

**STEPHENSON COUNTY BOARD MEETING**  
**Wednesday February 13, 2008**  
**6:30 P.M.**  
**Stephenson County Board Room**

The Stephenson County Board met in the Courthouse on Wednesday February 13, 2008. Chairman Blum called the meeting to order at 6:30 p.m. Ms. Vicki Hooper gave the Invocation and Mr. Graham led the Pledge of Allegiance. The Clerk called the roll. Members present; Samuel Newton, Bennie Brown, Charles Hilton, Jeffrey Mikkelsen, Debra Devine, Todd McKenna, William Hadley, Donald Parker, Vicki Hooper, James Graham, Alvin Wire, Linda Dotson, Jim Kuhlmeier, Sandra Kubatzke, Andrew Kuhlemeier, Lynn Koch, Brenda Boynton, Salvatore Détente, Forrest Senn and John Blum. Members absent; Sheila Hooper and Michael Boomgarden. Twenty members present. Two members absent.

**APPROVAL OF THE AGENDA:** Chairman Blum requested the agenda be amended to place the "Executive Session" before the "Presentation". Mr. McKenna made a motion to amend the agenda and approve as amended. Second by Mr. Koch. The Chair called for a voice vote on the motion. *Motion to approve the agenda as amended carried unanimously.*

**APPROVAL OF THE JANUARY 16, 2008 MEETING MINUTES:** Mr. McKenna made a motion to approve the minutes of the January 16, 2008 meeting as received. Second by Mr. Koch. The Chair called for a voice vote on the motion. *Motion to approve the minutes of the January 16, 2008 meeting as received carried unanimously.*

**CLAIMS ON THE CLERK'S DESK:** Ms. V. Hooper made a motion that all claims on the Clerk's desk be referred to the proper committees without reading. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion that all claims on the Clerk's desk be referred to the proper committees without reading carried unanimously.*

**COMMUNICATIONS:** The Clerk reported the following communications had been received;

- Copy of the Illinois Department of Corrections recent inspection report for the Stephenson County Jail
- Public Defender Monthly Report for January, 2008; 279 New Cases, 239 Cases Closed and Income to Public Defender Fund \$3,351.40
- Violent Crime Victims Compensation Act Monthly Report
- 4<sup>th</sup> Quarter Franchise Fee \$4,881.06 from Comcast/Insight Communications Company

Ms. V. Hooper made a motion to approve all communications and place on file. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion to approve all communications and place on file carried unanimously.*

**RESIGNATION OF MR. BOOMGARDEN:** Mr. Boomgarden's letters of resignation from the District K County Board Seat were read into record. Mr. Détente made a motion to accept the resignation of Mr. Boomgarden. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion to approve Mr. Boomgarden's resignation carried with Ms. V. Hooper's nay vote noted.*

**DECLARE DISTRICT K SEAT VACANT:** Mr. Mikkelsen made a motion to declare the District K Seat vacant. Second by Mr. Koch. The Chair called for a voice vote on the motion. *Motion to declare District K Seat vacant carried unanimously.*

**APPOINTMENT TO DISTRICT K SEAT:** Chairman Blum read into record the communications he had received from Brian Stewart, Republican Central Committee Chairman, regarding the appointment to District K. It was noted that Russell Cashmore III would be the logical appointment as he had been nominated by the Republican voters in District K to be placed on the November Ballot. Because of time constraints the Central Committee was not able to meet prior to this evening's meeting but Mr. Stewart did e-mail or telephone Central Committee members asking them for their input and guidance in this matter. He received 22 votes out of the 30 members; 18 voted yes and 4 voted no. Mr. Mikkelsen made a motion to approve the appointment of Russell Cashmore III to fill the District K County Board Seat. Second by Ms. Kubatzke. Mr. A. Kuhlemeier made a motion to layover the appointment until the March meeting, to give the Republican Central Committee time to

make a formal recommendation. Second by Ms. Boynton. Much discussion followed on the process. It was noted the Central Committee only recommends an appointment to the County Board Chairman. It is solely up to the County Board Chairman to appoint a County Board member and for the full County Board to approve the appointment. Some Board members stated they would support the appointment with the understanding there was no formal recommendation from the Republican Central Committee at this time. Mr. Koch called for the question. Second by Mr. McKenna. The Chair called for a roll call vote to call the question. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, Koch, Boynton, Détente, Senn and Blum. Member voting nay: A. Kuhlemeier. Nineteen ayes. One nay. *Motion to call the question carried.* The Chair called for a roll call vote on the motion to layover the appointment until the March Meeting. Members voting aye: Wire, A. Kuhlemeier, Boynton and Détente. Members voting nay: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Dotson, J. Kuhlmeier, Kubatzke, Koch, Senn and Blum. Four ayes. Sixteen nays. *Motion to layover the appointment until the March Meeting failed.* The Chair called for a voice vote on the appointment of Mr. Cashmore III. *Motion to appoint Mr. Cashmore III to fill the vacant District K County Board Seat carried unanimously.* Mr. Cashmore was given his oath of office and seated.

**EXECUTIVE SESSION:** Chairman Blum announced the need to move into Executive Session to discuss Employment/Appointment Matters and Legal Matters. Mr. Graham made a motion to move into Executive Session. Second by Mr. Senn. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Koch, Boynton, Cashmore, Détente, Senn and Blum. Twenty-one ayes. No members voting nay. *Motion to move into Executive Session carried unanimously.*

**REGULAR SESSION:** Chairman Blum resumed the regular session. He stated that employment/appointment matters had not been discussed but legal matters had been discussed in executive session with no action taken.

**Resolution 08-02-1527 approving that the measures passed by the Stephenson County Board on July 11, 2007 in connection with Sections 4.17B, 4.19, 7.0, 7.02 and 7.04 of the County's zoning ordinance are hereby declared null and void, in deference to the challenges asserted against such provisions in case #07MR40 to the extent any such measure was not passed by a ¾ majority vote of the members of the County Board as required under such circumstances by 55 ILCS 5/5-12014.**

The Resolution was read into record. Mr. Détente made a motion to approve the Resolution. Second by Mr. A. Kuhlemeier. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Koch, Boynton, Cashmore, Détente, Senn and Blum. Twenty-one ayes. No members voting nay. *Motion to approve the Resolution 08-02-1527 declaring County Board action at the July 11, 2007 County Board Meeting in connection with Sections 4.17B, 4.19, 7.0, 7.02 and 7.04 of the County's zoning ordinance null and void carried unanimously.*

**PRESENTATION:** Victims Witness Coordinator, Jackie Cooley presented an overview of the Victims Witness Program in Stephenson County. This program is designed to assist victim witnesses throughout the criminal justice process. She reviewed her responsibilities and accomplishments over the past year. If anyone is willing to volunteer their help with this program they are encouraged to contact Ms. Cooley in the State's Attorney's Office.

#### **OLD BUSINESS:**

##### **Lena Park District Land Purchase Agreement**

Special State's Attorney Cook is currently working with the John Whiton, Legal Counsel for the Lena Park District, to complete the land purchase agreement. Mr. McKenna made a motion to grant the Chairman authority to sign the agreement subsequent to the Attorney's completion of the legal documents. Second by Ms. Kubatzke. The Chair called for a voice vote on the motion. *Motion to grant the Chairman authority to sign the agreement upon the Attorney's completion of the legal documents carried unanimously.*

**SHERIFF'S REPORT:** Sheriff Snyders reported the Courthouse was closed February 6<sup>th</sup> due to the severe weather conditions. His Department received 73 storm related calls that day. He thanked his Road Deputies and the Highway crews for their outstanding efforts throughout the day. The Annual Dinner for Tyler's Justice

will be held on March 29<sup>th</sup>. Anyone interested in attending may contact Sheriff Snyders or any law enforcement official.

**HIGHWAY REPORT:** Mr. Isbell presented the following Resolutions;

**Resolution 08-02-1528 HD08-04 General Township Maintenance 08-XX000-00-GM**

Mr. J. Kuhlmeier made a motion to approve HD 08-04. Second by Mr. A. Kuhlemeier. The Chair called for a voice vote on the motion. *Motion to approve HD 08-04 carried unanimously.*

**Resolution 08-02-1529 HD08-05 Lancaster Township County Bridge Aid**

Mr. J. Kuhlmeier made a motion to approve HD 08-05. Second by Mr. Cashmore. The Chair called for a voice vote on the motion. *Motion to approve HD 08-05 carried unanimously.*

Mr. Isbell reported a snowplow truck had been involved in an accident during the snow storm. There were no injuries or damage to the snow plow truck but there was sizable damage to the vehicle involved. He updated the Board on the salt supply. He is working with Mr. Groves and the Illinois Emergency Management Agency to declare Stephenson County a “winter season” disaster. He is hoping for relief funds to help with the overwhelming expenses incurred this winter. He informed the Board that all his funds have been exhausted.

**ZONING REPORT:** Mr. Groves presented the following;

**SU 08-01 Residential Special Use request by Mark Martindale**

The Planning and Development Committee concurs with the Zoning Board of Appeals recommendation that Special Use #SU 08-01 be granted. Mr. Mikkelsen made a motion to approve the Special Use request. Second by Mr. Detente. The Chair called for a voice vote on the motion. *Motion carried unanimously. Special Use Ordinance #SU 08-01 granted.*

**SU 08-02 Home Occupation Special Use request by Chris Young**

The Planning and Development Committee concurs with the Zoning Board of Appeals recommendation that Special Use #SU 08-02 be granted. Mikkelsen made a motion to approve the Special Use request. Second by Mr. Detente. The Chair called for a voice vote on the motion. *Motion carried unanimously. Special Use Ordinance #SU 08-02 granted.*

**MA 08-01 Zoning District Map Amendment E-1 to B-2 request by Bruce Wittbecker**

The Planning and Development Committee concurs with the Zoning Board of Appeals recommendation that Zoning District Map Amendment with fencing conditions for water flow be granted. Mr. Mikkelsen made a motion to approve the Zoning District Map Amendment. Second by Mr. Detente. The Chair called for a voice vote on the motion. *Motion carried unanimously. MA 08-01 Zoning District Map Amendment E-1 to B-2 granted.*

**Variance request by Gary D. Miller Jr.**

*Mr. Groves reported the Variance was unanimously approved by the Zoning Board of Appeals with no County Board action needed.*

**MA 08-02 Zoning District Map Amendment A-1 to E-1 request by David Timm**

The Planning and Development Committee concurs with the Zoning Board of Appeals recommendation that Zoning District Map Amendment be granted. Mr. Mikkelsen made a motion to approve the Zoning District Map Amendment. Second by Mr. Koch. The Chair called for a voice vote on the motion. *Motion carried unanimously. MA 08-02 Zoning District Map Amendment A-1 to E-1 granted.*

**SU 08-03 Residential Special Use request by Jeff Knoup**

The Planning and Development Committee concurs with the Zoning Board of Appeals recommendation that Special Use #SU 08-03 be granted. Mr. Mikkelsen made a motion to approve the Special Use request. Second by Mr. McKenna. The Chair called for a voice vote on the motion. *Motion carried unanimously. Special Use Ordinance #SU 08-03 granted.*

**PECATONICA PRAIRIE PATH/JANE ADDAMS TRAIL:** Mr. Groves distributed minutes from the January Pecatonica Prairie Path Commission Meeting.

**EMERGENCY MANAGEMENT REPORT:** No report

**9-1-1 REPORT:** Chairman Joe Geiter presented and reviewed minutes from the February 11<sup>th</sup> meeting.

**HEALTH DEPARTMENT REPORT:** Mr. Beintema updated the Board on the Smoke Free Illinois Act. Current legislation is being considered for certain exemptions to the Act; HB 4184 Liquor Control exemption,

HB 4333 exempts Veteran's Clubs and HB 4741 exempts private clubs active prior to January 1, 2008. Mr. Beintema distributed and reviewed the Annual Food Safety Program Self Evaluation Statistical Report. An informational handout about blood pressure, Food scores and the Animal Control report were distributed.

**NURSING CENTER REPORT:** Mr. Fortney commended his staff for their efforts throughout the transition. He reported the census at 115. He is expecting 5 referrals by Monday. Mr. Fortney reviewed his new marketing strategies and projects he would like completed at the Nursing Center.

**PROBATION DEPARTMENT REPORT:** Mr. Pauley reported the monthly statistics.

**STATE'S ATTORNEY REPORT** No report

**CHAIRMAN'S REPORT:** Chairman Blum presented the following report;

Chairman Blum read into record and email from Jason Kors complementing the professionalism and services he had received while dealing with the County Offices of the Assessor, Zoning and County Clerk.

Chairman Blum commended the entire Election staff, Election Judges, Ron Kane and Adrienne Becker for their work during the Primary Election.

Mr. Senn will now Chair the Public Property & Safety Committee. Mr. Cashmore will resume Mr. Boomgarden's place on the Nursing Center and Public Property & Safety Committees.

#### Mill Race Crossing

There has been no construction activity in the industrial park since the Chair's last report. We continue to work with GVA-Williams on a healthy list of prospects. We are told to expect a Letter of Intent from a new prospect for a 25 acre parcel yet this week. The company is involved in the renewable energy business and currently has a plant in operation in Minnesota. GVA is continuing to advertise our development sites. They will be launching a direct mail campaign in the near future. We are working on some additional sign locations along US 20 to further advertise the location of the park.

#### Blackhawk Biofuels

The Board of Directors of BBF is meeting all during this week. Chairman Blum has been advised the deadline for finishing the financing arrangements is this Friday. They have requested, and received, a short extension to their land option until March 31, 2008 to allow for the scheduling of a land closing with NIDA/County.

#### NIDA

Late last month we were advised that Bob Skurla had resigned from the position of Executive Director of the FAEDF/NIDA. Late last week NIDA named an interim director, Cheryl Kneubuehl. Chairman Blum read a quote from the announcement by Brian Stewart, Chairman of NIDA:

“We appreciate Cheryl's willingness to step forward and help guide us through this transition period,” said Stewart. “With her leadership skills and business knowledge we will aggressively continue to pursue economic development projects and job creation in the region until a permanent replacement is confirmed.”

Ms. Kneubuehl of Rock City, is a long time resident and businessperson of Stephenson County. She is affiliated with Berner Foods, Inc., of Dakota and has served in the past as Chair of the Boards of Freeport Memorial Hospital and the Freeport Area Chamber of Commerce. She currently is President of the Freeport Community Foundation and serves as a layperson on the Illinois Attorney Registration and Disciplinary Commission. NIDA, formerly known as the Freeport Area Economic Development Foundation, is a non-for-profit corporation creating a public/private partnership focused on retaining, expanding and diversifying the economic base of the northwest Illinois area. Its offices are at 27 W. Stephenson Street, Freeport. It is planned that Ms. Kneubuehl will handle the duties at NIDA until a new director is named, following an organized search, by June of 2008. During this interim period we will be working on reorganizing the goals and objectives of the organization, including funding and representation, in order to provide the best possible public-private vehicle to stimulate regional economic development.

#### Litigation

In July of 2006 a suit was filed against the Stephenson County Board and me seeking injunctive relief for violations of the Open Meetings Act, Freedom of Information Act, and the Bond Issue Notification Act. All of these issues were brought by Marianne Garvens as objections to the County's borrowing of \$6 million to initially fund the Mill Race Industrial Park. In June of 2007 the Court dismissed the OMA and FOIA portions of

the suit. On January 22, 2008 the Court entered an order dismissing the BINA portion of the suit and then dismissed the case in its entirety.

#### Miscellaneous

The Mayor's Hunger Lunch is scheduled for Tuesday, March 11, 11:30 a.m. at the Masonic Temple. Chairman Blum is sponsoring a table of ten on behalf of Stephenson County.

The UCCI has scheduled a legislative reception and seminar on February 26 and 27, 2008 in Springfield.

#### **Action Items from Standing Committee**

**Finance:** Mr. Graham presented the following action items;

#### **Resolution 08-02-1534 Surplus Property Sale – Disposal of interest in property/Delinquent Tax Agent**

Mr. Graham made a motion to approve the resolution. Second by Ms. Kubatzke. The Chair called for a roll call vote on the motion. *Motion to approve Resolution 08-02-1534 disposing interest in property through our Delinquent Tax Agent carried unanimously.*

#### **Resolution 08-02-1531 authorizing up to \$450,000 in Tax Anticipation Warrants issued against the Highway Fund**

#### **Resolution 08-02-1532 for Tax Anticipation Warrants up to \$100,000 issued against the County Bridge Fund**

#### **Resolution 08-02-1533 for Tax Anticipation Warrants up to \$150,000 issued against the Matching Fund**

Mr. Graham made a motion to approve the three Resolutions. Second by Mr. J. Kuhlmeier. It was noted for the record; interest on these three warrants is at the rate of 2.379 and would earn 3.0%. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Koch, Boynton, Cashmore, Détente, Senn and Blum. Twenty-one ayes. No members voting nay. *Motion to approve Resolutions 08-02-1531, 08-02-1532 and 8-02-1533 authorizing Tax Anticipation Warrants for the various Highway funds carried unanimously.*

#### **Resolution 08-02-1530 authorizing up to \$500,000 in Tax Anticipation Warrants issued against the Liability Fund**

Mr. Graham made a motion to approve Resolution 08-02-1530. Second by Mr. Hilton. It was noted for the record: interest on this warrant is at the rate of 2.3725 and would earn 3.0%. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Hadley, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Koch, Boynton, Cashmore, Détente, Senn and Blum. Twenty-one ayes. No members voting nay. *Motion to approve Resolution 08-02-1530 authorizing Tax Anticipation Warrants for the Liability Fund carried unanimously.*

**Public Property & Safety:** Mr. Senn presented the following action item;

#### **Resolution 08-02-1535 approving the low bid from Barkau Automotive for the purchase of a 2008 Sport Utility Vehicle for Emergency Management and Zoning**

Mr. Senn made a motion to approve Resolution 08-02-1535. Second by Ms. V. Hooper. It was noted for the record that the \$23,560 purchase would be funded with ½ Zoning funds and ½ Emergency Management funds. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, Koch, Boynton, Cashmore, Détente, Senn and Blum. Members voting nay: Hadley and A. Kuhlemeier. Nineteen ayes. Two nays. *Motion to approve Resolution 08-02-1535 approving the low bid for the purchase of a 2008 Sport Utility Vehicle for Emergency Management and Zoning carried.*

**Nursing Center:** Ms. Kubatzke presented the following action item;

#### **Nursing Center Administrator's salary**

Ms. Kubatzke made a motion to set the Nursing Center Administrator's Salary at \$70,000. Second by Mr. Hilton. Much discussion followed on the process and procedures of establishing the salary. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Boynton, Cashmore, Détente and Blum. Members voting nay: Hadley, Koch and Senn. Eighteen ayes. Three nays. *Motion to approve the Nursing Center Administrator's salary at \$70,000 carried.*

\*Noted departure of Mr. Hadley

**Information Items from Standing Committees**

Public Property & Safety: Mr. Senn reported that bullet proof vests have been purchased with grant funds. The Illinois Department of Corrections inspection was complementary. There was no update on the Sally-Port project. This matter will be discussed further in Committee.

Court Services: Ms. V. Hooper reported the sub-committee will be working with the Public Defender on the HOPE Program. This program is intended to help deter offenders from returning to a life of crime.

Nursing Center: Ms. Kubatzke reported the Nursing Center is anticipating their Annual Inspection.

**CLAIMS**

Finance & Procurement	\$	1,342,952.06
Administration	\$	20,695.34
Public Works	\$	416,906.18
Nursing Center	\$	238,709.09
Public Property	\$	61,199.82
Court Services	\$	53,412.56
Public Safety	\$	23,190.62
Planning & Development	\$	6,804.48
9-1-1	\$	23,190.62

Mr. Graham made a motion to approve the Claims as presented. Second by Mr. Detente. The Chair called for a roll call vote on the motion. Members voting aye: Newton, Brown, Hilton, Mikkelsen, Devine, McKenna, Parker, V. Hooper, Graham, Wire, Dotson, J. Kuhlmeier, Kubatzke, A. Kuhlemeier, Koch, Boynton, Cashmore, Détente, Senn and Blum. Twenty ayes. *Motion to approve the Claims as presented carried unanimously.*

**Mileage & Per Diems** – *Subject to review by Finance Chairman*

Blum 6 days, 0 miles-Boomgarden 0 days, 0 miles-Boynton 3 days, 35 miles-Brown 3 days, 8 miles-Detente 3 days, 36 miles-Devine 3 days, 10 miles-Dotson 2 days, 75 miles-Graham 7 days, 24 miles-Hadley 2 days, 10 miles- Hilton 4 days, 10 miles-S Hooper 1 day, 2 miles-V Hooper 2 days, 4 miles- Koch 3 days, 72 miles, Kubatzke 5 days, 135 miles-A Kuhlemeier 2 days, 62 miles-J Kuhlmeier 2 days, 44 miles-McKenna 2 days, 8 miles-Mikkelsen 4 days, 54 miles-Newton 5 days, 56 miles- Parker 3 days, 12 miles-Senn 4 days, 56 miles-Wire 1 days, 38 miles-Cashmore 1 day, 7 miles. Mr. Graham made a motion to approve the mileage and per diems. Second by Mr. Senn. The Chair called for a voice vote on the motion. *Motion to approve the mileage and per diems carried unanimously.*

**OTHER BUSINESS:** Chairman Blum reported Mr. Senn will be appointed to the 9-1-1 Board. It was noted that they are currently addressing a possible conflict of interest.

Mr. Cashmore thanked the Board for their support of his appointment.

**MEMBERS OF THE AUDIENCE:** Mike King of 5003 N. Dakota Road, Dakota commented on the Zoning Ordinance changes and the permit process for Wind Farms. He voiced his displeasure with the wording of Resolution 08-02-1527 which had been read into the record earlier in the meeting.

Carol Johnson of 5003 N. Dakota Road, Dakota commented on the intent of their lawsuit.

**ADJOURN UNTIL 6:30 P.M. WEDNESDAY MARCH 12, 2008:**

Mr. A. Kuhlemeier made a motion to adjourn until 6:30 p.m. Wednesday March 12, 2008. Second by Mr. McKenna. The Chair called for a voice vote on the motion. *Motion to adjourn carried at 9:52 p.m.*

*Ms. Dotson will lead the Pledge and Mr. Wire will be responsible for the Invocation at the March 12<sup>th</sup> Meeting*