

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

February 24, 2010

STATE OF ILLINOIS)
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COUNTY OF KNOX) SS

Proceedings of the regular meeting of the Knox County Board held at the Knox County Courthouse, Galesburg, Illinois on February 24, 2010 at 6:02 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	Pamela Davidson
District 5	David Serven

And those absent: District 4 Wayne Saline

Also present were Sheriff Dave Clague, Treasurer Robin Davis, State’s Attorney John Pepmeyer, and County Clerk Scott Erickson.

Sheriff Dave Clague delivered the proclamation. Chairman Bacon led the Members in the pledge to the flag. Rev. Daniel Siems of First Baptist Church in Galesburg delivered the invocation.

Chairman Bacon asked for additions or deletions to the agenda. There were none.

Chairman Bacon asked for public comments. There were none.

Motion was made by Member Mannhardt and seconded by Member Pickrel to approve the following items of the consent agenda: 1) minutes of the Regular and Closed Board Meeting on January 27, 2010, 2) claims by Members for per diem and mileage for

the Meeting of February 24, 2010 and other claims for per diem from meetings, and 3) sales tax and various taxes for the month of November 2009 in the amounts of \$98,155.59 and \$26,093.90 and public safety tax in the amount of \$86,886.82. Voice vote is recorded as follows: Ayes—(14). Noes—(0). Motion carried.

A lottery was held to determine the party ballot placement for the General Election to be held November 2, 2010. County Clerk Scott Erickson explained the lottery process and Rev. Daniel Siems was asked to select one ping pong ball. He first selected a ping pong marked with an “R”; therefore, the Republican Party candidates will appear first on the ballot. He then selected a “G”, so the Green Party candidates will appear second on the ballot, followed by the Democratic Party candidates. Members expressed their thanks to Rev. Siems for his assistance.

Motion was made by Member Hasten and seconded by Member Davidson to approve the proclamation for “Local Government Week”, to be observed the first full week in March in Knox County. Chairman Bacon read aloud this proclamation, a copy of which is included in the packets. Voice vote is recorded as follows: Ayes—(14). Noes—(0). Motion carried.

Motion was made by Member Knapp and seconded by Member Serven to approve the reappointment of William R. Shea to the Wataga Sanitary District. He currently serves as president. This is a three year term. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Health Department Administrator Heidi Britton presented their annual report to the Board. Copies of this report were included in the February 21 edition of the Register-Mail. Chairman Bacon commented that Ms. Britton was doing a good job. Motion was made by Member Sandoval and seconded by Member Nache to accept the annual report from the Health Department and place it on file. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

An update from the National Railroad Hall of Fame was presented by Executive Director Julie King. Recently she presented an update to the Galesburg City Council and felt it appropriate to update the County Board as well. She reviewed the progress that has been made to date. In February 2008, they announced the concept and vision of the National Railroad Hall of Fame and its future home in Galesburg. The concept and design is by the same firm who designed the Lincoln Museum in Springfield, Illinois. They are masters of interactive design and have also worked for Disney. The suggested location would be near the current Amtrak depot. A study estimates the number of annual visitors to be 146,000 to 189,000. This would create a positive economic impact to our area.

Currently a philanthropic market study is underway. This is not fund raising but it is an important step. This project identifies potential donors. The results of this study determine the scope and scale of the museum.

This idea for the National Railroad Hall of Fame is a homegrown idea, that began right here in Galesburg. In 2006, 660 community donors raised \$1,450,000. There were also two matching State Grants of \$100,000 each. The City of Galesburg also contributed \$150,000. Altogether that added up to \$1,800,000 to start our campaign.

The challenge has been to build a national network of potential donors. One promotional tool has been announcing new inductees to the National Railroad Hall of Fame in conjunction with Railroad Days. This last ceremony was held at Knox College. Secretary of Transportation, Ray LaHood attended the induction ceremony and supports the idea for the National Railroad Hall of Fame. Representative Don Moffitt also supports this venture.

The current rule of thumb is that it takes 18-24 months to solicit a major gift and several personal contacts. They are trying to market Galesburg as an excursion destination. There are individuals who own their own railcars and they are invited to visit Galesburg. Our location is unique in that they can park their railcar on the siding and walk to restaurants, shops, or the Orpheum Theatre.

They are also trying to link this facility with the John Deere Commons in the Quad Cities and Cat Exhibition in Peoria.

Member Pickrel asked if a location had been designated.

Ms. King responded that the most suitable site would be immediately south of the Amtrak station on South Seminary Street. They would need to acquire additional space for parking.

Chairman Bacon stated that he is a big supporter of this. It is a great idea. He wants it to come sooner than it is going to. Even if you figure a low number of 146,000 visitors annually, there will be a positive snowball effect to the local economy. These visitors will spend money in restaurants and in hotels. Jobs will be created. The bigger, the better.

Member Serven asked when they expect to break ground.

Ms. King responded that it would depend on the fund raising which is usually a 2-5 year process. Chairman Bacon thanked her for her presentation.

Motion was made by Member Pickrel and seconded by Member Sandoval to approve the collective bargaining agreement with AFSCME Local 31, the courthouse union. A copy of this agreement was mailed with the packets. Member Jefferson announced that an agreement has been reached. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

The Finance, Insurance, Treasurer, Judicial, and Clerk Committee report was presented by Committee Vice-Chairman Jeff Jefferson. Copies of the report were included in the packets.

Motion was made by Member Pickrel and seconded by Member Davidson to approve the annual membership in Prairie Hills Resource Conservation and Development

Organization in the amount of \$150.00. Information is provided in the packets. Roll call vote to approve the annual membership in Prairie Hills Resource Conservation and Development Organization is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made of Member Davidson and seconded by Member Mannhardt to approve the resolution on deed of conveyance for PIN# 10-18-277-005. County Clerk Scott Erickson explained that this is a normal housekeeping measure and allows the property to return to the tax rolls. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Johnson and seconded by Member Davidson to approve the payment of insurance for the Orpheum Theater in the amount of \$10,000. Member Jefferson explained that this is something that has been done in the past. This is the recommendation from the committee and the information is in the packets. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Pickrel and seconded by Member Nache to approve letters of support for GO-21 initiative. This is in reference to supporting the efforts of lobbying efforts for the rail industry. Chairman Bacon explained that a similar letter of support was approved last year. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Hasten and seconded by Member Stewart to approve Workman's Compensation settlements. One settlement is to Mr. Short in the amount of \$5,842.36 and the other settlement is to Mrs. Hahn for two separate injuries in the amount of 15,938.50. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Chairman Bacon stated that the next meeting of the Building Committee will be held March 9, 2010 in the basement of the Courthouse.

The Sheriff, Jail, Courthouse, Animal Control, Mary Davis Home, and Annex Committee report was presented by Committee Chairman Rick Sandoval. The monthly reports and committee minutes are included in the packets.

Motion was made by Member Pickrel and seconded by Member Jefferson to approve the appointment of John “Jack” Browning to the Sheriff Merit Commission. This will fill the position of James Kelley who recently resigned. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten,

Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Hasten and seconded by Member Davidson to approve the resolution increasing process fee charges for the Sheriff's Department. Effective April 1, process fees will increase to \$30 for the first process page and \$10 for each additional page. Mileage fees would increase to \$1 per mile and the return fee of \$5. Sheriff Clague reported that these fees have not been increased in over 10 years. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Sandoval and seconded by Member Stewart to approve to bid and bring back for asbestos abatement for the heating and cooling lines at the Courthouse. Voice vote is recorded as follows: Ayes—(14). Noes—(0). Motion carried.

Motion was made by Member Sandoval and seconded by Member Serven to approve to bid and bring back for the replacement of heating and cooling lines at the Courthouse. Chairman Bacon reported that right now they are in the process of replacing some lines. There have been more leaks. Some of these lines are very old. He invited other Members to tour the basement and check it out. Voice vote is recorded as follows: Ayes—(14). Noes—(0). Motion carried.

Sheriff Clague addressed the Board about a problem at the Jail. About 18 months ago, he presented to the committee his concerns about the UPS (uninterrupted power system). They had found out that as this system was installed at the time of the new construction, it had not been hooked up properly and there is no warranty. And that company has gone bankrupt. They did hire someone to do temporary repairs enough to get the system operational.

He explained that basically the purpose of this system is that in the event that the power goes out the UPS is to kick in and regulate the power as the generator comes on. As the UPS was not working properly, the rate of the power was ten times the amount that was necessary coming in to that one computer. Therefore, that computer was fried. About 18 months ago they felt confident that they had taken care of the situation. About two weeks ago on a Saturday, the Sheriff's Department was without power for about 2 ½ hours. The generator kicked on and in the process fried some computers, kitchen equipment, and security cameras.

MSI was contacted and asked to provide guidance to remedy the situation. A company called Critical Power Solutions was contacted. They visited the jail and told the Sheriff's Department that the UPS was not working. They suggested two possible courses of action. The first option would be to spend approximately \$4,000 to get enough equipment for one block and then proceed to see if block #2 would work. If that does not work, then spend another \$4,000-\$8,000. Then just keeping going up the line. Eventually that would determine whether the system works or does not work. If this strategy works,

we could wind up spending about \$20,000 to replace it. If it does not work, we cannot return the parts and still we have spent \$20,000.

Critical Power Solutions is recommending that we replace the system, especially since this is a jail situation. The cell doors are opened and closed electronically. Sheriff Clague has since learned that it would cost approximately \$30,000 to replace this UPS. He believes it to be an emergency situation. It could be a disastrous situation if there were a fire and we could not open the cell doors for quite some time. This is a situation that needs to be addressed.

Member Pickrel agreed that this is an emergency situation and it could be funded through the public safety tax. We should allow the Sheriff to take care of this.

Chairman Bacon also agreed that this is an emergency situation. Even though this matter is not on the agenda, he does not have a problem with this. He would hate to think that prisoners would not be able to get out of their cells.

Member Johnson also agreed with Member Pickrel that we should go ahead with this.

Member Mannhardt suggested that we talk to other modern jails to learn how they handle this type of thing.

Sheriff Clague responded that Tazewell, Peoria, and Woodford Counties as well as others rely on a UPS system. He would imagine that the Nursing Home also would depend on a UPS system. This new system would come with a one year warranty.

Member Stewart commented that this expenditure should come out of the public safety funds.

Chairman Bacon added that apparently the old system had not been inspected over the years.

Sheriff Clague stated that the representative from Critical Power Solutions reported that apparently the system had been looked at several different times with a variety of replacement components installed on a hit and miss basis.

Member Nache questioned how old the current system is.

Sheriff Clague responded that it is about four years old. But apparently it was not installed properly or serviced adequately.

Chairman Bacon repeated that he had no problem with proceeding with replacing the UPS system at the jail as it is an emergency situation.

The Highway, Assessor, Zoning, GIS, and Recorder Committee report was presented by Committee Chairman George Knapp. Reports and committee minutes are included in the packets.

Motion was made by Member Knapp and seconded by Member Hasten to approve the resolution for 2010 Motor Fuels Tax Maintenance. This is an annual resolution that has to do with purchasing materials to be used in the maintenance of the county highway system in 2010. Duane Ratermann stated that there is \$1,000,000 budgeted. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Knapp and seconded by Member Mannhardt to approve the agreement for emergency road repairs for Knox County Section 10-00000-99-GM and Sparta Township Section 10-18000-99-GM. Member Knapp explained that this agreement involves \$50,000 from the State of Illinois and \$10,000 from Sparta Township. In order for the County to receive these funds, we must proceed with a local agency agreement. This states that the township and county will each maintain their separate jurisdiction, and maintain these roadways that are to be repaired under the terms of the Emergency Repair Program. There is no funding match required on this emergency road repair funding. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Stewart and seconded by Member Hasten to approve the placing of the resolution on building codes for Knox County on display for 30 days prior to final approval. Member Knapp stated that these codes would be brought to the Board next month for that final approval.

Chairman Bacon stated two different versions of this resolution were distributed to the Board Members. One is the original version that we started with about four or five months ago. This process has gone through the different committees and has been presented to some township supervisors. The second version has removed references pertaining to maintenance. These building codes would only apply to new construction.

Member Pickrel shared some of his concerns with these building codes and voiced his opposition. After this is passed and it goes into effect, he could call the Sheriff and report that his neighbor has an unauthorized bonfire. The Sheriff's Department would have to come out and serve the neighbor a ticket. It is a violation of the building code to have a bonfire without a permit. We can say that we will not enforce all of these restrictions, but that is a problem. We cannot selectively choose which restrictions to disregard. He thinks that it is ludicrous to move forward with this whole set of building codes saying that we can take this part out and we can take that part out. If he has the whole set of building codes and notices that his neighbor is doing something wrong, and he calls the Sheriff to arrest this neighbor and the Sheriff does not do so, then he could sue the County because the Sheriff was not doing his job. Whether having a bonfire or burning an old shed that is the way that it reads. Such actions would require a permit. He does not think that we should be moving forward with this. He reported that he had never received so many calls as so many people are against this. The only people supporting this are the ones that you would expect.

Member Mannhardt stated that he had four things that he wanted to discuss in reference to these building codes and also voiced his opposition. He agreed that according to these codes you do have to have a permit to have a bonfire. This permit can only be issued to the property owner, not a renter. Further this code states that any new construction after January 1, 2011 shall include sprinklers. If we adopt these codes, it will be the law. We should not say that we will take something out. If do not want to include something, we should take it out to start with.

Another subject of concern is that this resolution states that a homeowner will be able to do his own work. There have been problems in the City of Galesburg. He thinks that a homeowner should be able to do his own planning, building, electrical, plumbing,

etc. There is a statement in the Illinois Plumbing License Act that states that “nothing shall prohibit an owner...of a single family residence under construction from planning, installing, repairing, and performing their plumbing of their residence provided it complies with the minimum standards of the Illinois Plumbing Code.” He thinks that a similar statement should be included in our codes.

Another concern is that January 11, he received a letter that states a possible conflict of laws including zoning laws with these building codes. Illinois zoning laws state that farmers get their all their permits free. This letter quotes codes that state that inspections would exclude farmers from the getting these permits. It goes on to say that if it is not enforced, it is in conflict with Illinois State law. It is his contention that the building codes that the County are seeking to adopt are in conflict with the Illinois State zoning laws. Farmers cannot be excluded. If they want to get their property inspected and have a permit, they should be able to do so. It boils down to money. There are over 15,000 parcels in rural Knox County. Approximately half of those are agriculture related and they would get their permits for free. Normally in the City of Galesburg, the person that is having the work done is paying for the inspection. Who is going to pay for the inspection costs in the County when the permits are free? He thinks that this resolution should be tabled until we get a decision from the Illinois Attorney General as to whether the farmers can be excluded or not. This is a totally different situation than the City of Galesburg.

At the December 22 Zoning Committee meeting, there was a petition presented with 142 signatures objecting to the second proposed resolution.

Member Abel read his prepared comments also voicing his opposition to adopting these building codes. He certainly is in favor of safety but he does not think that a permit system will increase public safety. As he has visited with various professionals in the County, he has found none to be in favor of these building codes. They see it as another way to get money and an infringement on their personal rights. None of the County's departments or agencies has expressed that building codes are needed to keep our citizens safe.

Adopting these building codes will put yet another financial burden on the County for hiring additional personnel. In his opinion there is no way that this program will pay for itself. The County is facing other significant issues that are going to require attention and finances, such as the Courthouse.

Further, there is no fee schedule attached to these building codes. Nor does it state how many extra people will have to be hired. And it is not clear what “new construction” actually means. If the resident rewires a light fixture or changes some wiring in his home, that could be “new construction”, and thus require a permit and inspection. That would mean that the County would have a record of every little improvement made and that could potentially result in higher property taxes.

Establishing building codes will not change things. The people, who are going to hire shoddy workers or do it themselves without the knowledge of how to do it, are going to do it anyway, without permits. You are not going to have the manpower or the ability to police that no matter how many permits you require. It will actually discourage some people from keeping up their houses and property because of all the added cost and burden.

Member Pickrel stated that if this passes there will effectively be a burning ban. There will be no more open burning out in County. It will be just like the City of Galesburg. Beware of this policy.

Member Knapp reminded Members that this motion is to place the building codes on display for 30 days.

Roll call vote to approve the placing of the resolution on building codes for Knox County on display for 30 days prior to final approval is recorded as follows: Ayes—Bacon, Foster, Nache, Stewart, Hasten, Knapp, Johnson, Davidson, and Serven—(9). Noes—Pickrel, Mannhardt, Jefferson, Sandoval, and Abel—(5). Motion carried.

The Landfill and Nursing Home Committee report was presented by Committee Chairman Lyle Johnson. The committee minutes and monthly reports are included in the packets.

Motion was made by Member Johnson and seconded by Member Stewart to approve the 60 month maintenance program in the total amount of \$47,640 with Altorfer for the new landfill compactor. This is a one time fee. Although the committee discussed this last month, it was omitted from the agenda and no action was taken. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

There will be a Special Nursing Home, Landfill Committee Meeting on March 10, 2010, to meet at the Annex in executive session to review Nursing Home Administrator resumes and examine the construction manager bids.

Motion was made by Member Stewart and seconded by Member Hasten to approve the opening of the budget for specific line item adjustments. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Mannhardt and seconded by Member Stewart to approve specific line item adjustments in the budget. Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

Motion was made by Member Johnson and seconded by Member Hasten to approve claims against Knox County, Illinois, for the period of January 28, 2010 through February 24, 2010, (ordering that invoices be accepted and approved and that the County Clerk and County Treasurer be authorized and directed to issue County Warrants in payment of the bills.) Roll call vote is recorded as follows: Ayes—Pickrel, Bacon, Foster, Mannhardt, Jefferson, Nache, Stewart, Hasten, Knapp, Sandoval, Johnson, Abel, Davidson, and Serven—(14). Noes—(0). Motion carried.

STATEMENTS OF GENERERAL CONCERN

Member Pickrel had no comments at this time.

Chairman Bacon stated that he had received a request from the Knox County Home Extension to approve a proclamation to declare March as a “Living Well Month”. He extended his congratulations to Jerry Reynolds who is getting married Sunday. Chairman Bacon also wanted to commend Member Jeff Jefferson on a great job with the union negotiations. He also extended kudos to Andy Rowe. Bill Lotz reports that Mr. Rowe has been invaluable in setting up the GIS web site.

Member Foster, Member Mannhardt, Member Jefferson, Member Nache, Member Stewart, Member Hasten, Member Knapp, Member Sandoval, Member Johnson, Member Abel, Member Davidson, and Member Serven had no comments at this time.

Treasurer Robin Davis stated that the date of the next Regular Board Meeting could create a problem in paying the bills. If the Board meets March 31, then the Board bills will not be mailed until April. Most of the bills will not be paid in March.

Motion was made by Member Pickrel and seconded by Member Stewart to move the date of the next Board Meeting to March 24, 2010. Committee meeting dates will be adjusted accordingly. Voice vote is recorded as follows: Ayes—(13). Noes—(1). Motion carried.

The next regular Meeting will be held on Wednesday, March 24, 2010, 6:00 p.m., at the Knox County Courthouse, Galesburg, Illinois.

Motion was made by Member Sandoval and seconded by Member Hasten to adjourn until the next regularly scheduled Meeting of the Board. Voice vote is recorded as follows: Ayes—(14). Noes—(0). Motion carried. Meeting adjourned at 7:29 p.m.