

**LIVINGSTON COUNTY BOARD**  
**MINUTES OF May 11, 2017 MEETING OF THE COUNTY BOARD**

**OPENING**

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

The invocation was presented by Father Adam Cesarek of St. Mary's Catholic Church in Pontiac. Carolyn Gerwin 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 (left at 6:21 p.m.), Kelly Cochran Cohlman, Ronald L. Kestner, Paul A. Ritter, Carolyn Gerwin, Steven Lovell, Vicki Allen, Kathy Arbogast, Robert F. Weller, James A. Carley, Daryl N. Holt, William Mays, David W. Heath, Stanley R. Weber, Bob Young, John L. Yoder and Marty Fannin **Absent:** Justin Goembel and Mark Runyon

**Also Present:** County Clerk-Kristy Masching, Executive Director-Alina Hartley, Zoning Administrator-Chuck Schopp, State's Attorney-Randy Yedinak, County Highway Engineer-Clay Metcalf, Finance Director-John Clemmer, Sheriff's Department Chief Deputy-Earl Dutko, and Attorney-Chris Walters

**AGENDA**

Chairman Young asked for approval of the agenda as presented. *Motion by Ritter, second by Ingles to approve the agenda.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

**APPROVAL OF MINUTES**

Chairman Young called for approval of the April 13, 2017 meeting minutes. *Motion by Bunting, second by Holt to approve the April 13, 2017 meeting minutes.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

**PRESENTATION**

**Resolution of Appreciation (#2017-05-19): Kelly Cohlman** - County Board Chairman Robert Young read and presented a Resolution of Appreciation to Ms. Cohlman for her service as a Livingston County Board Member from 2012 to 2017. Ms. Cohlman is resigning as of May 31 since she and her family will be moving outside of Livingston County. She addressed the Board and expressed her feelings on what it meant to her to be a board member and thanked her fellow members for their time and commitment to a job that does matter. *Motion by Fannin, second by Ritter to approve the Resolution of Appreciation in honor of Kelly Cohlman.* **Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** None **Present:** Cohlman **Absent:** Goembel and Runyon

**APPEARANCES**

None

**CONSENT AGENDA**

- A. Approval of Bills
- B. Appointments:
  - a) **Chris Snyder** – re-appointment to the Flanagan-Graymont Fire Protection District, three year term commencing first Monday in May, 2017 and ending the first Monday in May, 2020.
  - b) **Bill Flott** –appointment to the Livingston County Zoning Board of Appeals to complete the unexpired 4-year term of John Vitzthum, commencing May 12, 2017 and expiring April 16, 2019.
  - c) **Gerald Earing** - appointment to the Livingston County Zoning Board of Appeals, five year term commencing May 18, 2017 and expiring May 17, 2022 (replaces Will Gerber).

Chairman Young called for approval of the consent agenda. Bill Mays asked that the four uniform allowance bills for the purchase of firearm parts be removed from the consent agenda and moved to the Sheriff, Jail and License Committee report for further discussion. *Motion by Ingles, second by Yoder for approval of the bills with the exception of the four uniform allowance bills for the purchase of firearm parts.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Goembel and Runyon

Chairman Young called for approval of the consent agenda appointments. *Motion by Holt, second by Bunting for approval of the three consent agenda appointments.* Chairman Young explained that the ZBA is a seven member board with five representatives from County Board District #3 and two from County Board District # 2. He is moving forward with changing the make-up so that eventually the ZBA would have one member from County Board District #1 and three members each from County Board Districts #2 and #3. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Cohlman, Kestner, Ritter, Lovell, Allen, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** Steichen, Gerwin and Arbogast **Absent:** Goembel and Runyon

#### FINANCE

**Proposal: Mack & Associates Audits FY 17, 18 & 19** – Committee Chairman Tim Shafer reported that our current three year contract with Mack & Associates had ended upon the completion of the FY16 Audit. As a result, Mack & Associates had submitted a new three-year proposal for auditing services for the county. Their proposal included the following fees: FY 17-\$78,320, FY18-\$80,280 and FY19-\$82,285. Shafer noted that Mack & Associates fee for FY 19 was about \$4,000 less than their predecessor's final fee. *Motion by Shafer, second by Cohlman to approve the three year contract with Mack & Associates for auditing services.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Shafer, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Goembel and Runyon

Committee Chairman Tim Shafer commented on a request to include funding for the Children's Advocacy Center in next year's budget. Most of this organization's work centers around helping manage abuse cases. This service is mandated by the state but not the funding source. It will be addressed further into the budget cycle.

#### AG & ZONING

Committee Chairman Daryl Holt reported the following: a ZBA meeting will be held after the June 6 Ag & Zoning meeting to discuss the WECS Ordinance; Chuck sent a letter to the Sun Trucking site in Cayuga regarding the lack of care on their property; and action was also initiated after receiving numerous complaints from residents regarding the Payton property (on the river southeast of Streator).

**Zoning Case ZT-2-17 – WECS Ordinance (#2017-05-17) WECS Ordinance Moratorium Extension** – Zoning Administrator-Chuck Schopp presented information on the ordinance regarding the WECS moratorium and the potential extension. He stated that it had gone through the administrative process and was back to the board to make a decision on. The Planning Commission had reviewed it. The Zoning Board of Appeals held a public hearing and recommended that it be approved with the caveat that the County Board had the option to approve it if they thought it was necessary to approve in order to move forward with it. The committee also reviewed the ordinance and recommended that the extension be approved for the three month period beginning June 1 and ending August 31, 2017. Chairman Holt explained that this extension could be used as a type of insurance policy against legal action that could be filed in opposition. *Motion by Holt, second by Yoder to approve the Ordinance authorizing the moratorium extension for ninety days (June 1 through August 31, 2017).* Discussion highlights follow: Chairman Young felt the county was in good shape either way with setbacks throughout the county at 3,250 feet. There wasn't a chance for any wind farm company to come in and try to build a windfarm. He noted that if any of the board members felt like a windfarm applicant could come in, then the members should vote in favor of the moratorium. If the members felt that the county was covered, they should vote no.

Schopp believed that July would be the earliest the text amendments could be completed but said that August was a more realistic time frame. State's Attorney-Randy Yedinak stated that the question with respect to the moratorium had less to do with litigation and more with an application for a windfarm. He explained that if the moratorium is in place it prevents the windfarm companies from filing an application. If we didn't pass the moratorium and someone filed an application for a special use (windfarm) permit, we could run into problems if we wanted to make text amendments to the ordinance. If the consensus of the members is that they are comfortable with the setbacks in place, that they are so much that no one is going to apply, then it won't be an issue. Yedinak commented that an extension to the moratorium would guarantee that no one could file an application and that we would be able to finalize the process in the manner in which we wanted to. **MOTION FAILED ON ROLL CALL VOTE. Ayes:** Vietti, Gerwin, Holt, Mays, Young and Yoder **Nays:** Bunting, Slagel, Ingles, Steichen, Cohlman, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Carley, Heath, Weber and Fannin **Absent:** Shafer (left at 6:21 p.m.), Goembel and Runyon

At this time, Executive Director-Alina Hartley stated that there was another resolution on their desks, to deny the ZBA's recommendation that would ultimately lift the moratorium. *Motion by Holt, second by Bunting to approve the denial of the Ordinance authorizing the moratorium extension for ninety days (June 1 through August 31, 2017).* Chairman Young stated that a "yes" vote is a vote to "deny" the moratorium that the ZBA approved. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Cohlman, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Carley, Holt, Heath, Weber, Young and Fannin **Nays:** Gerwin, Mays and Yoder **Absent:** Shafer, Goembel and Runyon

#### HIGHWAY

Committee Chairman Jason Bunting reviewed the **Action Agenda Item** as follows:

- a) **Agreement for Engineering Services:** Fehr Graham Engineering & Environmental, Springfield, IL – Engineering Agreement to provide biennial NBIS bridge inspection for 299 bridges on the road district system. Cost not to exceed \$52,593.55 from Township Motor Fuel Tax Fund.

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

#### SHERIFF, JAIL & LICENSE

Chairman Ron Kestner reported the following items of interest from their committee meeting: the State of Illinois is behind 35% in payment of reimbursements to the Probation Department; reviewed five raffle license applications; learned that the jail was currently housing a total of 142 detainees from the federal North District (39), the federal Central District (13) and Cook County (36); and approved a change to the Animal Control Ordinance regarding the spending of the funds.

**Reconsideration of Sheriff Department Bills Removed from the Consent Agenda** - Kestner commented on the bills that were pulled from the consent agenda. Kestner doesn't like the system currently in place in the contract with regards to the items that the deputies can be reimbursed for from the Uniform Replacement Fund. He feels the contract needs to be tightened up and addressed in contract negotiations and the budget process. Mays said that he questioned the bills from April and May after reading in the contract the section that stated "items that applied only to uniforms and other equipment for use while on duty". He felt the items on the bills were outside the scope of "while on duty." Finance Resource Director-John Clemmer was present to answer questions regarding the processing of bills and the accounts payable reports presented to the committees each month. Ingles commented that the bills are approved by the department heads and paid in accordance to the line items in their budget. He doesn't feel that the uniform allowance can be used for just anything, only for items the sheriff allows it to be used for. He doesn't feel that it's an FOP issue but an internal policy that allows it to be used this way. *Motion by Kestner, second by Weller to approve the four Sheriff's Department bills which were pulled from the Consent Agenda for reconsideration.* Discussion followed. Mays noted that the bills have been paid but if board members disagree then they need to vote "no". He also stated that he felt the Deputies needed

all the equipment they had and that he wasn't trying to make their jobs harder, he just couldn't get satisfactory answers to his questions. Chief Deputy Earl Dutko was present to entertain questions from the members regarding the invoices in question as well as the Uniform Replacement Policy and noted that the clothing and equipment allowance was part of the financial package presented to the deputies. Cohlman called for the question. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Cohlman, Kestner, Ritter, Gerwin, Lovell, Weller, Carley, Weber, Young and Yoder **Nays:** Slagel, Ingles, Arbogast, Holt, Mays, Heath and Fannin **Absent:** Shafer, Goembel and Runyon **Abstain:** Bunting, Steichen and Allen

**Approval of Bill – Attorneys Ottosen, Britz, Kelly, Cooper, Gilbert & DiNolfo (\$7,124)** – Ms. Hartley stated that a couple of board members had notified her prior to the Board meeting asking that the attorney bill be removed from the consent agenda for reconsideration. Fannin had asked for this bill to be removed and explained why. He noted that any department official must speak to our State's Attorney first prior to contacting an outside source for legal representation. The Sheriff contracted with an outside attorney for services in December 2015 without getting authorization to do so from our State's Attorney. The attorney's services were used when they were talking about splitting the Maintenance Department. The Sheriff thought there was a conflict and sought outside counsel. The bill is in the process of being paid for from the Sheriff's budget. *Motion by Kestner, second by Weller to approve the bill for attorney's fees for the Sheriff's Department.* **MOTION FAILED ON ROLL CALL VOTE. Ayes:** Kestner, Weller and Young **Nays:** Vietti, Bunting, Slagel, Ingles, Cohlman, Ritter, Gerwin, Lovell, Allen, Arbogast, Carley, Holt, Mays, Heath, Weber, Yoder and Fannin **Abstain:** Steichen **Absent:** Shafer, Goembel and Runyon

**Liquor License Application: Good Luck Mart** – Committee Chairman Kestner reported that this was a new liquor license for an establishment located in South Streator formerly known as Zeel Mart. *Motion by Kestner, second by Weller to approve the Liquor License Renewals and the Mobile Home Park License Renewals.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

**Ordinance Amendment (#2017-05-21): Animal Control Ordinance** – Committee Chairman Kestner reported that language had been added to the ordinance which states that the Sheriff, Jail and License Committee will also be involved in the approval of the spending of funds from that account. *Motion by Kestner, second by Fannin to approve the amendments to the Animal Control Ordinance pending final attorney review and approval.* Discussion took place on the following: SJL committee approval is not necessary for expenditures under \$5,000; typos will be corrected within the document and be forwarded to the State's Attorney for final review. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** Steichen **Absent:** Shafer, Goembel and Runyon

### **PUBLIC PROPERTY**

**Memorandum of Understanding** - Committee Chairman Mike Ingles reported that discussion had taken place on a meeting that Chairman Young had with the Sheriff and the Chief concerning the Memorandum of Understanding that's currently in place. The Sheriff's concern was with the way maintenance was handling the two buildings, the Law and Justice Center and the Public Safety Complex, which by statute are under his control. Due to the ongoing turmoil between the two departments and the committee's understanding of what the two parties wanted, the result was the Memo of Understanding to split the department. Ingles highlighted the agreement as follows. The memo subdivides the Facilities Services Department and employees into two units: Unit 1 employees are assigned to the Public Safety Complex and/or Law & Justice Center buildings, under the supervision of the Sheriff or his designee; and Unit 2 employees are assigned to the Historic Courthouse, Regions Bank, Health & Education Building, and Highway Building and will report to the Facilities Services Department manager. The salaries for each unit will be under their respective cost centers with the expenses remaining per building. Ingles noted that this document was approved by a majority of the committee members. *Motion by Ingles, second by Weber to adopt the Memorandum of Understanding.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Bunting, Slagel, Ingles, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Weller, Carley, Holt, Heath, Weber, Young and Yoder **Nays:** Vietti, Steichen, Arbogast, Mays and Fannin **Absent:** Shafer, Goembel and Runyon

### ADMINISTRATIVE

**Approval of Travel Expenses** – Ms. Hartley was requesting prior approval of travel expenses in excess of the County Reimbursement Schedule which went into effect December 1, 2016 and requires approval of lodging expenses in excess of \$100.00 a night and meal expenses in excess of \$9.00. Ms. Hartley explained that an outline of the anticipated expenses related to the UCCI Annual Conference in Galena was included in their packets for their review. She also noted that there is no charge to attend this conference and that most expense are reimbursed by the association. *Motion by Holt, second by Cohlman to approve the expenses as outlined for the UCCI annual conference in Galena.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Slagel, Ingles, Steichen, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Shafer, Goembel and Runyon

### PERSONNEL

Committee Chairman Kathy Arbogast reported that interviews had been conducted for the Human Resources position currently held by Linda Daniels. She was pleased to announce that they had hired Ginger Harris to be Linda's replacement.

### ELECTION, RULES & LEGISLATION

Committee Chairman Fannin reported that their appointments had been taken care of under the Consent Agenda.

### INFORMATION & TECHNOLOGY

Committee Chairwoman Vicki Allen expressed her appreciation to Kelly Cohlman for serving as the Vice-Chairman of the IT Committee. She will be greatly missed. Ms. Allen reported that Jon Sear reviewed his monthly report with the committee. The Symantec anti-virus has been upgraded. Sear had interviewed an applicant for the summer intern and reported that it went well.

### VETERANS ASSISTANCE

Committee Chairman Joe Steichen reported that they had met and discussed the FY 18 budget. Steichen reported that their expenses had been running very low and that they should have a good excess carryover.

### RECREATION

Joe Steichen reported that they didn't meet but did state that some new information would be forthcoming regarding the grant application. He noted that some of the correspondence with IDOT included an agreement which would be very burdensome on the county, especially in the area of potential cost. Clay Metcalf will make some changes to what was proposed and resubmit to IDOT.

Paul Ritter announced that a group comprised of students from Tri-Point, Prairie Central, Chatsworth and Pontiac travelled to the state capitol in Springfield to receive a proclamation from the Governor declaring Chatsworth as the "Bluebird Capitol of Illinois". He acknowledged Senator Jason Barickman for his help in this process. Ritter noted that Senator Barickman and Governor Rauner praised the work of the students from all three school systems for their hard work in making the Bluebird Trail a reality, with over three hundred bluebird houses placed within Livingston County. The students from Chatsworth will be presenting the proclamation to the mayor of Chatsworth. Ritter also stated that he had received copies of the Senate resolution resolving that the students of Livingston County had made our communities and our county a model for all counties in the State of Illinois.

### HOUSING AUTHORITY

Kelly Cohlman reported that they had not met since her last report. 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. Ms. Cohlman reminded the board that they would need to appoint someone else to represent the board after this meeting, since this was her final meeting. *Motion by Fannin, second by Steichen to accept Ms. Cohlman's final report.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

### PUBLIC COMMENT

Charlotte Ford of the Whispering Oaks Subdivision in Pontiac thanked Ms. Cohlman for her service and wisdom. She voiced her concerns of wanting to keep their good health and property values in light of their close proximity to the landfill, Enbridge and the FS plant.

Mark Heil of the Whispering Oaks Subdivision in Pontiac also voiced his concerns regarding the development of the FS plant and the potential hazards near their neighborhood.

Tom Ambrose of Fairbury commented about the AR15's. He has no problem with the officers using that weapon if that's what they need for carrying out their job. The policy should be addressed so that weaponry or gun parts are not included in a uniform or clothing allowance since they are very different items. As a taxpayer of Livingston County, he feels that when a deputy leaves the county the officer can take their clothing, but the guns or weaponry that the county has paid for needs to stay in our county.

Break was held from 7:37-7:45 p.m.

#### **EXECUTIVE SESSION**

*Motion to go into Executive Session pursuant to 5ILCS 120/2 (c) (2) Collective Negotiating Matters was made by Ritter, second by Gerwin. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Bunting, Slagel, Ingles, Cohlman, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** Steichen **Absent:** Shafer, Goembel and Runyon

Executive Session began at 7:45 p.m.

Regular Session resumed at 9:20 p.m.

#### **ACTION RESULTING FROM EXECUTIVE SESSION**

**Collective Negotiating Matters** – *Motion by Ingles, second by Fannin to approve the collective bargaining agreement between the Illinois Council of Police (ICOP) on behalf of the Livingston County Facility Services (Maintenance) and the County of Livingston. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Bunting, Slagel, Ingles, Gerwin, Lovell, Allen, Arbogast, Weller, Carley, Holt, Mays, Young, Yoder and Fannin **Nays:** None **Absent:** Vietti, Steichen, Shafer, Cohlman, Kestner, Ritter, Goembel, Runyon, Heath and Weber

#### **ADJOURNMENT**

*The meeting adjourned at 9:20 p.m., on motion by Ingles, second by Bunting. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.*

**Bob Young, Chairman**

Attest:

*Kristy A. Masching*  
County Clerk

June 15, 2017  
Approved