

LIVINGSTON COUNTY BOARD
MINUTES OF August 16, 2018 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 Pastor Richard Giovannetti. John Yoder (in the absence of Robert Weller) led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Jason Bunting, John Slagel, G. Michael Ingles, Tim Shafer, Ronald L. Kestner, Paul A. Ritter, Steven Lovell, Vicki Allen, Kathy Arbogast, Robert F. Weller, Linda Ambrose, Daryl N. Holt, Mark Runyon, William Mays, David W. Heath, Stanley R. Weber, Bob Young, John L. Yoder and Marty Fannin **Absent:** Joseph D. Steichen, Patrick D. Killian, Carolyn Gerwin and James A. Carley

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, County Highway Engineer-Clay Metcalf, Zoning Administrator-Chuck Schopp, Human Resources Director-Ginger Harris, State’s Attorney-Randy Yedinak, IT Director-Jon Sear, GLCEDC CEO-Adam Dontz and Prairie-Central School District Representative-Tonya Dieken

AGENDA

Chairman Young asked that Public Comment be added under item II. Presentations. Young called for approval of the agenda as presented. *Motion by Bunting, second by Arbogast to approve the agenda as amended.*

MOTION CARRIED ON UNANIMOUS VOICE VOTE.

APPROVAL OF MINUTES

Chairman Young stated that the July meeting minutes were not ready for tonight’s meeting and would be emailed for approval at the September meeting.

PRESENTATIONS

Public Comment

Rod Patterson voiced his concern that people with disabilities who were being serviced by the Community Healthcare Program might not be included in the referendum social services program if it passed since it was referred to as a senior citizens social services tax levy. He also noted with regards to the taping of committee meetings that if the Administrative meeting, where discussion of the referendum had taken place, were streamed some of his questions might have been answered, since the minutes weren’t ready.

Joan Lipinski voiced her concerns regarding the County Board’s referendum question for a Senior Citizen Home Healthcare Program tax levy. She noted that the concerned citizens who had circulated their advisory referendum question didn’t want to add taxes, just wanted to keep the Public Health Community Healthcare Program in place for citizens who fall through the cracks. She feels with the county referendum on the same ballot it will be confusing to the voters.

Earl Rients started off thanking Chairman Young for the courtesy to speak under public comment. He presented a synopsis of events starting with the board’s decision to sunset the Community Healthcare Program through the decision to put the questions before the voter. He asked that the facts be reported correctly as the debate moves to the November election, allowing the voters to have their voice in democracy.

Debbie Bacigalupo spoke in favor of recording the committee meetings. She commented that the citizens are starting to take notice of what’s going on and want to be able to view it if they can’t make it to the meetings, such as her husband who works nights. Ms. Bacigalupo also hoped that the board didn’t put their referendum question on the ballot at this time.

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:
 - a) **Alina Hartley** – ADA, Coordinator
 - b) **Duane Meister** - Trustee reappointment to the Cullom Fire Protection District, three year term commencing May 7, 2018 and expiring the first Monday in May, 2021.
 - c) **Ted Turner** - Trustee reappointment to the Chatsworth Fire Protection District, three year term commencing May 7, 2018 and expiring the first Monday in May, 2021.

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

HIGHWAY

Committee Chairman Jason Bunting and County Highway Engineer-Clay Metcalf reviewed the **Action Agenda Items:**

- a) **Agreement for Engineering Services:** Fehr Graham Eng. & Environmental, Springfield, IL – Preliminary Engineering Services Agreement for design of a new structure in Sunbury Road District, Section 18-28129-00-BR, located at 2800N, 1485E. Cost not to exceed \$29,502.64 including soil borings. Right-of-way engineering and environmental coordination to be done at consultant's schedule of chargeable rates.
- b) **Letting Results :** August 7, 2018 Letting

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

Bunting also reported that they had purchased a 2015 Peterbilt Tandem with snow plow, wing plow and spreader for a price of \$120,000 from Winnebago County. Metcalf reported that their goal is to have the Dwight Township bridge project completed the week of September 10, weather permitting.

AG & ZONING

Resolution (#2018-08-35): Zoning Case SF-5-18 FCI Subdivision (Ron/Norma Fehr) – Zoning Administrator-Chuck Schopp explained that this proposal was for a two lot subdivision in Avoca Township where the applicant owned the property. They are dividing their 6.56 acre parcel of land into 2 tracts of land, the smaller tract has their home on it and the larger tract their business. They are requesting this proposal for estate planning purposes. This proposal was approved by the Planning Commission, the ZBA and the Ag, Zoning and Emergency Services committee. *Motion by Holt, second by Lovell that the Livingston County Board approve Livingston County Zoning Case SF-5-18 FCI Subdivision.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Holt, Runyon, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** None **Absent:** Steichen, Killian, Gerwin and Carley

Resolution (#2018-08-36): Zoning Case SU-7-18 Borrego Solar Systems, Inc. (Roger/Jill Murphy) - Zoning Administrator-Chuck Schopp explained that this proposal is for approval of a special use permit for the

development of a 2MW solar farm on sixteen acres. Two packets of information regarding this proposal had been sent out for the members to review. This is a tracking system which will be moving with the sun. Both the Regional Planning Commission, the Zoning Board of Appeals and the Ag, Zoning and Emergency Services committee have recommended that this zoning case be approved. Schopp noted that the ZBA had conditions attached which were similar to ones reviewed in the past with the exception of the decommissioning amount. This farm has proposed to have a living fence bordering the part that's viewable from Rte#170 and the Katydid blacktop. Discussion highlights follow. The company contacted the land owners to lease the property to them to develop a solar farm on it. Schopp stated that there are a lot of solar farms being developed in the State of Illinois because the Illinois Power Authority is starting to grant permission for the farms to be developed. *Motion by Holt, second by Bunting that the Livingston County Board approve Livingston County Zoning Case SU-7-18 Borrego Solar Farm.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Holt, Runyon, Heath, Weber, Young and Fannin **Nays:** Ambrose and Yoder **Abstain:** Weller and Mays **Absent:** Steichen, Killian, Gerwin and Carley

Committee Chairman Holt reported that at their landfill meeting they learned that China used to receive about 50% of the United States plastic recycling but since they have tightened their criteria regarding contamination, the United States is looking for alternate methods of processing the plastic.

PUBLIC PROPERTY

Proposal: Farnsworth Architectural Consulting – Law & Justice Center – Committee Chairman Ingles introduced the proposal to engage the Farnsworth Architectural Group for consulting work involving the ADA issues at the Law & Justice Center. Based on information given by the State's Attorney, it would be beneficial to the county to have an architectural firm that wasn't involved in the design or the construction work of the building, to represent the county as the review takes place on changes that need to be made to be fully compliant. The firm's review would be based on a time and material basis. *Motion by Ingles, second by Ritter to approve the proposal engaging the Farnsworth Architectural Group for the ADA assessment pending final State's Attorney review and approval.* Discussion followed. Ingles explained that this firm would not be telling us what the ADA issues were, but would be a second set of eyes for reviewing any proposals for remedying the ADA issues. At this time, it was suggested that the board go into executive session to further discuss this topic. *Ingles and Ritter withdrew their original motion and second.*

Executive Session - Motion by Ingles, second by Ritter to go into Executive Session pursuant to 5 ILCS 120/ (2) (c) 11 Pending Litigation for further discussion. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Runyon, Mays, Heath, Weber, Young and Fannin **Nays:** Holt and Yoder **Absent:** Steichen, Killian, Gerwin and Carley

There was a five minute break beginning at 6:35 p.m. and ending at 6:40 p.m. Executive Session began at 6:40 p.m., with regular session resuming at 6:58 p.m.

Action Resulting From Executive Session - Motion by Ingles, second by Weller to retain the Farnsworth Group to represent the County's interest in reviewing the ADA issues at the Law & Justice Center, pending review of the agreement by the State's Attorney. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Holt, Heath, Weber and Young **Nays:** Runyon, Mays, Yoder and Fannin **Absent:** Steichen, Killian, Gerwin and Carley

ELECTION, RULES & LEGISLATION

ADA Grievance Policy & Procedure – Human Resources Director-Ginger Harris explained that entities who fall under the criteria of Title II of the American with Disabilities Act must have a designated ADA Coordinator and policy in place. Ms. Harris reviewed some of the items which must be included in the policy and who would qualify to serve as the ADA Coordinator. Ms. Harris noted that when the Livingston Manor Nursing Home was open, Doug Saxton served as the ADA Coordinator for the county. Since the closing of the nursing home, Ms. Hartley had been unofficially acting in this capacity. Ms. Hartley was recommended by the Personnel Committee to serve as the ADA Coordinator and was approved by the Board under the Consent Agenda. *Motion by Fannin,*

second by Arbogast to approve the ADA Grievance Policy and Procedures. **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

INFORMATION & TECHNOLOGY

Committee Chairwoman Vicki Allen reported that Jon Sear reviewed his monthly report with the committee. Vicki highlighted her report as follows: Sear spent the majority of the month working on the phone system changeover; still working on issues with 911 regarding the transfer of internal calls; have been some issues with the replication of the servers; and had to realign the wireless connection. Board member Linda Ambrose presented information regarding her request for video recording/streaming of the committee meetings. Ms. Ambrose had been approached by some constituents for this option. She noted that this option would be available for the public when they couldn't attend the meetings in person, allowing them to view the proceedings at their leisure. It would also keep the board members up to date if they were gone for extended periods of time. *Motion by Ambrose, second by Slagel that the county board implement a plan to video record all committee and ZBA meetings for viewing by the public with the stipulations that the IT Committee formulate a plan where the county incurs no set up costs, and that it can be done without causing more work for the county staff after the initial set up.* Discussion highlights included the following: video recordings would provide another medium outlet to inform the public; concerns regarding sensitive security issue discussions at meetings (SJL); all for transparency, but don't want to jeopardize the security and safety of our undercover personnel; it was noted that if the public attended in person, they'd hear all of the discussions and see the personnel; stated that the board couldn't choose which meetings to tape, should be all or none; concerns were voiced regarding up front cost and extra work load on staff; obligated by statute to retain public records such as video recordings, no provision in statutes regarding retention period; struggle with the cost and staff time to comply with the law; and noted that minutes included in the packets are the prior months minutes and once approved, posted within ten days on website. Jon Sear-IT Department Director stated the following concerns: the number of cameras needed for the various locations where meetings are held; the personnel and time required to set-up, take down and making sure the equipment is working properly. The question was called for by Bunting, with Ms. Ambrose re-reading her motion. *Motion by Ambrose, second by Slagel that the county board implement a plan to video record all committee and ZBA meetings for viewing by the public with the stipulations that the IT Committee formulate a plan where the county incurs no set up costs, and that it can be done without causing more work for the county staff after the initial set up.* **MOTION FAILED ON ROLL CALL VOTE.** **Ayes:** Slagel, Ambrose, Mays and Yoder **Nays:** Vietti, Bunting, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Holt, Runyon, Heath, Weber, Young and Fannin **Absent:** Steichen, Killian, Gerwin and Carley

NOTE FROM THE COUNTY CLERK: *At this point, the audio backup to the live stream quit recording. I take a few written notes but get the bulk of my material from re-listening to the audio tape. Therefore, the minutes from this point on will be in an abbreviated format.*

ADMINISTRATIVE

Resolution (#2018-08-37): Referendum Senior Citizen Social Services Tax – Home Healthcare Program - Chairman Young presented information on how the Public Health Community Healthcare Program was started. He reported that the following public initiated advisory referendum question had been filed with the County Clerk's Office and would appear on the November 6 ballot. The referendum is as follows, "Shall the Livingston County Board maintain an adequate Public Health budget to provide county residents with the support they need to experience and maintain independent living?" Young noted that the Admin Committee felt that the advisory question was somewhat general and didn't propose a definite funding source. Ms. Hartley had provided two options to their committee for a senior citizen social services tax that could be levied if the citizens' advisory referendum passed in November. In order to have the authority to levy this tax, the Board would have to place a follow-up binding referendum question on the November 6, 2018 General Election ballot. After reviewing the two options, the committee recommend forwarding the following question to the Board for their consideration, "Should the County Board Levy an annual tax, not to exceed 0.025%, for a Senior Citizen Home Healthcare Program?" They felt that this option would make it clear that the tax would only be used for the home healthcare program. It was noted that the program would be developed by the Public Health Department with the tax levy providing the funding. *Motion by Holt, second by Ingles to approve the resolution as outlined and to place the*

binding referendum question on the November 6, 2018 General Election ballot. Discussion highlights follow: tax levy could be imposed on an annual basis; tax levy strictly for senior citizens; concerns regarding whether disabled residents under the age of sixty were included in the senior citizens category; and State's Attorney Randy Yedinak stated that statute didn't address definition for senior citizens. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Ingles, Shafer, Kestner, Lovell, Allen, Arbogast, Weller, Holt, Runyon, Heath, Weber, Young and Fannin **Nays:** Slagel, Ritter, Ambrose, Mays and Yoder **Absent:** Steichen, Killian, Gerwin and Carley

FINANCE

Resolution (#2018-08-38): Approving GLCEDC Grant for Prairie Central STEAM Program – GLCEDC CEO-Adam Dontz and Prairie Central Representative-Tonya Dieken were in attendance to request a grant in the amount of \$105,107 for Prairie Central's STEAM Program. Ms. Dieken provided a brief overview of the STEAM curriculum which has been integrated into all classes for their K-12 students. The formula used to determine the grant amount was on a per capita basis consistent with what the other schools in the county have previously received from these grants. This grant amount is larger than past requests due to the larger number of students enrolled in this school system. *Motion by Ritter, second by Fannin to approve the grant of \$105,107 for the Prairie Central CUSD #8 STEAM program.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Holt, Mays, Heath, Weber, Young, Yoder and Fannin **Nays:** Runyon **Absent:** Steichen, Killian, Gerwin and Carley

Committee Chairman Shafer reported that budget work was going well with it looking like there would be a reduction in the overall tax rate. He thanked the department heads for their hard work in this process.

PERSONNEL

Committee Chairwoman Kathy Arbogast reported that they had reviewed the information presented by Human Resources Director-Ginger Harris on the ADA Coordinator and grievance process and had recommended appointment of Alina Hartley as the county's ADA Coordinator, which was approved by the board under the Consent Agenda. Ms. Harris also provided them with an early retirement update. This update included the reinstatement of a full time employee in the Circuit Clerk's office and a part time position in the zoning office. There has been a savings of \$305,908 per year. She also noted that approximately \$187,500 had been disbursed out of the original \$720,000.

SHERIFF, JAIL & LICENSE

Committee Chairman Ron Kestner reported the following from their August 7 committee meeting: was well attended; heard the usual monthly reports; Sheriff reviewed his changes to the school resource officer program; reported that there were 143 detainees (45 from Livingston County) being housed in the Public Safety Complex; and learned that the monthly billing was \$215,096.30.

VETERANS ASSISTANCE

Committee Chairman Joe Steichen reported that everything is going well and that they are still coming in under budget. He also noted that there was going to be a steak dinner at the Legion Hall in Chatsworth on August 29.

HOUSING AUTHORITY

No report

PUBLIC COMMENT

Joan Lipinski inquired as to whether all the students in the Prairie School District resided within Livingston County, with the answer being "no".

CLOSING CEREMONY

Chairman Young announced that the September committee meetings would start on Tuesday, September 4, rather than on Monday, September 3 due to the Labor Day Holiday.

ADJOURNMENT

The meeting adjourned at 8:00 p.m., on motion by Bunting, second by Yoder. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

The next County Board meeting will be September 13, 2018 at 6:00 pm.

Bob Young, Chairman

Attest:

Kristy A. Masching

County Clerk

October 11, 2018

Approved

Minutes Bd 081618.A