

Proceedings of the Ogle County Board Meeting
March 19, 2019

State of Illinois)
County of Ogle) ss

Call to Order

Chairman Gouker calls the Ogle County Board Meeting to order at 5:30 p.m.

Roll Call

The roll call shows Heuer (6:08 pm) is absent. The invocation is given by Droege and then followed by the Pledge of Allegiance.

Presentations –

Chairman Gouker presents R-2019-0322 in recognition of the Byron Tigers Special Olympics Basketball State Champions Day on April 17, 2019 in all of Ogle County.

Bowers moves to approve R-2019-0322 and McLester seconds:

Motion carries on roll call vote. (Placed on file)

Consent Agenda Items – by Roll Call Vote

1. Approval of February 19, 2019 Ogle County Board Meeting and February 26, 2019 Ogle County Special Board Meeting Minutes
2. Accept Monthly Reports – Treasurer, County Clerk & Recorder and Circuit Clerk
3. Appointments -
 1. Housing Authority Board - Elaine Pannell - R-2019-0301
 2. Board of Health - Ryan Clayton - R-2019-0302
 3. Mental Health "708" Board - Renee Barnhart - R-2019-0303
 4. Regional Planning Commission - Dennis Probasco - R-2019-0304
4. Resignations - None
5. Vacancies -
 - o Board of Health – 1 Vacancy
 - o Housing Authority Board - 1 Vacancy
 - o Civic Center Authority Board - 3 Vacancies
 - o Franklin Grove Fire Protection District -1 Vacancy
 - o Fire Protection Districts: Dixon, Forreston, Leaf River, Lynn-Scott-Rock, Oregon - 1 Vacancy Each
 - o Lost Lake River Conservancy District - 1 Vacancy
 - o Planning Commission - 1 Vacancy
 - o Zoning Board of Appeals - 1 Vacancy
Application and Resumé deadline – Friday, March 29, 2019, at 4:30 p.m. in the County Clerk’s Office located at 105 S. 5th St – Suite 104, Oregon, IL
 - o Board of Review – Republican Applicant - 2 Vacancies
 - o Civic Center Authority Board - 3 Vacancies
Application and Resumé deadline – Friday, May 3, 2019, at 4:30 p.m. in the County Clerk’s Office located at 105 S. 5th St – Suite 104, Oregon, IL
6. Ogle County Claims –
 - o Department Claims - February 2019 - \$183,798.39
 - o County Board Payments – \$120,031.00
 - o County Highway Fund – \$107,436.93

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7. Communications -

- o Sales Tax for December 2018 was \$49,885.36 and \$79,446.36
- o ComEd Vegetation Management Activities - R6201
- o ComEd Vegetation Management Activities - B465

Hopkins asks to remove R-2019-0304.

Bowers moves to approve the Consent Agenda without R-2019-0304 and McKinney seconds:

YES: Droege, Finfrock, Fox, Fritz, Griffin, Hopkins, Janes, Kenney, McKinney, McLester, Nordman, Oltmanns, Reising, Smith, Sparrow, Sulser, Typer, Whalen, Youman, Asp, Bowers, Corbitt, and Gouker

NO: None

ABSENT: Heuer

Motion carries on roll call vote. (Placed on file)

Finfrock moves to approve R-2019-0304 and Oltmanns seconds.

Hopkins shared his concern for Probosco not being able to be an unbiased vote due to his previous involvement with the windmills in Ogle County. Stating that he doesn't feel he is a good fit for the Planning Commission.

Smith stated that he felt Probosco on the contrary was committed and dedicated to the County and able to be a great addition to the Regional Planning Commission.

Motion carries on voice vote. (Placed on file)

Zoning – #1-19SU - Miller - O-2019-0301

Janes presents #1-19SU ~ Carla & Brad Miller, 7 E. IL Rte. 72, Leaf River, IL for a Supplemental Special Use permit in the AG-1 Agricultural District to allow the expansion of a banquet facility on property described as follows and owned by the petitioner: Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 34, Township 25 North, Range 10 East of the 4th P.M., Byron Township, Ogle County, IL, 7.5 acres, more or less - P.I.N.: 04-34-100-003 - Common Location: 7 E. IL Rte. 72

Janes states ZBA & RPC unanimously approved this item.

Janes moved to accept O-2019-0301 as presented Bowers seconds.

Motion carried. (Placed on file)

Zoning – #2-19SU - Good - O-2019-0302

Janes presents #2-19SU ~ Jeremy & Lisa Good, 5833 Skare Rd., Rochelle, IL; and Franklin Hintzsche, 3951 S. Mulford Rd., Rochelle, IL for a Special Use in the AG-1 Agricultural District to allow a single-family dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner on property described as follows, owned by Franklin Hintzsche, and being purchased by Jeremy & Lisa Good: Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 3, Township 40 North, Range 2 East of the 3rd P.M., Dement Township, Ogle County, IL, 5.0 acres, more or less - P.I.N.: Part of 25-03-300-005 - Common Location: 3900 Block of S. Mulford Rd.

Janes states ZBA & RCP unanimously approved this item.

Janes moved to accept O-2019-0302 as presented and McKinney seconds.

Droege shared that he had spoken with both the parties regarding the ordinance and the Goods are willing to sign a livestock waiver for the Petry's. Droege felt that the waiver should be started and taken care of quickly.

Janes stated he is making his recommendation based on the decision of the ZBA and has no further suggestions beyond his motion to accept the ordinance as presented.

Sparrow stated he had received a letter from the Petry's that they were not made aware that there was a Zoning change and that if that is true he does not think this ordinance was ready to be voted on by the County Board. Sparrow thought sending it back to the board to allow them to rectify it and add the

verbiage for the waiver. Sparrow stated at this time he would be voting for it without the ordinance being complete and some sort of protections for the Petry family.

Chairman Gouker asked if a waiver could be agreed upon without having to send the item back to the ZBA.

Morrow states since this is the first he is hearing of this situation he'd rather not make a recommendation. But the waiver sounded like it was something that could be agreed upon between parties and not necessarily be taken back to the ZBA.

Chairman Gouker asked if there was a possibility of making the ordinance contingent on a waiver and Morrow stated yes, that was an option.

Sparrow stated the Petry's were not present at the ZBA because they were not aware of the livestock setbacks, he would feel more comfortable with sending it back to the ZBA and allowing the Petry family to be a part of the process. Sparrow shared that if it was passed this evening and allow for the waiver to be signed, what if the Good's change their mind?

Chairman Gouker suggested the reasoning for the approval with the contingency is so that the costs are not incurred for the petitioners to go back through the ZBA process. He also expressed the contingency should also be based on the approval of both parties and Reibel's approval.

Youman suggested the Board does need to be sure they are not making a precedent for future petitioners.

Hopkins stated he would be comfortable with the waiver between the Good/ Hintzsche and the Petry's.

Kenney stated that he is comfortable with passing the ordinance as is and then address the potential problem and make sure it doesn't reoccur.

Whalen is not comfortable supporting as is because there are too many, "unknowns". Stating that since there was a flaw in the process – not by the ZBA or Planning Commission - but by the lack of the notification and the proper process, that it would be better to make sure everything is correct.

Chairman Gouker stated just so everyone is clear it did meet all five standards and was approved unanimously by the ZBA as presented.

Sparrow stated according to the State Statute if you are going to have a livestock facility you cannot have a residence less than a quarter of a mile from a livestock facility. Sparrow stated from what he understood the property that was contiguous was notified but not the Petry's. Sparrow stated this is something that should be changed in the Zoning standards that if there is a property between even though it isn't contiguous but does come within a quart of a mile, those individuals should also be notified. Sparrow stated the fact that the Petry's weren't notified is what makes him feel the Zoning Hearing was not fairly represented.

Youman stated putting this item back through a full ZBA isn't worth the time and the money. Youman feels confident the waiver can be agreed upon but if for some reason the parties and Reibel cannot come to an agreement then it can go back to a full ZBA.

Reising spoke on behalf of Reibel in his absence to the signage that is out on the roadside for a month before the hearings so there was notification even if the Petry's were not mailed something directly. Roll was taken:

YES: Finfrock, Fox, Fritz, Griffin, Janes, Kenney, McKinney, McLester, Nordman, Oltmanns, Reising, Smith, Typer, Youman, Asp, Bowers, Corbitt, and Gouker

NO: Hopkins, Sparrow, Sulser, Whalen, and Droege

ABSENT: Heuer

Motion carries on roll call vote. (Placed on file)

Public Comment –

- Erik Petry from Petry Farms, first wanted to welcome the Goods to the neighborhood. Waivers are good but legally years down the road things may not hold up. Petry stated that he is just wanting to protect the future of his family.
- Lisa Good states her father is Franklin Hintzsche and she comes from a farming family and plans to continue the farming tradition. Good also explained the location of the house was to avoid flood plain and at the suggestion of Reibel for a more suitable location. Good then shared the process they had to go through to get to where they are now. Good stated she had followed up with Reibel over a week ago to make sure that all of the appropriate actions had been taken

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care of on their part and Reibel ensured her that everything had been taken care of. She went through the four month ordeal of planning, surveying, meetings that they did to ensure that all steps were followed. Good shared the signage was up on Mulford Road for thirty days and due to the Petry's living North they had to drive by the sign to get to their properties. Good also shared they had to paid for the publication notices in the paper. Good expressed that the process is good and nothing had been missed.

COMMITTEE REPORTS

The following committee minutes have been placed on exhibit: 911 ETS, County Facilities, County IT, County Security, Executive, Finance and Insurance, HEW & Solid Waste and Veterans, Judiciary and Circuit Clerk, Long Range and Strategic Planning, Mental Health 708 Board, Personnel and Salary, Regional Planning Commission, Road & Bridge, State's Attorney – Court Services – FOCUS House, and Supervisor of Assessments and Planning & Zoning.

- **Facilities**

- Iron Mike Relocation – R-2019-0305

Typer moves to approve R-2019-0305 and Reising seconds.

Finfrock asked who was going to take the liability of the fountain now that it is being placed on County property. Finfrock also asked who responsible to maintain the fountain.

Typer stated that the City of Oregon and County are sharing in responsibilities of the relocation of the fountain.

Motion carries. (Placed on file)

- **Finance**

- Interfund Transfer for Short Term Cash Flow – R-2019-0306

Sparrow moves to approve R-2019-0306 and Corbitt seconds.

Motion carries. (Placed on file)

- Opening of Miller House - R-2019-0307

Sparrow moves to approve R-2019-0307 for the reopening on August 1, 2019 for the Miller House for Focus House and Smith seconds.

Motion carries. (Placed on file)

- **H.E.W., Solid Waste & Veterans:**

- FDA Food Code – Health Department – O-2019-0303

Bowers moves to approve O-2019-0303 and Finfrock seconds.

Motion carries. (Placed on file)

- Environmental Fee Schedule 2019 - O-2019-0304

Bowers moves to approve O-2019-0304 and Corbitt seconds.

Hopkins asked if the fees for the year have been decided on for Non-profit organizations. Auman stated the fees have been set at 50% of the risk level; for example a Level 1 facility will be \$50 instead of \$100.

Heuer expressed her concern of not being able to afford the permits at her place of employment for an up and coming fundraiser. Heuer also expressed her concern in the specific licensing that she has to obtain just to serve food at her employer and the facility not being seen as a special circumstance and charged at a lower rate due to the quantity of people she serves.

Auman expressed he genuinely hears where Heuer is coming from and they are continuing to look into how to handle events such as her's but the Health Department has well over 40 hours into just this event. Auman stated that with many different "vendors" at the event that also increased the risk associated with food handling and their main concern is being consistent and safe for those who are participating. The Board of Health and the Health Department are still looking into it and want to make sure that people are safe and that they certainly don't want to hurt non-profit organizations but they also have to be accountable for the risks they are overseeing as well.

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Heuer asked if there was going to be an addendum to the fee schedule or does the Board need to wait to make sure that is included in the fee schedule. Auman stated there isn't anything in the code that speaks to the complexity or your type of event with the number of food vendors.

Heuer shared it would be her recommendation that this item be voted on at a later date with as much information in it as possible.

Roll call was taken:

YES: Fox, Griffin, Reising, Smith, Sparrow, Typer, Whalen, Youman, Asp, and Bowers

NO: Fritz, Heuer, Hopkins, Janes, Kenney, McKinney, McLester, Nordman, Oltmanns, Sulser, Corbitt, Droege, Finfrock, and Gouker

ABSENT: None

Motion defeated on a roll call vote. (Placed on file)

• **Long Range Planning:**

- Jeremy Roling - Project Manager for Gilbane, gave an update on the Jail Project. Roling stated four steel bids came back and Gilbane is making the recommendation for T.A. Bowman Construction to be approved for their lowest responsible bid.

Roling also shared with the Board that as far as the material testing is concerned, the County continues to work with Testing Service Corporation (TSC) who had done all of the soil testing and boring for the Judicial Center. Approval of using them not to exceed \$70,000. Along with that the tree removal of the 5 trees to help accommodate parking during the construction process.

- Long Range Invoices - R-2019-0308

Griffin presents R-2019-0308 for the following bills:

<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Fibercables Direct.com	Armored Duplex Fiber Patch Cable	\$ 81.95
Fibercables Direct.com	Duplex Fiber Patch Cable	\$ 19.95
Menards	Conduit & Fish Tape	\$ 143.98
TOTAL: \$		245.88

Griffin moves to approve R-2019-0308 for a total of \$245.88 and Sulser seconds.

The motion carries. (Placed on file)

- Jail Facility Capital Expense Bills - R-2019-0309

Griffin presents R-2019-0309 for the following bills:

<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Gilbane	Preconstruction work - Jail Project Invoice #8	\$ 21,460.00
Hellmuch, Obata & Kassabaum, Inc	Professional Services through Feb 22, 2019 - Construction Administration	\$ 14,011.25
Willett Hofmann & Associates	Professional Services Dec 19 - Feb 2, 2019 - Progress billing for record drawing preparation	\$ 1,164.90
TOTAL: \$		36,636.15

Griffin moves to approve R-2019-0309 for a total of \$36,636.15 and Youman seconds.

Motion carries. (Placed on file)

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- Material Testing - Judicial Center Annex Project - R-2019-0310
Griffin moves to approve R-2019-0310, not to exceed \$70,000 and Oltmanns seconds.

The motion carries. (Placed on file)

- Tree Removal - Judicial Center Annex Project – R-2019-0311
Griffin moves to approve R-2019-0311, not to exceed \$3,000 as presented and Fritz seconds.

The motion carries. (Placed on file)

- Steel Bid – R-2019-0312
Griffin moves to approve R-2019-0312 for a total of \$780,000 and Janes seconds.

The motion carries. (Placed on file)

- **Road & Bridge:**

- 2019 Bridge Deck Sealing - 19-00000-00-GM - R-2019-0313
Hopkins moves to approve R-2019-0313 to M&M Concrete and appropriate \$20,000 for the County portion of said project. Asp seconds.

Motion carries. (Placed on file)

- Montague Gutter Relocation - 18-00320-00-CG - R-2019-0314
Hopkins moves to approve R-2019-0314 to N-TRAK Group, LLC and appropriate \$192,000 for the County portion of the said project. Corbitt seconds.

Motion carries. (Placed on file)

- 2019 County Striping - R-2019-0315
Hopkins moves to approve R-2019-0315 to Countryman Inc. and appropriate \$52,000 from the County Highway Fund for the County portion of the said project. Oltmanns seconds.

Motion carries. (Placed on file)

- Agreement for Design of Various Structure Rehabilitation Projects - 19-00323-00-BR - R-2019-0316
Hopkins moves to approve R-2019-0316 for various structure repairs. Youman seconds.

Motion carries. (Placed on file)

- Qualification Based Selection Process - Procurement of Professional Services - Highway Department - R-2019-0317
Hopkins moves to approve R-2019-0317 as presented and Fritz seconds.

Motion carries. (Placed on file)

- **Executive**

- Ogle County IT Department Manager Job Description – R-2019-0318
Whalen moves to approve R-2019-0318 and Youman seconds.

Motion carries. (Placed on file)

- Lobbyist for Capital Fund - R-2019-0319

Sparrow moves to approve R-2019-0319 as presented and Kenney seconds.

Chairman Gouker explained he has heard the possibility of hiring a lobbyist for the Capital Bill. There was discussion of the probability of an intergovernmental agreement between some of the six counties of the Northwest to help cover the cost. Our cost here would only be for the

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Ogle County portion of it. We would present some of our projects here that are capital projects and they would lobby for us.

Motion carries. (Placed on file)

○ Illinois State Association of Counties. Membership - R-2019-0320

Youman O-2019-0320 as presented and Asp seconds.

Chairman Gouker presents he went to another meeting and heard of this organization that would have a lobbyist on hand that would be covered in the membership fees of approximately \$621. If the organization can accurately represent Ogle County then there would be no need to enter into the intergovernmental agreement. Knowing that these capital bills do move fast once they get started Chairman Gouker wanted to make sure he had the option to choose if one is better than the other.

Smith asked that with the membership are we assigned a lobbyist and is it someone we don't know.

Chairman Gouker stated there would be a lobbyist and they don't just represent Ogle County they represent the organization, which represents a group of several Counties across the State. For the minimal membership fee we do have an assigned lobbyist and it may be a good way to start. This group has a legislative team and is very proactive.

Motion carries. (Placed on file)

○ Ogle County Supervisor of Assessments – R-2019-0321

Chairman Gouker expressed at this time the committee is unable to make a unanimous decision, so the position is being opened back up for more applicants to submit.

Smith asked if the grace period is being jeopardized by opening up the application process again and Chairman Gouker said no.

Motion carries on roll call vote. (Placed on file)

Unfinished Business: none

New Business: none

Chairman Comments:

Vice-Chairman Comments:

Adjourn Meeting

At 6:47 p.m., Fritz makes the motion to adjourn the meeting until Tuesday, April 16, 2019 at 5:30 p.m. at the Courthouse in Oregon, Asp seconds and the motion carries.

Chairman, Kim P. Gouker
Ogle County Board

Attest: Laura J. Cook, Ogle County Clerk &
Ex-officio Clerk of the Ogle County Board

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