

Montgomery County Board Minutes

For Tuesday, March 14th, 2006 – 8:30 AM

The following are minutes of a regular meeting of the Montgomery County Board held at 8:30 AM on Tuesday, March 14th, 2006 in the County Board Chambers of the Historic Courthouse, Hillsboro, Illinois.

The meeting was called to order by County Board Chairman Mike Havera.

Roll call was taken, 21 members present, 0 absent.

Members Present: Nelson Aumann, Mary Bathurst, George Blankenship, Terry Bone, Bonnie Branum, Ronald Deabenderfer, Toby Dean, John Downs, Robert Durbin, Mike Havera, Dave Heaton, Edward Helgen, Keith Horn, Dennis Jagodzinski, Frank Komor, Roger Myers, Dale Ogden, Glenn Painter, Don Petty, Mike Plunkett, Bill Sielschott.

Members Absent: None

Pledge of Allegiance to the flag was given.

Mileage and Per Diem Approval:

Motion by Ogden, second by Myers to approve the mileage and per diem. All in favor, motion carried.

Approval of Minutes of Previous County Board Meeting:

Motion by Painter, second by Myers to approve the Minutes of the Previously Adjourned County Board Meeting held on Tuesday, February 14th, 2006. All in favor, motion carried.

CONSENT AGENDA:

1. **Circuit Clerk's Report** – submitted.
2. **County Treasurer's Report** – submitted.
3. **County Clerk and Recorder's Report** – Sandy Leitheiser was present for questions.
4. **Sheriff's Report** – Jim Vazzi was present for questions.
5. **Health Department Report** – submitted.
6. **T.B. Department Report** – submitted.
7. **Public Defender's Report** – submitted.
8. **Probation Office Report** – submitted.
9. **911 Report** – submitted.

APPROVAL OF 9 ITEMS ON THE CONSENT AGENDA:

Motion by Bone, second by Branum to approve the 9 office reports on the Consent Agenda. All in favor, motion carried.

COMMITTEE REPORTS:

COORDINATING COMMITTEE Report: Given by Chairman Mike Havera as follows:

1. **Road & Bridge Executive Session Update:** Havera stated that only generic reports were given at the Coordinating Committee meeting, with the exception of the Highway Department report, which required an Executive Session to discuss Personnel issues there.

FINANCE COMMITTEE REPORT: Given by Chairman Bill Sielschott as follows:

1. **Longwall Advisory Referendum Resolution Approval:** Chairman Sielschott reported that the committee discussed putting an Advisory Referendum on the November 2006 General Election Ballot to seek the will of Montgomery County voters concerning whether longwall mining should be prohibited in Montgomery County. Sielschott stated that some of those present at the committee meeting yesterday (Monday, March 13th) were also present at today's meeting. He confirmed that the County Board has sold county owned coal rights to Colt Coal Company, and that decision can not be changed. Since the sale, various groups have raised questions about the method of mining the coal, while other groups and individuals are concerned about the economic benefits and are not concerned about the mining method, as long as the laws of the State of Illinois are followed and are regulated by the Illinois Department of Natural Resources. He reported that Representative Hannig and Senator Demuzio are also interested in doing the will of the citizens of Montgomery County along with the County Board, and have promised their legislative support should the majority of citizens desire to

prohibit longwall mining in our county. Sielschott stated that in order to determine the citizen's will, the Finance Committee is proposing a nonbinding Advisory Referendum to be placed on the ballot at the November 7th, 2006 election. The question would read "*Should the Longwall Method of mining coal be prohibited in Montgomery County? Yes or No.*" Committee members heard from representatives of the groups opposed to longwall mining that they preferred a variance of the wording of the ballot question, which they proposed should read "*Should the citizens of Montgomery County support Room and Pillar mining and prohibit the longwall method.*" Sielschott reported that this question was rejected by the committee and Representative Hannig as being misleading and too complicated, since the question should be quite simple: Longwall, Yes or No. Sielschott stated that this way all stakeholders can campaign and all Montgomery County voters can express their opinion at the polls. Since this would be an advisory and nonbinding referendum, Representative Hannig has already introduced legislation (HB 5770) in this current session to outlaw longwall mining in Montgomery County only, and Senator Demuzio will support it in the Senate. If it passes, the bill will proceed with our legislators and residents support. If it fails, the bill will be withdrawn and individual landowners will be free to negotiate with the coal company as they can now. Sielschott stated that he cannot speak for Colt Coal, private citizens or groups opposed to longwall mining. However, the board can present it to the people and give them the opportunity to express their wishes after hearing both pros and cons. The resolution passed the Finance Committee on a 6-0 vote to go on the ballot as follows: "*Should the Longwall Method of mining coal be prohibited in Montgomery County? Yes or No.*" Motion by Sielschott, second by Jagodzinski to pass Resolution 06-06, which would place that question on the November, 2006 ballot. In the discussion that followed, member Ed Helgen asked that the advisory referendum wording be amended and instead be written as follows: Should the citizens of Montgomery County support room and pillar coal mining and prohibit the longwall method? Yes or No. Helgen commented that he felt this resolution should have been voted on before the County Board sold the coal, stated that a coal mine will offer more jobs if room and pillar mining is used and that this method of mining will also protect the land. He shared that groups against longwall mining are not against a coal mine or the jobs and revenue, just against longwall mining because of the subsidence issues. Helgen stated that in the beginning, he was proud that the committee discussed the sale of the coal with concerned groups and individuals, but since then has become disappointed because he feels those with opposing views are being ignored. Chairman Havera stated that it was extremely difficult to get this bill introduced into this state legislative session, and that Representative Hannig is proceeding according to Havera's personal request, which they think will be a good faith effort to offer a final resolution to this issue. Havera also stated that member Sielschott called concerned resident Dave Pastrovich after the discussion of putting the question on the November ballot was underway. Helgen inquired if this House bill would only apply to Montgomery County, Illinois, and Havera confirmed that yes, the bill introduced states that longwall mining should be prohibited only in Montgomery County, Illinois. Member Plunkett read a synopsis of the proposed bill (HB 5770), which amends the Illinois Coal Mining Act to add the following: "Section 13.16: Longwall coal mining prohibited. No person may conduct or in any way engage in longwall coal mining in Montgomery County." Plunkett stated that several versions of the ballot question were presented to Representative Hannig for his proposed Bill's use, and he selected the wording approved by the Finance Committee. **Motion by Helgen, second by Blankenship to Amend the Advisory Referendum Ballot Question to be written as follows: "Should the citizens of Montgomery County support room and pillar coal mining and prohibit the longwall method? Yes or No." Roll Call Vote called: Ayes – 4, Nays – 17 Voting for the amended version of the Advisory Referendum: Toby Dean, Ed Helgen, Keith Horn, George Blankenship. Voting against the amended version of the Advisory Referendum: Terry Bone, Bonnie Branum, Ron Deabenderfer, John Downs, Bob Durbin, Mike Havera, Dave Heaton, Dennis Jagodzinski, Frank Komor, Roger Myers, Dale Ogden, Glenn Painter, Don Petty, Mike Plunkett, Bill Sielschott, Nelson Aumann, Mary Bathurst. Motion Failed.** In discussion, member Ron Deabenderfer stated that the wording of the amending question actually is two separate questions, which would be confusing, and Chairman Havera said the Representative Hannig agreed. Member Aumann stated that he does not agree with the amended question wording because with new developments in

mining methods in the future, the county shouldn't be restricted to just room and pillar mining, which this question suggests. Member Bathurst stated that since there has been no opposition to room and pillar mining, only against longwall mining, she feels we shouldn't have to state the obvious, leave the question simple and address what we have been dealing with for the last 14 months, whether or not longwall mining should be allowed. Helgen complimented a recent feature article in the *Journal-News* which gave information on this issue from all sides, and felt his suggested wording of the question also gave that perspective. He stated that many of these concerned residents are farmers who are the Stewards of the soil and seek to preserve the land. Helgen also stated that the farmers are not against Economic Development with the possibility of an Ethanol Plant in the county, all they want is to preserve the soil and support Room and Pillar mining. **Sielschott continued 1st motion – Motion by Sielschott, second by Jagodzinski to put the Advisory Referendum Resolution on the November 2006 General Election Ballot and be written as follows: “Should the Longwall Method of mining coal be prohibited in Montgomery County? Yes or No.” Roll Call Vote: Ayes – 17, Nays – 4 (Voting for the Advisory Referendum: Bonnie Branum, Ron Deabenderfer, John Downs, Bob Durbin, Mike Havera, Dave Heaton, Dennis Jagodzinski, Frank Komor, Roger Myers, Dale Ogden, Glenn Painter, Don Petty, Mike Plunkett, Bill Sielschott, Nelson Aumann, Mary Bathurst, Terry Bone). (Voting against the Advisory Referendum: Toby Dean, Ed Helgen, Keith Horn, George Blankenship). Motion Carried.** Havera stated that Rep. Hannig and Senator Demuzio will abide by the will of the people, and if the Referendum passes, Hannig will work to prohibit longwall mining in his proposed legislation, and if it is voted down, then the bill will be pulled out of the House and the coal company will continue to negotiate with individual landowners. (See Advisory Referendum Resolution #06-06 Book 6, page 126).

2. **Approval of Resolutions to Convey Tax Deeds on 3 Parcels:**

- **Approval of Resolution #06-07 to Convey Tax Deed on Parcel ID #07-000-254-05 located in the Village of Harvel:** Motion by Sielschott, second by Downs. All in favor, motion carried. (See Resolution Book 6, pages 127-129).
- **Approval of Resolution #06-08 to Convey Tax Deed on Parcel ID #09-000-825-00 located in the Village of Irving:** Motion by Sielschott, second by Downs. All in favor, motion carried. (See Resolution Book 6, pages 130-132).
- **Approval of Resolution #06-09 to Convey Tax Deed on Parcel ID #11-201-146-00 located in the City of Litchfield:** Motion by Sielschott, second by Downs. All in favor, motion carried. (See Resolution Book 6, pages 133-135).

3. **Discussion on Demolition of County Owned Property in Witt Update/Approval:** Sielschott reported that the county owns two buildings in the City of Witt, which were acquired through tax deeds. The buildings are in disrepair and the committee has been discussing how to take care of the problem. Board members who went to look at the property to see if the Highway Department could take care of cleaning up the area, but it appears that the Highway Department does not have the equipment to remove the buildings. Instead, the committee feels the county will put the demolition of the buildings out for bids and will make a recommendation to do so at the next committee meeting.

4. **Budget/Audit Report Update:** Sielschott stated that the county audit should be completed for recommendation at next month's April board meeting.

5. **Discussion of Elected Officials Salary:** Sielschott stated that six months prior to the November General Elections, salaries of Elected Officials must be set. The committee will discuss setting the salaries at the next regular Finance Committee meeting and make their recommendation at the next month's full board meeting in April.

6. **Discussion on Development of Priority List for Capital Improvement and Countywide Programs:** The county board will be working on a list of Capital Improvements and countywide programs over the next couple of months.

ROAD AND BRIDGE COMMITTEE REPORT: Given by Chairman Bonnie Branum as follows:

1. **EXECUTIVE SESSION - PERSONNEL ISSUES:** Chairman Branum requested that the board enter into Executive Session to discussion Personnel Issues.

2. **Motion to enter into EXECUTIVE SESSION to Discuss Personnel Issues:** Motion by Branum second by Bone to enter into Executive Session. All in favor, motion carried. (Time: 9:05 AM)
3. **Motion to come out of Executive Session:** Motion by Blankenship, second by Dean to come out of Executive Session. All in favor, motion carried. (Time: 9:40 AM)
4. **Personnel Issues Approval:** Motion by Branum, second by Heaton to pay Amy Giesing for the remaining two months as stated in her original resolution, and to maintain full benefits including insurance for the two month period. Amy Giesing's last reporting day will be March 31st, 2006. All in favor, motion carried.
5. **Engineering Agreement Approval for Fillmore Township:** Henderson Engineering will arrange an engineering agreement to repair the Fillmore Township Bridge- TR 307 over East Fork of Shoal Creek. Motion by Branum, second by Bone to accept the Engineering Agreement with Henderson and Associates to repair the Fillmore Township Bridge. All in favor, motion carried. (See Resolution Book 6, pages 136-139).
6. **Highway Department Equipment Update:** The committee approved a motion to send the old semi and trailer to the Mulberry Grove Auction.

HWE COMMITTEE REPORT: Given by Chairman Bob Durbin as follows:

1. **County Pollution Control Facility Siting Ordinance Proposal Approval:** Durbin reported that EPA Inspector Bill Gonet and State's Attorney Chris Matoush were present at the committee meeting to discuss the county's Pollution Control Facility Siting Ordinance Proposal, which was submitted by Patrick Engineering. State's Attorney Matoush told the committee that the current Pollution Control Facility Siting Ordinance is outdated and feels that the county should allow Patrick Engineering to update the language in the ordinance, which was signed in 1997. Motion by Durbin, second by Horn to approve the Proposal from Patrick Engineering to amend the Montgomery County Pollution Control Facility Siting Ordinance in the amount of \$4,400. All in favor, motion carried. (Proposal filed in Book 6, Page 140).
2. **FAYCO Funding Request Update:** Durbin stated that State's Attorney Matoush is looking at funding issues for FAYCO and will report his findings at next month's meeting.
3. **Elections Update:** Durbin deferred to County Clerk Leitheiser to report on the upcoming March Primary Election. Leitheiser stated that she had distributed a Decatur News Herald article to HWE Committee members regarding how Macon County is having trouble finding Election Judges, and thanked members for approving increases in judge's mileage compensation for training, creating the "technical judge" position at each poll and the "technical support" position because it has allowed better participation of Election Judges throughout the county. She also reported that Absentee/Early Voting has gone slow so far, and thanked the county Township Supervisors for their flexibility in storing and setting up the voting booths and the new ballot box as the county uses the new voting system for the first time.

PERSONNEL COMMITTEE REPORT: Given by Chairman John Downs as follows:

1. **Cafeteria Plan Resolution #06-10:** Downs reported that the committee discussed the resolution to adopt the Cafeteria Plan for County Employees, which has been reviewed and approved by State's Attorney Matoush and this and the "Plan Document" have been approved by Consociate Care Group. Motion by Downs, second by Aumann to approve the Resolution to Adopt the Cafeteria Plan for County Employees. All in favor, motion carried. (See Resolution Book 6, page 141).
2. **Arbitration Hearing Update:** Downs reported that there was an Arbitration Hearing held on Wednesday, February 15th, 2006 at 10:00 AM in the PBC room of the Courts Complex. regarding two Highway Department grievances. The Arbitrator will notify the county within 30 days with a decision on those grievances.
3. **Jailers/Dispatchers Union Meeting Date & Time:** There will be a special Personnel Committee meeting on Thursday, March 23rd, 2006 at 6:00 PM in the PBC room with the Jailers/Dispatchers Union.
4. **Temporary Part-Time Help for Animal Control Update/Approval:** Downs stated that at the last board meeting, discussion took place on a Temporary Part-Time person to help with Animal Control paperwork. The HWE Committee approved the hiring of someone for the temporary position and the Personnel Committee also approved the hiring of the part time temporary person. Motion by Downs,

second by Ogden to hire a temporary part-time employee to help with Animal Control paperwork. All in favor, motion carried.

BUILDINGS AND GROUNDS COMMITTEE REPORT: Given by Chairman Glenn Painter as follows:

1. **Johnson Controls Contract Approval:** Committee discussed the annual Heating and Cooling Maintenance contract with Johnson Control for the Courts Complex building in the amount of \$4,272.00. **Motion by Painter, second by Heaton to approve the annual maintenance contract with Johnson Controls in the amount of \$4,272.00. All in favor, motion carried.**
2. **Update on Tree Removal and Replacement at the Historic Courthouse:** Kuhl Tree Trimming Service removed the diseased hard maple tree and stump on the south side of the Historic Courthouse for a cost of \$250.00. The committee approved that Richard Slepicka order another Hard Maple tree to replace it from Designer Landscapes for an amount of \$425.00 which will include planting.

ESDA/AMBULANCE COMMITTEE REPORT: Given by Chairman Dennis Jagodzinski as follows:

Ambulance Call Reports:

1. A summary of monthly operations for **February 2006** is as follows: Total calls: 323; Total amount billed: \$142,568.00; Total amount collected: \$76,998.96.
2. **Director Holmes Report:** Chairman Jagodzinski reported that a payment from the Credit Bureau was received for \$1,113.85 and that the truck that was purchased for EMA was delivered from Wright Ford on February 15th, 2006. The old EMA car was traded to Mac's Fire and Safety in Litchfield to help pay for new radios and lights. Jagodzinski reported on the grant that was applied for in January with IESMA (Illinois Emergency Services Management Association) in the amount of \$2,294.00 and stated that Director Holmes attended an Earthquake Conference in Fairview Heights on March 2nd and 3rd, 2006, that outlying counties along the Mississippi River bottom like ours, Bond and Fayette would be a support system for other counties affected by any earthquake that may occur in that area. A Weather Spotter's class was held on Wednesday, March 2nd, 2006 at the Taylor Springs Community Center, and Holmes reported that 90 people pre-registered and 68 people came to the class. Jim Kramper from the National Weather service taught the class. Jagodzinski also reported that a State Wide Tornado Exercise was held on Tuesday, March 7th, 2006, a Pancake, Sausage Biscuits and Gravy Breakfast will be held to benefit the Montgomery County HazMat Team on Saturday, March 25th, 2006. The State's Attorney's Office has made contact with Bridges Trucking Company for payment of costs incurred due to the oil spill on December 7th, 2005, with that company responding that the "spill" was not hazardous waste. Assistant State's Attorney Katie Pawlik has informed Bridges Trucking that they are responsible for cleanup costs due to the Montgomery County "Spiller Pays" ordinance. Member Helgen inquired about whether the HazMat Trailer that was ordered has been delivered yet, and Jagodzinski replied that it has not.

ECONOMIC DEVELOPMENT COMMITTEE REPORT: Given by Chairman Mike Plunkett as follows:

1. **MCEDC Update:** Chairman Plunkett reported that the Montgomery County Economic Development Corporation will have their Annual Meeting on Tuesday, March 28th, 2006. The Corporation has been in operation for one year. Heather Hampton+Knodle was present at the Committee meeting and thanked them and the County Board for their support and she shared information on what the corporation is doing. The following MCEDC committees are working to move forward to meet the needs of Montgomery County's Communities: Technology Committee, Business Retention and Business Recruitment Committee, the Workforce Development Committee and Entrepreneurship Committee. MCEDC Chairman Heather Hampton+Knodle reported to the committee that the corporation is trying to help recruit business and retain business in the county and that MCEDC Educator Amanda Cole is willing to assist County Coordinator Chris Daniels' office with the Enterprise Zone and other Economic Development projects as needed. Plunkett reported that the MCEDC is trying to recruit an Ethanol Business and stressed the important need of G.I.S. mapping in order to get the needed County infrastructure information for the application. The County G.I.S. mapping system will become a much needed time-saving tool when it is completed.
2. **Ameren Rail Line Surface Transportation Board Decision Update:** The Surface Transportation Board sent documentation regarding the decision to approve Ameren's request to build a 13 mile rail line to their plant in Coffeen.

3. **Expansion to Enterprise Zone Ordinance #06-11 Approval:** Plunkett reported that the board would need to amend the County Enterprise Zone Ordinance and Intergovernmental Agreement to include territory on the west side of I-55 in Litchfield. **Motion by Plunkett, second by Sielschott to amend the Montgomery County Enterprise Zone Ordinance to include territory on the west side of I-55 near Litchfield. All in favor, motion carried. (See Resolution Book 6, pages 142-144).**
4. **Expansion to Enterprise Zone Intergovernmental Agreement Approval:** Motion by Plunkett, second by Horn to amend the Montgomery County Enterprise Zone Intergovernmental Agreement to include territory on the west side of I-55 near Litchfield. All in favor, motion carried. (See Resolution Book 6, pages 145-149).

APPROVAL OF 8 COMMITTEE REPORTS & Minutes:

Motion by Durbin, second by Blankenship to approve the 8 committee reports. All in favor, motion carried.

CHAIRMAN'S REPORT: Given by Chairman Mike Havera as follows:

ANNOUNCEMENTS: None

SCHEDULE CHANGES:

1. There will be a Special Personnel Committee meeting on Thursday, March 23rd, 2006 at 6:00 PM in the PBC room of the Courts Complex for the purpose of Jailers/Dispatchers Union Negotiations.
2. There will be a Special Road & Bridge Committee meeting on Wednesday, March 29th, 2006 at 8:30 AM at the Highway Department to discuss personnel issues.

APPOINTMENTS:

1. **Motion by Ogden, second by Dean to approve Resolution #06-12, re-appointing William Beeler to the Raymond Fire Protection District. Mr. Beeler's term will begin on May 1st, 2006 and expire on May 4th, 2009. All in favor, motion carried. (See Resolution Book 6, pages 150-154).**

PAY BILLS:

Motion by Aumann, second by Bathurst to pay all approved bills. All in favor, motion carried. For itemized listing of bills paid, refer to Accounts Payable Book for FY 2006.

ADJOURN: Until the Full Board Meeting on Tuesday, April 11th, 2006 at 8:30 AM in the County Board Room, Historic Courthouse, Hillsboro, Illinois.

Motion by Painter, second by Branum to adjourn the Full Board Meeting. All in favor, motion carried. Meeting adjourned at 10:05 AM.

Minutes respectfully submitted and recorded by Montgomery County Clerk and Recorder Sandy Leitheiser.