

Proceedings of the Ogle County Board Meeting  
February 15, 2011

State of Illinois )  
County of Ogle ) ss

**Call to Order**

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

**Roll Call**

The roll call shows members Nye, Stahl\* and Welty are absent (\*Stahl enters at 5:40 pm). The Invocation is given by Williams and followed with the Pledge of Allegiance.

**Approval of Minutes**

Chairman Barnes asks for a motion to approve the January 8, 2011 Strategic Planning Retreat minutes. Janes moves to approve, Bauer seconds and the motion carries on a voice vote.

Chairman Barnes asks for a motion to approve the January 18, 2011 County Board Meeting minutes. Bowers moves to approve, Bauer 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. Kenney moves to accept the reports as filed, Finfrock seconds. The motion to approve the reports carries on a voice vote.(Placed on file)

**Vacancies –**

- Farmland Assessment Review Board – 3 vacancies
- Fire Protection Districts – Ashton – Forreston – German Valley – Leaf River and Oregon
- Lost Nation/New Landing RCD – 1 vacancy
- Regional Planning Commission – 3 vacancies
- Zoning Board of Appeals – 3 vacancies (1 Regular Member – Alternate 1 & Alternate 2)
- Mental Health 708 Board – 2 vacancies and 1 unexpired term
- Ogle County Civic Center Authority – 1 unexpired term

Application deadline for vacancies will be  
Friday, April 1, 2011 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 – #7-10 AMENDMENT – Ordinance 2011-0201**

County Board Member Williams and County Clerk Huntley present the petition of Maplehurst Farms, Inc., % James K. Black, 936 S. Moore Rd., Rochelle, IL for an Amendment to the Zoning District to rezone from B-1 Business District to AG-1 Agricultural District on property described as follows and owned by the petitioners: Part of the E1/2 of Section 19 Lynnville Township 41N, R2E of the 3rd P.M., Ogle County, IL, 6.0 acres, more or less – P.I.N.: Part of 19-19-400-009 - Common Location: 936 S. Moore Rd., Rochelle, IL.

Williams moves to approve #7-10 Amendment – Ordinance 2011-0201 for Maplehurst Farms, Inc, Colson seconds and the motion carries on a voice vote.(Placed on file)

**Zoning - #12-10 SPECIAL USE – Ordinance 2011-0202**

County Board Member Williams and County Clerk Huntley present the petition of Maplehurst Farms, Inc., % James K. Black, 936 S. Moore Rd., Rochelle, IL for a Special Use Permit in the AG-1 Agricultural District to allow an Agri Business including fertilizer & seed sales; anhydrous ammonia storage & sales; grain handling & storage; and agriculturally-related trucking on property described as follows and owned by the petitioners: Part of the E1/2 of Section 19 and part of the W1/2 of the SW1/4 of Section 20 Lynnville Township 41N, R2E of the 3rd P.M., Ogle County, IL, 175.53 acres, more or less - P.I.N.: 19-19-400-008 and part of 19-19-400-009; and part of 19-20-300-003 & -004 - Common Location: 936 S. Moore Rd., Rochelle, IL.

Williams moves to approve #12-10 Special Use – Ordinance 2011-0202 for Maplehurst Farms, Inc and Hopkins seconds. White asks how close the anhydrous ammonia storage and sales is to the nearest dwelling. Hopkins states under ZBA testimony it will all be done under the proper compliance with the State of Illinois rules and regulations. They will also have annual Safety Meeting with all of the employees, State of Illinois and local Fire Departments. White is

concerned about residents in the vicinity and refers to a situation in the Village of Forreston. Hopkins states they own all of the land around this area. Luke Carmichael resides at 936 S Moore Rd, Rochelle, Illinois and states his house is on the property and his mother's residence is about a ½ mile away. Vice-Chairman Heuer states during the ZBA process it was revealed this Agri-business will create jobs. Mr. Carmichael states they expect about 12 full-time employees over a five year period. With no further questions or comments the motion carries on a voice vote.(Placed on file)

**Zoning - #13-10 SPECIAL USE – Ordinance 2011-0203**

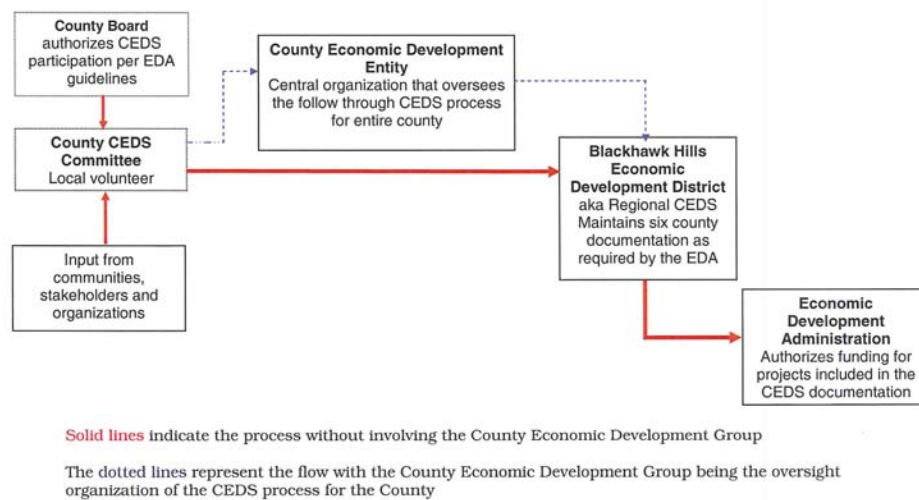
County Board Member Williams and County Clerk Huntley present the petition of Denise Ekard, 16547 McNeal Rd., Monroe Center, IL for a Special Use Permit in the AG-1 Agricultural District to allow a Retail Greenhouse and Sales Yard for agricultural and greenhouse-related products on property described as follows and owned by the petitioner: Part of the NE1/4 of the NW1/4 Section 8 Monroe Township 42N, R2E of the 3rd P.M., Ogle County, IL, 80.0 acres, more or less – P.I.N.: 12-08-100-005 - Common Location: 16547 McNeal Rd., Monroe Center.

Williams moves to approve #13-10 Special Use for Denis Ekard, Kilker seconds and the motion carries on a voice vote.(Placed on file)

**Public Comments –**

\* Theresa Wittenauer, Economic Development Professional represents Blackhawk Hills Resource Conservation and Development District. Wittenauer distributed information to the members of the board regarding the County Economic Development (C.E.D.S.) which is a comprehensive planning document that guides regional economic development activities. Wittenauer states in order for municipalities to receive EDA Funding, the project needs to be listed in this C.E.D.S. document. There are two counties who do not have a local C.E.D.S. Group, Lee and Ogle Counties have no representatives. Wittenauer presents the following information:

**COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES PROCESS FOR INCLUSION IN THE REGIONAL CEDS PLAN**



Wittenauer states they have been approached to start a local C.E.D.S. Group for Ogle County and if this is the desire, she is willing to help coordinate with the group who would like to lead this initiative. You can access a copy of the C.E.D.S. document on the website <http://www.blackhawkhills.com> and any upcoming Regional C.E.D.S. meetings.

\* Diane McNeilly addresses the board - representing the League of Women Voters regarding the County Administrator position which the board has not taken any action to fill. The League four years ago recommended the Administrator position since they found Ogle County Government to be inefficient, ineffective and not democratic. McNeilly refers to the Strategic Planning Retreat and says the County Board needs to represent the entire county and work together. For the last four years I have been able to access County Board and Committee meeting minutes on the Internet from my home and I am not able to do that now. The minutes need to contain more discussion, reflect the members of the committee present and absent, list Department Heads as such and others in attendance who were invited. McNeilly talks about the Open Meetings Act extending beyond this meeting; if seven members meet at a restaurant and discuss county business they are in violation of this Act. After reviewing several committee minutes this month, there were about five issues which

are being put off since there is not an Administrator. The Administrator would research information and present information to appropriate committees for action to be taken. McNeilly is concerned with the representation of each County Board District on various County Board Committees. Each District should have such representation and would like to see this issue researched. McNeilly ends with she hopes the board will take these thoughts into consideration.

- \* Mark Zula (?) a Business Agent with the Operating Engineers Local 150 distributes basic information regarding Property Taxes from 2008. A wind farm can be a positive industry to have in the community and as time goes on they will be back to ask questions. He doesn't feel all the information presented at the WECS Sub-committee was correct and talked about testimony given as well. I recently sent a letter out to the 333 Union members who reside in Ogle County asking them to attend the Planning & Zoning meeting. We are here to inform the board members on what they believe the truth is and how wind energy and businesses like this can help our communities flourish. This is about property rights.

#### **Road & Bridge – M.F.T. Supplemental Resolution – 10-00000-OX-GM - R-2011-0201**

Hopkins moves to approve the 2010 County Motor Fuel Tax Supplemental Resolution, Appropriate Expenditure of \$92,077.78 for Section 10-00000-OX-GM, General Maintenance - R-2011-0201. Messer seconds and the motion carries on a voice vote.(Placed on file)

#### **Road & Bridge – 2011 Crack Sealing – R-2011-0202**

Hopkins moves to approve the Award & Appropriation Resolution Section 2011 Crack Sealing \$28,000 from County Highway Fund - R-2011-0202. Bauer seconds and the motion carries on a voice vote.(Placed on file)

#### **Road & Bridge – County Chief Procurement Officer – R-2011-0203**

Hopkins moves to approve a Resolution for the designation of a County Chief Procurement Officer - R-2011-0203. Boes seconds and the motion carries on a voice vote.(Placed on file)

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

- Payments in Vacation – January 2011 - \$94,245.71
- County Board Payments - February 15, 2011- \$84,727.03
- County Highway Fund – \$136,698.24
- Utility Expenses – Transfer from Solid Waste Fund
  - Buildings & Grounds - \$35,216.64
  - Highway - \$4,592.72
  - Focus House - \$5,483.68

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

### **COMMITTEE REPORTS**

The following committee minutes have been placed on exhibit: Blackhawk Hills RC&D, Buildings & Grounds and Central Purchasing, Circuit Clerk and States 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, Supervisor of Assessments and Planning & Zoning, Road & Bridge and Sheriff & Coroner and Tri-County Opportunities.

The following committees had no minutes to file: 911 ETS Board, Board of Health, G.I.S. Partnership, Liquor Commission, LRP –Emergency Operations Center, Reapportionment Committee, Safety Committee and UCCI/ICRMT.

**Executive Committee** Minutes placed on exhibit

R-2011-0204 Vice-Chairman Heuer presents R-2011-0204 regarding Secretarial Services which includes attending of certain committee meetings, transcribe minutes of said committees, prepare committee agendas and other associated paperwork and

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duties as assigned by the County Board Chairman and Vice-Chairman. Heuer states they have worked with the Chairman of the Finance Committee and County Clerk Huntley to draw up the resolution. Deputy Clerk Tiffany O'Brien took on the job of attending committee meetings and transcribing minutes for a stipend of \$500, when we were between Administrators. Heuer explains the calculation for the base rate of 35 hours for this work. Heuer states O'Brien will be attending additional committee meetings for the Reapportionment Committee and the Finance Budget Hearings in the next couple of months. O'Brien will attend any additional special committee meetings which may be called for her services. O'Brien has proposed a monthly stipend of \$1,000 for secretarial services which does not include benefits; since she is already a county employee. It will affect the County portion of IMRF which will be approximately \$105.70. This is a base rate which she will not exceed this amount in payment; nor will she use overtime; nor will she use any of her 35 hours for which she works within the Clerk Office now.

Rice asks where the funds are coming from. Heuer states the line item of 100.16.4100 is listed in the resolution. Gouker says this is the County Board Salary line item. Rice asks if this line item has enough money to cover the expense. Gouker states it should.

Gronewold states some of the meetings occur during work hours and would like to know if she will be paid from the County Clerk's Office during that time. County Clerk Huntley says yes she will be getting paid from my office. The previous setup when O'Brien was receiving \$500 for these duties she was being paid from my office; I will not be docking her time and she will not be producing minutes during my office hours.

Bauer is concerned we are at 17% in that line item and with increasing the committees; what will happen at the end of the year by taking out this \$12,000 and we run out of money. Gouker states if we do not have an Administrator at that point, we could use funds from that line item. We felt it would be more accurate to use the funds from the County Board line item since the services are being provided to the board. Bauer asks if we run out of money in July and we have this contract with O'Brien; does that mean the County Board will not get paid from that time forward? We will probably do a fund transfer like we do for other items, says Gouker.

Kenney states he is concerned and would like to know if anyone has checked into the Fair Labor Standards Act and overtime accumulation. Chairman Barnes says no. Kenney states this should be looked into.

Kenney also states this should be presented to the Personnel & Salary Committee as a proposal to be reviewed and ask questions. He did hear this did not go before the Finance Committee but was presented to the Executive Committee. My concern is a month or so ago a meeting was held regarding a personnel/employee issue and I do not know what that was about because it was held with the Executive Committee. I have asked the question and was told it was nothing. It bothers me and feels like we are taking steps backwards. I am not concerned about the need for the help, I understand that. I am concerned about the process. Chairman Barnes states he didn't think about presenting this to the Personnel Committee and it was inadvertently left off

the Finance Committee Agenda. Gouker states the Finance Committee Agenda was quite full. I spoke to Chairman Barnes prior to the Finance Committee meeting and I suggested we discuss it at the Executive Committee meeting. Colbert says if we had a County Administrator this situation would not have happened. Chairman Barnes states if we do hire an Administrator we will not need O'Brien's services. Bauer also says there is no longer language stating an end date, if we do hire an Administrator. When we assigned these duties to the same person two years ago, there was no ending date. This will end just as easy as it is started, say Gouker. Bauer doesn't want to see us get into any legal issues, since the resolution does not state an end date. Rice states two years ago the Executive Committee worked out an agreement with the County Clerk's Office to have someone take the committee minutes at that time, there was no contract.

Rice is disturbed about no conversation and the blank looks when asked about what will happen with the Administrator position. I can remember when former Administrator Mielke resigned, we were reminded by Boes how much we needed an exit strategy. It would be nice to hear what that is right now and what are we going to do. If we are not going to do anything, maybe we need a resolution to eliminate the position since it is vacant.

Boes refers back to Kenney's statement regarding the Fair Labor Standards Act, asks aren't we entering into a contract for services. Kenney feels in order to be safe maybe we should get a legal opinion from the State's Attorney Office or someone that we are stepping across the line.

Boes asks for clarification as to how this same issue came about two years ago when Mielke left the county. Rice states we needed someone to take the minutes and it was between me and County Clerk Huntley. The information was presented to the Personnel Committee but no resolution was brought forth. It wasn't necessary since it was only for a short time.

Saunders suggests we send this back to the Personnel & Salary and then to the Finance Committee for discussion. This will affect the contributions to IMRF, Social Security and Medicare for a total of about \$1,500 per month. I don't want to see this money taken from another employee somewhere else. Maybe we need to take our own minutes at no cost. Chairman Barnes states there is approximately \$6,000 a month from the Administrator's salary that will not be used at this time. Until we decide if we will get another Administrator. Saunders states there was nothing on the Personnel Agenda regarding the Administrator position.

There was discussion regarding minutes being done years before an Administrator. Gouker states during that time there was an inconsistency of the minutes taken; since a different person took minutes from each committee. Committee members were taking some of the minutes; you don't want a committee member focusing on minutes and not the meeting. Gouker calls for the question. We are not adding to the operational costs of the county.

Hopkins was also disappointed to not have the opportunity to discuss this issue during the Finance Committee. I'm not in favor of proceeding with this.

Horner asks Chairman Barnes if we are going to hire an Administrator. That decision has not been reached yet, says Chairman Barnes. Horner asks who will make this decision. Chairman Barnes states it will start with the Personnel and Salary and they will make the recommendation to the Finance Committee. Horner asks when this will be brought to the Personnel & Salary Committee. Chairman Barnes says that is up to the Chairman of the Personnel and Salary Committee. Boes is the Chairman of the Personnel & Salary Committee and they will talk about this in the next couple of months, replies Boes. Horner states the Administrator position is important and would like to get an answer tonight. Chairman Barnes states a study needs to be made as to if this Administrator position was a benefit to the county or not. That information needs to be brought before the board to review. Horner disagrees; it has been a benefit to the county for the past six years and states this position is important. At the retreat didn't we learn there is a benefit to having an Administrator position, comments Bauer. Boes states Point of Order, we are not here to discuss the Administrator position; we are discussing the resolution.

Rice makes the motion to send this Resolution back to the Personnel & Salary Committee and then to the Finance Committee for additional recommendations and Messer seconds.

Chairman Barnes states what you would like done for the minutes to be prepared for the meetings next month. Stahl says the committee should designate someone take the minutes to save the board money. County Clerk Huntley says the minutes need to be in her office before 2:30 p.m. on Friday, in order to be included in the County Board Packets. Rice calls for the question on the motion. Chairman Barnes calls for a roll call vote.

Huntley also reminds the members Agendas need to be in the Clerk's office by a deadline and all minutes; any Resolutions to be presented need to be sent as well.

YES: Messer, Rice, Saunders, Stahl, Bauer, Colbert, Gronewold, Hopkins, Horner and Kenney

NO: Kilker, White, Williams, Boes, Bowers, Colson, De Arvil, Finfrock, Gouker, Heuer, Janes and Barnes

ABSENT: Nye and Welty

The motion is defeated on the roll call vote.

Kilker makes the motion to approve R-2011-0204 as presented and Bowers seconds. A roll call vote is called.

YES: White, Williams, Bauer, Boes, Bowers, Colbert, Colson, De Arvil, Finfrock, Gouker, Heuer, Janes, Kilker and Barnes

NO: Messer, Rice, Saunders, Stahl, Gronewold, Hopkins, Horner and Kenney

ABSENT: Nye and Welty

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

**Finance Committee** Minutes placed on exhibit

Fee Study Gouker presents R-2011-0205 regarding contracts signed by the former Administrator with WIPFLi, LLP to perform a fee study in the County Clerk's Office regarding Tax Redemptions and in the Sheriff's Department. Sheriff Harn states the fee study in his department would be for Civil Process fees which have not been raised since 1999. Harn has some questions regarding the use of this company and the cost of the study. County Clerk Huntley states she has not established any verbal contact and will try again later this week. Gouker makes the motion to approve R-2011-0205 as presented and White seconds. The motion carries on a voice vote.(Placed on file)

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

Enforcement Grant Bowers presents R-2011-0206 regarding the Solid Waste Enforcement Grant with the Illinois Environmental Protection Agency and makes the motion to approve the resolution. White seconds and the motion carries on a voice vote.(Placed on file)

**I.T./N.I.T.T./G.I.S** Minutes placed on exhibit

NITT Alternate Designation Colson presents R-2011-0207 to name County Board Member Dan Janes as the Alternate Voting Representative on the NITT Commission. Finfrock seconds and the motion carries on a voice vote.(Placed on file)

**Chairman Comments –**

≈ Chairman Barnes presents R-2011-0208 regarding the revised County Board Committee Assignments adding as follows:

1. Buildings & Grounds / Central Purchasing - Finfrock – Heuer
2. Chicago – Rockford International Airport – Heuer
3. Community Economic Development Representative – Kilker
4. Illinois Association of County Officials (I.A.C.O.) – Gouker
5. Illinois Association of County Board Members & Commissioners (I.A.C.B.M.C.) – Gouker
6. N.I.T.T. – Colson – Janes (alt)
7. Planning Commission – Welty - Hopkins (alt)
8. Tri-County Opportunities – Welty – Barnes (alt)

Janes moves to approve R-2011-0208 as presented and Bowers seconds.

Bauer asks if any of these positions will be paid positions for attending meetings. Chairman Barnes says yes, if the assigned meeting is attended the Board Member will be paid.

Bauer asks what meetings the Community Economic Development Representative will attend. Vice-Chairman Heuer states they will attend the CEDS meetings. This is why we had Theresa Wittenauer attend the meeting tonight to discuss the CEDS representative needed for Ogle County. Heuer states we have no representative from the Ogle County Board which would be the person to be the liaison between the municipalities in the county to the Regional CEDS. This representative will be paid to attend the CEDS meeting only. Gouker states we have had a representative attend GREDCO meetings for a number of years. Gouker states Chairman Barnes' intent was to have someone represent all of the communities in the county. Heuer states the Administrator was invited to attend GREDCO meetings in the past. Heuer states we met with Jason Anderson of GREDCO along with 2 County Board members and it was recommended that a county-wide Economic

Development Representative is essential; if Ogle County is to be totally represented. This person would continue to be invited to GREDCO and GREDCO will participate in CEDS. Gouker states the GREDCO representative was for one municipality and this representative will be available to all municipalities in the county. There was discussion regarding Blackhawk Hills RC&D and CEDS representatives and meetings they will attend. Colson states the Blackhawk Hills RC&D is only when the six counties meet and is separate from CEDS.

- ≈ Chairman Barnes has received communication from Comcast regarding adjustment of rates beginning March 1, 2011.
- ≈ Dan Janes – Chairman of the Reapportionment Committee announces we have not received numbers from the Census Bureau at this time. Please contact him via e-mail at [djanes@oglecounty.org](mailto:djanes@oglecounty.org) for any suggestions and / or comments.

#### **Unfinished Business –**

- ≈ Rice questions information about an Executive Committee Meeting held on January 11, 2011 which was not posted and no minutes placed on file. If this is a violation of the Open Meeting Act, we need to have State's Attorney Ben Roe look into this. Chairman Barnes states he did talk to Roe about this and was told it should not have been done. There was no decision made and no minutes were taken. The Administrator deposited documents in the County Clerk's Office regarding the Courthouse Renovation. I took the documents from the Clerk's Office to take to the Executive Committee with me and have Williams look at them. There were many people at the meeting and I did not want to embarrass anyone. After the meeting I asked Williams to come to my office to review documents; Gouker and Heuer were standing there. Kilker knew about the documents because she was in the Clerk's Office during this discussion. So the five of us went upstairs to review the documents. Williams says there were various pieces of information regarding the closeout of the project for the courthouse; it was a very unorganized assembly of documents. I have been concerned for several months about where these documents were; have they been filed properly and do we have all documents. I've assembled an 11 page list of items which the contractor is bound by contract to supply and my biggest concern is about the warranties. Based on what I saw in the box, the items are not there. Before this meeting I discussed this with Rice and it was stated that Mr. Dobbins reassured Rice and the Administrator that we have all documents. We hired an architect to act on our best behalf and there are a lot of things missing. Rice states his concern is the meeting was held in violation of the Open Meetings Act; the current Parliamentarian Gouker and former Parliamentarian Heuer were in attendance and they should have advised them of that fact. Chairman Barnes states he takes full responsibility and there was no illegal intent. Gouker states this was an issue the Chairman found out about that day and since I was involved with the Judicial Center project, he asked I come as well. Gouker was shocked to see how much information was missing; there were no pay applications for the last seven months. Horner asks if Chairman Barnes talked to the Administrator regarding the papers. It was noted the documents were not brought to the County Clerk's Office until 3:30 p.m. of the Administrator's last day with the County.
- ≈ Bauer states he has just left the Philippines, which is a third world country and Ogle County is a great place to live.

#### **New Business – none**

#### **Communications –**

- Sales Tax for November 2010 was \$22,860.76 and \$60,790.63
- Sales Tax for November 2009 was \$53,953.59 and \$67,359.82

#### **Adjourn Meeting**

At 7:10 p.m., White moves to adjourn the Ogle County Board until Tuesday, March 15, 2011 at 5:30 p.m. Janes seconds and the motion carries on a voice vote.

Chairman James L. Barnes  
Chairman - Ogle County Board

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

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