LIVINGSTON COUNTY BOARD MINUTES OF November 17, 2016 MEETING OF THE COUNTY BOARD

OPENING

Chairman Fannin called the meeting to order at 6:08p.m., in the County Board Room of the Historic Courthouse, 112 W. Madison, Pontiac, Illinois.

The invocation was provided by Tom Krieger from the Trinity Lutheran Church in Fairbury. William Flott led 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, Bob Young, Carolyn Gerwin, William G. Flott, Vicki Allen, Marty Fannin, Ronald L. Kestner and William H. Peterson **Absent**: G. Michael Ingles and Paul A. Ritter

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, Circuit Clerk-Judy Cremer, Treasurer-Barb Sear, Finance Director-John Clemmer, County Highway Engineer-Clay Metcalf, Human Resources Director-Linda Daniels and Zoning Administrator-Chuck Schopp

AGENDA

Chairman Fannin called for approval of the agenda as presented. *Motion by Yoder, second by Arbogast to approve the agenda as presented.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the September 15 and October 13, 2016 meeting minutes. Gerwin requested that the following be amended in the October 13 minutes, (pg 2) under Ag & Zoning-Other items of interest, that the word "testaments" be changed to "statements." She also noted the following on the September 15 minutes, (pg 5, first sentence) should be "from" instead of "5rom"; and on (pg 3) under Ag &Zoning-other items of interest, the first sentence regarding the Solar Farm Resolution, she questioned whether it was the County Board or the Zoning Board of Appeals. (That sentence was removed from the minutes as Chuck was just reiterating what he had said earlier in his presentation of the Solar Farm Resolution, that the Solar Farm Resolution the County Board was approving at their September 15 meeting, included the 100 foot setback.) Motion by Young, second by Heath to approve the September 15 and October 13, 2016 meeting minutes as amended. MOTION CARRIED ON UNANIMOUS VOICE VOTE.

PRESENTATION

Resolution (#2016-11-48) of Appreciation: Coroner Mike Burke — County Board Member Ronald Kestner read the Resolution of Appreciation and Chairman Fannin presented Mike Burke with a plaque for his service as the Livingston County Coroner from 1991-2016. *Motion to approve the Resolution of Appreciation for Coroner Mike Burke by Kestner, 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, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Resolution (#2016-11-49) of Appreciation: Circuit Clerk Judith K. Cremer – County Board Member Jack Vietti read the Resolution of Appreciation and Chairman Fannin presented Judy Cremer with a plaque for her service as the Livingston County Circuit Clerk from 1980-2016. *Motion to approve the Resolution of Appreciation for Circuit Clerk Judith K. Cremer by Vietti, 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, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Resolution (#2016-11-50) of Appreciation: State's Attorney Seth Uphoff – County Board Member Bob Young read the Resolution of Appreciation and Chairman Fannin presented Seth Uphoff with a plaque for his service as the Livingston County State's Attorney from 2012-2016. *Motion to approve the Resolution of*

Appreciation for State's Attorney Seth Uphoff by Kestner, second by Holt. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Resolution (#2016-11-51) of Appreciation: Bill Flott — County Board Member Daryl Holt read the Resolution of Appreciation and Chairman Fannin presented Bill Flott with a plaque for his service as a Livingston County Board Member from 2001-2016. *Motion to approve the Resolution of Appreciation for Bill Flott as a county board member from 2001-2016 by Holt, second by Heath.* MOTION CARRIED ON ROLL CALL VOTE.

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

Nays: None

Absent: Ingles and Ritter

Resolution (#2016-11-52) of Appreciation: William Peterson – County Board Member Tim Shafer read the Resolution of Appreciation and Chairman Fannin presented William Peterson with a plaque for his service as a Livingston County Board Member from 2012-2016. *Motion to approve the Resolution of Appreciation for William Peterson as a county board member from 2012-2016 by Kestner, 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, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a. **Rose Smith** Mental Health 708 Board, unexpired term ending May, 2017 (Robert Walter vacancy).

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

FINANCE

Resolutions (#2016-11-53 through #2016-11-58): Authorizing Sale of Real Estate to Satisfy Back Taxes — Treasurer Sear presented information on six parcels of real estate purchased through the County Trustee's sealed bid auction held on September 9, 2016. She noted that Board approval would allow the deeds to be recorded to the new owners and put the parcels back on the real estate tax roll. (#2016-11-53, PIN# 01-01-01-104-006, Reading Twp.), (#2016-11-54, PIN#01-01-02-234-031, Reading Twp.), (#2016-11-55, PIN# 01-01-02-253-021, Reading Twp.), (#2016-11-56, PIN#03-03-07-180-015, 16 Sunbury Twp.), (#2016-11-57, PIN#03-03-07-180-017 Sunbury Twp.) and (#2016-11-58, PIN#13-13-22-251-001, Nebraska Twp.) *Motion by Shafer, second by Cohlman to approve the six resolutions authorizing the sale of property to the new owners.* MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Treasurer Sear reported that there were 259 parcels sold at today's delinquent tax sale. This was the lowest number of delinquent parcels sold at a tax sale during her tenure as treasurer, which means that collection rates are up.

Amended Resolution (#2016-11-59): Court Automation Fee and Amended Resolution (#2016-11-60): Document Storage Systems Fee – Circuit Clerk Judy Cremer reported that a court automation fee and a document storage fee is paid by parties filing cases in her office and by defendants paying their fines. The money in these two funds is used to defray the costs of maintaining and automating their current record-keeping system,

as well as enabling them to prepare for the state-mandated implementation of e-filing of documents. Judy is proposing that the court automation fee be increased from \$5.00 to \$20.00 and that the document storage fee be increased from \$3.00 to \$15.00. Motion by Shafer, second by Gerwin approving the resolutions that authorize the Court Automation Fee be increased from \$5.00 to \$20.00 and that the Document Storage Systems Fee be increased from \$3.00 to \$15.00 (both resolutions approved with one roll call vote). MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Resolution (#2016-11-61): **FY2016** Year End Transfers - Finance Director John Clemmer reported that this was a statutory housecleaning item. He stated that if any department is over their budget for the year, a resolution must be approved to transfer money from contingency and other line items having excess funding to cover the departments where the deficiencies occurred. He reviewed the proposed department transfers with the members noting that the total amount to be transferred from contingency was \$296,100.00. *Motion by Shafer, second by Vietti to approve the resolution authorizing the FY 2016 year end transfer of funds.* **M OTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays**: None **Absent**: Ingles and Ritter

SELCAS Levy – Committee Chairman Shafer asked for approval of the FY 2017 **Southeast Livingston County Ambulance Service** Fund (SELCAS) Levies as follows: Chatsworth \$16,255.; Fairbury \$139,635.; Forrest \$32,545.; Strawn \$1,915.; Rural District \$76,075., for a total of \$266,425. The proposed levy reflects a 4.8% increase over last year's levy of \$254,000. *Motion by Shafer, second by Goembel to move for approval of the FY 2017 SELCAS Levies.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Flott, Allen, Fannin, Kestner and Peterson **Abstain:** Gerwin **Nays**: Steichen **Absent**: Ingles and Ritter

Mental Health Fund Levy & Developmentally Disabled Person Fund Levy —Motion by Shafer, second by Cohlman to move for approval of the FY 2017 Mental Health Fund Levy of \$909,025.58 and the Developmentally Disabled Person Fund Levy of \$417,185.98, with one roll call. Hartley stated that even though this was a slight increase over last year's levy, our overall rate wouldn't exceed last year's overall rate. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Flott, Allen, Fannin, Kestner and Peterson Nays: Gerwin Absent: Ingles and Ritter

Resolution (#2016-11-62) for Adoption of FY 2016 County Levies payable in 2017 – Committee Chair Shafer presented the county levies and asked that they be approved with one motion.

County Corporate (General Fund) Levy	. \$2,471,570.29
IMRF Levy	1,245,000.00
Tort Judgment & Liability Insurance Fund Levy	380,000.00
Unemployment Insurance Fund Levy	30,000.00
County Extension Education Fund Levy	149,217.00
Social Security Fund Levy	705,000.00
County Highway Fund Levy	668,306.00
County Aid to Bridges Fund Levy	338,188.09
County Federal Aid Hwy Matching Fund Levy	341,507.00
Veterans Assistance Fund Levy	154,500.00
County Health Fund Levy	375,000.00
Tuberculosis Clinic Fund Levy	27,000.00

Motion by Shafer, second by Bunting to move for approval of the FY 2017 County Levies. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

Resolution (#2016-11-63) Adoption of the Annual Appropriations — Chair Shafer noted that action on this resolution would approve the adoption of the budget and associated appropriations which had been on display since October. *Motion by Shafer, second by Cohlman for approval of the Resolution for Adoption of the FY2017 Annual Appropriations (Budgets).* Discussion followed. Runyon stated that he would continue his tradition of voting against the budget. He complimented Chairman Shafer and the Finance Committee for the work they've done and acknowledged that they were moving in the right direction, but felt that we were still spending too much money. Gerwin stated that she agreed with Runyon. Finance Director Clemmer commented that there was a mandated change to the State's Attorney's victim coordinator line item as the result of a state audit. This change didn't affect the bottom line. MOTION CARRIED ON ROLL CALL VOTE: Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Mays, Holt, Weber, Vietti, Heath, Cohlman, Steichen, Shafer, Young, Flott, Allen, Fannin, Kestner and Peterson

Nays: Runyon, Yoder and Gerwin

Absent: Ingles and Ritter

Resolution (#2016-11-64): **Adopting Travel Policy** - Motion by Shafer, second by Arbogast to adopt the Travel Policy effective December 1, 2016. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson **Nays**: Steichen **Absent**: Ingles and Ritter

HIGHWAY

Chair Holt thanked the employees of the Highway Department for their suggestions which resulted in many project savings throughout the year.

Resolution (#2016-11-65) – Providing for the Collection of Fees for Oversized and/or Overweight Vehicles: Highway Engineer-Clay Metcalf stated that this resolution would allow his department to charge a fee for overweight and/or oversized vehicles permits that they issue. They issue anywhere from 150 to 200 permits on an annual basis and haven't been able to charge a fee. There has been a sizeable increase in the number of super loads from the wind farms and Enbridge projects. *Motion by Holt, second by Runyon to approve the Resolution providing for the Collection of Fees for Oversize and/or Overweight Vehicles Operating on Livingston County Roads.* MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: None Absent: Ingles and Ritter

PERSONNEL

Resolution (#2016-11-66): Early Retirement Incentives - Human Resources Director- Linda Daniels reported that she had been instructed to and had been reviewing early retirement plans. She also surveyed employees, with two of their early retirement concerns being the ability to pay for health insurance and cash payouts. Linda and Finance Director-John Clemmer had reviewed many surrounding county's plans and had selected Peoria County's plan to use as their model for the Livingston County proposal. Under this proposal, county employees must be able to qualify for retirement under IMRF rules and regulations. There are currently 48 employees eligible for this plan. The proposed incentives include a \$10,000.00 payout to the employee within 90 days of their retirement and \$30,000.00 provided in a health reimbursement account (HRA). The HRA account would allow employees to pay for health insurance premiums and Medicare supplements, as well as any other co-pays or supplements. Upon board approval and completion of all necessary paperwork and agreements, the tentative window of opportunity for this proposal could be as soon as March 1, 2017 – April 21, 2017. Finance Director-John Clemmer presented a Cost Analysis depicting what the projected salary savings and total buy out cost could be based on 14 and 20 employee participation. Final figures won't be available until the actual number of participants is known. Clemmer noted that he had reviewed his assumptions with the auditors who felt that he had included everything in his projections. He did say that the estimated cost to the county would be \$1.92 million, if all 48 employees participated and that this amount was included in the FY17 budget. Motion by Arbogast, second by Heath to approve the Resolution providing for early retirement incentives. MOTION CARRIED ON ROLL CALL VOTE. Aves: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays. Holt, Weber, Vietti, Heath, Cohlman, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Nays: Yoder and Steichen **Absent**: Ingles and Ritter

Resolution (#2016-11-67): Personnel Policy Update – Post Accident Drug Testing –

Linda Daniels reported that as it now stands, the new post-accident drug testing regulation will be enforced effective December 1, 2016. She presented a resolution which would allow her to update our personnel policy

with the new regulation to be in compliance, contingent upon the results of the pending litigation. Motion by Cohlman, second by Arbogast to approve the Resolution providing for early retirement incentives. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Shafer, Young, Gerwin, Flott, Allen and Peterson Steichen, Fannin and Kestner **Absent**: Ingles and Ritter

AG & ZONING

Resolution (#2016-11-68): Extending WECS Moratorium – Zoning Administrator-Chuck Schopp stated that this resolution was a follow-up from County Board action taken a few months ago to begin the process of extending the on-going WECS moratorium for a 90 day period, since it is set to expire November 30, 2016. The proposed extension would commence December 1, 2016 and end February 28, 2017. The Zoning Board of Appeals held hearings on the wind energy text amendment, but haven't concluded them and need to make a decision on their recommendation to the County Board. Their next meeting won't be held until after the new board is sworn in, which is why the option of extending the moratorium was proposed. The Zoning Board of Appeals has held a public hearing on the moratorium and have recommended that the moratorium be extended. The Indian Grove Township Planning Commission, through their township board, also submitted a resolution recommending that the moratorium be extended for 90 days. It is the hope that the extension will allow more time for: further review and action on the wind energy regulations; the Zoning Board of Appeals to make their final recommendation to the County Board; and for the County Board to review. Motion by Young, second by Goembel to approve the Resolution Extending the WECS Moratorium for 90 days. Discussion followed. Bob Young stated that he had been against the moratorium but feels that based on the results of the November 8 election, it would be an injustice on the part of all of them if they allowed a company to file an application that would affect those townships voting that they didn't want them any closer than 4,000 feet. Therefore, he feels that the moratorium should be approved for three more months in order to take care of everything and that it will be done in the way the public wants it done. Chuck noted that if this wasn't passed, then the regulations would go back to what the regulations were currently. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Goembel, Carley, Weller, Runyon, Mays, Weber, Vietti, Yoder, Cohlman, Shafer, Young, Gerwin, Allen, Fannin and Kestner Nays: Bunting, Holt, Heath, Steichen and Peterson Abstain: Flott Absent: Ingles and Ritter

Chair Flott stated that he was happy with the referenda results and hoped the County Board would move forward with the will of the people. He noted that it was great that there wasn't a checkerboard effect within the county, that the townships in favor of WECS were clustered together as were those townships opposed to the wind farms.

ELECTION, RULES & LEGISLATION

Resolution (#2016-11-69): Establishing Frequency of Public Defender Reports - Chairman Vietti reported that in prior years the Public Defender presented monthly reports. New legislation allows the board to set the frequency of how often they need to receive them. Their committee felt that submission of his report on a quarterly basis was sufficient. Motion by Vietti, second by Gerwin to approve the resolution to adopt the requirement of the Livingston County Public Defender filing quarterly reports. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Arbogast, Bunting, Goembel, Carley, Weller, Runyon, Mays, Holt, Weber, Vietti, Heath, Yoder, Cohlman, Steichen, Shafer, Young, Gerwin, Flott, Allen, Fannin, Kestner and Peterson Navs: None **Absent**: Ingles and Ritter

Vietti also stated that they discussed the Invocation Policy and deferred it to the December meeting for further

review.		
	VETERANS	
No report.		

PUBLIC PROPERTY

No report.

INFORMATION & TECHNOLOGY

Committee Chairman Vickie Allen stated that Jon Sear, the Network & Computer Systems Administrator reported that both the Probation and HR servers had been moved to the virtual server. Vickie noted that Jon is now a

member of the Center for International Security (ISAC), who provide notice of any security threats on a timelier basis which was very helpful during the election. The monitors and the wireless microphone in the board room are all working properly. She commented that the number of hits to Facebook was down to 94,000 hits.

SHERIFF, JAIL & LICENSE

Committee Chairman Yoder reported that reports were presented by the Sheriff, Jail personnel and the Probation Director.

ADMINISTRATION

No report since they didn't meet.

LIVINGSTON COUNTY HOUSING AUTHORITY

Kelly Cohlman reported that both the Housing Authority and the Livingston Property Development Board met and reviewed financial reports. St. James Place is completely occupied. The Housing Authority has vacancies and they are still looking for a police officer to fill the vacancy in their Chatsworth complex. Their next meeting is scheduled for Wednesday, January 18 at 1:00 p.m. at the Housing Authority office at 903 W. North Street in Pontiac.

RECREATION

No report since they didn't meet.

PUBLIC COMMENT

Joe Steichen thanked Chairman Fannin for the job he has done as chairman and for the committee assignments he received under Fannin's term. Megan Dassow noted that the next ZBA hearing on WECS is December 7, with their regular meeting scheduled for December 8.

Chairman Fannin expressed his gratitude to the Board, stating that it had been an honor serving as their chairman the past four years. He felt that they'd done an excellent job. He also thanked the committee chairmen who served under him, for the hard work they had performed and the time they put in.

Recess was held from 7:29-7:33 p.m.

EXECUTIVE SESSION

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

Executive Session began at 6:55 p.m. Regular Session resumed at 7:04 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

5ILCS 120/2 (c) (21) Semi-Annual Review of Executive Session Minutes – The Board reviewed minutes from: April 11, 2013, April 23, 2015, May 14, 2015, October 15, 2015, December 17, 2015, March 17, 2016, June 16, 2016, July 21, 2016 and October 13, 2016.

Motion by Holt, second by Weller to:

- Approve executive session minutes for content & open: July 21, 2016
- Approve executive session minutes for content & close: October 13, 2016
- Open previously approved for content executive session minutes: April 23, 2015
- *Keep closed the following content approved executive session minutes:* April 11, 2013, May 14, 2015, October 15, 2015, December 17, 2015, March 17, 2016 and June 16, 2016, and
- The authorization of the destruction of all verbatim records dated eighteen months and older, previously approved for content.

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT
The meeting adjourned at 7:42 p.m., on motion by Flott, second by Peterson. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

Marty Fannin, Chairman		
Attest:		
Krísty A. Masching County Clerk		
Approved		
Minutes Bd 11-17-16		