillion Estates Mobile Home Park. The mobile home park came forward and paid the delinquent taxes owed. *Motion by Cohlman, second by Gerwin to approve the three resolutions authorizing the cancellation of tax certificates.* MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ritter

Shafer also noted that the FY 2017 budget process is moving along with some departments rescinding some requests, which have reduced some of the overages.

AG & ZONING

Extending the WECS Moratorium - Committee Chairman Flott presented information on the proposal to extend the current moratorium which ends November 30, by 90 days. He noted that the Ag and Zoning Committee voted 6-0 not to extend the moratorium, beyond November 30th. They think that the proposed ordinance changes are already a compromised proposal. The UCLC (United Citizens of Livingston County) and Iberdrola were at the table and had ample opportunity to present and discuss. Flott believes that the committee feels that the proposed changes would be a slam dunk for the ZBA and was surprised that Attorneys Luetkehans and Massie would present more testimony, with most of the information presented in the 30+ nightly hearings. He also noted that Logan County recently increased their setbacks from 1,200 feet to 1,225 feet. Our compromise proposal increases our setbacks from 1,200 feet to 1,600 feet. Motion by Goembel, second by Gerwin to approve extension of the current moratorium which expires November 30 by 90 days (February 28, 2017) and authorize the chairman and secretary of the County Board to sign the application for the zoning text amendment and submit to the attention of the Livingston County Zoning Administrator for processing. Discussion took place with some comments following: extension would be used only if needed; would give members time to incorporate any changes needed after receiving certified results from ballot referendum; citizens want the process over too, but done right; concern is that if moratorium expires the end of November and the ZBA doesn't get their action done with the new ordinance, then after November 30, we'd end up with the ordinance we have now; the motion is in opposition of what the A&Z committee unanimously recommended; feel that the referendum is a moot point because we're still waiting on an AG's opinion; moratorium is being put in place due to a small geographic area of the county that doesn't want wind mills, when other parts of county may approve of them; suggestion that areas wanting special zoning approach county for a special zoning district; approval of this motion is only starting the process, not approving the moratorium, still has to go through the Zoning Board; time to end the moratorium and move forward; after election, see what townships opt out of future wind farm construction and see to it that those townships are protected; the goal was to have process wrapped up by end of November since a new board will be in place in December; ZBA is doing their due diligence and not dragging their feet and allow them the time to complete their process. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Goembel, Carley, Runyon, Mays, Weber, Yoder, Cohlman, Shafer, Gerwin, Allen and Fannin Nays: Bunting, Weller, Holt, Vietti, Heath, Steichen, Ingles, Young, Flott, Kestner and Peterson

Resolution (#2016-09-39) **Zoning Case ZT-2-16 Solar Farms** – Committee Chairman Flott reported that the Ag & Zoning Committee had reviewed the Solar Farm Ordinance as well as the Zoning Board of Appeals and was sent back to the Board. Zoning Administrator Chuck Schopp noted that there was a typographical error in that the setback should be 100 feet instead of 300 feet. *Motion by Flott, second by Holt to approve Zoning Case ZT-2-16 Solar Farm Ordinance, with the change of setback to 100 feet.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Flott, Allen, Fannin, Kestner and Peterson **Nays**: Runyon and Gerwin **Absent**: Ritter

Resolution (#2016-09-40) Zoning Case ZT-4-16 Violation & Remedy – Committee Chairman Flott reported that this text amendment would change some language in the county's current ordinance. Zoning Administrator-Chuck Schopp noted that this text amendment would amend the county regulations to reflect the state statutes. Changes include replacing the word misdemeanor with petty offense and increasing the fines to \$500. *Motion by Flott, second by Young to approve Zoning Case ZT-4-16 Violation and Remedy.* Discussion followed. Chuck stated that he would turn violators over to the State's Attorney's Office if violations weren't remedied within a specified timeframe. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: Steichen Absent: Ritter

Other items of interest —Chuck updated the group on the repair of the wind turbines that had burned. The plans are to start work on replacing the first turbine sometime during the first half of October with repairs on the second turbine to commence shortly thereafter. It was also reported that the burned out cell and blades have been removed from the second tower.

INFORMATION & TECHNOLOGY

Committee Chairman Vickie Allen stated that Jon Sear, the Network & Computer Systems Administrator had spent the majority of the month working on the server project. He informed them that there had been compatibility issues with Windows 10. They also discussed the three capital requests for the FY17 budget.

Resolution (#2019-09-41) Remote Access Policy - Jon Sear, the Network & Computer Systems Administrator explained that the majority of the policy focused on not allowing anyone unlimited VPN access into our network without our permission. It was noted that the policy doesn't allow an employee to access into our system, it only allows the use of county equipment coming in and generally by management. Jon noted that he does monitor incoming data. *Motion by Allen, second by Cohlman to approve the Remote Access Policy.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

PUBLIC PROPERTY

Committee Chairman Mike Ingles reported that Chad and his employees are continuing to make significant improvements over issues, primarily the HVAC system at the Law & Justice Center. They have also identified significant needs that are being placed to the Finance Committee for next year's consideration as capital items.

Livingston County Cash Farm Lease: Don Siegel – Chair Ingles reported on the cash farm lease for the county owned farm ground (213.8 acres) adjacent to the former Livingston Manor Nursing Home. The current lease was renegotiated with the current leasee(s), Donald and Sandra Siegel. This is a two-year lease through October 31, 2018, with an annual fixed cash rent at \$64,462.84 or \$301.51 per acre. *Motion by Ingles, second by Arbogast that the two year farm lease with Don and Sandra Siegel be approved.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Ingles, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays**: None **Absent**: Ritter

ADMINISTRATION

Resolution Declaring Excess Property and Authorizing Sale – Chairman Fannin noted that this action item was removed from the agenda since they were not ready to take action on it at this time. Alina Hartley presented the following information. The county had taken deed to the property in Wing and had demolished the mobile home located on that parcel. The county would like to get rid of the property but because of the manner in which the county acquired the deed to the property, certain criteria had to be met. First, an appraisal needed to be done on the property and then a bid could be accepted that was at least 80% of the appraised value. There are advertising requirements which stipulate that the resolution approved by the board and the minimum bid amount of 80% of the appraised value must be included in the publication. As a result of this information, the board will be contacting an appraiser for an appraisal of the property and depending on what the appraisal amount comes back at and whether or not the board feels that they can get 80% of that amount, they will either move forward or delay for another year at which time they could proceed with declaring the Wing property excess and authorizing the sale of the property to the highest bidder.

Chairman Fannin stated that they had also discussed the status of the Recreation Committee. They have decided not to meet until they receive information back on the grant for the multi-use path.

SHERIFF, JAIL & LICENSE

Committee Chairman Yoder reported that the Sheriff and jail personnel were in attendance to discuss their reports. The committee discussed the budget and approved two raffles.

PERSONNEL

Committee Chairman Kathy Arbogast reported that Linda Daniels had presented information on three options for early retirement incentives. There are approximately forty-eight eligible employees who could potentially take advantage of this proposal. The options were based off of IMRF standards and compared to plans offered by Will and Peoria Counties. Linda also discussed Leadership for Management classes. She provided references for Shirley Stelbrink of Learning Alliance as she was the lower proposal of the two, offered at \$18,700 for ten classes with up to twenty-five participants. The other program was offered from Heartland Community College with a proposal of \$25,500. for up to eighteen participants. The committee unanimously forwarded their

recommendation of Learning Alliance to the Finance Committee for their approval. Kathy stated that Jeff Gilmore would be meeting with the Insurance Advisory Committee on September 20 at 10:00 a.m. at the Public Safety Complex to discuss insurance renewals.

LIVINGSTON COUNTY HOUSING AUTHORITY

Kelly Cohlman reported that they hadn't met since last month. She stated that not all of the apartment units at the St. James Place Housing Development would be rented out as Section 8 housing, but was not sure of what the numbers were. She said she would check into it and provide more in depth information at next month's meeting. Their next meeting is scheduled for Thursday, September 22 at 1:00 p.m. at the Housing Authority office at 903 W. North Street in Pontiac.

RECREATION

Joe Steichen reported that they will not be meeting until they hear back about the status of the grant.

PUBLIC COMMENT

Joe Steichen also presented information from the Board of Health meeting. Malinda had reduced her budget and will be submitting it to the Finance Committee. They are in a good position with the stop-gap funding from the State.

Comments were heard from Mary Ludwig-attorney for the Reddick Fire Protection District, Lisa Kahler-President of the Reddick Fire Protection District and Roger Ribbke-Chief of the Reddick Fire Protection District Chief regarding some of their concerns over the Board's appointment of Sue Bergan as a trustee to the Reddick Fire Protection District. They were not in favor of having someone on their board whom they felt had a conflict of interest and asked that the Board reverse their decision. Kathleen Curl-Reddick Fire Protection District Trustee appointed by Kankakee County, was in attendance to show her support of Sue Bergan's appointment.

John Slagel thanked the board for moving forward with the passage of the moratorium.

County Clerk Kristy Masching reminded the Board members to have their per diems turned in to her no later than 10:00 a.m., on Friday. Checks would be mailed Thursday, September 22.

EXECUTIVE SESSION

None at this time.

ACTION RESULTING FROM EXECUTIVE SESSION

No action taken.

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 7:15 p.m., on motion by Kestner, second by Bunting. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

Marty Fannin, Chairman

Attest:

Kristy A. Masching
County Clerk

November 17, 2016
Approved

Minutes Bd 09-15-16.A.R