

LIVINGSTON COUNTY BOARD
MINUTES OF December 17, 2020 MEETING OF THE COUNTY BOARD

OPENING

County Board Chair Kathy Arbogast called the meeting to order at 6:00 p.m. Pursuant to the Governor's Executive Order 2020-07, this meeting was held remotely with most individuals participating through Zoom or Teleconference.

Ginger Harris presented the invocation. Ron Kestner led the group in the Pledge of Allegiance.

The clerk called roll with the following **present:** John L. Vietti, Jason Bunting, Michael L. Kirkton, Joel J. Barickman, Marty Fannin, Scott Mennenga, Seth Welch, Kathy Arbogast, Robert F. Weller, James A. Carley, Steven Lovell, Linda Ambrose, William Mays, Gerald Earing, John Vitzthum, Bill Wilkey, Mark Runyon **Present via Zoom:** Gina Manker, John Slagel, Joseph D. Steichen, Tim Shafer, Ronald L. Kestner and James Blackard **Absent:** Paul A. Ritter

Also Present: County Clerk-Kristy Masching, Executive Director-Alina Hartley, Zoning Administrator-Chuck Schopp, Farnsworth Group Representative-Paul Brown, States Attorney Randy Yedinak, HR Director Ginger Harris, County Highway Engineer-Clay Metcalf (Zoom)

AGENDA

Chair Arbogast called for approval of the agenda as presented. *Motion by Fannin, second by Runyon to approve the agenda as presented.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Vitzthum, Blackard, Wilkey and Runyon **Nays:** None **Absent:** Ritter

APPROVAL OF MINUTES

Chair Arbogast called for approval of the September 17, 2020, November 12, 2020 and December 7, 2020 meeting minutes. *Motion by Weller, second by Earing to approve the September 17, 2020, November 12, 2020 and December 7, 2020 meeting minutes.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Vitzthum, Blackard, Wilkey and Runyon **Nays:** None **Absent:** Ritter

PRESENTATION

COVID 19 Status Update - Jackie Dever, Public Health Administrator reported the following items of interest: county dropped from an active rate of 17% to 8.2% with 167 active cases (down from the 300's); 2,841 cases with 50 Covid attributed deaths; conducting 50 rapid tests daily in conjunction with OSF at hospital site; rapid testing taking place at long-term care facilities now, 3 schools scheduled in January, at the Jail and increased testing at the prison; will be receiving detailed information on vaccine next week; federal requirement that the first shipment goes to the hospital; and the Moderna vaccine has received approval for use from the FDA. Discussion followed.

APPEARANCES

N/A

CONSENT AGENDA

- A. Approval of Bills
- B. Appointments:

- a. **William Skonetski** – trustee re-appointment to the Cornell Fire Protection District commencing first Monday of May 2018 and expiring first Monday in May, 2021.
- b. **James Snyder** – trustee re-appointment to the Cornell Fire Protection District commencing first Monday of May 2019 and expiring first Monday in May, 2022.
- c. **Ronald Helander, Sr.** – trustee re-appointment to the Cornell Fire Protection District commencing first Monday of May 2020 and expiring first Monday in May, 2023.
- d. **John Folkerts.** – trustee appointment to the Flanagan-Graymont Community Fire Protection District commencing December 17, 2020 and extending until the first Monday in May, 2024.
- e. **Keith Detwiler.** – trustee appointment to the Flanagan-Graymont Community Fire Protection District commencing December 17, 2020 and extending until the first Monday in May, 2023.

Motion by Fannin, second by Welch for approval of the Consent Agenda. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Vitzthum, Blackard, Wilkey and Runyon **Nays:** None **Absent:** Ritter

AG & ZONING

Zoning Map Case: ZM-4-20 – Dollar General-Zoning Classification Change (Resolution #2020-12-76) Committee Chair Jason Bunting reported that this case was requesting that a property map amendment be approved for a 1.5 acre of property near Saunemin which was currently zoned as AG, Agricultural, District, be re-zoned as a C2, Central Business, District property for a proposed Dollar General store. Chuck Schopp provided additional information regarding the site location, site plan and parking spaces. Schopp also noted that due diligence had been done with multiple sites being reviewed and considered with this property being the option Dollar General selected to pursue. He noted that the Zoning Board of Appeals and the Planning Commission discussions generally centered on the site location and their concerns regarding the safety of citizens from Saunemin walking or riding bikes to the store across the highway intersection of two main highways, Route 116 and 47. Schopp stated that the Regional Planning Commission opted not to make any recommendation due to safety concerns and the lack of time to study it further. The Zoning Board of Appeals tabled the discussion at their first hearing in order to allow the Farnsworth Group time to consult with IDOT to look into the safety concerns. At their next meeting they learned that IDOT had responded back that the safety issues weren't a priority for IDOT to pursue with a traffic safety study. Schopp stated that the Village of Saunemin was agreeable to this site because they felt that it was more acceptable to have the business in their area than not. The ZBA did make a decision to recommend to the County board that this proposal be approved. Paul Brown of the Farnsworth Group, representing Dollar General noted the process started a year ago, reviewed alternate sites and their shortcomings and addressed safety concerns. Saunemin Mayor-Bob Bradford addressed the board noting that the town board also had reservations regarding safety but felt that it would be in the best interest of the village to have the store located near Saunemin. He stated that this would create a few more jobs in their town and noted that Saunemin didn't get the opportunity very often to have a business locate there. Bunting reminded the board members that the action the board would be taking would be a motion and a second to change the zoning classification from agriculture to commercial. Discussion took place. *Motion by Wilkey, second by Weller to approve Zoning Map Case ZM-4-20 and the corresponding resolution as presented.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Blackard, Wilkey and Runyon **Nays:** Mays, Earing and Vitzthum **Absent:** Ritter

Zoning Map Case: SF-4-20 – Slagel two lot Subdivision (Resolution #2020-12-77) Committee Chair Jason Bunting reported that this case was for a proposed 2-lot subdivision located on Rte. 24 on the northeast side of the curve between Forrest and Fairbury. Lot A would be would be a 2.45 acre parcel of

land containing the farming and livestock buildings to be retained by the owner. Lot B would be a 4 acre parcel of land containing a single family residence, a detached garage, and a pond the owner wishes to sell. *Motion by Lovell, second by Kirkton to approve Zoning Map Case SF-4-20 (Slagel 2 lot subdivision).*

MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

Livingston County Multi-Jurisdictional All Hazards Mitigation Plan (Resolution #2020-12-78)

Committee Chair Jason Bunting reported that work on updating the document had taken place for over a year due to the Covid pandemic. The document is available on the county website. *Motion by Wilkey, second by Fannin to approve the updated Livingston County Multi-Jurisdictional All Hazards Mitigation Plan.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

HIGHWAY

Committee Chair Steve Lovell reviewed the **Action Agenda Items** as follows:

- a) **Resolution (#2020-12-72):** Maintenance Resolution appropriating County MFT Funds for estimated 2021 county highway general maintenance expenses.
- b) **Resolution (#2020-12-73):** Appropriating MFT funds for the 2021 salary of the County Highway Engineer, Section 21-CS105-00-AC.
- c) **Local Agency Agreement for Federal Participation:** Federal-Aid Agreement for replacement of Structure No. 053-3079 in Nebraska Road District. Estimated division of cost = \$240,000 FHWA, \$60,000 split to 50-50 to Livingston County and Road District. Includes Resolution (#2020-12-74) appropriating County Aid to Bridge Funds for Local Agency share of cost.
- d) **Local Agency Agreement for Federal Participation:** Federal-Aid Agreement for replacement of Structure No. 053-3245 in Esmen Road District. Estimated division of cost = \$280,000 FHWA, \$70,000 split to 50-50 to Livingston County and Road District. Includes Resolution (#2020-11-75) appropriating County Aid to Bridge Funds for Local Agency share of cost.
- e) **Quarterly Report:** 4th Quarter FY20

Motion by Lovell, second by Carley to approve all the Highway Action Agenda Items as presented (with one roll call vote). **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

FINANCE

Resolution (#2020-12-79): State's Attorney Appellate Prosecutor – Committee Chair Tim Shafer reported that this service is utilized in the event there is a conflict of interest with our State's Attorney or if the department needs additional appellate attorney help on a case. The fee for this service is \$18,000. State's Attorney Randy Yedinak stated that the fee had been increased from \$15,000 and is based on population and the rising cost of litigation. *Motion by Shafer, second by Fannin to approve the State's Attorney Appellate Prosecutor agreement.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

Resolution (#2020-12-80): Authorizing Working Cash Loan to Tort Judgement Fund – Committee Chair Shafer reported that this loan was necessary to cover the county's liability insurance policy which is

due annually this time of the year and is paid out of the Tort Judgement Fund. The loan will be repaid in January from tax distributions. *Motion by Shafer, second by Fannin to authorize the Working Cash Fund loan to the Tort Fund.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

Resolutions (#2020-12-81 through #2020-12-83): Authorizing Transfer of Deeds – Committee Chair Shafer reported that three Livingston County parcels had been purchased: **(Res. #2020-12-81)** Broughton Township – PID#12-12-19-303-007; **(Res. #2020-12-82)** Chatsworth Township - PID#27-27-03-152-005; and **(Res. #2020-12-83)** Vermillion Estates MHP - PID#15-15-800-010. As a result, Treasurer Nikki Meier requested that the resolutions be approved authorizing the transfer of the deeds to the new owners. *Motion by Shafer, second by Vietti approving the Resolutions Authorizing the Transfer of Deeds as outlined.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

SHERIFF, JAIL & LICENSE

Committee Chair Jim Carley reported that the Carriage Lane Estates Mobile Home Park had applied for an amendment to their mobile home license due to a change in management. Hartley explained that whenever there was a change in management, a background check needed to be performed. Since that information hadn't been received back, approval would be contingent upon final attorney review and approval. *Motion by Carley, second by Vietti to approve the mobile home change contingent upon State's Attorney review and approval.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

PUBLIC COMMENT

County Clerk Kristy Masching reminded the board members that all meeting per diem forms should be turned in to her before 10:00 a.m. on Friday, December 18th in order to be included on their December 24th paychecks.

EXECUTIVE SESSION

5ILCS 120/2 (c)(2) – Collective Bargaining Matters – *Motion by Fannin second by Ambrose to go into executive session pursuant to 5ILCS 120/2 (c)(2) – Collective Bargaining Matters.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

Executive Session began at 7:00 p.m.

Regular Session Resumed at 7:10 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

Approval of Collective Bargaining Agreements: *Motion by Fannin, second by Wilkey to accept the Collective Bargaining Agreement for the Correctional Officers pending final ratification and attorney review and approval.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Present:** Mays **Absent:** Ritter

ANNOUNCEMENTS

N/A

ADJOURNMENT

The meeting adjourned at 7:14 p.m., on motion by Fannin, second by Kirkton. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bunting, Kirkton, Manker, Barickman, Slagel, Fannin, Steichen, Shafer, Mennenga, Kestner, Welch, Arbogast, Weller, Carley, Lovell, Ambrose, Mays, Earing, Blackard, Vitzthum, Wilkey and Runyon **Nays:** None **Absent:** Ritter

Kathy Arbogast, Chair

Attest:

Kristy A. Masching
County Clerk

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