

LIVINGSTON COUNTY BOARD
MINUTES OF May 17, 2012 MEETING OF THE COUNTY BOARD

OPENING

Chairman Fairfield called the meeting to order at 6:00p.m., in the Public Safety Complex basement at 844 W. Lincoln St., Pontiac, Illinois.

Dee Woodburn led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Robert Weller, Stanley Weber, Mike Ingles, William Flott, John Yoder, Joe Steichen, Carl Borngasser, John McGlasson, Daryl Holt, Kathy Arbogast, Judy Campbell, Tim Shafer, Eldon Ruff, David Heath, Marty Fannin, Bob Young, Vicki Allen, William Fairfield, Delores “Dee” Woodburn and Mark Runyon **Absent:** Bruce Koerner, Ronald Deany and John Franey

Also Present: County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Jack Hayes (FQC), John Eallonardo (FQC), David Winters-County Highway Engineer, Sheriff Marty Meredith and Attorney Tom Blakeman

AGENDA

Chair Fairfield called for the deletion of item (5. a.) Administrative Committee: Pro-Active Intergovernmental Agreement, from the agenda. Kathy Arbogast requested that “media response with regards to the Sheriff”, be added to item (6.) Sheriff, Jail & License Committee. *Motion by Yoder, second by Steichen to approve the agenda as revised.* **MOTION CARRIED WITH ALL EYES ON VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fairfield called for approval of the minutes from the April 12, 2012 meeting. *Motion by Shafer, second by Ruff to approve the April 12, 2012 meeting minutes as presented.* **MOTION CARRIED ON ROLL CALL VOTE.**

PRESENTATION

None

APPEARANCES

Kathy Blunier-4-H Youth Development Educator, from the Livingston, McLean and Woodford County Cooperative Extension Office presented updates on 4-H statistics and activities. She noted that Livingston County ranked seventh (state-wide), for the number of 4-Her’s enrolled in the county’s eighteen community clubs. She reminded everyone that the Livingston County 4-H Fair is scheduled for July 16-19, 2012.

CONSENT AGENDA

A. Approval of Bills

B. Appointments

- **Howard Zimmerman** – Livingston County Zoning Board of Appeals, five-year term commencing May 18, 2012 – May 17, 2017.
- **Duane Meister** – Trustee of Cullom Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015.
- **Charles J. Wheeler** – Trustee of Flanagan-Graymont Community Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015.
- **James McCabe** – Trustee of Pontiac Rural Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015.
- **Don Bunting** – Trustee of Odell Fire Protection District (to fill unexpired term of Don Foley), commencing May 2012 through first Monday in May, 2015.
- **Bill Carroll** – Trustee of Saunemin Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015.

- **Richard Weller** – Trustee of Chatsworth Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015.

C. Staff Replacements

- **FT Deputy** – Sheriff’s Department
- **FT Support Staff** – Health Department

D. Regional Office of Education Quarterly Report

Motion to approve all items on the consent agenda by Weller, second by Steichen. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield and Woodburn **Nays:** Runyon **Absent:** Koerner, Deany and Franey

LAW & JUSTICE CENTER COMMITTEE

Law & Justice Center/Historic Courthouse Update: John Eallonardo (FQC) presented a slide presentation on the progress of the work at the historic courthouse. Some highlights follow: roughing in HVAC and mechanical systems; wainscoting has been stripped (on second floor) revealing alternating walnut and pine strips; drywall installation is substantially completed in the basement; and making significant progress on mockups of existing woods for balance of project. The largest time item is the wood restoration process (wooden stairwell), but at this time they are on schedule for holding the November Board meeting in the building, with the whole building to be substantially completed by the first week in November.

AG & ZONING

No Report

HIGHWAY COMMITTEE

Vice-Chair Ruff introduced David Winters-County Highway Engineer, who reviewed items to be approved on the **Highway Consent Agenda** as follows:

I. Agreement:

- **Highway Authority Agreement** – IEPA, BP Products North America and Livingston County
- **Supplemental Agreement** – BP Products North America and Livingston County

Winters explained that the agreements were a result of a concern BP Products had regarding a ten year old incident with a leaking underground tank, located at the intersection of Route 66 and County Highway #1. BP conducted testing through the years, to determine the extent of soil contamination, as this was a company store at the time of the incident. Their testing well has revealed that there is potential contamination of a very small area under the county highway right-of-way jurisdiction. These agreements establish a set of ground rules on what would happen if future excavation was performed at the county right-of-way jurisdiction. The County is responsible for submitting the Highway Authority Agreement to the Illinois Environmental Protection Agency and will remain in effect as long as this is an on-going incident. The agreements outline the responsibilities of all parties, holds BP responsible for any future clean-ups and costs, and holds the county harmless in any potential remediation process. The Highway Committee recommends approval of these agreements. Discussion followed. *Motion by Ruff, second by Weller to approve the Highway Consent agenda as presented.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** None **Absent:** Koerner, Deany and Franey

FINANCE

Resolution (#2012-05-15): Veterans Working Cash Loan - Chair Borngasser reported that the Veteran’s Assistance Commission (VAC) will need a loan for \$58,000.00, to cover operational expenses from May through August 2012. This loan will be repaid from tax monies to be received from the VAC Tax levy. *Motion by Borngasser, second by Steichen to approve the \$58,000. loan to the VAC Fund from the Working Cash Fund.*

MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon Nays: None Absent: Koerner, Deany and Franey

Resolution (#2012-05-16 & #2012-05-17): Approve Settlement Agreements (Negotiated Sales in Error) – Attorney Blakeman explained that the settlements had been negotiated with a tax buyer on two properties located in Saunemin (53 Maple Street), and Reading Township (30678 N 00 E Rd). The properties were inhabited at the time of the sale but subsequently were abandoned by the owners. A negotiated settlement transpired due to the fact that the time frame for the tax buyer to receive a sale in error had expired. The tax buyer has agreed to a refund lower than what he was entitled to. Discussion followed. *Motion by Borngasser, second by Holt to approve the Settlement Agreements for the Negotiated Sales in Error, for the property at 53 Maple Street, Saunemin; and at 30678 N 00 E Road in Reading Township; and authorize the County Board Chairman and Secretary to sign on behalf of the Board.* **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon Nays: None Absent: Koerner, Deany and Franey

Intergovernmental Agreement: Showbus – Chair Borngasser stated that this agreement would amend the current agreement by adding Macon County as a participant. *Motion by Borngasser, second by Ingles to approve the amended Intergovernmental Agreement with Showbus.* **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon Nays: None Absent: Koerner, Deany and Franey

Resolution (#2012-05-18): Establishing Coroner’s Salary – Chair Borngasser reported that this resolution would increase the Coroner’s salary by \$2,500.00 each year of the four-year term, with an ending salary of \$55,000. Discussion highlights follow: comparable sized counties have kept the Circuit Clerk, County Clerk and Treasurer’s salary the same, with the Coroner’s set considerably lower; the impact this 5.38% increase would have on labor negotiations as well as other county employee increases approved last fall at 1.5%; many private sector entities haven’t given any pay increases; trying to work towards same amount of equity amongst elected officials who put in same amount of time; salary too low and needs to be rectified due to two state prisons and an interstate within our county; the position is a full-time job, not part-time job as the position is on-call 24/7; and at one time the coroner’s position was paid comparable to the other elected officials, but was drastically reduced due to budget constraints. *Motion by Borngasser, second by Ingles to approve the resolution to set the County Coroner’s salary at \$47,500.00, for the year 2012-2013 commencing December 1, 2012; at \$50,000.00, for the year 2013-2014 commencing December 1, 2013; at \$52,500.00, for the year 2014-2015 commencing December 1, 2014; and at \$55,000.00, for the year 2015-2016 commencing December 1, 2015.* **MOTION CARRIED ON ROLL CALL VOTE.** Ayes: Vietti, Weller, Ingles, Flott, Borngasser, McGlasson, Shafer, Ruff, Heath, Young, Allen and Fairfield Nays: Weber, Yoder, Steichen, Holt, Arbogast, Campbell, Fannin, Woodburn and Runyon Absent: Koerner, Deany and Franey

ADMINISTRATIVE

No report

SHERIFF, JAIL & LICENSE

Chair Vietti reported that the daily average jail population had been 63 with 15 days being the average length of stay. Kevin Rakoczy has been appointed as interim manager of 911.

Sheriff Meredith addressed the Board with his concern over the lack of communications to him as custodian of the Courthouse, on recent as well as prior issues with regard to the Law and Justice Center. He was upset that he wasn’t notified or informed prior to being contacted by Will Scanlon from Judge Robb’s office, on the noise level issue involving the north two Court Rooms, and how the matter would be resolved.

Some discussion was held on **communications**, as other Board members stated that they were unaware of the LJC building noise and water problems and felt that they would like to have an e-mail FYI, or “heads up” of issues as they come up rather than waiting for information to come out in the committee or board packets. It was noted that communications outside of committees should be limited so as to not violate the Open Meetings Act. When the Sheriff has questions regarding building issues, he can contact the County Board Office to be included on discussions/correspondence. It was reported that the Board Office was first made aware of the noise level issue on May 3, by the Sheriff’s Chief Deputy.

Noise issue - Bill Flott stated that the noise level in the north two court rooms is increased whenever the north cooling tower is running at 100%. He also noted that until the problem is resolved the second cooling tower will not be running at 100% during jury week. He explained that the situation had been investigated by a noise expert, with the probable solution being the placement of concrete pavers on the roof to deflect the sound upward. Concerns were voiced as to the cost and who was responsible for this expense. Flott reported that cement pads were in the original plans up to 75%, but is believed to have been removed by the contractors at some point, thus making the County responsible for the expense of this work. Consensus was that there should be some negotiations on shared cost between the County and the contractor on this situation.

Sheriff Media – A concern was voiced as to whether the media interview would be considered interfering with an investigation and would this action put liability on the County Board as a whole. Attorney Blakeman commented that he didn’t believe there was and had submitted the interview for review, to the county insurance carrier. The insurance carrier responded that they didn’t foresee a problem either.

Other items: The Federal Inmate Jail Supervisor has been filling in with transports and other areas where needed, while waiting for the federal paperwork to be completed. Work is on-going to remedy the water issue with more details in the Property minutes.

PUBLIC PROPERTY

No report

NURSING HOME

No report

ELECTION, RULES & LEGISLATION

No report

PERSONNEL

No report

INSURANCE

No report

INFORMATION & TECHNOLOGY

Chair Holt reported the following: Koepfel had resolved issues with the booking equipment at the jail; Jeff Durham and Don Verdun ran the wiring and installed new cameras at the jail, saving the county the extra expense; and many updates have been added to the county website.

VETERANS

Vice-Chairman Mark Runyon (in the absence of Chair Koerner) stated that they had presented a plaque to Tom Bailey for his years of service with the county. Treasurer Sear had presented information to them regarding the working cash loan. The dental grant they received for dental work for vets was being utilized. As of last week, there was a balance of \$7,000., with an outstanding bill of \$5,000.00. They are checking into whether the grant money for next year can be used to help replace a van.

PUBLIC HEALTH

Judy Campbell reported the following: **Public Health** – Jeanne Klitzing, WIC Secretary is retiring on May 31, after 24 years of employment with the county. Since, September 2011, there have been thirty-seven individuals utilizing the NaCo sponsored prescription drug discount card program, with 91 prescriptions being filled. The department is evaluating electronic medical record software, as the state will not support the current software used in one of their medical programs. **Mental Health** – They had attended the ACMHAI Spring Conference, with the keynote speaker being State Treasurer Dan Rutherford. The Leadership Team of the Livingston County Children’s Network attended “Collaborative Learning” meeting in Chicago addressing the mental health needs of children and youth.

PUBLIC COMMENT

Comments were heard as follows: Marilyn Schmidt-commended some Board members on their interactions/debate at tonight’s meeting. Joan Bullard – Doesn’t believe that the Board should be thinking of using taxpayer’s money to remedy the noise problem if it was the architects or general contractor’s mistake to remove pavers from the plan, unless someone from the County signed off on it. Dick Irvin – asked members to speak a little louder as the public can’t hear all of the discussion. Larry Martell – Doesn’t believe the County Board Chairman should have publically put forth the allegations against the Sheriff, as investigations and personnel matters should be kept within the Board, until individual is proven guilty. Board should be more prudent in the future. Dick Irvin- Doesn’t believe the Chairman was out of line, and interpreted the article to say that it was under investigation. He hopes the allegations are wrong, but sometimes, he is ashamed he is from Livingston County when talking to fellow law enforcement officers. Carolyn Gerwin – with regard to the Coroner’s increase, what will be the increased cost to the taxpayers for the pension. Barb Sear – Stated that the Coroner came to the Board with changes in the statutes that would allow for the Coroner to collect additional fees from funeral homes and the state, which are payable to the county. The amount taken in the last six months is more than double what was proposed for the four-year increase.

Recess was held from 7:50 p.m. until 7:55 p.m. Executive Session commenced at 7:55 p.m., with open session resuming at 8:20 p.m.

EXECUTIVE SESSION

Motion by Shafer, second by Weller to move into executive session pursuant to: 5 ILCS 120/2 (c)(2) Collective Negotiating Matters. MOTION CARRIED ON ROLL CALL VOTE. Ayes: Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, McGlasson, Holt, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** None **Absent:** Koerner, Deany and Franey

ACTION RESULTING FROM EXECUTIVE SESSION

None

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 8:25 p.m. on motion by Shafer, second by Ruff. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.

The next meeting is scheduled for Thursday, June 14, 2012 at 6:00 p.m., at the Public Safety Complex building.

William Fairfield, CHAIRMAN

Attest:

Kristy A. Masching

County Clerk

June 14, 2012

Approved