

COUNTY OF BUREAU)

STATE OF ILLINOIS)

June 10, 2014

County of Bureau)

The County Board met in the Court House in Princeton, Illinois, in said County of Bureau, in the State of Illinois, in the Board Room on June 10, 2014, which said notice is in the words and figures as follows:

NOTICE

Notice is hereby given that the members of the County Board of Bureau County, Illinois, will meet at the Court House in Princeton, Illinois, in Regular Session on Tuesday, June 10, 2014, at 6:30 PM and that all claims must be filed with the County Clerk on or before Friday, May 30, 2014.

Kamala S. Hieronymus
County Clerk

The meeting was called to order by Dale Anderson, Chairman of the Board. Members present: Albrecht, Ralph Anderson, Baracani, Dobrich, Donarski, Entwhistle, Feeney, Kohr, Lilley, Mangrich, Marini, McCook, Piccatto, Rabe, Rediger, Sondgeroth, Stetson, Thompson, Volker, Warren, Whited, and Dale Anderson. Absent: Bassetti, Giordano, Maynard, and Ptasnik.

The Invocation was given by Marsha Lilley, followed by the Pledge of Allegiance to the flag of the United States.

There being no additions or corrections to the minutes from the May meeting, it was moved by Mr. Baracani, seconded by Mr. Dobrich, for approval. On vote, motion carried.

Mrs. Hieronymus presented the following communications:

1. A letter from IDOT stating the agreement between Bureau County and IDOT for the County Engineer's salary transfer was executed on March 27, 2014. The resolution authorizing the transfer of \$51,750 of Surface Transportation Program funds for partial reimbursement of the Bureau County Engineer's salary was approved by the department on March 27, 2014.
2. The Certificate containing a schedule for tax levied for road and bridge purposes in 2013, based on the 2012 assessments as equalized by the Department of Revenue, was completed and returned to IDOT for our County. It was moved by Ralph Anderson, seconded by Mr. Rediger, to place it on file. On vote, motion carried.
3. An ordinance which establishes the prevailing wage rates for Bureau County needs to be approved. Mr. Dobrich moved for approval, seconded by Mr. Donarski. On vote, motion carried.

Mrs. Hieronymus presented the following appointments:

1. Reappointment of five members to the Bureau County Emergency Telephone System Board: Rodger Bruyn, Kendall Keutzer, Randy Philhower, Donald Prince, and Dan Rabe, each for three-year terms. Mr. Anderson made those appointments and asked for the Board's approval. On vote, motion carried.

2. The reappointment to the Mineral-Gold Fire Protection District of Anthony Goodman, Trustee, until his successor is appointed. Mr. Anderson made that appointment and asked for the Board's approval. On vote, motion carried.
3. The reappointment to the Bureau Fire Protection District of Paul Barnhart, Trustee, for a three-year term. Mr. Anderson made that appointment and asked for the Board's approval. On vote, motion carried.

Mr. Ed Gerdes addressed the Board during Public Comment about the decommissioning for Big Sky. He said the landowners should be speaking but are not allowed to because of their leases. They probably do not know that the project was sold or what is going on.

The bank that EverPower wants to use is Key Bank, which is rated middle of the road as far as banks go. Mr. Gerdes said that his group strongly recommends performance bonds or demolition bonds that would cover the whole amount for decommissioning. Presently the County has money to cover 15-20% of the cost. These companies are LLC so if they fold, there are no assets to cover the remainder of decommissioning. They are assuming that the landowner would be responsible for the property taxes from the time the turbines are shut down until they are taken down, plus 85% of the cost to take them down. They have to come down because they are a hazard. Who is liable for injuries suffered from the time they shut down until they are taken down? The landowner would need liability insurance. Who is going to maintain them to keep them safe? He said the tips of the blades are going 200 miles per hour, and if they are spinning freely, they are a hazard. Midwest was going to take them down; they are not here; Edison Mission said they would and they are not here. EverPower said they will take them down, but Mr. Gerdes doubts that they will be here at that time. Are they going to come up with \$10 or \$12 million to take them down? Will they walk away and expect the County to do it? He does not think the landowners had planned on taking them down. Mr. Gerdes said he would provide copies of the decommissioning report to anyone wanting them.

EMA/ZONING

The claims for EMA totaled \$3265.56 and those for Planning and Zoning totaled \$6,582.07.

Ms. Lilley had one application to present which was for Michlig Energy, LTD, for a conditional use to install two 30,000 gallon above-ground LP storage tanks, the common location being the East side of IL Rt 40, approximately 3/8 mile North of 2000 N Avenue, Section 22, Manlius Township. It was approved by the Planning Commission and the Zoning Board of Appeals, and Ms. Lilley moved for approval, seconded by Mr. Kohr. On vote, motion carried.

Mr. Herrmann was asked if there was anything new on the Letter of Credit. He said he had worked out a new letter of credit with EverPower if the Board wants to go that route. Mr. Albrecht asked about the vulnerability of a letter of credit if bankruptcy should occur. He wanted to know if there was case law. Mr. Herrmann said it involved the assets that were pledged to obtain the letter of credit and whether the bankrupt company improperly transferred assets to obtain the letter of credit. The LOC was obtained the day before they filed for bankruptcy. It could very well be litigated; it is always a possibility. He pointed that out because of the history of Big Sky. Mr. Sondgeroth asked about renegotiating the decommissioning plan with new terms and a replacement letter of credit. Mr. Herrmann said some of the zoning committee members thought he should be doing that. He said right now we have an existing decommissioning plan that is still good. If they want to negotiate another letter

of credit as part of the decommissioning plan, it could include the amount of decommissioning and a new estimate every five years. It would take both sides to do that. Mr. Dobrich asked about the performance bonds. Mr. Herrmann said his secretary had obtained information in the last day on the performance bond. He did not know if the Board or Big Sky wanted to consider that. There was a list of counties that allow them as part of their financial assurance. Mr. Dobrich said he is interested in more information on performance bonds. He wanted to know if there is a better way to protect us in the case of bankruptcy. Mr. Herrmann said he could not answer that right now. With an LLC (limited liability corporation), the County probably would not get assets if the company dissolved. The performance bond is an insurance policy that would be paid for by the company. It would not be subject to bankruptcy. It is not an asset that can be voided. Most performance bonds are used in construction companies for shorter periods of time. The question was asked if there is a legal advantage between performance bonds or a letter of credit. It was reported that both are third party contracts. Mr. Rabe said that in the EverPower letter sent to the Board, it stated that Big Sky is willing to issue an LOC in the amount of \$2,000,000 (subject to CPI increases going forward). The zoning ordinance requires the Board to decide what financial assurances should be sought to accomplish decommissioning; it does not pick a particular one. Mr. Dobrich said that Key Bank is held in high regard and is a very solid bank. Mr. Herrmann stated that outside counsel recommended that the draw request be part of the letter of credit. The last one was with JP Morgan Chase. It was pointed out that the proposal being discussed should not be voted on at this meeting. It was not on the agenda which is an Open Meetings Act requirement. Mr. Kohr said he wanted more information on performance bonds from Mr. Herrmann, seconded by Mr. Dobrich. On vote, motion carried. Mrs. Stetson liked having the money and said they can count on the money being there. Mr. McCook wondered about the real cost of decommissioning. He wondered if the County is that far off as Mr. Gerdes is saying. It was pointed out that wind farm decommissioning is based on a specific wind farm. It may be difficult to determine without a costly study. The Zoning ordinance addressed the cost by having a review every five years.

It was reported that Walnut Ridge is set to file for conditional uses. The idea was presented about having a moderator at the Zoning Board of Appeals hearing. The County would pay and then would be reimbursed. They were looking for feedback. It was thought the moderator would keep the meeting moving along. The ZBA and the County Board would have to decide if they wanted to grant them. The County has been through at least five Zoning Board of Appeals hearings. It was stated that the chair of the committee is usually the moderator. The idea was proposed by the wind farm. Mrs. Volker said Bureau County has good experience. Pat Herrmann and Mrs. Donarski will talk to Lee County.

It was reported they had two bids for the radio repeater for the tower at the courthouse to improve communications. Ms. Lilley moved to approve the bid from Radio Ranch, seconded by Mr. Rabe. On vote, motion carried.

It was reported that the committee is satisfied with the performance of EMA Director Keenan Campbell.

HEALTH DEPARTMENT

Mrs. Volker addressed the issue of mental health in the Bureau County area. She said some meetings were held at the library and the hospital on how we can improve mental health services. Some of those have been conducted by Terry Madsen. There are many instances in which emergency care needs to protect the person or family because an individual can be

dangerous to themselves and their family. We are lacking mental health services. Psychiatrists can only prescribe drugs. There is a 60% improvement if the patient is given drugs and counseling. Since Sandy Hook, there have been 74 more shootings. With Bureau County and four other surrounding counties, our County ranks second among disorders. The federal government does not fund mental health; they do not have enough people. Mrs. Volker reported that there is a doctor and wife who are interested in a wellness model. They consider the whole picture, including physical, emotional, and spiritual, rather than just giving drugs.

ANIMAL CONTROL

The claims for Animal Control totaled \$5,496.20.

FEES AND SALARIES

Mrs. Entwhistle presented a Resolution for increasing the fee from \$15 to \$25 to be used to assist in financing the court document storage system of Bureau County. Since it was included in the mailout last month, she moved to waive the reading of it, seconded by Mr. Baracani. On vote, motion carried.

Mrs. Entwhistle moved for approval of increasing court document storage fee, seconded by Mr. Whited. On vote, motion carried.

Mrs. Entwhistle said the committee had discussed the County administrator position. They will keep the Board up to date on that.

The Committee received a letter of intention which is between WIPFLI and the Bureau County Board. Mrs. Entwhistle moved for approval, seconded by Mr. Dobrich. On vote, motion carried.

Mr. Dobrich said the Board had mentioned looking for a firm to find candidates for an administrator. There is a big salary range for that position. If the County gets someone for a big figure, can the County afford it? He was concerned about salaries of those that currently work for the County. It was asked if the Board would use the old job description. It was reported that any applicants would be brought to the Board. The goal is to help the committee chairpersons.

Mrs. Entwhistle reported that the Sheriff received a check through the Circuit Clerk's Office in the amount of \$88.70 for deposit in the vehicle procurement fund. It is court-funded income derived from fees gained through court supervision cases. She moved to place the report on file, seconded by Mr. Whited. On vote, motion carried.

Mrs. Entwhistle presented the Sheriff's Earnings Report for May 2014 of \$4,561.42 and moved that it be placed on file, seconded by Mr. Baracani. On vote, motion carried.

Mrs. Entwhistle presented the Circuit Clerk's Semi-annual Receipts and Disbursements Report which showed earnings of \$106,520.68, Interest Traffic/Criminal/Civil checking of \$99.03, Interest/Child Support checking of \$.25, Interest/Savings of \$.04, Interest/Savings of \$1.73, Interest/CD Savings of \$50.33, and Passport Fees of \$3,475. She moved to place the report on file, seconded by Mr. Rediger. On vote, motion carried.

Mrs. Entwhistle presented the Circuit Clerk's Receipts and Disbursements Report for May which showed earnings of \$14,960.97, Interest Traffic/Criminal/Civil checking of \$16.65, Interest/Child support checking of \$.06, Interest/Savings of \$.39, Interest/CD Savings of \$50.33, and May

Passport Fees of \$400. She moved to place the report on file, seconded by Mrs. Stetson. On vote, motion carried.

Mrs. Entwhistle presented the County Clerk's Earnings and Expenditures Report for the half-year of \$64,573.17 and for the month of May of \$11,550.13. She moved to place the report on file, seconded by Mr. Baracani. On vote, motion carried.

Mrs. Entwhistle presented the sales tax reports as follows:

1. The local share of income tax collected in February and received in May of \$49,576.53, which is \$2,220.77 more than last year.
2. The local share of state use tax collected in March and received in May of \$10,436.21, which is \$1,434.31 more than last year.
3. The ¼% sales tax collected in March and received in May of \$43,075.56, which is \$1,141.75 more than last year.
4. The Retailer's Occupational Tax collected in March and received in May of \$24,831.31, which is \$5,554.26 more than last year.
5. The Public Safety sales tax collected in February and received in May of \$73,624.80, which is \$2,522.03 more than last year.

Mrs. Entwhistle moved that \$73,557.14 of Public Safety sales tax be transferred to the General Fund, seconded by Mr. McCook. On vote, motion carried.

TRANSPORTATION

The County Highway Fund totaled \$38,981.53, the County Motor Fuel Tax Fund \$32,553.76, the Federal Aid Matching Fund \$83,274.70, the County Aid Bridge Fund \$1,012,525.88, and the Township MFT Fund of \$19,212.21.

Mr. Sondgeroth reported that there were no Resolutions to present but he wanted to talk about amending the highway budget. This was due to salt costs and overtime because of the harsh winter. The auditors are suggesting this be done. The Highway Department has a reserve, the committee will be meeting on June 30, and then will bring the budget amendment to the Board in July. It will have to lay over for thirty days, and then be revisited at the August meeting. He said the money would be in the new line item. The budget adjustment will be for the County Highway Fund because they anticipate more contract work. John Gross will email the auditors to find out the procedure they recommend for making this budget change.

INSURANCE

The claims for Insurance totaled \$40,557.30.

Mr. Kohr reported that the pre-assessment of risk management forms were distributed to department heads and elected officials and many have returned them. The quarterly meeting for CIRMA will be on June 24. Mr. Kohr reported that the claims for unemployment were all legitimate claims.

LAW/ASSESSMENTS

The claims for Law totaled \$7,373.99, and those for Assessments totaled \$7,252.22.

Mrs. Marini presented the coroner's report which showed 24 coroner's cases, 4 death investigations, 1 autopsy, 7 cremations, and income of \$50. She moved to place the report on file, seconded by Mr. Baracani. On vote, motion carried.

The income for the Supervisor of Assessments Office was \$209. Mrs. Marini moved to place the report on file, seconded by Mrs. Feeney. On vote, motion carried.

Mrs. Marini presented the Public Defender's report for April which showed 36 cases opened and 35 cases closed. She moved to place the report on file, seconded by Mr. Thompson. On vote, motion carried.

Mrs. Marini presented a General Order for jurors, with sixteen persons to be selected to serve as Grand Jurors, and 12 additional persons to serve on each supplemental panel, with there being First, Second, Third, and Fourth Supplemental Panels. That would make 64 persons available for filling the Grand Jury Panel which will be summoned to appear September 15, 2014, and may be selected to serve for a period of six months. Mrs. Marini moved to place the report on file, seconded by Mrs. Feeney. On vote, motion carried.

Mrs. Marini reported that the Coroner received a grant from the Department of Public Health of \$4,000 for the morgue at St. Margaret's Hospital.

It was reported that the Assessments Office is working with the Department of Revenue to get all taxing areas on GIS.

Two Resolutions were presented:

1. A Resolution adopting the procedure for awarding County contracts or purchase orders for work, supplies, or material as it applies to the Highway Department. That one was for an amount of more than \$30,000.
2. A Resolution adopting the procedure for awarding County contracts or purchase orders for work, supplies or material. That one was for an amount of more than \$10,000.

The resolutions have to come before the Board and will be mailed out next month. They were not available for review until this meeting, so will be reviewed at the committee level first.

BUILDING/GROUNDS/PRINTING/STATIONERY

The claims for Building and Grounds totaled \$144,881.85, and those for Printing and Stationery totaled \$55,894.72.

Mrs. Warren reported that the radio project is complete. Jim Shipp is happy with what was done. It is planned to pay the contractor \$78,474.80, and to wait thirty days to make sure everything is working correctly. If so, a check will be issued for the balance of \$19,365. Mrs. Warren moved for approval, seconded by Mr. Baracani.

Roll call.

Yes: Albrecht, Ralph Anderson, Baracani, Dobrich, Donarski, Entwhistle, Feeney, Kohr, Lilley, Mangrich, Marini, McCook, Piccatto, Rabe, Rediger, Sondgeroth, Stetson, Thompson, Volker, Warren, Whited, and Dale Anderson.

No: None

Pass: None

Absent: Bassetti, Giordano, Maynard, and Ptasnik.

Yes: 22; No: 0; Pass: 0; Absent: 4.

On roll call vote, motion carried.

Mrs. Warren reported that Copper Development will be here to film the tower project at the jail on June 11. Jim Shipp and JB Contracting will be coming and anyone else that wants to.

A request for was received from the Homestead Festival Committee for September 12-14. Mrs. Warren moved for approval, seconded by Mrs. Stetson. On vote, motion carried.

Mrs. Warren asked for approval to purchase ten hostas for the front of the courthouse. Mr. Rabe seconded the motion. On vote, motion carried. Mr. Herrmann said that he had hostas that he would be willing to donate.

Mrs. Entwhistle moved that the new document storage fee for the Circuit Clerk's Office is to be effective August 1, seconded by Mrs. Stetson. On vote, motion carried.

Mrs. Entwhistle moved for the payment of claims including payroll plus mileage and meetings of \$2414.72. Also included was a claim for Animal Control of \$2,250, and the Sheriff's Department of \$11,555.10. The motion was seconded by Mr. Dobrich.

Roll call.

Yes: Albrecht, Ralph Anderson, Baracani, Dobrich, Donarski, Entwhistle, Feeney, Kohr, Lilley, Mangrich, Marini, McCook, Piccatto, Rabe, Rediger, Sondgeroth, Stetson, Thompson, Volker, Warren, Whited, and Dale Anderson.

No: None

Pass: None

Absent: Bassetti, Giordano, Maynard, and Ptasnik.

Yes: 22; No: 0; Pass: 0; Absent: 4.

On roll call vote, motion carried.

A meeting was held on May 22 for County liquor license renewal, and all ten licenses were renewed.

Mr. Kohr reported that an the steering committee for IVAC met at IVCC on May 27, 2014, and the next meeting will be on July 19. A handout was distributed with the agenda and informational materials. Mr. Kohr said this is all very preliminary and it may be two years before the committee gets going.

Two options were available for the makeup of the county regional territory. The three-county option was preferred which included LaSalle, Bureau, and Putnam Counties and

would promote the three-county area. The other option was a four-county option which included the other three as well as Marshall.

It was regularly moved and seconded that the Clerk of the Board be directed to issue orders to the members for their attendance and mileage to the session as listed on the roll call sheet.

There being no further business to come before the Board, it was moved by Mr. Donarski, seconded by Mr. Baracani, that the meeting be adjourned. On vote, motion carried.