

**LIVINGSTON COUNTY BOARD**  
**MINUTES OF July 11, 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.

Daryl Holt 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 (arrived at 6:05), Carl Borngasser, G. Michael Ingles, Daryl N. Holt, Stanley R. Weber (arrived at 6:05), Earl A. Rients, Judy Campbell, Vicki Allen, William Mays, Bob Young, John L. Yoder, Carolyn Gerwin, William G. Flott, Marty Fannin, Ronald L. Kestner, William H. Peterson   **Absent:** Paul Ritter and Mark Runyon

**Also Present:** County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Treasurer Barbara Sear, Clay Metcalf- Assistant County Highway Engineer, Zoning Administrator Chuck Schopp and Donnie Simmons-Public Health Dept., Environmental Health Services

**AGENDA**

Chair Fannin requested the following changes to the agenda: removal of “Jenna Smith-University of Illinois Extension and the addition of “Adam Dontz-GLCEDC” from item III. Appearances; and the deletion of “5ILCS 120/2 (c)(1) Personnel Matters from item VII. Executive Session. *Motion by Holt, second by Borngasser to approve the agenda as revised.* **MOTION CARRIED ON VOICE VOTE.**

**APPROVAL OF MINUTES**

Chair Fannin called for approval of the June 13, 2013 minutes. Carolyn Gerwin had distributed a handout to the members with corrections she was requesting, that pertained to the “Special Public Defender Contract”, under the Finance Committee Action Agenda section. A brief discussion followed on whether the minutes were verbatim or not. Clerk Masching stated that the minutes were not verbatim (due to the volume of pages the transcript method would require), but did elaborate (when she presented her semi-annual report), that she listens to the tape to prepare a summary of the minutes, utilizing verbiage presented by the speakers. *Motion by Holt, second by Arbogast to approve the June 13, 2013 minutes as presented in the packet. Chair Fannin requested a roll call vote be taken as there were some members voicing nays with the voice vote.* **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Allen, Mays, Young, Flott, Fannin and Peterson   **Nays:** Campbell, Yoder, Gerwin and Kestner   **Absent:** Ritter and Runyon

**PRESENTATION**

**Service Awards** - Chairman Fannin recognized and presented Service Awards to the following Department Heads for their service to Livingston County: Coroner Mike Burke (25 years); County Clerk Kristy Masching (30 years); and Charles “Chuck” Schopp (30 years).

**APPEARANCES**

The presentation by **Jenna Smith (University of Illinois Extension)** was removed as she was unable to attend the meeting.

**Jill Doran (Life Center for Independent Living)** appreciated the opportunity to facilitate their out-reach activities by providing information on the services and programs offered by (LIFECIL). They are a not-for-profit, non-residential organization assisting persons with disabilities to achieve and maintain independent lifestyles, servicing DeWitt, Ford, Livingston and McLean Counties since 1985. They have offices in Pontiac and Bloomington.

**Adam Dontz (Greater Livingston County Economic Development Council)** was pleased to announce that twelve participants from the Work Force Development Training Program had graduated on June 24<sup>th</sup>. The program completed on time, under budget and is delivering the results expected. Eight of the graduates are currently employed. Two other manufacturers from Pontiac have become members of the GLCEDC as a result of the work they are seeing. This program serves as a role model for other areas around the state in terms of economic development as the GLCEDC has been approached by other community colleges looking to implement this type of program.

### CONSENT AGENDA

#### **A. Approval of Bills**

#### **B. Appointments**

- **Mike Frickey** – ETSB appointment, unexpired three year term (replaces Jack Wiser) commencing July 11, 2013 - May 2014.
- **Donath English** – (**Resolution #2013-07-32**) Kempton Community Fire Protection District, three year term commencing first Monday of May, 2013 and ending first Monday in May, 2016.

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

### PUBLIC COMMENT REGARDING ACTION ITEMS

None

### FINANCE

**Resolution (#2013-07-33): Authorizing Redemption of Taxes** – Treasurer Sear was requesting the approval of a resolution for the back taxes on a mobile home (Lot 107 Creek Ridge 05-05-200-107). She explained that the mobile home park would like to take title to the home, but since the time frame for allowing the redemption had expired and the trustee for the county had already started the process for obtaining title to the home, county board approval was needed. *Motion by Weber, second by Shafer to approve the resolution authorizing the redemption of taxes for a mobile home.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter and Runyon

**County Clerk: Semi-Annual Report** – Clerk Masching gave a brief overview of the tax redemption process. She explained that the money received is from delinquent taxpayer's redeeming or repaying the unpaid taxes, as well as accrued interest and fees on their property sold at the tax sale. The disbursements are payments made to the tax buyers for the amount of the taxes paid as well as a service fee (% of tax bid at tax sale). She also reported that with regards to other fees collected in her office, \$35,633.00 of \$306,000.00 collected, was submitted to the State. *Motion by Shafer, second by Arbogast to approve the County Clerk's Semi-Annual Report.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter and Runyon

### HIGHWAY

Chair Weber introduced Clay Metcalf-Assistant County Highway Engineer, who reviewed **County Board Action Items** as follows:

#### **I. Resolutions:**

- **Resolution (#2013-07-34)** appropriating \$200,000 from County Matching Tax Fund for 2013 Seal Coat Maintenance, Section 13-00000-00-GM.

- **Resolution (#2013-07-35)** Supplemental resolution appropriating the additional sum of \$50,000 from County Matching Tax for replacement of Structure No. 053-3415 carrying CH 6 over Indian Creek, Section 08-00145-05-BR.
- **Resolution (#2013-07-36)** Supplemental resolution appropriating the additional sum of \$30,000 from County Matching Tax for resurfacing CH 16 from IL Rte. 116 to the Long Point Spur, Section 10-00196-03-RS.

*Motion by Young, second by Steichen to approve County Board Action items #1 - #3, with one roll call vote.*

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

### AG & ZONING

**Ordinance (#2013-07-37): Zoning Case SF-1-13 Lydigsen Subdivision** – Chuck Schopp-Zoning Administrator reported that this property development proposal is seeking approval of a final plat for a two lot subdivision, located on a 1.5 acre tract on the southeast edge of Dwight. The north and west boundaries of this property are contiguous with the Village of Dwight. The current owner would like to sell the two storage buildings located on the property, retain the farmland and continue farming. The owner has approached both the village as well as the county with this subdivision proposal. Chuck noted that villages have the authority to approve these subdivisions as long as they have subdivision ordinances and planning commissions and the proposed subdivisions are within 1.5 miles of the village’s corporate limits. Based upon a history of past practices with Dwight, the most restrictive requirements were met on both sides. At their June meeting, the Regional Planning Commission approved to have this presented to the Board. The Zoning Board of Appeals reviewed and approved the lot width variances. The Ag & Zoning Committee is recommending that this case should be denied as they feel this subdivision should be administered by the Village of Dwight, since it’s contiguous with Dwight and within the 1.5 miles of the corporate limits. Discussion followed on the information presented by Chuck. Some members felt that the county would be overstepping their authority and that Dwight should be administering this proposal. It was noted that the owner could rent the buildings, thus eliminating the need for the subdivision proposal.

*Motion by Holt, second by Ingles to deny the subdivision request and recommend that this subdivision proposal be administered by the Village of Dwight.* It was noted that a “yes” vote would concur with the A&Z committee’s recommendation to deny the subdivision request and that the proposed subdivision be administered by the Village of Dwight. **MOTION CARRIED ON VOICE VOTE WITH ONE NAY (Campbell).**

**Ordinance (#2013-07-38): Zoning Case SF-2-13 Schmidt Subdivision** – Chuck explained that this property development proposal is seeking approval of a final plat of subdivision, located on a 5.09 acre tract of land on the west edge of the unincorporated area of Rowe (south of the Livingston County Humane Society). The current property owner has two storage sheds on the site, one of which he would like to sell on a parcel of land as a separate tract. Since the site is in an area zoned as AG (Agriculture District), the lot size needs to be at least 1.5 acres. The Planning Commission recommended that the plat be revised to reflect the correct lot size of 1.5 acres. The revised plat was included in the member’s packets. The Regional Planning Commission held a public hearing on June 3, with no one in attendance objecting to the proposal. Since there are two lots less than five acres, there is a need to create a subdivision for the proposed development. The A&Z Committee has recommended approval of this zoning case, with a condition regarding an existing well and septic system located on the property. The anticipated use of the shed is for storage. *Motion by Young, second by Rients to approve Zoning Case SF-2-13 Schmidt Subdivision.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

Chuck also mentioned that individuals have until July 24<sup>th</sup> to apply for **federal assistance (FEMA)** for damages incurred from the April floods. The **Landfill Open House** is scheduled for Friday, August 23 from 11 am to 1:30 pm. Gerwin requested that more details be included in the A&Z minutes regarding discussions and that reports referred to be scanned and included in the packets. It was noted that the Ag & Zoning meetings are held the first Tuesday of committee week, at 6:00 p.m., for those members wishing to receive all of the pertinent information discussed at the meetings.

### ELECTION, RULES & LEGISLATION

**Resolution (#2013-07-39): Amending the Livingston County Food Ordinance** – Chair Vietti reported that MaLinda Hillman and Donnie Simmons requested the two amendments to Section 22 of the food ordinance. One change is that all fines or orders must be addressed before a food permit is renewed and the other change has to do with the variance process. Donnie Simmons (Public Health-Environmental Health) entertained questions from the Board. He stated that Section 22-70 (Variances) establishes criteria and a process for the granting of variances. The need to amend the variance code came about as they received more unique requests from people wanting to do things with food to make an extra dollar, which didn't fit into what the code would allow. *Motion by Vietti, second by Ingles to approve the amendments to the Livingston County Food Ordinance.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Bullard, Shafer, Arbogast, Weller, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter and Runyon

**Resolution (#2013-07-40): Amending the Appointments to the Recreation Ad-Hoc Committee** – Chair Vietti reported that the committee had received a request to restructure the committee and reduce the number of standing members to seven and ex-officio members to five, as they were having difficulty reaching a quorum. *Motion by Vietti, second by Arbogast to approve the resolution for re-appointment of members to the Livingston County Recreation Committee.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

### SHERIFF, JAIL & LICENSE

**2014 Holiday Schedule** - *Motion by Borngasser, second by Campbell to approve the 2014 Holiday Schedule.* **MOTION CARRIED UNANIMOUSLY ON VOICE VOTE.**

### INFORMATION & TECHNOLOGY

No report

### PERSONNEL

Chair Holt thanked MaLinda Hillman for setting up an employee meeting with Steve Tock, the Hartford 457 plan representative. A Nationwide 457 plan representative will make a presentation at the Employee Rep meeting on August 7 at 8:30 a.m. He also thanked the ad-hoc committee and reported that their recommendations for improving efficiencies and cost cutting measures would be presented to the Personnel Committee in August. Members comprising the ad-hoc committee are: Mike Ingles, Bill Flott, Linda Daniels, MaLinda Hillman and Kristy Masching.

### PUBLIC PROPERTY

Vice-Chair Gerwin (in the absence of Runyon) reported the following. Terry Taylor is the head of the Maintenance Department. Noise problems are still being experienced at the L&J Center. Consent was given to Chairman Fannin to contact an outside acoustical engineer, for a second opinion. The HVAC system experienced a shut-down as the result of a closed valve which did not register on the computer system. Johnson Controls was called in, did a make-shift repair and recommended re-commissioning the system at an estimated cost of \$3,500. Their service call totaled about \$2,700. The committee authorized the additional work be done as needed on a time and material basis. The work is scheduled for July 23-25. She invited everyone to attend the Highway Tour, scheduled for Thursday, August 15 at 4:00 p.m.

### VETERANS

Chair Steichen reported that they had lively committee, commission and public participation at their meeting, with the budget being the top priority. The committee made the recommendation to send the budget back to the commission to be re-adjusted.

### ADMINISTRATIVE

No report

**PUBLIC COMMENT**

None

**EXECUTIVE SESSION**

*Motion by Kestner, second by Holt to move into executive session pursuant to: 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, Cohlman, Steichen, Borngasser, Ingles, Holt, Weber, Rients, Campbell, Allen, Mays, Young, Yoder, Gerwin, Flott, Fannin, Kestner and Peterson **Nays:** None **Absent:** Ritter and Runyon*

There was a break from 7:05 until 7:10p.m. Executive Session commenced at 7:10 p.m., open session resumed at 7:22 p.m.

**ACTION RESULTING FROM EXECUTIVE SESSION**

**5 ILCS 120/2 (c)(21) – Semi-Annual Review of Executive Session Minutes:** The Board reviewed minutes from: 11-15-12, 04-11-13 and 06-13-13.

*Motion by Weller, second by Steichen to:*

- *approve executive session minutes for content & open: 11-15-12, 06-13-13*
- *approve executive session minutes for content & close: 04-11-13*
- *open previously approved executive session minutes: none*
- *keep closed the following previously approved executive session minutes: none*

**MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

No action was taken on 5 ILCS 120/2 (c) (1) Personnel Matters as it was removed from the agenda.

**COMMUNICATIONS/ANNOUNCEMENTS**

None

**ADJOURNMENT**

*The meeting adjourned at 7:25 p.m. on motion by Vietti, second by Holt. **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.***

The next meeting is scheduled for Thursday, August 15, 2013 at 6:00 p.m., at the Historic Courthouse Board Room.

**Marty Fannin, Chairman**

Attest:

Kristy A. Masching  
County Clerk

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Approved