

Proceedings of the Ogle County Board Meeting  
June 17, 2008

State of Illinois )  
County of Ogle ) ss  
City of Oregon )

**Call to Order**

Vice-Chairman Hopkins calls the meeting to order at 5:30 p.m.

**Roll Call**

The roll call shows Rice is absent. The invocation is given by Stahl and this is followed with the Pledge of Allegiance to the Flag.

**Amend Agenda**

Williams moves to have the County Board Meeting Agenda Amended to allow Public Comments regarding the proposed Referendum to be heard after the presentation portion of the meeting. Barnes seconds. Vice-Chairman Hopkins states there will be no public comment allowed on an upcoming Zoning Issues. The motion carries on a voice vote.

**Announcement**

Huntley would like to thank Jeff Leone of WRHL Radio for representing the board on the radio and Jeff has been in the radio business for 25 years. The members of the board congratulate Jeff on this milestone.

**Approval of Minutes**

Vice-Chairman Hopkins asks for a motion to approve the May 20, 2008, Ogle County Board minutes. Swanson moves to approve the May 20, 2008, Ogle County Board minutes. White seconds and the motion carries on a voice vote.

**Approval of Reports**

Kenney moves to accept and place on file the monthly reports of the Treasurer and Circuit Clerk and monthly and six-month reports of the Ogle County Clerk/Recorder. White seconds and the motion carries on a voice vote.(Placed on file)

**Presentation – Bob Kartheiser of Exelon – Byron Nuclear Power Station**

Bob Kartheiser is introduced to the board and speaks to the board regarding the upcoming tour of the Byron Facility. Kartheiser states they are embarking on a major project at the facility and would like to share this information with government officials. There are several security procedures which need to be followed and that information has been provided to County Administrator Mielke.

**Presentation – Vicky Broos – University of Illinois Extension Office in Oregon**

Vicki Broos from the University of Illinois Extension Office would like to recognize Jim Barnes, Ron Colson and Rich Gronewold for their achievement of Professional Development. They have completed the Certified County Official Program which is a voluntary program available to all elected officials. Barnes, Colson and Gronewold are presented with a certificate and pin for completion of the program.

**Public Comments –**

Vice-Chairman Hopkins will allow Public Comments to be made at this time and there will be a limit of 2 minutes per person to speak regarding the Courthouse remodeling project.

John McLane states he is here tonight hoping the County Board will change their mind regarding the two story courtroom. McLane states he addressed the members of the Long Range Planning Committee last week and he would like all the board members to hear what he has to say. He talks about the newspaper article regarding where a past County Board Member commented on the structural issue on the North wall and the third floor. McLane called the architect who was in charge of the 1983 remodeling project and he did not recall any structural issue. McLane also

talked to our current architect and he is not aware of any structural issues either. McLane also talks about the press release from Kim Stahl and Ed Rice regarding the Courthouse remodel.

Vice-Chairman Hopkins states McLane has used 2.5 minutes and will allow for more comments from the other members of the public at this time.

Russ Martin says the County Board has already voted on this issue and it is time to move on with the project.

Otto Dick would also like to see a two story courtroom renovation and would like to have a countywide referendum on the ballot.

Roslyn Wakeham would also like to see a referendum on the ballot and allow the people of Ogle County to vote on the issue.

Pat Saunders says at her place of business she and her husband have been asking customers how they feel about the courthouse remodel. Most of the customers have said with the state of the economy we shouldn't be spending any money at this time. Saunders states there was one person out of about 30 people who would like to see a two-story courtroom. Saunders asks County Clerk Huntley what the additional cost would be to add a referendum to the ballot. County Clerk Huntley states since the next election will be a General Election and the referendum will be countywide there would not be an additional cost for ballot styles; just additional cost for the publication of the referendum.

Bonnie O'Connell supports the renovation of a two-story courtroom and placement of the referendum on the ballot in November.

Max Baumgardner would like the County Board to reconsider their decision - restore the courthouse and put the referendum on the ballot.

Don Conn says there has been a lot time and energy which has been put forth to make the decision which has been made by the board. Conn states if the people want a referendum that the citizens should collect signatures to put it on the ballot. It is not up to the County Board to put this on the ballot and it should be a citizen's initiative.

Bonnie Hendrickson states in her historical research the people of Ogle County have always been proud of the courthouse. She would like to see a two-story renovation on the courtroom.

Vice-Chairman Hopkins asks for more comments at this time – there being none we will continue with regular business.

#### **Vacancies -**

Vice-Chairman Hopkins announces the following vacancies:

- Board of Health – 2 vacancies (1 applicant is required to be a Dentist)

Application deadline for vacancies will be Monday, June 30, 2008 at 4:30 p.m. in the Ogle County Clerk's Office

#### **Appointment – Resolution 2008-6001**

##### Byron Museum District

Vice-Chairman Hopkins states Harry F. Adams, Sr has been recommended for appointment to the Byron Museum District for term ending June 30, 2013. Swanson moves to approve the appointment, Bauer seconds and the motion carries on a voice vote.(Placed on file)

### **Appointment – Resolution 2008-6002**

#### 9-1-1 ETS Board

Vice-Chairman Hopkins states Sandra G. Beitel has been recommended for appointment to the 9-1-1 ETS Board for a term ending June 30, 2012. Bowers moves to approve the appointment, Huntley seconds. White asks if this appointment would be a conflict of interest. Vice-Chairman Hopkins turns this question over to the State's Attorney Ben Roe. Roe states he was asked this question at the beginning of the meeting and cannot make a legal opinion at this time. Roe does not know of any conflict regarding this appointment. Horner states the professionals on this board are from fire departments, dispatchers and work in the field. Messer states there is one spot in which the Sheriff is to serve on and this is a representative from the Sheriff's Department and this appointment fulfills that requirement. The motion carries on a voice vote.(Placed on file)

### **Appointment – Resolution 2008-6003**

#### 9-1-1 ETS Board

Vice-Chairman Hopkins states Robert J. Brass has been recommended for appointment to the 9-1-1 ETS Board for a term ending June 30, 2012. Swanson moves to approve the appointment, Bauer seconds and the motion carries on a voice vote.(Placed on file)

### **Appointment – Resolution 2008-6009**

#### 9-1-1 ETS Board

Vice-Chairman Hopkins states Brian D. Kunce has been recommended for appointment to the 9-1-1 ETS Board for a term ending June 30, 2012. Bowers moves to approve the appointment, Gouker seconds and the motion carries on a voice vote.(Placed on file)

### **Appointment – Resolution 2008-6010**

#### 9-1-1 ETS Board

Vice-Chairman Hopkins states C. Richard Smith has been recommended for appointment to the 9-1-1 ETS Board for a term ending June 30, 2012. Horner moves to approve the appointment, Boes seconds and the motion carries on a voice vote.(Placed on file)

### **Appointment – Resolution 2008-6011**

#### Board of Review

Vice-Chairman Hopkins states Paul I. Lower (D) has been recommended for appointment to the Board of Review for a term ending May 31, 2010. Colbert moves to approve the appointment, Kenney seconds. Colson states this appointment did not follow proper procedure and needs to be sent back to the Planning, Assessment & Zoning Committee. Vice-Chairman Hopkins states this was discussed at the committee and since the only applicant was the incumbent he is being recommended for re-appointment. Mielke states according to Jim Harrison this appointment term began June 1st and Harrison speaks highly of Mr. Lower and would like to see him re-appointed to the Board of Review. The motion carries on a voice vote.(Placed on file)

### **Zoning – #2-08 AMENDMENT -- Dan Luepkes – Ordinance 2008-6004**

The clerk reads the petition of Dan Luepkes, 1132 S. Marsh Rd., Chana, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural District on property described as follows and owned by the petitioner:

Part of the SW1/4 NE1/4 Section 22 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 13.70 acres, more or less  
Property Identification Number: 16-22-400-005  
Common Location: 3200 Block of S. Lowden Rd.

Heuer moves to approve #2-08 Amendment for Dan Luepkes, Messer seconds. Barnes would like to have it noted in the minutes that the Planning Commission and Zoning Board of Appeals both denied this request. Colbert says 3 or 4 standards were not met. Vice-Chairman Hopkins stated the committee felt those standards were met. Huntley will be voting no on this issue – he has a subdivision out there and there has been no activity. Boes comments it is hard to find people to fill vacancies on the Planning Commission and Zoning Board of Appeals because the

County Board tends to override the decisions these committee's recommend to the County Board. A roll call vote is called:

**YES:** Messer, Stahl, Swanson, Bauer, Bowers, Brooks, Diehl, Heuer, Hopkins, Horner and Kenney

**NO:** Nye, Scholl, White, Williams, Barnes, Boes, Colbert, Colson, Gouker, Gronewold, Huntley and Kilker

**ABSENT:** Rice

The motion is defeated. (Placed on file)

**Zoning - #2-08 SPECIAL USE - George D. Hughes & Mike & Letha Hughes – Ordinance 2008-6003**

The clerk presents the petition of George D. Hughes, 477 S. Daysville Rd., Oregon, IL and Mike & Letha Hughes, 204 S. Hannah Ave., Mt. Morris, IL for a Special Use permit to allow a dwelling for the son of the farm owner to be constructed in the AG-1 Agricultural District on property described as follows, owned by George D. Hughes and being purchased by Mike & Letha Hughes:

Part of the SW1/4 SW1/4 Section 25 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 2.0 acres, more or less  
Property Identification Number: Part of 16-25-300-007  
Common Location: 2100 Block of E. Lighthouse Rd.

Heuer moves to concur with the Planning, Assessment and Zoning Committee and the Zoning Board of Appeals and approve #2-08 Special Use for George D. Hughes and Mike & Letha Hughes. Boes seconds. Vice-Chairman Hopkins adds this 2 acres of land can produce more than the 13 acres of land which was previously defeated. Bauer comments the LESA score is higher on this property and speaks about the standards which need to be met. The motion carries on a voice vote.(Placed on file)

**Zoning - #3-08 SPECIAL USE - Berneice Maxwell & Janet Cunningham – Ordinance 2008-6005**

The clerk presents the petition of Berneice Maxwell, 1326 N. Greenview, Rockford, IL and Janet Cunningham, 7968 W. Townline Rd., Leaf River, IL for a Special Use Permit in the AG-1 Agricultural District to allow a single-family dwelling to be constructed for the daughter of the farm owner on property described as follows, owned by Berneice Maxwell and being purchased by Janet Cunningham:

Part of the NW1/4 NW1/4 Section 27 Leaf River Township 25N, R9E of the 4th P.M., Ogle County, IL, 4.02 acres, more or less  
Property Identification Number: Part of 03-27-100-001  
Common Location: 8813 N. Mulberry Rd.

Heuer moves to concur with the Planning, Assessment and Zoning Committee and the Zoning Board of Appeals and approve #3-08 Special Use for Berneice Maxwell & Janet Cunningham. Diehl seconds and the motion carries on a voice vote.(Placed on file)

**Zoning – FINAL PLAT - “EAGLE RESERVE SUBDIVISION - PLAT ONE” - Ordinance 2008-6001**

The clerk presents the Final Plat for “EAGLE RESERVE SUBDIVISION - PLAT ONE” - Sections 20, 21, 28 & 29, Rockvale Township – Owner/Developer: Aarvig Development, LLC and Jahn Real Estate LLC – Authorized Agent & Surveyor David Aarvig & Design Resources, Inc. Heuer moves to approve subject to all staff comments being satisfactorily addressed – Final Plat for Eagle Reserve Subdivision Plat One. Messer seconds and the motion carries on a voice vote.(Placed on file)

**Zoning – Final Plat – Goldie Acres – Ordinance 2008-6002**

The clerk presents the Final Plat for “GOLDIE ACRES” - Section 07, Flag Township – Owner/Developer: Douglas & Gayla Creason, 9886 E. Fowler Rd., Rochelle, IL – Authorized Agent & Surveyor: Wandler Engineering Services, Inc.. Heuer moves to approve subject to all staff comments being satisfactorily addressed – Final Plat for Goldie Acres. Horner seconds and the motion carries on a voice vote.(Placed on file)

**Zoning – Scott Twp Long Range Comprehensive Plan – Resolution 2008-6005**

Vice-Chairman Hopkins presents the Resolution regarding the Scott Township Long Range Comprehensive Plan which was included in the County Board packets. Heuer moves to approve the Scott Township Long Range Comprehensive Plan – Resolution 2008-6005. Barnes seconds and the motion carries on a voice vote.(Placed on file)

**Zoning – Ogle County Amendatory Comprehensive Plan “2K8 Update” – Resolution 2008-6004**

Vice-Chairman Hopkins presents the Resolution regarding the Ogle County Amendatory Comprehensive Plan “2K8 Update” which was included in the County Board packets. Heuer moves to approve the Ogle County Amendatory Comprehensive Plan “2K8 Update”. White seconds and the motion carries on a voice vote.(Placed on file)

**Claims**

The clerk reads the claims:

- Payments in Vacation – May 2008 - \$103,238.54
- County Board Payments - June 2008 - \$82,969.45
- County Highway Fund - \$127,714.34

Boes moves to approve the claims as read, Huntley seconds and the motion carries on a voice vote.(Placed on file)

**COMMITTEE REPORTS**

The following committee minutes have been placed on exhibit: 911 ETS Board, Blackhawk Hills RC&D, Executive and State’s Attorney, Finance and Insurance, GIS Committee, HEW & Solid Waste, Ill Assoc of Co Bd Members, Juvenile & Probation/Judiciary & Circuit Clerk, LRP- Courthouse Renovations, Mental Health Board, Personnel & Salary - County Clerk, Regional Planning Commission, Planning & Zoning – Supervisor of Assessments, Road & Bridge, Sheriff & Coroner/Buildings & Grounds/IT Committee and Tri-County Opportunities.

The following committees had no minutes to file: Board of Health, Byron Dragway, Land-Use Task Force, LRP –Emergency Operations Center, Liquor Commission, Safety Committee and UCCI/ICRMT.

**HEW & Solid Waste** Minutes placed on exhibit

Ordinance 2008-7001 Vice-Chairman Hopkins presents the “An Ordinance Authorizing Administrative Adjudication of Ordinance Violations” to the board. Bauer says this Ordinance is being recommended by the HEW Committee and states any Ordinance violations pertaining to Zoning, Animal Control, Solid Waste and Health Department will have another avenue to go through instead of going through the court system. This will be an appointed individual who will serve as a Hearing Officer to determine what should be done if there is an unresolved case. This is being presented tonight and to be voted on at next month’s meeting. Kenney asks if this will address some of the other issues in the county such as junk, etc.... Colson states in the Supervisor of Assessments & Planning & Zoning Committee minutes there was a change made regarding the Hearing Officer to report to the County Administrator and it should be the Executive Committee. This change was not made in the document presented this evening. Vice-Chairman Hopkins states this will get amended in the committee and taken care of before the next meeting. White asks if this will be another vehicle for the municipalities to use for the same type of Ordinance Violations? Mike Reibel states this could be a possibility if an Intergovernmental Agreement could be reached.

Resolution 2008-6006 Bauer moves to approve Resolution 2008-6006 and states this resolution is for the Solid Waste Enforcement Grant is approved by the County Board on an annual basis. White seconds and the motion carries on a voice vote.(Placed on file)

**Executive** Minutes placed on exhibit

Resolution 2008-6007 Horner makes the motion to approve Resolution 2008-6007 to authorize payment of Long Range Planning Invoices for a total of \$8,627.14. Stahl seconds and the motion carries on a voice vote.(Placed on file)

Resolution 2008-6012 Sheriff Beitel states this resolution is to approve the purchase of pre-owned high density storage to be used by the Sheriff's Department, County Clerk & Recorder and Treasurer. There is a payment of \$12,000 to paid out of this years budget with the remaining to be paid in FY2009 out of the Long Range Planning Fund. Gouker states he will not be voting for this issue – according to the minutes of the Buildings & Grounds. They have authorized payment from their fund. Gouker states every month something new is paid from this fund and it is not being used for the correct intention and he will be voting no on this issue. A roll call vote is called:

**YES:** Nye, Scholl, Stahl, Swanson, Bauer, Bowers, Colbert, Diehl, Hopkins, Horner, Huntley, Kenney and Messer

**NO:** White, Williams, Barnes, Boes, Brooks, Colson, Gouker, Gronewold, Heuer and Kilker

**ABSENT:** Rice

The motion carries.(Placed on file)

**Courthouse Renovations** Minutes placed on exhibit

Resolution 2008-6008 Williams makes the motion to amend the language on his motion and the question for the Referendum made at the last County Board meeting. The motion should read:

Whereas the County Board is determined to renovate it's 1891 courthouse building;

Whereas the County Board determined the 1980's renovation of the courthouse, where a floor was added splitting the original courtroom be left in place;

Whereas present discussions by the Ogle County Board pertaining to restoring the original two-story courtroom;

Whereas being an elected body, it is important for the County Board to clearly understand the opinion of all of it's constituents on a matter that will affect future generations;

Therefore, be it resolved that an Advisory Referendum will be upheld during the next General Election on the first Tuesday of November 2008 with the following questions – "Renovation to include removal of a portion of the ~~second~~ floor thus restoring the original condition of the courtroom or renovate the courthouse without removing the ~~second~~ floor".

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Williams also amends the referendum language with the following question for the Referendum:

“Shall the Ogle County Courthouse, originally built in 1891, be restored in such a manner as such restoration shall include removal of a portion of the third floor, thus restoring the second story courtroom to ~~it's~~ *its* original height?”

Kilker states “it’s” is incorrect and wants to have “it’s” struck and change to “its”. Barnes seconds and the amendment carries on a voice vote.

Vice-Chairman Hopkins asks if there is any discussion on Resolution 2008-6008 as amended. White feels the two-story courtroom would be excessive, but since there are other constituents who would like to have the two-story courtroom restored; he will be voting yes on this issue. Kenney states he has read each and every letter he received and letters to the editor. However, at no time did he consider this a restoration project, it has been considered as a remodeling project. This is a functional working facility and remodeling of the facility will enhance the ability of the employees who are currently housed here in the courthouse. Kenney states he will be voting no on this. Williams asks for a roll call vote. Colson comments on historic government buildings and their architecture and preserving history of the building. Gouker comments the question before us is not just the courtroom restoration as it is the County Board members willing to listen to the public. Why not ask the voters what they think. Horner states the voters have put us in this position and that is why we were elected. If you can get 50 people to attend every meeting and voice an opinion – we can listen to them but we do not have to do what they are asking. Horner sites the loss of revenue from the INS Jail a couple of years ago, people came to the meeting and we voted it down. He also cites the Monroe Center Quarry issue and the people came here and we went with the people and our decision was reversed. We wanted to build the new courthouse outside of Oregon and people from Oregon came to say the City of Oregon would dry up if the courthouse were not in the downtown area. We built the new courthouse across the street; we still should have built it out of town. Stahl agrees with Horner and says we were elected to make the difficult decisions and not every decision is easy. Stahl thinks this is the most logical answer for this building, the public and employees. Gouker states we were also elected to listen to the people when they speak up and show up at meetings. Vice-Chairman states he has talked to several people and back when the floor was installed; no one talked about how glorious the courtroom was at the time of the remodel. Vice-Chairman Hopkins states we are trying to reach a happy medium with the partial restoration of the ceiling, windows and protect the outside to look of the courthouse. Vice-Chairman Hopkins states we are trying to make this a safe workplace for the current employees without drop cords. We are trying to provide good working office space for the employees and not a museum. Bauer states his generation will pay the price if we run out of space too soon, take the floor out of this building and we move the offices to the Pines Road Annex. Then there is no place to expand to in the future. We have eliminated everything we have put together with the Long Range Planning. Bauer

says 8 years ago the space needs study was to convert this area into office space. By doing this we don't eliminate the future of someday restoring the building the way it was in 1890, but removing the floor now is premature. Colbert says in her opinion the county needs a jail before the remodeling of the courthouse. Brooks says we should allow the advisory referendum to be placed on the ballot and get all of the information out to the public. Kilker recalls her childhood visits to the courthouse with her grandmother before the courthouse remodel. Kilker will support a referendum on the November ballot. Boes has also received and read every letter from the public and appreciates the concerns of the people. Boes states although he may not agree with the letters he has received, he has not seen an overwhelming majority of people in his district to remove the floor. Boes believes as a person elected to public office, the public does have a right to voice their opinion. Bauer states historical recollection is all a perception of who you are; when the courthouse was remodeled he was 3 years old. His recollection of the historical Ogle County Courthouse is how it sits right now. So should we revamp the courthouse to what he feels is historic when he first came here at the age of 5. Brooks wants to know how far do we take the restoration; where are all the old wooden benches, rails and council tables that he remembers. Does anyone know where these items are located and how far do we go to restore this courtroom? A roll call vote is called:

**YES:** White, Williams, Barnes, Boes, Brooks, Colson, Gouker, Heuer, Kilker and Messer

**NO:** Scholl, Stahl, Swanson, Bauer, Bowers, Colbert, Diehl, Gronewold, Hopkins, Horner, Huntley, Kenney and Nye

**ABSENT:** Rice

The motion is defeated.(Placed on file)

Update Stahl states the schematic design phase should be completed by the end of July. There was discussion to incorporate the use of the curved oak pews from the Washington Grove Church. The next meeting will be held on July 17, 2008 at 9:00 a.m.

**Vice-Chairman's Comments –**

Vice-Chairman Hopkins thanks everyone for attending the meeting tonight.

**Administrator Comments –**

Mielke states the Rural Transportation Group continues to meet and updates the board on the meetings of the various committees.

Mielke also states anyone who wants to car-pool to the Byron Plant tour can meet at the courthouse at 12:30 p.m.

Mielke informs the board he will be on vacation the week of June 30<sup>th</sup>.

**Unfinished Business –**

Kenney states the employees of Ogle County will be offered the opportunity to participate in the AFLAC program.

Kenney updates the board regarding the wage survey – we hope to have results in late June or early July.

Heuer reminds the board regarding the UCCI Seminar which was included in the County Board packets.

**New Business –**

**Communications -**

- Sales Tax for March 2008 was \$34,929.95 and \$73,229.56
- Sales Tax for March 2007 was \$32,613.67 and \$67,736.07
- Letter from Sherry Mensching regarding Lynn-Scott-Rock FPD & Rochelle Community Hospital

**Closed Session –**

At 6:52 p.m., Vice-Chairman Hopkins states the County Board will enter into Closed Session to discuss Imminent or Probable Litigation of Byron Nuclear Power Assessment (5 ILCS 120/2 (c) (11). Colson moves to approve and go into Closed Session, Kenney seconds and a roll call vote is taken:

**YES:** Stahl, Swanson, White, Williams, Barnes, Bauer, Boes, Bowers, Brooks, Colbert, Colson, Diehl, Gouker, Gronewold, Heuer, Hopkins, Horner, Huntley, Kenney, Kilker, Messer, Nye and Scholl

**NO:** None

**ABSENT:** Rice

The motion carries.

**Open Session –**

At 8:15 p.m., the County Board returns to Open Session.

**Motion to Adjourn**

At, 8:15 p.m., Nye makes the motion to adjourn the June Ogle County Board meeting until July 15, 2008 at 5:30 p.m.. Kenney seconds and the motion carries on a voice vote.

W. Ed Rice  
Chairman Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &  
Ex-officio Clerk of the Ogle County Board