

**PROCEEDINGS OF THE COUNTY BOARD  
KNOX COUNTY, ILLINOIS**

**Special Meeting  
October 12, 2009**

STATE OF ILLINOIS     )  
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COUNTY OF KNOX     )     SS

Proceedings of the Special meeting of the Knox County Board held at the Knox County Courthouse, Galesburg, Illinois on October 12, 2009 at 6:00 p.m.

The meeting was called to order by Chairman Greg Bacon and upon roll call the following members reported present:

District 1	Allen Pickrel
District 2	Greg “Chops” Bacon
District 3	Barbara Foster
District 4	Lowell Mannhardt
District 5	Jeff Jefferson
District 1	Cheryl Nache
District 2	Paul Stewart
District 3	Tim Hasten
District 4	George Knapp
District 5	Ricardo “Rick” Sandoval
District 1	Lyle Johnson
District 2	William Abel
District 3	Jan Occhi
District 4	Wayne Saline
District 5	David Serven

Also present were Sheriff Dave Clague, County Assessor Chris Gray, and County Clerk Scott Erickson.

Chairman Bacon led the Members in the pledge to the flag.

Chairman Bacon started the meeting with a statement and will allow the rest of the Board a chance to comment as well prior to opening the floor for questions. Chairman Bacon stated that the Illinois State Statutes and Public Acts involved with the Building Codes specifically exempt buildings for agricultural purposes and zoned for agricultural use. We only ask that they get a permit at no charge for taxing purposes only. The Codes that we are discussing only apply to the unincorporated areas of the County and not any Municipality. The County has always had permit requirements, but now they are going to get an inspection of the work as well. The fees for the Plumbing and Electrical inspections will go directly to those inspectors. We are not looking to

increase taxes to pay for this program. With the number of building permits issued, the fees generated should pay for the salary of the Building Inspector. People can still do their own work on their homes and the County is not looking to infringe on any personal rights. If a person gets to a point where they can't complete the project, then they are going to ask for help or hire a professional to do the work. The statement by Member Mannhardt that you will have to get a permit to change a light bulb or a faucet in your own home is not correct. It is all in how you interpret the Codes.

The City of Galesburg has a Code Review Board that helps with the interpretation of City Codes, and they have offered to help the County start the process. If a citizen has a problem with a Code, they will go to this Review Board for clarification. The Review Board will either grant an exemption or say they must follow the Code. This whole process will take a long time to complete. Many of these Codes may need to be modified or removed as they are not applicable in our situation. We need to take baby steps to get the process moving forward. The City of Galesburg has been doing this for 40 years, and it took us 3 hours to get through the first 6 pages. We would like to see the Codes enforced in May or June of 2010. This will allow the Building Inspector to go through the Codes and modify them to what we need. The City codes are very strict so that is why we did not jump in with their codes. We will not be sitting out at Lowe's looking for purchases that may need a permit for inspection.

This is not a Union thing it is a safety thing. When you hire somebody to do work for you, you should be able to expect them to give you what you want. At least 95% of the local contractors are good guys, and it's the other 5% of contractors that we want to catch with the inspections. These codes will allow your next home buyer to know they got a quality home. We are not here to take advantage of anyone. This has gotten way out of hand and will not be another way to raise taxes.

Member Pickrel stated that it is concerning to him that future Board Chairman, Assessors, or County Boards may not think the same way as the current Board does. If they would choose to enforce the Codes as they are written how can we control that? He asked how many permits have been issued in the last year. Chris Gray responded maybe 400. Member Pickrel then stated that he did not know what they intended to pay the Building Inspector, but it would take 700 permits to pay for a \$35,000 salary without benefit costs. The County is going to lose money in this deal. He also stated that the tentative job description calls for the inspector to have 3 to 5 years of experience. The index to the Code books state that a qualified Building Inspector should have at least 10 years of experience with 5 of those being supervisory. He also stated that in the City of Galesburg if you change out your own water heater and put the old one on the curb, you had better be ready to receive a knock on your door to see your permit as they check on these things.

He also stated that he has not read all of the books with the Codes in them. He understands that most of this deals with new construction and not the small everyday things. But, this whole process has not been thought out properly. We need to spend some time and make it our own and not follow these International Codes. We can't pay for this without raising the permit fees. And nobody with 10 years of experience is going to work for the small salary that we plan to give them. He received a call today from an attorney who told him that if the County does nothing more at this point we are still

covered. If you sell a house with bad wiring, the Codes are going to cover you because you did the wiring wrong. In Appendix I of the Codes on glazing of windows it states that you have to glaze your window a certain way so as to withstand wind damage. This needs to be refined. Go ahead and put this in place for new construction, but we need to do our own thing and not hire an inspector with the specifications we have now. We should adopt our own that is what we want. Why live in fear of the future and why lose money at this point in time.

Member Mannhardt stated that he has studied the plumbing code and residential code and what is excluded from requiring a permit. A home owner can clean a stopped drain, repair leaks and valves provided that they are not replaced. You can clean but you can not replace (at least without a permit for inspection). It is still his opinion that you can not change a light bulb without a permit. You can repair the lamp that is broken but not change a receptacle. We can still protect the home owner by requiring builders to do the right thing without code enforcement. A person who wants to buy a used home can hire a building inspector on their own to check out their potential purchase or own work if they choose.

Member Abel stated that this is Democracy in action. We need to re-evaluate these ideas and actions and listen to the public and act accordingly. We want people to live and build here. It seems we reward the remodeling of run down homes with raised taxes on the improvements. He understands the fire safety issues with old wiring in homes. We don't have to make things complex and cost more money in working with the un-licensed people to make them follow the codes. We need to have some statistics on fires including problems removed with building permits. We need to be able to provide a reason to have codes and show they are the only way out of this situation. People need to hire a responsible person to their work. We should not be licensing workers or just suddenly making them go out and get a permit that will just cost more money. We need to find a solution. One option may be to have every licensed contractor register with the County and be placed on a master list. Citizens could then choose a contractor from the registered list or get an outside person to do the work. The outside person could then come and register with the County to be placed on the list. We need to have a component for fines for the people doing wrong, not the ones that are complaint. We need to re-think this option.

Member Occhi she did not plan on talking tonight, but we have gone back into scare tactics. These codes are good and will help protect customers from shoddy work. She knows the compliance officer at Oak Run and there is a lot of work being done incorrect out there. One had their sewer hooked into their plumbing system. People hire contractors that do what they are not supposed to do. There was a person who built their whole home with treated wood and could not live in it because of the toxic fumes from the wood. People can still do their own work and just have the building inspector tell them if it done right.

No other Board Members requested to speak, so Chairman Bacon opened the floor for public comment.

Ben DeRose said there are a lot of issues tonight. He is a certified journeyman carpenter for 43 years and has served the last 20 years on the Building Code Committee. He has dealt with both sides of this issue. This is not for the Unions, Trades, or municipalities but is for safety. The idea is to continue the type of codes that the city has in the County. It is an idea of continuity. These codes are like instruction manuals. When the City of Galesburg started with building codes, they started just like the County. They adopted a set of codes and then through code review have checked and changed the code to what it is today. The plumbing code has to be the State of Illinois Plumbing code since the State has mandated it. With the installation of a water heater, you will want to have it inspected so that it is properly vented and that the potable water is safe to drink.

Tim McClay said the codes would stop him from doing his own work. What it will do is force him to stop buying items in town. He has heard the codes will be like the ones in Galesburg. He does not want to be followed home like an outlaw for buying items for home improvements. This is a frivolous law and the County should stay out of his life.

John Henbest asked about the \$50 fee and if it goes to the inspector along with their salary. Chairman Bacon said that the fee would be used to offset the salary. Mr. Henbest said things are all mixed up. Why are farmers exempt just because the State says so. Farmers have a greater risk of water contamination. He also wants to know how many fires, water illnesses, and other issues have occurred in the County to lead to these codes. What about the saying of "Buyer Beware"? Realtors have home warranty programs to protect buyers. He is also concerned about Waste Management turning in people who put water heaters to see if they have permits. Only 3 Board Members spoke tonight, and we need to hear what the Board is thinking or questions that they have. This is starting to look like the 11,000 page Federal laws that nobody reads but gets approved because it sounds good.

Ernie Weddel is concerned that the Board needs to study this issue more and come back and tell the citizens what they find out and why.

Sharon Cameron is concerned that the City inspects as things get done and if the County is going to do the same thing. Most of these issues are for new homes.

Brad Davis concurs with the requests to reconsider. We do not need more laws to try and keep Americans in line.

Brian Sorenberger said that the money will come from the permit fees. We can't afford to have the inspector paid with just the fee revenue. He is also concerned that the 10 year veteran inspector will not work for \$35,000 and will cost the County more money.

Curt Cramer stated he is adamantly opposed to these building codes. He has lived in Galesburg for years and is a retired Galesburg Police Officer. The City codes and

ordinances have grown over the years. Now you can not even park your own car in your own front yard to wax it. It may not happen with this Board but these codes will cause taxes to be raised. He loves Galesburg but hates the ordinances. He moved out of town because of the ordinances. He hopes that the Board will not vote in a partisan manner. Please do what is best for the County.

Jim Thompson stated he is retired and lives on affixed income. He stated that this is just another tax. The building inspector salary, vehicle, and assistants will just be another infringement on our rights.

Dave Schalof stated that there does not seem to be a problem with Codes in the County. He does not want the Government to try and protect us from ourselves. He also thinks it will just bring another level of Bureaucracy to government.

Randy Bryan said this is not a Union issue. He does know many good Union and non-union contractors who do good work. Brent Stowe is a great electrician and other non-union contractors do quality work. Quality work is what we all want in the end.

Jon Vanier has had a house built in Knox County by a local contractor and it was not built to code. He spent \$250,000.00 and they did not even pour concrete in the footings. The County needs code in order to protect citizens from greedy contractors. Most are good, but some are not. The codes will not require a permit for a faucet or light bulb. State inspectors will do the plumbing inspections for the plumbing codes.

Mr. Yeutson stated that this is a District 4 and 5 issue, yet Districts 1, 2, and 3 get to decide on it as well. The Board should support what the Members of Districts 4 and 5 think and vote the same way.

Member Pickrel stated again that if you live in town and put a water heater on your curb that you will be contacted by the City if you do not have a permit. Jon Vanier stated that the City has not do that type of thing for years. Member Pickrel responded that they have asked to see permits and that some people have even received things in the mail regarding this.

Motion by Member Occhi, second by Member Hasten, to place the Knox County Building Codes on display for 30 days prior to final approval. Member Pickrel asked for a point of order as this issue had already been approved by the Board last month. Chairman Bacon said that the previous Resolution to enforce the codes should have been preceded by the placing of the Codes on review. Member Pickrel asked if we needed to rescind that previous Resolution. Chairman Bacon responded that this new Resolution will not be official until the November Board meeting and will have an effective date of April of next year. Member Pickrel added that the Resolution is in place and legally it can not be in place. Clerk Erickson stated that in conversations with the State's Attorney's office, the previous Resolution was not valid and therefore not enforceable as approved. It is like vacating an order and we would have to start from scratch again. Member Mannhardt asked if we have to suspend the rules in order to vote on this issue

since it did not come out of a Committee. Chairman Bacon stated that the Committee did approve this in April. Member Mannhardt stated that not only does it have to be on display for 30 days but we have to have 3 copies of it available. Since we don't have 3 copies, we can not proceed. Chairman Bacon stated that we could order another copy of the codes and have the 30 day display window start when they arrived. The 30 days would then start on October 16.

Member Saline stated that it is duty of Board Members to listen and consider the facts. He has received letters and calls on this issue. He stated that Mr. DeRose, once certified, would have to follow the codes and rules even if they were not in place formally in the County. The Building Inspector position will raise taxes slightly as a portion of the levy amount for the County will have to be used for retirement costs. This position will actually cost around \$50,000 to \$55,000 plus the set up of the office.

Member Sandoval stated that no matter how a Member votes, the codes still need to be on display for the public to review.

Member Johnson stated that similar codes are already being used in the City and the County approval would level the playing field. We need to have a code that everybody can follow.

Member Occhi said that 2 people in the audience today have had problems with contractors and have no place to go to get help. The State's Attorney will not prosecute the contractors so these people and others will continue to be taken advantage of.

Chairman Bacon stated that the Residential Code calls for a minimum requirement for stability, light conservation, and safety for life to avoid hazards. When he was growing up, he grew up on a farm and help his father with work. If the shed they built fell down, it was their own fault because they did not follow any codes. But, when you build a new house, you expect to get what you have paid for. When you buy a television at a store you expect it to work. You should be able to expect that the contractor that you hire will not build your house wrong, but you have no way to be sure without codes. This way we are looking out for you.

Member Jefferson said that the majority of the calls that have been from his area and are asking him if he knew what he was voted on or if he had read the books. He did not think this was such a controversial issue. They are a number of people who think this is not necessary, but there are other sides to look at also. He is grateful for the public input.

Member Hasten said when a contractor builds a home and the owners move in and find problems they should go back to the contractor. If the contractor is gone or out of business, where do they turn for help? There is a safety need.

Member Stewart added that since the City has codes it is important that the County have them as well. People need protection against inferior work. The intent is to protect the property before the damage is done.

Roll call vote on the motion to place the Building Codes on display for 30 days after the 3<sup>rd</sup> set of books arrives was as follows: Ayes – Bacon, Foster, Jefferson, Nache, Stewart, Hasten, Sandoval, Johnson, Abel, Occhi, and Serven – (11). Noes – Pickrel, Mannhardt, Knapp, and Saline – (4). Motion carries.

Motion by Member Occhi, second by member Abel, to adjourn the Special meeting of the Knox County Board. Voice vote as follows: Ayes – (15). Noes – (0). Motion carries and meeting adjourned at 7:10 pm.