

**LIVINGSTON COUNTY BOARD**  
**MINUTES OF September 13, 2012 MEETING OF THE COUNTY BOARD**

**OPENING**

Chairman Fairfield called the meeting to order at 6:00p.m., in the lobby of the Law and Justice Center, 110 N. Main, Pontiac, Illinois.

Carl Borngasser 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, Bruce Koerner, Joe Steichen, Carl Borngasser, John McGlasson, Daryl Holt, Ronald Deany, 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:** John Franey

**Also Present:** County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Jack Hayes & John Eallonardo (FQC), Doug Pfeiffer (PSA-Dewberry, Managing Director), Randy Yedinak, Assistant State’s Attorney, David Winters-County Highway Engineer, Zoning Administrator Chuck Schopp, Ryan Ammerann-Gamesa Representative, April Meyer-Algonquin Power Co. representative, Pauline Doohan-Attorney, Baker & McKenzie representing Gamesa, Kristin Swenson-Gamesa Energy Project Mgr., June Slagel-Finance Resource Specialist, Linda Daniels-Human Resources Specialist and Attorney Tom Blakeman

**AGENDA**

Chair Fairfield called for approval of the agenda. *Motion by Shafer, second by Deany to approve the agenda as presented.*     **MOTION CARRIED WITH ALL EYES ON VOICE VOTE.**

**APPROVAL OF MINUTES**

Chair Fairfield called for approval of the minutes from the August 16, 2012 meeting. *Motion by Holt, second by Woodburn to approve the August 16, 2012 meeting minutes as presented.*     **MOTION CARRIED ON VOICE VOTE.**

**PRESENTATION**

None

**APPEARANCES**

None

**CONSENT AGENDA**

- A. Approval of Bills**
- B. Staff Replacements**
  - **Sheriff’s Dept.** - FT Correctional Officer
- C. New Position**
  - **Health Dept.** – FT Home Health Aide
- D. Appointments**
  - **Merle Jehle** – Commissioner of Northeast Sullivan Mona Drainage District, three-year term commencing September 2012 through first Tuesday in September, 2015.
  - **James Kerrins** – Commissioner of Sullivan Drainage District #2, (replaces Elmer Becker) to complete term or until new successor is appointed.
  - **Dee Woodburn** – Livingston County Regional Planning Commission, four year term commencing October 17, 2012 – October 16, 2016.
  - **Eddie Hoerner** – Livingston County Regional Planning Commission, four year term commencing October 17, 2012 – October 16, 2016.

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

#### **LAW & JUSTICE CENTER COMMITTEE**

Chair Flott reported that the committee had authorized PSA Dewberry and FQC to meet with the judges with the intent of finding a resolution to the judges concerns, report back to all board members with their plan of action and follow through with the plan of action unless told otherwise. *Motion by Flott, second by Ruff requesting that the full Board ratify the action plan taken by the Law & Justice Center Committee and also the action plan developed as a result of the meeting with the Judges on September 6, 2012.* Discussion followed. He commented that this was after the fact as much of the work laid out in the plan had been completed. It was noted that the costs to implement the approved corrective work actions would be accounted for separately. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Steichen, Borngasser, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon  
**Nays:** McGlasson      **Abstain:** Koerner      **Absent:** Franey

**Law & Justice Center Update-** Jack Hayes (FQC) reported that they were working with the judges to accommodate their jury trial schedule next week, in the midst of the sound proofing work to their courtrooms. He explained that the quiet rock wall board has specially designed, sound deadening properties and would not affect the clearance areas in doorways or hallways as it was being installed on three interior walls of jury deliberation rooms. With regard to the juvenile trials and visibility through the courtroom front doors, all three judges and Will Scanlon indicated that they were very happy with the current condition of the doors and how they operate. Mike Ingles expressed his appreciation for the thorough minutes FQC provided from the meeting with the judges.  
**Water Issue** – The final test results, conducted by an independent, IEPA/EPA certified lab have returned stating that all the water levels are clean and acceptable. From every indication, there never was a problem, as the previous tests for sampling and water analysis were not handled according to the correct and approved protocol designed for water analysis. It was noted that the water filters will be removed since they are not needed.  
**LEAD's Certification** - John Eallonardo (FQC) reported that the L&J Center building had achieved the “LEAD Silver” certification level for performance in the building and leadership in environmental engineering and design (environmental friendly). This was achieved due to the high efficiency of the HVAC system, energy usage, use of recycled materials and making sure that the waste was properly disposed of. Doug Pfeiffer- Managing Director with PSA-Dewberry expressed his company's commitment to the success of the project.  
**ADA Issues** – Randy Yedinak-Assistant State's Attorney, reported on the AG's response to the County's July 11<sup>th</sup> letter regarding the perceived 104 violations. Attachment A listed 99 alleged violations with the AG's office approving 77 of our proposed remedies, leaving 22 alleged violations under consideration. Attachment B contained five violations which we have addressed, leaving one violation under consideration. Randy explained that the 23 violations left pertain to five or six areas of the building. Due to the fact that the AG's office has experienced recent budgetary staff reductions, the remaining 23 violations may take longer for their office to review. Randy stated that the AG's office has been very accommodating and that they have expressed their desire to continue negotiations on the remaining items. The county can move forward with their remedies (and conditions) for all of the issues approved by the AG's office. The party who is responsible for the financial aspect of implementing these remedies will need to be determined at a later date. Discussion followed. Consensus of the Board (with the exception of John McGlasson due to moving forward without corrective governmental action) is that FQC move forward with corrective action on items with no cost or conditions and in accordance with ADA code. FQC will categorize the 77 items accordingly and submit to board members early next week.

#### **HIGHWAY COMMITTEE**

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

I. **Letting Results:**

- Letting Results: September 4, 2012

II. **Quarterly Report**  
• 3<sup>rd</sup> Quarter FY12

*Motion by Deany, second by Runyon to approve the Highway Consent agenda as presented. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Weller, Weber, Ingles, Flott, Yoder, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Woodburn, Fairfield and Runyon **Nays:** None **Absent:** Franey

David Winters reported that the Fairbury Seventh Street bridge work was delayed slightly due to complications encountered with electrical lines and the discovery of old bridge footings (the delay is not anticipated to delay the project completion date).

**AG & ZONING**

**Resolution (#2012-09-28): Authorizing Minonk Wind LLC. Ownership transfer** - Chuck Schopp, Zoning Administrator explained that one of the 2010 conditions approved for the Minonk Wind Farm's (a subsidiary of Gamesa Energy) Special Use Permit, is that a transfer of ownership must be approved by the Board. The proposed transfer would allow Gamesa to transfer 51% ownership interest to Algonquin Power Company, while retaining the remaining 49% ownership interest. Ryan Ammermann from Gamesa Energy introduced representatives involved in the transaction. He also stated that there are currently 81 standing towers, with 19 remaining to be erected. The farm should be fully operational by the end of December 2012. Discussion followed on the following: optimistic that the Woodford County Board will consent to the transfer of ownership resolution; financial statements have been furnished, as well as letters of credit for decommissioning purposes; Gamesa will provide on-site maintenance for twenty years; and JP Morgan and Morgan Stanley as institutional investors, acquire a non-managing tax equity interest and would only keep consent rights on financing and/or sale of the project. The Ag & Zoning Committee has reviewed this request for two months and has recommended approval of the resolution. *Motion by Ruff, second by Ingles to approve the resolution approving the transfer of ownership in accordance with a special use permit for the Minonk Wind Farm (Gamesa Energy).* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Shafer, Ruff, Heath, Fannin, Young, Allen, Woodburn, Fairfield and Runyon **Nays:** None **Present:** Campbell **Absent:** Franey

**FINANCE**

**Resolution (#2012-09-29): Selling a Parcel of Real Estate for Settlement of Back Taxes** – Treasurer Sear explained that the county trustee holds an annual sealed bid auction for delinquent real estate taxes. There was one bid of \$651.00, for property located in Chatsworth (PIN#27-27-03-106-007). *Motion by Borngasser, second by Shaffer to approve the resolution selling the parcel of real estate located in Chatsworth.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Woodburn, Fairfield and Runyon **Nays:** None **Absent:** Franey

**Presentation of FY2013 Levy Request-** Chair Borngasser reported that all non-union employees will be receiving an additional 1% salary increase in order to align with the union increases of 2.5%, retro to January 1, 2012. The committee is also approving a 2.5% increase for all non-union employees for FY2013. The three options reviewed by the committee for the levy were no increase, balanced budget increase or maximum increase. The consensus was to go with no levy increase for the general fund, even though some departments were going to levy for the full amount. No action will be taken on the levy at this time.

**SHERIFF, JAIL & LICENSE**

**FY2013 Holiday Schedule** - This schedule is approved by the Illinois Supreme Court and the 11th, Judicial District. *Motion by Vietti, second by Weller to approve the FY2013 Holiday Schedule.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

Chair Vietti reported that the Jail will be receiving fifty Cook County detainees at the end of next week.

### PUBLIC PROPERTY

**Resolution (#2012-09-30): Authorizing Livingston County Historical Society use of Historic Courthouse Office Space for Display** - Chair Flott stated that they had been approached by the Historical Society regarding an area within the Historic Courthouse where they could place showcases and display historical items. *Motion by Flott, second by Ingles to approve the resolution authorizing the Livingston County Historical Society use of Historic Courthouse office space for display.* **MOTION CARRIED ON UNANIMOUS VOICE VOTE.**

### ELECTION, RULES & LEGISLATION

Chair Weber commented that a copy of the Standing Rules of the Board had been distributed for review. Any feedback should be directed to the County Board office as soon as possible for next month's committee meeting.

### INSURANCE

Chair Woodburn reported that the employee's health insurance plan rates were coming up for renewal. Linda Daniels-Human Resource Specialist noted that the renewal rates came in at a 2.3% decrease (\$40,000. savings), with no changes in plan coverage. *Motion by Woodburn, second by Fannin to approve the Blue Cross Blue Shield Health Insurance renewal plan.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Woodburn, Fairfield and Runyon **Nays:** None **Absent:** Franey

### PERSONNEL

**Resolution (#2012-09-31): Amending Hiring Freeze and Establishing FY13 Staffing Levels** - Linda Daniels-Human Resource Specialist explained that by amending the hiring freeze and establishing staffing levels for FY13, department heads can maintain their approved level without having to come to the Personnel and Finance Committees as long as they are within budget. New positions would need committee and board approval. *Motion by Arbogast, second by Shafer to approve amending the hiring freeze and establishing FY13 staffing levels.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Yoder, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Woodburn and Fairfield **Nays:** Runyon **Absent:** Franey

### NURSING HOME

No report

### INFORMATION & TECHNOLOGY

Chair Holt reported the following IT department activities: Scott replaced the DevNet Tax server which is used by three departments; ordered new PC's for Assessor and State's Attorney's offices; and has started working on website transparency checklist.

### VETERANS

Mark Runyon stated that they had very little activity, with utility bills remaining the same.

### PUBLIC HEALTH

Judy Campbell reported the following: **Public Health** – Both TB and Board of Health passed the proposed FY13 budgets. Required documents (county audits, Board members, its) are being posted in the CRV (Centralized Repository Vault) which is a secure web portal with limited access for five human services state agencies, thus eliminating the need to produce documents for every grant auditor. Health Care reform will impact the health department's programs in FY14. Revenue from the immunization program is decreasing due to more physicians and pharmacies offering these types of services. The state has until January 1, 2013 to reimburse the health department for grants without having an interest penalty imposed upon them. State reimbursement has been fair from Medicaid with grant outstanding receivables totaling \$123,000. The PTHS School Based Health Center and Immunization programs have been found in substantial compliance with regard to state audits. She will be bringing the resolution to continue the Community Health Care Program for FY13 to the October Board meeting. The approximate cost of the program for 8 months is \$160,000., and anticipates 8-9 FTEs being utilized.

**ADMINISTRATIVE**

Chair Fairfield stated they didn't have a meeting, but he had requested information from NACo regarding the prescription drug program. County residents have saved about \$7,000.00 this past year. They will be working with the media to help get the word out throughout the county for greater participation.

**PUBLIC COMMENT**

**Joe Steichen** noted that there would be a dedication of playground equipment in Emington at 1:00p.m., Saturday (15<sup>th</sup>), in memory of the children who were slain there. **Glen Ludwig** commented on the good discussion and work taking place with regards to the budget and encouraged members to study the levy situation and understand the impact of not changing the levy and consider the dipping into funds that may not be there in the future. **Marilyn Schmitt** had FOI'd the Capital Development (Doug Gamble) and had received a response back that they didn't have any records of Livingston County, FQC or PSA contacting them. **Carolyn Gerwin** commented that there would be deputy registrars at the PTHS football game on Friday. **Joan Bullard** requested way to obtain copies of draft Standing Rules of Board. **Teresa Grant-Quick** of the LC Farm Bureau reminded the audience to be careful on country roads as the harvest season had begun.

**COMMUNICATIONS/ANNOUNCEMENTS**

Chair Fairfield introduced Adam Donze as the interim CEO of the Livingston County Council on Economic Development. He previously did suburban development work in the Plainfield area.

Clerk Masching asked that changes to the per diem forms be in her office by 9:00a.m. Friday morning.

Chairman Fairfield commended the Law and Justice Committee for their hard work and dedication.

**ADJOURNMENT**

*The meeting recessed at 7:35 p.m. on motion by Weller, second by Ingles.* **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

The next meeting is scheduled for Thursday, October 11, 2012 at 6:00 p.m., at the Jury Commission Room at the Law and Justice Center.

**William Fairfield, CHAIRMAN**

Attest:

Kristy A. Masching  
County Clerk

October 11, 2012  
Approved

Minutes Bd 09-13-12.A