

LIVINGSTON COUNTY BOARD
MINUTES OF June 13, 2013 MEETING OF THE COUNTY BOARD

OPENING

Chairman Fannin called the meeting to order at 6:30p.m., in the County Board Room of the Historic Courthouse, 112 W. Madison, Pontiac, Illinois.

Carolyn Gerwin 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, Paul A. Ritter, Kelly Cochran Cohlman, Carl Borngasser, G. Michael Ingles, Stanley R. Weber, Earl A. Rients, Judy Campbell, Vicki Allen, William Mays, Bob Young, John L. Yoder, Carolyn Gerwin, William G. Flott, Mark Runyon, Marty Fannin, Ronald L. Kestner, William H. Peterson **Absent:** Joseph D. Steichen and Daryl N. Holt

Also Present: County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Treasurer Barbara Sear, David Winters-County Highway Engineer, Zoning Administrator Chuck Schopp, Tom Blakeman-Attorney, Randy Morgan-Public Defender, Seth Uphoff-State’s Attorney, Ramin Bohm and Sheriff Marty Meredith

AGENDA

Chair Fannin asked for approval of the consent agenda. *Motion by Shafer, second by Ritter to approve the agenda.* **MOTION CARRIED ON VOICE VOTE.**

APPROVAL OF MINUTES

Chair Fannin called for approval of the May 16, 2013 minutes. *Motion by Ritter, second by Weller to approve the May 16, 2013 minutes.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

PRESENTATION

None

APPEARANCES

The presentation by Rick Hiatt was removed as he was unable to attend the meeting.

CONSENT AGENDA

A. Approval of Bills

B. Appointments

- **Mike Haberkorn** – Livingston County Regional Planning Commission re-appointment, four year term commencing June 15, 2013 and ending June 14, 2017.
- **Skip Jones** – Emington-Campus Fire Protection District, three year term commencing first Monday of May, 2013 and ending first Monday in May, 2016.
- **Leonard Haberkorn** - Chatsworth Fire Protection District, (fill the unexpired term of John F. Haberkorn) ending first Monday of May, 2014.
- **William Endres** - Chatsworth Fire Protection District, three year term commencing first Monday of May, 2013 and ending first Monday in May, 2016.
- **William Bruer** – Pontiac Rural Fire Protection District, three year term commencing first Monday of May, 2013 and ending first Monday in May, 2016.
- **Denny Rich** – Saunemin Fire Protection District, (fill the unexpired term of Bill Carroll) ending first Monday of May, 2015.
- **Jim Woolford** – Emergency Telephone System Board (ETSB), three year term ending first Monday of May, 2016.

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

PUBLIC COMMENT REGARDING ACTION ITEMS

Terry Joiner- Mayor of Odell, presented information on the village's proposal for a deputy patrol services contract with the Sheriff's Department, for a three-year contract as well as for services for the remainder of the year. This proposal would be for 20 hours per week patrol coverage with no replacement for vacations or sick time. The contract would be effective December 1, 2013, with an approximate annual increase of 13%. Some discussion followed.

FINANCE

Resolution (#2013-06-25): Transferring Funds from Working Cash to IMRF & Social Security – Treasurer Sear explained that she is asking for the transfers as the two funds would be short for the months of June-August, until the tax distributions are complete. The money would be paid back before the end of the year. Discussion followed. *Motion by Shafer, second by Cohlman to approve the resolution authorizing a total transfer of \$345,000. from the Working Cash Fund, to the IMRF Fund for \$250,000 and to the Social Security Fund for \$95,000.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Steichen and Holt

Contract: Special Public Defender – Attorney Tom Blakeman highlighted the proposed contract as follows: two-year contract, retro to December 1, 2012; includes credit for payments made to independent contractor William Bertram from December 2012; annual salary of \$57,500; includes a cap of 72 court days which apply to misdemeanor, DUI and traffic cases (except felony traffic cases); time utilized as conflict counsel is not capped; and there is a thirty-day cancellation clause for either party. Discussion followed with the following highlights: why it was a two year rather than a one year contract; no cap for preparation of cases; 28.5 days have been utilized year-to-date of the 72 day cap; the proposed salary is a 23.4% increase, with no additional compensation; Bertram has been contracted since 2006 and hasn't had any adjustments for about 3 years; questioned why position hadn't been put out for bids; hourly rate presented at committee meeting was based off the average that Mr. Bertram had submitted per hour since the beginning of year and then averaged out for rest of year; some felt that the pay for this part-time position wasn't comparable to what a full-time Assistant State's Attorney's salary is; contract includes a clause to pay retroactively and then credit the county for amount already paid; and some questioned the reasoning for a cap and the lack of a range of hours. State's Attorney Seth Uphoff noted that the contract has been reviewed and meets normal contractual requirements. He stated that it is a part-time position and averages out to one court day a week with a twenty day cushion, if needed. He also reviewed how cases are distributed to the Public Defender and the court appointed counsel. Public Defender Randy Morgan commented that there is a lot of preparation time spent on these cases and that around 400 cases were handled last year. He also noted that Mr. Bertram has been a practicing attorney for about twenty years. *Motion by Cohlman, second by Shafer to approve the Contract for the Special Public Defender pending final verbage changes and subject to final attorney review.* Attorney Blakeman commented that the proposed agreement could be voted on with the understanding that language be included to implement the changes discussed at the committee meeting prior to the Board meeting: the 72 day cap would apply only to certain cases; the other cases would be unlimited; and the contract would be subject to final attorney review. It was also noted that the contract does not prohibit the county from going out for bids once the contract is in effect. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Campbell, Allen, Mays, Young, Yoder, Fannin, Kestner and Peterson **Nays:** Rients, Gerwin, Flott and Runyon **Absent:** Steichen and Holt

Ordinance (#2013-06-26): Prevailing Wage – Chair Shafer explained that this resolution needed to be passed annually in order to comply with state statutes. *Motion by Rients, second by Ritter to approve the Prevailing Wage Ordinance.* Discussion followed. Hartley commented that the rates are established for each

county based on information provided to the Department of Labor, once the unions settle their contracts for each county. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** Runyon **Absent:** Steichen and Holt

HIGHWAY

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

I. **Letting Results:** June 4, 2013

II. **Resolution:**

- (#2013-06-27) Appropriating \$80,000 from County Aid to Bridge Fund for Livingston County's proportionate share of a bridge on the Livingston-Grundy County line between Section 1 Nevada Twp, Livingston County and Section 36 Highland Twp, Grundy County, 2335E, 3300N, Section 13-00223-00-BR.

III. **Bridge Petition:**

- **Reading Road District** – Box culvert replacement @ 283N, 200E Rd, Section 13-23141-00-DR. Estimated Cost = \$90,000.

IV. **Engineering Agreements:**

- Coombe-Bloxdorf, Springfield, IL – Preliminary Engineering Services Agreement for the replacement of S.N. 053-3063 over West Fork Mazon River, (2335E, 3300N) Section 1 Nevada Twp, Livingston County and Section 36 Highland Twp, Grundy County, Section 13-00223-00-00-BR. Cost not to exceed \$28,500. Soil borings and right-of-way engineering to be done at consultant's schedule of chargeable rates.
- Hampton, Lenzini and Renwick, Springfield, IL – Preliminary Engineering Services Agreement for design of a box culvert replacement in Reading Rd District, 2835N, 200E Rd, Section 13-23141-00-DR. Cost not to exceed \$12,000.00. Right-of-way engineering and environmental coordination to be done at consultant's schedule of chargeable rates.

V. **Jurisdictional Transfer Agreement & Resolution (#2013-06-30):**

- Agreement to transfer jurisdiction of County Highway 14 (12th Street) to the City of Streator between Otter Creek Road and Smith-Douglass Road a distance of 1,114 feet (0.211 Miles). One-time payment of \$50,000 to City of Streator to be appropriated from County Matching Tax Fund.

VI. **Road Use Agreement & Resolution (#2013-06-29):**

- Enbridge Flanagan South Pipeline Road Use Agreement and Resolution

VII. **Quarterly Report:**

- 2nd Quarter FY13

Motion by Weber, second by Weller to combine and approve action items #1 - #7 EXCEPT #6-Road Use Agreement (Enbridge), for one roll call vote. Discussion was held on the method used to procure the engineering firms. David explained that they are required to release RFP's unless they have a current working relationship with certain firms. He explained the process to be used if the Board desires to issue RFP's for contractual services with professional corporations. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Steichen and Holt

Item VI. Enbridge Road Use Agreement & Resolution (#2013-06-29) – Winters explained that this agreement came about after holding meetings with Enbridge regarding their proposed construction of the Flanagan Pipeline South Project. This line will run from the Pontiac-Flanagan station south to Cushing, Oklahoma and will pass through eighteen miles of Livingston County property. The road use agreement was developed in a joint effort with Enbridge and the five County Engineers whose counties the pipeline would pass through. It includes a \$10,000 administrative fee, as well as posting a \$1.5 million bond. Attorney Blakeman suggested that the motion include verbage for final attorney review for insurance coverage, since the Certificate of Liability Insurance

(Exhibit B) is not anticipated to arrive for another week. Discussion followed on the need for an indemnification by Enbridge clause. *Motion by Ritter, second by Arbogast to approve action item #VI. Road Use Agreement and Resolution (Enbridge) subject to final attorney review for insurance coverage.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Steichen and Holt

AG & ZONING

Chuck Schopp reported that FEMA had declared Livingston County as a disaster area for individual assistance, from the flooding experienced from April 16-May 5. Forty-five residents registered for assistance and were awarded \$76,500. The initial assessment indicated that there were over 100 residents eligible for assistance. The deadline to apply is July 9. On June 6, the county was approved for public assistance, which will pay for 75% of the county and township expenses. He also reported that Hoosier Energy is modernizing the landfill gas conversion system and expects to be running the last quarter of 2013. Chair Young commented that the Human Services Transportation Plan Committee, of which he is a member, meets at the Historic Courthouse three to four times a year, to help procure transportation funding for Future's Unlimited. He said he has received many compliments from members of the five-county committee on how nice our Courthouse and meeting rooms are.

ELECTION, RULES & LEGISLATION

Ordinance (#2013-06-28): Directing steps be taken to Amend the County Tattoo Ordinances & Zoning Ordinance to allow Tattoo Parlors – Chair Vietti read the resolution. It was explained that the Board is not approving the change, just authorizing the State's Attorney and Zoning to draft documents to be brought back before the Board for approval. *Motion by Young, second by Arbogast to approve the resolution authorizing the State's Attorney and Zoning to prepare documents amending the Tattoo and Zoning Ordinances to conform to the law and the strategic zoning plan.* Discussion followed. It was noted that if you have a definite opinion against lifting the ban on tattoo parlors then you would vote against the resolution, as this would allow preparation work to ordinances, rescinding the ban on tattoo parlors in the county. A survey taken at a recent public forum held by a board member in Pontiac, resulted with one of thirty attendees being in favor of a tattoo parlor in Pontiac. Ramin Bohm, a tattoo artist in favor of lifting the ban would like to open a respectable, clean establishment, a business which would bring in revenue for the county. **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Allen, Mays, Young, Yoder, Flott, Fannin and Peterson **Nays:** Bullard, Rients, Campbell, Runyon and Kestner **Abstain:** Gerwin **Absent:** Steichen and Holt

Appointment: Roger Ribbke, Reddick Community Fire Protection District - Chair Vietti reported that the appointment had been deferred back to committee at the request of Joe Steichen, at the May board meeting. No other information was presented at the committee meeting as to why he shouldn't be appointed; therefore it was being brought back to the board for approval. *Motion by Vietti, second by Ingles to approve the appointment of Roger Ribbke as Trustee to the Reddick Community Fire Protection District for a three year term expiring the first Monday in May, 2016.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Allen, Mays, Young, Gerwin, Flott, Fannin and Peterson **Nays:** Bullard, Yoder, Runyon and Kestner **Present:** Campbell **Absent:** Steichen and Holt

INFORMATION & TECHNOLOGY

No report

PERSONNEL

Vice-Chair Ingles (in the absence of Chairman Holt) reported that the committee had reviewed the 457 employee contribution plan, and had decided to offer Nationwide as another option along with our current provider, Hartford. It was also decided to allow other companies providing 457 plans to come before the committee for approval.

PUBLIC PROPERTY

Chair Runyon reported that they had a good turnout for the tour of the Law & Justice Center building earlier in the day.

SHERIFF, JAIL & LICENSE

Chairman Borngasser stated that the minutes covered their discussions. Sheriff Meredith commented that he will be meeting with the State regarding the Dwight Correctional Center and will then compile information, gathered from that meeting as well as information his office has compiled, into a packet to present to everyone for their review and discussion at a future date. The Board can then decide if they want to hold a special meeting to discuss this information. Discussion took place as to the pros and cons of hiring an outside source to conduct a feasibility study on the project.

VETERANS

Vice-Chair Rients (in the absence of Chairman Steichen) stated that they are working on their 2014 budget. He explained that the Veterans Commission is comprised of the twelve VFW and one AMVET Posts. This commission proposed the budget to the VAC committee. Rients will attend the commission meeting at the end of the month to express his concerns with the budget.

ADMINISTRATIVE

No report

PUBLIC COMMENT

Glen Ludwig commented that he will be re-locating to the McLean County area and thanked the Board for helping him increase his knowledge about county government. He is going to provide the HR department with many books on leadership and collaboration in hope that it would start a lifelong learning library for county employees. He presented Chairman Fannin with a book entitled "Sacred Cows Make the Best Burgers", which deals with developing change-ready people in organizations.

Clerk Masching asked that the members review their per diem forms and report any changes to her by 10:00a.m., Friday, June 14th.

EXECUTIVE SESSION

*Motion by Runyon, second by Arbogast to move into executive session pursuant to: 5 ILCS 120/2 (c) (1) Personnel Matters and 5 ILCS 120/2 (c)(21) Semi-Annual Review of Executive Session Minutes. **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Ritter, Cohlman, Borngasser, Ingles, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Runyon, Fannin, Kestner and Peterson **Nays:** None **Absent:** Steichen and Holt*

There was a break from 8:30 until 8:35p.m. Executive Session commenced at 8:35p.m., open session resumed at 8:50 p.m.

ACTION RESULTING FROM EXECUTIVE SESSION

*Motion by Arbogast, second by Runyon to adopt the resolution restructuring the facility Management Services Department. **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.** Attorney Blakeman noted that the process would start effective tomorrow morning (Friday, June 14, 2013).*

No action was taken on the Semi-Annual Review of Executive Session Minutes, as it was removed.

COMMUNICATIONS/ANNOUNCEMENTS

None

ADJOURNMENT

The meeting adjourned at 9:55 p.m. on motion by Vietti, second by Kestner. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

The next meeting is scheduled for Thursday, July 11, 2013 at 6:00 p.m., at the Historic Courthouse Board Room.

Marty Fannin, Chairman

Attest:

Kristy A. Masching

County Clerk

July 11, 2013

Approved

Minutes Bd 06-13-13.A