

LIVINGSTON COUNTY BOARD
MINUTES OF October 11, 2018 MEETING OF THE COUNTY BOARD

OPENING

County Board Vice-Chairman Tim Shafer (in the absence of Chairman Bob 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 Victor Randle. Vicki Allen 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, Patrick D. Killian, Ronald L. Kestner, Paul A. Ritter, Carolyn Gerwin, Steven Lovell, Vicki Allen, Kathy Arbogast, Robert F. Weller, Linda Ambrose, James A. Carley, Daryl N. Holt, Mark Runyon, William Mays, David W. Heath, John L. Yoder and Marty Fannin **Absent:** Joseph D. Steichen, Stanley R. Weber and Bob Young (arrived at 6:45 p.m.)

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, Finance Director-Diane Schwahn, Treasurer-Barbara Sear, State’s Attorney-Randy Yedinak and IT Director-Jon Sear

AGENDA

Vice-Chairman Shafer stated that the appointment to the Planning Commission, under the Consent Agenda, was being removed from the agenda. Shafer called for approval of the agenda as amended. *Motion by Bunting, second by Fannin to approve the agenda as amended.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

APPROVAL OF MINUTES

Vice-Chairman Shafer called for approval of the August 16 and September 13, 2018 meeting minutes. *Motion by Ingles, second by Ritter to approve the August 16 and September 13, 2018 meeting minutes.* **MOTION CARRIED ON VOICE VOTE.**

PRESENTATIONS

None

APPEARANCES

None

CONSENT AGENDA

- A. Approval of Bills
- B. Staffing
 - 1. (2) FT Transport Officers
- C. Appointments:
 - a) **Cheryl Tate** – Zoning Board of Appeals (fill unexpired term of Mike Cornale)
 - b) ~~Planning Commission~~ (Removed from agenda)

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

HIGHWAY

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

- a) **Resolution (#2018-10-43): Extending Temporary Amendment of Exhibit A, Resolution No. 2016-11-65 for the Oversize/ Overweight Vehicle Fees** - Resolution for a one-year extension of Temporary Amendment of Exhibit A to Resolution No. 2016-11-65 Providing for the Collection of Fees for Oversize and/or Overweight Vehicles Operating on Livingston County Roads. *Motion by Bunting, second by Runyon to approve the Highway Action Agenda item resolution regarding Oversize/Overweight Vehicle Fees.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

AG & ZONING

Committee Chairman Holt reported the following: the committee received information on the proposed DG Illinois Solar Farm; action will be taken on the proposed Vermilion I and Vermilion II Solar Farms at their next meeting; received an update on the small cell wireless facilities; voted to approve the DevNet zoning and permitting software program; were informed about a proposed swine building operation; and were introduced to Chris Bunting, the new Livingston County Farm Bureau manager. There will be a special Ag Committee meeting at 6:00 p.m., on November 14 to take action on a solar farm application.

FINANCE

Ordinance (#2018-10-44): Amending the Streator Area Enterprise Zone and the Intergovernmental Agreement: Streator Area Enterprise Zone - Committee Chairman Shafer explained that the ordinance amended the Streator Area Enterprise Zone to include some additional communities. It was felt that by including perceived substantial county properties within the enterprise zone, some advantages received by these properties could result in positive benefits to the county and worthy of pursuit. *Motion by Ingles, second by Fannin to approve both items, Ordinance (#2018-10-44): Amending the Streator Area Enterprise Zone and the Intergovernmental Agreement: Streator Area Enterprise Zone with one roll call vote.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

Presentation of FY2019 Budget, Capital Requests and Levies - Committee Chairman Shafer noted that Diane, Alina and Ginger put a lot of time into the budget as well as the department heads with the result being a much better product. Finance Director Diane Schwahn stated that this proposed budget met the two primary goals set by the County Board by reducing the current county tax rate from 1.19665 to an estimated rate of 1.17732 and reduced the functional deficit set at \$1,466,000 by \$75,998, coming in at \$1,390,002. She then highlighted some of the other aspects of the proposed budget including transfers into the general fund; capital requests; vehicle fund and general fund transfers; revenue funds; and noted that the additional \$75,998 deficit reduction would exceed the amount we could be limited by PTELL. Ms. Schwahn reported that the personnel expenses of 41% represents the largest portion of the expenses across all funds. Personnel expenses in the General Fund account for 71% of our expenses. Revenues across all funds came in at \$24,369,181 which is the total revenues minus the transfers. Projected expenses across all accounts came in at \$32,749,221 (not including transfers), representing a budget deficit of \$8,380,040. Chairman Shafer noted that this budget deficit is covered by monies set aside in the landfill and construction funds to cover the cost of the proposed projects that the deficit can be attributed to. Ms. Schwahn stated that this budget was prepared with two goals in mind, one being that it would be easy to read and understand and to present a document that the board could use to meet goals and objectives of providing quality service levels at the lowest cost to citizens. *Motion by Fannin, second by Holt to approve the proposed FY2019 for public display for a month prior to taking action at the November meeting.* Discussion followed with one member suggesting that a goal for next year would be to keep the appropriations at the same level, no increases. It was also noted that the vote would be to put the budget on display with formal action to approve the document to take place at the November meeting. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Heath, Yoder and Fannin **Nays:** Gerwin and Mays **Absent:** Steichen, Weber and Young

Resolution (#2018-10-42): Authorizing Cancellation of Certificate of Purchase – Treasurer Barbara Sear was present to request approval of a resolution prepared by our Trustee regarding delinquent property taxes owed on a

mobile home in Creek Ridge Mobile Park in Streator. She explained that the trustee had begun the process to take deed on the home in order to sell it on the sealed bid auction, when a representative for the owner requested that the taxes be redeemed past the extension date. Ms. Sear stated that we would receive all of our tax money fees and costs if we approve this transaction. She is asking the board for approval of the resolution which authorizes the cancellation of the tax certificate of purchase and accept the full redemption value of the delinquent taxes. *Motion by Fannin, second by Arbogast to approve the resolution authorizing the cancellation of the tax certificate of purchase.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

Resolution (#2018-10-46): Increasing Fees of Livingston County Clerk's Office & Resolution (#2018-10-47): Predictable Fee Schedule for Livingston County Clerk's Office – Committee Chairman Shafer explained that these two items were commissioned by the office to see if increases in fees were warranted in part to help defray the cost of the office. County Clerk Kristy Masching reported that the last fee cost study for her office was performed in 2002. As recorder, her office has to have the predictable fee schedule for recording documents in place by January 1, 2019. The Assessor's Office was also looking to increase fees for the GIS system to help defray the cost of the fly-over mapping process. All three studies were performed at the same time by the Bellwether Company with the cost split between the Document Automation/Recording Fund and the Vital Record Automation Fund.

Motion by Bunting, second by Heath to approve the resolution to increase fees in the County Clerk's Office. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

Motion by Bunting, second by Heath to approve the resolution for the Predictable Fee Schedule for the Livingston County Clerk/Recorder's Office. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

Resolution (#2018-10-45): Approving Increase in Public Defender's Salary – Committee Chairman Shafer stated that this salary is reimbursed by the State of Illinois. The resolution must be approved authorizing the increase in order to receive the reimbursement. It was noted that this salary is set by statute and is based on the Public Defender receiving 90% of the State's Attorney's salary with 66 2/3% of the Public Defender's salary being reimbursed by the State to the county. So, whenever the State's Attorney receives an increase the Public Defender's salary is also increased. *Motion by Ingles, second by Bunting approving the resolution to increase the Public Defender's salary.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

PUBLIC PROPERTY

Livingston County Farm Ground Lease – Committee Chairman Ingles explained that the current lease for the county's farm ground located at the old Livingston Manor site and adjacent to the H & E Building had expired. Requests for bids were released with four bids being received. The highest bid, submitted by Gene and Jeff Ledford came in at \$307.50 per acre, for a total of \$68,477.18. The lease is for three years. It was noted that there were no plans in the works, to remove any remaining trees off the property. *Motion by Ingles, second by Fannin to accept the Ledford bid of \$307.50 per acre for the three year term.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Yoder and Fannin **Nays:** None **Absent:** Steichen, Weber and Young

Emergency Roof Repairs/Replacement – Committee Chairman Ingles reported that Don Verdun-Maintenance Supervisor had been contacted by Mosaic regarding ceiling damage due to roof leaks on the Regions Bank Building. Verdun did a quick inspection and found areas where shingles were raising up as well as soft spots.

Ingles contacted Farnsworth and arranged for a preliminary inspection and concurred with Verdun that the roof was beyond repair. Ingles noted that the roof had been put on in the early 80's. Ingles requested that Farnsworth compile estimates for a shingle roof as well as for an industrial/commercial metal roof. Their estimate for a shingle roof, including tear-off, underlayment, flashings and contingency came in at \$66,500, with the metal roof estimate at \$139,150. The committee approved a resolution for the shingle roof (\$66,500) as well as fees by Farnsworth not to exceed \$18,000. Ingles reviewed what Farnsworth would provide for the \$18,000 fee. Concerns were voiced by members on paying an engineering firm \$18,000 to replace a roof. *Motion by Ingles, second by Ambrose to approve the Farnsworth proposal of \$66,500 for a shingle roof, with fees not to exceed \$18,000.* **MOTION FAILED ON ROLL CALL VOTE.** **Ayes:** Bunting, Ingles, Shafer, Kestner, Allen, Ambrose, Holt and Heath **Nays:** Vietti, Slagel, Killian, Ritter, Gerwin, Lovell, Arbogast, Weller, Carley, Runyon, Mays, Yoder and Fannin **Absent:** Steichen, Weber and Young

Motion by Fannin, second by Yoder to approve the resolution, not to exceed \$66,500 to be spent putting a new roof on the Regions Bank Building. Discussion followed. Ms. Hartley clarified with Fannin that his intention was to approve the resolution outlined and on their desks, just change the dollar amount to \$66,500. That way bids could be accepted and the emergency repair process would move forward. This would also authorize the chairman to accept the lowest responsible bid for the project. The Farnsworth Group will also be removed from the resolution. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Runyon, Mays, Heath, Yoder and Fannin **Nays:** Ingles and Holt **Absent:** Steichen, Weber and Young

SHERIFF, JAIL & LICENSE

Committee Chairman Ron Kestner reported the following from their August 7 committee meeting: was well attended; heard the usual monthly reports; Coroner reviewed a draft indigent policy; reviewed a liquor license application for "The Dam Tavern"; reported that there were 129 detainees (47 from Livingston County) being housed in the Public Safety Complex; the preceding month financial reports weren't available at the time of the meeting; and were informed of a couple of amendments to the IGA for providing the school resource officers for the Flanagan and Tri-Point schools.

Intergovernmental Agreement: Providing School Resource Officer for Flanagan School District - Prior to the board meeting the committee met with State's Attorney Randy Yedinak to review the amendments to the intergovernmental agreements with the schools for Resource Officers. The committee approved the changes. *Motion by Kestner, second by Weller to approve the Intergovernmental Agreement: Providing School Resource Officer for Flanagan School District.* Discussion followed. It was noted that both schools will be paying \$50,000 towards each officer in their respective district. The officers will also be working for the county during summer break when the schools are not in session. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Ingles, Shafer, Killian, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young, Yoder and Fannin **Nays:** Slagel and Gerwin **Absent:** Steichen and Weber

Intergovernmental Agreement: Providing School Resource Officer for Tri-Point Community Unit School District 6J – This agreement is the same as what was proposed for the Flanagan School District, but is also subject to final review by the State's Attorney. *Motion by Kestner, second by Weller to approve the Intergovernmental Agreement: Providing School Resource Officer for the Tri-Point Community Unit School District 6J.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Ingles, Shafer, Killian, Kestner, Ritter, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young, Yoder and Fannin **Nays:** Slagel and Gerwin **Absent:** Steichen and Weber

Resolution: Designating County Coroner Vehicle as Law Enforcement Vehicle – Committee Chairman Kestner reported that Coroner Watson presented information on a statute allowing the coroner the use of red and white lights affixed to his vehicle in emergency situations. The existing resolution had been passed by the Board in 1988 and needed to be updated. Kestner noted that this was approved by the State's Attorney and the committee. Ms. Hartley noted that discussion at the committee focused only on allowing the Coroner use of the lights. She also noted that vehicle information hadn't been provided by the Coroner's Office for inclusion in the

proposed resolution at this time. The Coroner could come back to a future meeting and request that this be extended to the deputies as well. Discussion followed with the consensus being to table this matter for further review.

Liquor License Application: Dam Tavern – Kestner noted that this application had been reviewed by the State’s Attorney. *Motion by Kestner, second by Ritter to approve the Liquor License Application for Dam Tavern.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young, Yoder and Fannin **Nays:** None **Absent:** Steichen and Weber

ELECTION, RULES & LEGISLATION

Standing Rules Amendment: Committee Restructure – Committee Chairman Fannin noted that the Standing Rules Amendment had been passed out at this month’s meeting regarding the proposed committee structure change. He encouraged the members to review the proposal and attend the November Election, Rules and Legislation committee meeting if they had any comments, questions or concerns, which could be addressed at that time.

Resolution: Recommendation for Reapportionment 2021 – Fannin commented on this resolution regarding the committee’s recommendation for reapportionment in 2021. He stated that this proposal would reduce the number of board members from 24 to 18 with no increase in their pay. It was noted that this is an advisory vote with the final decision to be made by the 2021 County Board. *Motion by Fannin, second by Arbogast to approve the resolution regarding the recommendation for reapportionment in 2021.* **MOTION FAILED ON A TIE ROLL CALL VOTE.** **Ayes:** Vietti, Slagel, Shafer, Kestner, Ritter, Allen, Arbogast, Carley, Holt, Runyon and Fannin **Nays:** Bunting, Ingles, Killian, Gerwin, Lovell, Weller, Ambrose, Mays, Heath, Young and Yoder **Absent:** Steichen and Weber

INFORMATION & TECHNOLOGY

Committee Chairwoman Vicki Allen reported that Jon Sear reviewed his monthly report with the committee. Vicki highlighted her report as follows. Cate spend most of the month working on the county’s webpage since templates are dated and can’t be upgraded. Meetings had been held with the Assessor’s Office, Township Assessors and the Zoning Office to discuss the flow building permits and what could done to make the process more efficient. DEVNET had a permitting and zoning application that could be added to our current system. The software will assist the Zoning Office in responding to the workflow with the reduction in staffing. This topic was added to the IT agenda because Mr. Sear had been frugal enough and gracious enough to allow the Zoning Office to utilize excess funds that are remaining within his budget.

PERSONNEL

No report.

VETERANS ASSISTANCE

Vice-Committee Chairman John Yoder (in the absence of Joe Steichen) reported that they are still coming in under budget for the year. Tom Bailey attended Accreditation school from September 24-28th and is recertified.

ADMINISTRATIVE

Ms. Hartley stated that a memo from the Administrative Committee had been placed on the members desks regarding the Enhancing Governance Leadership training sessions that board members are encouraged to attend. The memo includes the dates and times and if members are unable to attend or commit they are to let Chairman Young know as soon as possible.

HOUSING AUTHORITY

John Slagel reported that at their September 18 meeting they approved their 2019 Budget which included a salary increase of 5%, except for the Executive Director and a health insurance increase of 3%. They operate on a budget of about \$1.2 million. Their next meeting will be held on November 15, 2018.

PUBLIC COMMENT

Mike Ingles complimented the staff on a job well done regarding the new budget format. As one of the county representatives on the Vermilion Valley ETSB/911, Mike thanked Diane and some of the board members for their role in implementing procedures and processes (such as a plan for capital replacement) that will help them in the future to know where they stand and for getting them where they need to be.

Marty Fannin reported on his recent trip to attend a conference in Washington, D.C. for county board members and local law officials from Illinois. This trip was sponsored by UCCI at no cost to the county. He noted that they met with many department secretaries such as the Department of Homeland Security, Transportation and Education for discussions.

EXECUTIVE SESSION

Motion to go into Executive Session pursuant to 5ILCS 120/2 (c) (11) Pending Litigation was made by Holt, second by Arbogast. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Bunting, Slagel, Ingles, Shafer, Killian, Kestner, Ritter, Gerwin, Lovell, Allen, Arbogast, Weller, Ambrose, Carley, Holt, Runyon, Mays, Heath, Young, Yoder and Fannin *Nays:* None *Absent:* Steichen and Weber

There was a five minute break beginning at 7:25 p.m. and ending at 7:30 p.m. Executive Session began at 7:30 p.m., with regular session resuming at 8:45 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

Motion by Slagel, second by Ambrose that we have our attorneys tell Invenergy that we will not accept the tolling agreement as written. MOTION FAILED ON ROLL CALL VOTE. Ayes: Vietti, Slagel, Ritter, Gerwin, Arbogast, Ambrose, Carley, Runyon, Mays, Yoder and Fannin *Nays:* Bunting, Ingles, Shafer, Killian, Kestner, Lovell, Allen, Weller, Holt, Heath and Young *Absent:* Steichen and Weber

CLOSING CEREMONY

ADJOURNMENT

The meeting adjourned at 8:50 p.m., on motion by Ingles, second by Kestner. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

The next County Board meeting will be November 15, 2018 at 6:00 pm.

Bob Young, Chairman

Attest:

Kristy A. Masching
County Clerk

November 15, 2018

Approved