

**LIVINGSTON COUNTY BOARD**  
**MINUTES OF February 14, 2013 MEETING OF THE COUNTY BOARD**

**OPENING**

Chairman Fannin called the meeting to order at 6:00p.m., in the County Board Room of the Historic Courthouse, 112 W. Madison, Pontiac, Illinois.

Joan Bullard led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Joan Bullard, Tim Shafer, Kathy Arbogast, Robert F. Weller, Kelly Cochran Cohlman, Joseph D. Steichen, Carl Borngasser, G. Michael Ingles (arrived at 6:05), Earl A. Rients, Judy Campbell (arrived at 6:05), Vicki Allen, Randall M. Wittenberg, Bob Young, John L. Yoder, Carolyn Gerwin, William G. Flott, Marty Fannin, Ronald L. Kestner and William H. Peterson  
**Absent:** Paul A. Ritter, Daryl N. Holt, Stanley R. Weber and Mark Runyon

**Also Present:** County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Jennifer Smith-Enbridge Energy Community Relations Advisor, John Eallonardo-FQC, Judy Cremer-Circuit Clerk, Duane Kiesewetter-Assessor, Barb Sear-Treasurer, David Winters-County Highway Engineer, Zoning Administrator Chuck Schopp, and State’s Attorney Seth Uphoff

**AGENDA**

Chair Fannin reported that the following two items would be stricken from the agenda: item 5.a. SJL-Odell Town Contract, and 6.a. Resolution authorizing electricity contract execution. *Motion by Vietti, second by Steichen to approve the revised agenda.* **MOTION CARRIED WITH ALL EYES ON VOICE VOTE.**

**APPROVAL OF MINUTES**

Chair Fannin called for approval of the January 17, 2013 minutes. Young noted that under “Agenda” it should read “Bill Flott would present the Personnel Committee report” instead of IT Committee. *Motion by Arbogast, second by Allen to approve the amended January 17, 2013meeting minutes as presented.* **MOTION CARRIED ON VOICE VOTE.**

**PRESENTATION**

None

**APPEARANCES**

**Enbridge Energy:** Jennifer Smith- Enbridge Community Relations Advisor, presented information on their terminal and tank farm north of Pontiac on Hwy 23, as well as proposed projects scheduled for the next two years. Future enhancements will be the installation of a pump station on the east side of the highway across from the main terminal on Rte. 23, and new storage tanks which will triple our storage capacity from one to three million barrels (42 gallons/barrel). Enbridge is proposing three new expansion projects: Flanagan South Pipeline stretching six hundred miles from Flanagan to the Cushing, Oklahoma terminal; the Southern Access Extension Pipeline Project will transport crude oil from Flanagan South to a major refinery hub near Patoka, IL; and the Line 78 Pipeline Project from the Flanagan Terminal near Pontiac, will extend northeast to the terminal near Griffith, Indiana. These lines will consist of 36 inch diameter pipes with a capacity of up to 750,000 barrels/day. Construction on these projects will begin on the first project (Flanagan South Pipeline Project) mid 2013 and end mid 2015 with the completion of the Southern Access and Line 78 Pipeline Projects. She invited the Board members to their Open House on February 25<sup>th</sup>, at the Pontiac Rec Center from 4-8:00 p.m. Enbridge representatives, engineers and staff will be on hand for more in depth information on each proposed project.

**CONSENT AGENDA**

**A. Approval of Bills**

**B. Appointments**

- **David Heath** – Sheriff’s Merit Commission

- **Kelly Cochran Cohlman** – Livingston County Housing Authority, term commencing January 30, 2013 – May 23, 2014 (replaces Dee Woodburn).

*Motion to approve all items on the consent agenda by Young, second by Arbogast.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Steichen, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter, Holt, Weber and Runyon

### **PUBLIC COMMENT REGARDING ACTION ITEMS**

Lawrence Necheles, an attorney who represents Livingston County as the Public Guardian. He voiced his concern over the Board resolution supporting the passage of “The Family and Personal Protection Act” (concealed carry) and asked that they table the resolution.

### **BUILDING/RENOVATION COMMITTEE**

Vice-Chair Carolyn Gerwin (in the absence of Mark Runyon) reported that the **Historic Courthouse** has a few items remaining on the punch list; are dealing with HVAC issues relating to efficient mixing of inside and outside air; reviewed options to combat the negative air pressure issue with a four-step plan presented by Daryl Bragg (HVAC Coordinator), in order to prevent heat loss through the courthouse tower and four corner towers; and reviewing with management, the musty historical documents stored in the vault. With regards to the **Law & Justice Center:** received word that the jury box modifications have been finalized; that additional signage is in production; haven’t received word back from the AG’s office regarding the outstanding ADA issues; and work to address the noise issues is ongoing. FQC reported that the project budget would be exceeding the available funds by an estimated \$30,000., due to earlier changes in scope (doesn’t include modifications currently in discussion stage). So, even though the project budget is anticipated to be exceeded, the county’s annual budget will not need to be amended as sufficient funding was included for this fiscal year.

**Construction Update** - John Eallonardo (FQC) elaborated on some of the items aforementioned. He commented that the HVAC and negative pressure issues are being handled on-site through our HVAC staff and the designers. FQC is currently collecting close-out documents, which should be wrapped up in a couple of months. He elaborated that the project budget overage has afforded the addition of a substantial amount of work outside the original scope of the project as follows: upgrading the a/c chiller style, exterior lighting, drywall and ceiling work in basement, sewer replacement on Washington Street, replacement of exterior concrete stairways, saving and renovating tin ceilings in Board Room, and the renovation of the fourteen historic doors on first floor. He explained that the added value of this additional work is estimated at about \$200,000.

### **FINANCE**

**Circuit Clerk Semi-Annual Report** – Chair Shafer reported that the committee had reviewed and approved the report. Circuit Clerk Cremer pointed out that \$349,000.00 was collected by the collection agency and is posted to the defendant’s various accounts. She also received \$46,640., from DOC for court costs and jury trials involving prison inmates. The annual total of receipts (includes child support payments) collected and distributed to the county, municipalities and state was \$7,342,723., which was \$210,000.00 more than last year’s receipts. Discussion followed on the amount of outstanding fines and fees owed the county. *Motion by Shafer, second by Bullard to approve the Circuit Clerk’s Semi-Annual Report.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Steichen, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter, Holt, Weber and Runyon

**Treasurer’s Annual Report** – Chair Shafer reported that the committee had reviewed and approved the report. Treasurer Sear explained that the report was a synopsis of the funds her office handles. She commented on the following: computed on a cash basis; includes a comparison between FY12 and FY11; general fund revenue was up slightly; expenses were up, but our ending balance was higher than the prior year; state tax revenue was up as they were catching up from prior shortfalls; \$56,968,122. was collected in calendar year 2011 for property taxes, with \$58,341,032. collected in the 2012 collector year. She reported that 25,600 tax bills are mailed each year (15% out of county and 10% out of state), with the collected taxes being distributed to about 190 taxing districts.

*Motion by Weller, second by Vietti to approve the Treasurer's Annual Report for FY2012.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Steichen, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter, Holt, Weber and Runyon

**Resolution (#2013-02-07) Increasing GIS Fee** – County Assessor Duane Kiesewetter was present to provide information on the request for increasing the GIS automation fee. The decision was made to evaluate cost numbers on recording fees, with the primary goal of attaining a revenue source which would allow for aerial fly overs every 5-6 years, thus providing updated maps. The last set was done in 2007. Three proposals were presented to the committee with their recommendation being to increase the GIS fee from \$10. to \$16.00. Of this fee, \$14.00 will go into the GIS Fund to pay for the cost of the system and \$2.00 to the Recorder's Fund which may be used to help defray the cost of implementation or maintaining the GIS system. Many other county offices, as well as GLCEDC utilize this system. Duane provided budgetary information projected over a period of years, as state law mandates that a cost study must be conducted prior to any increase. The last increase was in 2005, with the increase going from \$3.00 to \$10.00. Discussion followed. *Motion by Ingles, second by Rients to approve the Resolution increasing the GIS Automation Fee to \$16.00 effective June 1, 2013.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** Steichen **Absent:** Ritter, Holt, Weber and Runyon

**Resolution (#2013-02-08) Funding for GLCEDC** – Chair Shafer explained that they have budgeted for the GLCEDC the last few years and would need to approve the resolution authorizing the distribution of the funds for the annual 2013 dues. *Motion by Ingles, second by Wittenberg to approve the Resolution funding the GLCEDC for FY2013.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Steichen, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter, Holt, Weber and Runyon

#### **HIGHWAY COMMITTEE**

Vice-Chair Campbell (in the absence of Weber) introduced David Winters-County Highway Engineer, who reviewed items to be approved on the **Highway Consent Agenda** as follows:

- I. **Local Agency Agreement for Federal Participation:** County Highway 16, FAS 355-Flanagan-Long Point Rd, Section 10-00196-03-RS. Est. Cost = \$1,800,000. 80% STR \$1,440,000, Lump Sum State Match \$61,000, Balance Livingston County \$299,000
- II. **Local Agency Agreement for Federal Participation:** TR54, Newtown Road District, Section 11-17129-01-BR, 3235N, 800E. Est. Cost = \$300,000. 80% STP-BR 240,000, 20% Newtown Rd District and Livingston County \$60,000.
- III. **Joint Agreement:** IDOT, Odell Rd District and Livingston County. Agreement for cost share of rehabilitation of Str. No. 053-4106 over the UPRR. Est. Cost = IDOT – High Speed Rail Funds: \$373,736, Odell and Livingston County: \$226,280.50
- IV. **Bridge Petition:** Odell Rd District Section 12-18117-01-BR, Repair of structure number 053-4106 over Union Pacific Railroad. Est. Cost = \$260,000.
- V. **Engineering Agreement:** Coombe-Bloxdorf, P.C., Springfield, IL: Preliminary Engineering Agreement for design of new structure to replace S.N. 053-3060 carrying 2550N Rd over Diamond Creek. Long Point Rd District, Section 11-14111-04-BR. Coordinate location 345E, 2550N. Cost not to exceed \$28,500 for Basic Services.
- VI. **Engineering Agreement:** Farnsworth Group, Inc, Bloomington, IL: Preliminary Engineering Agreement for design of new structure to replace S.N. 053-4021 carrying 1000N Rd over Hickory Creek. Eppards Point Rd District, Section 10-08125-01-BR. Coordinate location 1595E, 1000N. Cost not to exceed \$37,130 for Basic Services.
- VII. **Audit Report:** IDOT Audit Report No. 58, Rd District MFT 01/01/2011 – 12/31/2011

*Motion by Campbell, second by Young to approve the Highway Consent agenda items.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cochran Cohlman, Steichen, Borngasser, Ingles, Rients, Campbell, Allen, Wittenberg, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter, Holt, Weber and Runyon

At this time, it was noted that because the “Resolution requesting Consent of the Department of Transportation to the Reappointment of the Incumbent as County Engineer” was inadvertently left off the agenda, no Board action could be taken as it hadn’t been posted in time. Winters explained that before the Board could reappoint the incumbent engineer, consent from IDOT must be requested. Since his current term expires in April, and in order to keep on schedule, it was suggested that this resolution be added to the February 26<sup>th</sup> County Board work session agenda.

#### **AG & ZONING**

Chair Young reported that they had a lengthy meeting with good discussion, which was detailed in the minutes.

#### **SHERIFF, JAIL & LICENSE**

Chair Borngasser reported that the Odell Town Contract was pulled from the agenda as it had not been finalized.

#### **PUBLIC PROPERTY**

Vice-Chair Gerwin (in the absence of Runyon) stated that the utility contract had been tabled and that the annual tour of the buildings will be scheduled at next month’s meeting.

#### **ELECTION, RULES & LEGISLATION**

**Resolution (#2013-02-09) Supporting the Individual Right of Citizens to Keep and Bear Firearms Outside Their Homes in Livingston County, State of Illinois - Motion by Gerwin, second by Yoder to approve the Resolution (one page) Supporting the Individual Right of Citizens to Keep and Bear Firearms Outside Their Homes in Livingston County, State of Illinois.** Discussion highlights follow. Rients questioned whether they could table the resolution since an updated one was on their desks, allowing more time to review. Gerwin noted that the resolution in the packet was based on one passed by many counties, with the second draft (on their desks) being more concise and indicating that we support the bill being co-sponsored by our Representative, Josh Harms. State’s Attorney Seth Uphoff reviewed the documents for format and grammar, but stated that it’s not his position to make policy, he should not have input as to what should be included in forms, unless it affects the rights of the county with regards to liability. He also believes that this resolution doesn’t infringe on his ability to prosecute cases in Livingston County either. He feels the Board’s decision wouldn’t set new precedence that he would have to follow. **The floor was opened for public comment with none being expressed.** The question was raised as to whether the action could be taken, as the second resolution was not given to the members nor posted 48 hours in advance. Campbell commented that the 48 hour rule pertains to the item being listed on the agenda and not the actual details. She was also proud that the Board was taking this under consideration, as it’s an opportunity for them to weigh in on an issue in Springfield. It was noted that the Board has passed resolutions in the past and have forwarded them on to the legislators in Springfield. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Steichen, Borngasser, Ingles, Campbell, Allen, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** Rients and Wittenberg **Abstain:** Cohlman **Absent:** Ritter, Holt, Weber and Runyon

#### **PERSONNEL**

Vice-Chair Ingles (in the absence of Chair Holt) reported that Linda Daniels had reviewed the department requests for the IPRF grant safety related improvements. The requests came in at \$35, 144.55, with the committee recommending approval of items totaling \$22,405.40. Implementation of the time clock system in the Regions Bank building will begin, since the Coroner and VAC have completed their move. It was also learned that Scott Koepfel had submitted his resignation as IT Specialist.

**ADMINISTRATIVE**

No report

**INFORMATION & TECHNOLOGY**

Chair Arbogast stated that they were sad to learn that Scott Koeppel had submitted his resignation and would be leaving February 25<sup>th</sup>. Koeppel had reviewed updates to the county website (budget and final renovation pictures) and was integrating the health department website into the county site. The Coroner and VAC offices were connected over the free space optic to the L&J Center, which will save money. Board members have also been reminded that they should use the county email system for their county business, as this information is considered public record, subject to the Freedom of Information Act, and must be retained.

**VETERANS**

Chair Steichen reported that they had more issues with one of the vans and were forced to purchase a new van sooner than anticipated. It was purchased locally from Heller Dodge.

**PUBLIC COMMENT**

Mark Jontry-Regional Superintendent of Schools, along with Jon Kilgore-Supt. PTHS District #90, Kevin Lipke-Supt. Pontiac District #429, and Jerry Farris-Supt. Flanagan School District presented information and distributed a handout on the 1% Schools Facility Sales Tax question slated for the April 9, 2013 ballot. This law allows voters to approve a sales tax to fund school facility needs and if passed in April would become effective January 1, 2014. The sales tax is for one cent on every dollar spent on qualifying retail purchases.

**COMMUNICATIONS/ANNOUNCEMENTS**

Clerk Masching noted that the Economic Interest forms needed to be filled out in their entirety and returned to her as soon as possible.

Carolyn Gerwin announced that the Animal Control Ordinance would be reviewed and asked that citizens contact their board members with input.

Glen Ludwig thought the Board could explore ways to send a message to our legislators of our concern that the state doesn't have a balanced budget.

**ADJOURNMENT**

*The meeting adjourned at 7:40 p.m. on motion by Vietti, second by Steichen. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.***

The next meeting is scheduled for Thursday, March 14, 2013 at 6:00 p.m., at the Historic Courthouse Board Room.

**Marty Fannin, Chairman**

Attest:

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County Clerk

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Approved