

Proceedings of the Ogle County Board Meeting  
May 15, 2012

State of Illinois )  
County of Ogle ) ss

**Call to Order**

Chairman Barnes calls the Ogle County Board Meeting to order at 5:33 p.m.

**Roll Call**

The roll call shows member Messer is absent. The Invocation is given by Horner and followed with the Pledge of Allegiance.

**Approval of Minutes**

Chairman Barnes asks for a motion to approve the April 17, 2012, County Board Meeting minutes. Kenney moves to approve, Janes seconds and the motion carries on a voice vote.

**Approval of Reports**

Chairman Barnes asks for a motion to accept the monthly report of the Ogle County Clerk & Recorder, Treasurer, and Circuit Clerk. Kilker moves to accept the reports as filed, De Arvil seconds and the motion carries on a voice vote.(Placed on file)

**Presentation – Greg Martin – Focus House Employee Recognition**

Greg Martin recognizes Tracy Elder 10 years of service, Samantha Buss, 9 years of service and Mike Dale, 12 years of service at Focus House.

**Appointment – Board of Health – R-2012-0501**

Chairman Barnes announces the recommendation of Daniel R. Watson to the Board of Health for a term which ends November 30, 2015. Bowers moves to approve R-2012-0501, Colbert seconds and the motion carries on a voice vote. (Placed on file)

**Appointment - Lynn-Scott-Rock Fire Protection District – R-2012-0502**

Chairman Barnes announces the recommendation of Gerald L. Strohman to the Lynn-Scott-Rock Fire Protection District for a term which ends April 30, 2015. Kilker moves to approve R-2012-0502, Kenney seconds and the motion carries on a voice vote. (Placed on file)

**Appointment - Board of Review (Democrat Applicant) – postponed**

**Appointment - Civic Center Authority Board – postponed**

**Appointment - Zoning Board of Appeals – Regular Member – R-2012-0503**

Chairman Barnes announces the recommendation of Mark L. Hayes as a Regular Member of the Zoning Board of Appeals for a term which expires April 30, 2017. De Arvil moves to approve R-2012-0503, Williams seconds. Hopkins believes we need to find unbiased people in Ogle County regarding windmill cases; I cannot support this appointment. Saunders cannot support the appointment due to the comments from Mr. Hayes in the WECS Amendment minutes and we all received letters from him as County Board members. A roll call vote is called:

YES: Nye, Simms, Welty, Williams, Baumgardner, Boes, De Arvil, Gouker, Janes and Barnes

NO: Kilker, Saunders, Stahl, White, Bauer, Bowers, Colbert, Finfrock, Gronewold, Heuer, Hopkins, Horner and Kenney

ABSENT: Messer

The motion is defeated on a roll call vote. (Placed on file)

Hopkins recommends to open this vacancy up to new applicants. Chairman Barnes states he will recommend this to be returned to the committee. Gouker would like to see the Alternate member be placed as the regular member on the Zoning Board of Appeals. Chairman Barnes will send this back to the committee and have the committee make the recommendation to the board. Welty opposes opening the vacancy to new applicants; we should choose from the applicants

who have already applied and been interviewed. White states selecting someone for the ZBA is much like selecting a juror and we need to be selective.

**Appointment - Zoning Board of Appeals – Chairman – R-2012-0510**

Chairman Barnes recommends Jason Sword be appointed as the Chairman of the Zoning Board of Appeals; Sword is the senior member on the Zoning Board of Appeals. Hopkins moves to approve R-2012-0510, Bauer seconds and a roll call vote is called:

YES: Nye, Saunders, Simms, Stahl, White, Williams, Bauer, Baumgardner, Boes, Bowers, Colbert, De Arvil, Finfrock, Gouker, Gronewold, Heuer, Hopkins, Horner, Janes, Kenney, Kilker and Barnes

NO: Welty

ABSENT: Messer

The motion carries on a roll call vote. (Placed on file)

**Vacancies –**

- Ogle County Civic Center Authority – 5 vacancies
- Leaf River Fire Protection District – 1 unexpired term
- Board of Review – 1 vacancy (Democratic Candidate)
- 9-1-1 ETSB – 3 regular vacancies and 1 Sheriff Designated vacancy
- Byron Museum District – 1 vacancy

Application and Resumé deadline – Friday, June 1, 2012 at 4:30 p.m.  
in the County Clerk’s Office located at 105 S. 5<sup>th</sup> St – Suite 104, Oregon, IL

**Zoning – #1-12 SPECIAL USE - Brian & Jodi Horner – O-2012-0503**

Welty presents the petition of Brian & Jodi Horner, 3261 S. Daysville Rd., Oregon, IL for a Special Use Permit to allow a recreational facility which will include wedding receptions, banquets, business parties and special events in the AG-1 Agricultural District on property described as follows and owned by the petitioners: Part of the N1/2 of Section 23 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 15.88 acres, more or less – P.I.N.: Part of 16-23-200-003 - Common Location: 3261 S. Daysville Rd. Welty moves to approve O-2012-0503, Finfrock seconds and the motion carries on a voice vote. (Placed on file)

**Zoning - #2-12 SPECIAL USE – Amy & Todd Branham – O-2012-0504**

Welty presents the petition of Amy & Todd Branham, 8613 N. Limestone Rd., Rockford, IL for a Special Use Permit to allow an equine-assisted counseling and equine psychotherapy facility; and horse riding instruction (lessons) in AG-1 Agricultural District on property described as follows and owned by the petitioners: Part of E1/2 GL1SE1/2 of NE1/4 of Fractional Section 5 and part of W1/2 GL1 S1/2 of NW1/4 Fractional Section 4 Monroe Township 42N, R2E of the 3rd P.M., Ogle County, IL, 11.03 acres, more or less - Property Identification Number: 12-05-200-023 & 12-04-100-004 - Common Location: 8613 N. Limestone Rd. Welty moves to approve O-2012-0504, Boes seconds and the motion carries on a voice vote. (Placed on file)

**Zoning - #2-12 AMENDMENT – Larry Pontnack – O-2012-0505**

Welty presents the petition of Larry Pontnack, 6309 E. Brick Rd., Oregon, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to I-1 Industrial District on property described as follows and owned by the petitioner: Part of Lot 2 of the subdivision of GL 4 and GL 5 of the NW1/4 Fractional Section 3 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 8.0 acres, more or less - Property Identification Number: Part of 17-03-100-008 - Common Location: 6309 E. Brick Rd. Welty moves to approve O-2012-0505, De Arvil seconds and the motion carries on a voice vote. (Placed on file)

**Zoning - #3-12 SPECIAL USE - Larry Pontnack – O-2012-0506**

Welty presents the petition of Larry Pontnack, 6309 E. Brick Rd., Oregon, IL for a Special Use Permit to allow storage of antique/old automobiles and parts thereof in the I-1 Industrial District on property described as follows and owned by the petitioner: Part of Lot 2 of the subdivision of GL 4 and GL 5 of the NW1/4 Fractional Section 3 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 8.0 acres, more or less - Property Identification Number: Part of 17-03-100-008 - Common Location: 6309 E. Brick Rd. Welty moves to approve O-2012-0506, Boes seconds and the motion carries on a voice vote. (Placed on file)

**Public Comments –**

- County Clerk Huntley acknowledges Drew Cook in the audience and congratulates her on receiving her Bachelor’s Degree from University of Wisconsin – Platteville.

**Road & Bridge - none**

**Ogle County Claims – Clerk reads the claims:**

- Payments in Vacation – April 2012 - \$119,219.10
- County Board Payments - May 15, 2012 - \$72,696.58
- County Highway Fund – \$45,029.51

Kenney moves to approve claims, Bowers seconds and the motion carries on a voice vote.(Placed on file)

**COMMITTEE REPORTS**

The following committee minutes have been placed on exhibit: Buildings & Grounds and Central Purchasing, Circuit Clerk and State’s Attorney, Executive, Finance and Insurance, HEW & Solid Waste, I.T./N.I.T.T./G.I.S., Juvenile & Probation and Judiciary, Long Range and Strategic Planning, Mental Health ‘708 Board, Personnel & Salary and County Clerk, Planning Commission, Road & Bridge, Sheriff & Coroner and Supervisor of Assessments and Planning & Zoning and Tri-County Opportunities

The following committees had no minutes to file: 911 ETS Board, Blackhawk Hills RC&D, Board of Health, G.I.S. Partnership, LRP –Emergency Operations Center, Liquor Commission, L.O.T.S., Safety Committee and UCCI/ICRMT.

Circuit Clerk and State’s Attorney Committee:

- Increase Court Automation and Document Storage Fund – O-2012-0501

Kilker makes the motion to approve O-2012-0501 which was introduced at the April County Board Meeting, De Arvil seconds. Nye thinks this should be placed on the back burner until the new Circuit Clerk gets into office; this is premature. Saunders makes the motion to table O-2012-0501 indefinitely and Welty seconds. A roll call vote is called:

YES: Saunders, Stahl, Welty, Bauer, Bowers, Colbert, Gouker, Gronewold, Horner, Kenney and Nye

NO: Simms, White, Williams, Baumgardner, Boes, De Arvil, Finfrock, Heuer, Hopkins, Janes, Kilker and Barnes

ABSENT: Messer

The motion is defeated on a roll call vote.

Kilker makes the motion to approve O-2012-0501 as presented, De Arvil seconds. Stahl will abstain from this vote.

Gouker states this fee should be associated with the actual costs and this increase was not adequately explained. Saunders states when the question of how the funds would be used there was not an answer given; except funds for a new AS400. The possible cost of the new AS400 was said to be about \$50,000.00 and there is well over \$300,000.00 in the funds.

Vice-Chairman Heuer asks if the incoming Circuit Clerk Kim Stahl would like to comment on the fee increase. Stahl said she will abstain from the vote because she will potentially be in office. Stahl doesn’t think the increase needs to be done at this time; once she takes office she will look into this. Vice-Chairman Heuer asks if this is a time sensitive issue or can this wait. Stahl said it can be done at anytime.

Boes says the county’s cost is increasing all of the time and this fee only involves citizens who use the courts; this is not a tax or a fee for everyone in the county. Gouker states the increase was not explained.

Colbert asks how much money is actually in the funds at this time. It was noted the information is located in the Treasurer's Fund Balance Report as \$156,500.99 in the Document Storage Fee Fund and \$160,394.13 in the County Automation – Circuit Clerk Fund.

YES: Simms, White, Williams, Boes, De Arvil, Heuer, Hopkins, Janes, Kilker and Barnes

NO: Welty, Bauer, Baumgardner, Bowers, Colbert, Finfrock, Gouker, Gronewold, Horner, Kenney, Nye and Saunders

ABSENT: Messer

ABSTAIN: Stahl

The motion is defeated on a roll call vote. (Placed on file)

Finance Committee:

o Elected Officials Salaries for Circuit Clerk and Coroner – O-2012-0502

Gouker presents O-2012-0502 to establish the annual salaries for the elected offices of the Circuit Clerk and the Coroner, 180 days before their term begins as follows:

	FY2013	FY2014	FY2015	FY2016
	+\$ 1,000	freeze	+\$ 1,500	+\$ 1,500
<b>Circuit Clerk</b>	\$ 68,500	\$ 68,500	\$ 70,000	\$ 71,500
<b>Coroner</b>	\$ 58,500	\$ 58,500	\$ 60,000	\$ 61,500

Finfrock seconds. Boes comments on the \$10,000 gap between the Coroner and the Circuit Clerk; all elected officials should be paid the same. Gouker states this was discussed at the Committee; the Coroner said it was not important to have his salary the same. It has been increased considerably since this was a part-time position when he started. Staying with these increases will keep all elected officials on the same schedule, comments Gouker.

A roll call vote is called:

YES: Welty, Williams, Bauer, Baumgardner, Colbert, De Arvil, Gouker, Gronewold, Heuer, Hopkins, Horner, Kenney, Nye and Saunders

NO: White, Boes, Bowers, Finfrock, Janes, Kilker, Simms and Barnes

ABSENT: Messer

ABSTAIN: Stahl

The motion carries on a roll call vote. (Placed on file)  
*See Suspension of Ogle County Rules of Order after next Ordinance.*

o FY2012 Appropriated Budget Transfer – O-2012-0507

Gouker presents O-2012-0507 to transfer funds as follows:

<b>From: Fund Budget &amp; Line #</b>	<b>To: Fund Budget &amp; Line #</b>	<b>Amount</b>
Fund 430 – Solid Waste; 430.00.4900	Fund 100 – General Fund; 00-3900-430	\$279,045.00
Fund 430 – Solid Waste; 430.00.4900	Fund 230 – County Highway; 00-3900-430	\$12,500.00

The \$12,500 for Highway utilities is half of the \$25,000 which was appropriated in the 2012 Budget. Gouker makes the motion to approve O-2012-0507, Hopkins seconds.

Gouker comments that we did not vote to suspend the Rules of Order on Ordinance 2012-0507 and do we need to do this to make sure it is legally adopted. County Clerk Huntley comments on the use of Ordinances for Financial issues but not printed in the County Ordinance Book and we don't suspend the rules to vote on Zoning Ordinances. We need legal counsel to answer the question.

Saunders makes the motion to suspend the rules according to the Ogle County Board Rules of Order #25 to vote on O-2012-0507, White seconds. A roll call vote is called:

YES: Welty, White, Williams, Bauer, Baumgardner, Boes, Bowers, Colbert, De Arvil, Gouker, Gronewold, Heuer, Hopkins, Horner, Janes, Kenney, Kilker, Nye, Saunders, Simms, Stahl and Barnes

NO: None

ABSENT: Messer

The motion to suspend the rules carries on a roll call vote.

Chairman Barnes announces we have a first and second on the floor; with no further discussion the motion carries on a voice vote. (Placed on file)

○ Elected Officials Salaries for Circuit Clerk and Coroner – O-2012-0502

Vice-Chairman Heuer makes the motion to rescind the motion of approval for O-2012-0502, Bauer seconds and the motion carries on a voice vote.

Vice-Chairman Heuer makes the motion to suspend the rules according to the Ogle County Board Rules of Order #25 to vote on O-2012-0502, Finfrock seconds and a roll call vote is called:

YES: White, Williams, Bauer, Baumgardner, Colbert, De Arvil, Finfrock, Gouker, Gronewold, Heuer, Hopkins, Horner, Kenney, Kilker, Nye, Saunders, Welty and Barnes

NO: Boes, Bowers, Janes and Simms

ABSENT: Messer

ABSTAIN: Stahl

The motion to suspend the rules carries on a roll call vote.

Gouker makes the motion to adopt O-2012-0502 to establish the annual salaries for the elected offices of the Circuit Clerk and the Coroner, 180 days before their term begins and Nye seconds. A roll call vote is called:

YES: Williams, Bauer, Baumgardner, Colbert, De Arvil, Finfrock, Gouker, Gronewold, Heuer, Hopkins, Horner, Kenney, Nye, Saunders and Welty

NO: Boes, Bowers, Janes, Kilker, Simms, White and Barnes

ABSENT: Messer

ABSTAIN: Stahl

The motion carries on a roll call vote. (Placed on file)

○ Renewal of Property & Casualty Insurance – R-2012-0505

Gouker presents R-2012-0505 for the Renewal of Property and Casualty Insurance, Bauer seconds. The motion carries on a voice vote. (Placed on file)

IT / GIS / NITT Committee:

○ iFiber Agreement for Sale – R-2012-0506

Janes presents R-2012-0506 regarding the iFiber Agreement for Sale and Simms seconds. Welty asks about the cost to the county to install the fiber and conduit. County Engineer Cook states the cost of both projects together was approximately \$250,000 to \$260,000 and the money to pay for the project came from Long Range. The motion carries on a voice vote. (Placed on file)

○ Establish iFiber Fund – R-2012-0507

Janes presents R-2012-0507 to Establish an Account to receive and maintain funds and interest from the sale of County-Owned Fiber-Optic Conduit and De Arvil seconds. Welty asks why we wouldn't roll this money back into the Long Range Fund and give the value back to the taxpayers of the county. Gronewold agrees with Welty to help relieve the debt situation. Saunders says money from the Long Range Fund is money collected from the Host Fees from the landfill and taxpayers have not contributed to that fund. With the establishment of the separate fund it is intended to be used towards Internet connections. A roll call vote is called:

YES: Bauer, Bowers, Colbert, De Arvil, Finfrock, Heuer, Hopkins, Horner, Janes, Kilker, Saunders, Simms, Stahl, White, Williams and Barnes

NO: Baumgardner, Boes, Gouker, Gronewold, Kenney, Nye and Welty

ABSENT: Messer

The motion carries on a roll call vote. (Placed on file)

Long Range & Strategic Planning Committee:

○ Long Range Planning Bills – R-2012-0508

Kronos	Timekeeper - Remote Services	\$	907.50
Kone, Inc.	Elevator Inspections	\$	6,944.00
	TOTAL:	\$	7,851.50

Williams moves to approve R-2012-0508 and Simms seconds. The motion carries on a voice vote.(Placed on file)

Personnel & Salary and County Clerk & Recorder:

○ Brookville Township Polling Place – R-2012-0509

Boes presents R-2012-0509 to change Brookville Township Polling Place from Town Hall to the Brookville Grace United Methodist Church located at 17725 W. Chambers St, Polo, IL. Bowers seconds and the motion carries on a voice vote. (Placed on file)

○ Chairman Comments –

Eswood School will be holding dedication for their Windmill on May 30<sup>th</sup> at 9:00 am and all County Board members are invited.

Judge Pemberton will be retiring and an Open House has been set for July 3<sup>rd</sup> at the Judicial Center.

○ Vice-Chairman Comments:

You will be receiving information from UCCI regarding the Summer Conference in July.

**Unfinished Business –**

**New Business –**

**Closed Session –**

At 6:42 p.m., Gouker makes the motion to go into Closed Session to discuss possible litigation in regards to Walgreens pursuant to 5 ILCS 120/2 (c) (11) and Bauer seconds. A roll call vote is called:

YES: Baumgardner, Boes, Bowers, Colbert, De Arvil, Finfrock, Gouker, Gronewold, Heuer, Hopkins, Horner, Janes, Kenney, Kilker, Nye, Simms, Stahl, Welty, White, Williams and Barnes

NO: Saunders

ABSENT: Messer

The motion carries on a roll call vote.

**Open Session –**

At 6:53 p.m., the County Board returns to Open Session.

**Walgreens – R-2012-0511**

Gouker makes the motion to direct the Ogle County State's Attorney to initiate legal action against Walgreens Health Initiative to recoup the amount of \$24,694.00 plus legal fees. Welty seconds and the motion carries on a voice vote. (This will be Resolution 2012-0511 and placed on file)

Saunders comments on the Parent and Youth Manual which has been distributed to all of the board members. This is very useful information to help you understand what Focus House is all about and what they expect from the kids and parents.

Saunders announces the Car Show and Pancake Breakfast at Focus House on Saturday, June 3, 2012.

**Communications –**

- Sales Tax for February 2011 was \$33,369.04 and \$56,764.19
- Sales Tax for February 2012 was \$24,876.56 and \$58,222.01

**Adjourn Meeting**

At 6:58 p.m., Welty moves to adjourn the Ogle County Board until Tuesday, June 19, 2012 at 5:30 p.m. at the Courthouse in Oregon. Janes seconds and the motion carries on a voice vote.

Chairman James L. Barnes  
Ogle County Board

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