

The County Board of Whiteside County, Illinois, convened in the County Board room at the Law Enforcement Center in Morrison on Tuesday, April 17, 2018 at 6:30 p.m. Notice of the meeting was given to all Board Members and was posted in the County Clerk's office.

Mr. Duffy, Chairman, called the board meeting to order and directed the Clerk to call the roll. On roll call members: James Arduini, Thomas Ausman, Daniel Bitler, Sue Britt, Shane Celestino, Doug Crandall, Paul Cunniff, James Duffy, John Espinoza, Glenn Frank, Kurt Glazier, Mark Hamilton, Fidencio Hooper-Campos, Eugene Jacoby, Martin Koster, William McGinn, Cynthia Mead, William Milby, Karen Nelson, Katherine Nelson, Linda Pennell, Larry Russell, Ruth Stanley, Howard Bud Thompson, Glenn Truesdell, Robert VanDeVelde and Doug Wetzell (27) were present; no members were absent.

Mr. Duffy led the Board in the Pledge of Allegiance to the Flag.

Motion by Mrs. Britt that the County Clerk dispense with the reading of the minutes of the meeting of March 18, 2018, and that these minutes, with the time of the meeting corrected, as sent to the members, be approved. Seconded by Mr. Cunniff. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 1

WHEREAS, since its last meeting, the Whiteside County Board has learned of the passing of Carol Koehler, mother of the Honorable Trish Joyce, Circuit Judge of the 14th Judicial Circuit (Illinois); and,

WHEREAS, the news of Carol Koehler passing grieves us, recognizing her death brings a deep and abiding sorrow to Judge Joyce and her family and,

WHEREAS, we, the members of the Whiteside County Board, with sincerity and respect, wish to condole Judge Joyce and her family in their hour of bereavement;

NOW, THEREFORE BE IT RESOLVED, that the Board's deepest sympathies, hereby memorialized by this Resolution, be conveyed to Judge Joyce and her family.

Motion by Mr. Truesdell to approve the Resolution of Condolence in memory of Carol Koehler. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 2

WHEREAS, the passing of Bernard J. Housenga, father of Brenda Pell, occurred on March 4, 2018 and,

WHEREAS, the news of Bernard J. Housenga passing grieves us, recognizing his death brings a deep and abiding sorrow to Mrs. Pell and her family and,

WHEREAS, we, the members of the Whiteside County Board, with sincerity and respect, wish to condole Mrs. Pell and her family in their hour of bereavement;

NOW, THEREFORE BE IT RESOLVED, that the Board's deepest sympathies, hereby memorialized by this Resolution, be conveyed to Brenda Pell and her family.

Motion by Mr. Truesdell to approve the Resolution of Condolence in memory of Bernard J. Housenga. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 3

WHEREAS, the Newman High School Boys Basketball Team competed in the IHSA Boys Class 1A Basketball Championship at Carver Arena in Peoria, Illinois on Saturday, March 10, 2018; and,

WHEREAS, the Newman High School Boys Basketball Team returned with a 3rd place team finish.

NOW, THEREFORE BE IT RESOLVED, that the Whiteside County Board offer its congratulations to the Newman High School Boys Basketball Team for its achievement at this highly competitive State-level event and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County Illinois be directed to forward a copy of this Resolution to the Newman High School.

Motion by Mr. Truesdell to approve the Resolution of Congratulations to the Newman High School Boys Basketball Team. Motion carried. Coach Sharp was present to accept the Resolution.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 4

WHEREAS, Case # 701, Christine Fertl and James McKusker, a.k.a. Liberated Arms, 101 Ferry Road, Geneseo, IL 61254 owners of the within described real estate duly filed with the Planning and Zoning Administrator, their petition praying that the premises described as follows to wit:

North half (N ½) lots Eleven (11) and Twelve (12) of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of Section Thirty-three (33), Township Nineteen (19) North, Range Three (3) East of the Fourth Principal Meridian, according to Plat thereof of record in Plat Book 2, Page 9 in office of the Recorder of Whiteside County, Illinois

be re-classified from a "A-1" district to a "C-1" district, and;

WHEREAS, the Planning and Zoning Commission has recommended to this Board that said premises should be re-classified to a "C-1" district,

NOW THEREFORE be it Resolved and Ordained by this Board, that the above described premises be and they are hereby re-classified as a "C-1" district.

Motion by Mr. McGinn to approve the Resolution to rezone property located at 101 Ferry Road, from A-1 Agricultural District to C-1 Camping District. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 5

WHEREAS, Prophet Solar LLC, 23005 Prophet Rd, Rock Falls, IL 61071 owners of the within described real estate duly filed with the Planning and Zoning Administrator, their petition praying that the premises described as follows to wit:

A parcel of land being part of the Southwest Quarter of Section 15, Township 20 North, Range 6 East of the Fourth Principal Meridian, Whiteside County, Illinois, described as follows:
Commencing at the Northwest corner of the Southwest Quarter of said Section 15, said point also being the Northwest corner of Lot 1 as designated upon the Plat recorded January 1, 1880 in Book 4 of Plats, Page 30, Document No. 10201 in the Recorder's Office of Whiteside County, Illinois; thence South 89 degrees 48 minutes 35 seconds East along the North line of the Southwest Quarter of said Section 15, said line also being the North line of said Lot 1, a distance of 74.88 feet to a point on the East line of a public road designated Prophet Road, the Right of Way of which was dedicated for public road purposes on July 31, 1942 and filed as Document No. 140336 in said Recorder's Office, said point also being the Point of Beginning for the hereinafter described parcel of land; thence South 89 degrees 48 minutes 35 seconds East along the North line of the Southwest Quarter of said Section 15, said line also being the North line of said Lot 1, a distance of 1245.12 feet to the Northeast corner of said Lot 1; thence South 0 degrees 30 minutes 55 seconds West along the East line of the West Half of the Southwest Quarter of Section 15, said line also being the East line of said Lot 1, a distance of 1664.86 feet to the Southeast corner of said Lot 1; thence North 89 degrees 50 minutes 36 seconds West along the South line of said Lot 1, a distance of 690.00 feet; thence North 0 degrees 30 minutes 55 seconds East parallel with the East line of the West Half of the Southwest Quarter of said Section 15 and the East line of said Lot 1, a distance of 1615.26 feet; thence North 89 degrees 48 minutes 35 seconds West parallel with the North line of the Southwest Quarter of said Section 15 and said Lot 1, a distance of 591.38 feet to the East line of said Prophet Road; thence Northeasterly along the East line of said Prophet Road along a circular curve whose radius is 2824.79 feet and whose center lies to the Southeast, the long chord of which bears North 36 degrees 20 minutes 59 seconds East, a chord distance of 61.93 feet to the Point of Beginning, containing 1,177,542 square feet, 27.033 acres, more or less, all being situated in Whiteside County, Illinois.

be granted a Special Use in the "A-1" district, to allow:

Solar Farm and;

WHEREAS, the Planning and Zoning Commission has recommended to this Board that said premises should be granted a Special Use in the "A-1" district with the following conditions:

1. The active area of the solar farm shall be enclosed by a seven foot (7') fence with a gate for security purposes.
2. Any outdoor lighting shall be located so that it does not unreasonably disturb the neighboring property owners or the safety of the motoring public.
3. There will be no employees permanently located at the site, the site will only require service and maintenance if permitted and constructed.
4. Routine service and maintenance shall be conducted during regular business hours.
5. Access to the site shall be approved/permitted by the jurisdiction having authority over the roadway.
6. A bond shall be required prior to the issuance of building permits insuring the proper decommissioning of the site.
7. In consideration for the issuance of this Special Use Permit, PROPHET SOLAR, LLC, 5310 ALSTON AVENUE, BUILDING 300, DURHAM, NORTH CAROLINA 27713, its successors and assigns, shall defend, indemnify and save harmless from liability Whiteside County, Illinois and its officers, officials, employees and members of the County Board from and against any and all claims, demands, losses, lawsuits, causes of action, damages, injuries, costs, expenses, including but not limited to, attorney's fees and costs of litigation arising from or under this Special Use Permit or from the construction maintenance or operation of the solar energy project contemplated under this Special Use Permit regardless of whether any such claim or litigation is based upon contract, tort or any other claimed legal theory.

NOW THEREFORE be it Resolved and Ordained by this Board, that the above described premises be and they are hereby granted said Special Use in said "A-1" district.

Motion by Mr. McGinn to approve the Resolution for a special use permit in the A-1 Agricultural District to allow a solar farm on property at 23005 Prophet Road. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 6

WHEREAS, bids were received on March 23, 2018 for the 2018 General County Bituminous Letting, and;

WHEREAS, the low bids submitted were for the following groups:

Groups 1 and 2	--	Tri-State Asphalt, LLC
Groups 3, 4, 5 & 6	--	Asphalt Sales, Inc.

WHEREAS, the Public Works Committee reviewed the bids and recommends their approval.

NOW, THEREFORE BE IT RESOLVED that Tri-State Asphalt, LLC of Morris, IL be awarded Groups 1 and 2, and Asphalt Sales, Inc. of Jacksonville, IL be awarded Groups 3, 4, 5 and 6.

Motion by Mr. McGinn to approve the foregoing Resolution and Award for 2018 County Bituminous Letting to Tri-State Asphalt, LLC and Asphalt Sales, Inc, as presented. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 7

WHEREAS, bids were received on March 23, 2018 for #18-XX000-XX-GM, to furnish and apply lignin and/or calcium chloride to various township roads, and;

WHEREAS, no bids were received for lignin, and Sicalco, Ltd. of Hinsdale, IL was the sole bidder for calcium chloride, at a price of \$321.00 per flake ton, and;

WHEREAS, the committee reviewed the bids and recommends their approval.

NOW THEREFORE BE IT RESOLVED that the bid received from Sicalco, Ltd. of Hinsdale, IL for calcium chloride, at a price of \$321.00 per flake ton, be approved.

Motion by Mr. McGinn to approve the foregoing Resolution and Award for 2018 Dust Control Letting to Sicalco, Ltd., as presented. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 8

WHEREAS, bids were received on March 23, 2018 for #18-XX000-XX-GM, to furnish and apply sealcoat material for ten townships in Whiteside County, and;

WHEREAS, the respective groups were awarded the low bids, as follows:

Groups 1, 2, 5, 7, 9 & 10	--	Civil Constructors, Inc.
Groups 3, 4, 6 & 8	--	Porter Bros. Asphalt & Sealing

WHEREAS, the Public Works Committee reviewed the bids and recommends its approval.

NOW, THEREFORE BE IT RESOLVED that the respective groups be awarded to the low bidders above. The cost of each project is not to exceed 10% of the awarded bid.

Motion by Mr. McGinn to approve the foregoing Resolution and Award for #18-XX000-XX-GM, furnish and apply sealcoat material, to Civil Constructors and Porter Bros. Asphalt & Sealing, as presented. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 9

WHEREAS, bids were received on March 23, 2018 for Section #18-00232-00-RS, Smaltz/Spring Valley Roads, Whiteside County, and;

WHEREAS, the bid of \$39,655.70 was submitted by Dunn Company of Decatur, IL, and;

WHEREAS, the Committee reviewed the bid and recommends its approval.

NOW THEREFORE BE IT RESOLVED, that the bid of \$39,655.70 from Dunn Company of Decatur, IL be accepted and approved at a maximum cost not to exceed \$43,621.27 (10% over the awarded amount), and;

BE IT FURTHER RESOLVED that the County Board Chairman be authorized to sign the necessary documents.

Motion by Mr. McGinn to approve the foregoing Resolution and Award for #18-00232-00-RS, Smaltz and Spring Valley Roads, to Dunn Company, as presented. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 10

WHEREAS, bids were received on March 23, 2018 for Section #18-00000-02-GM, Mathew Road, Whiteside County, and;

WHEREAS, the bid of \$92,332.06 was submitted by Martin & Company Excavating of Oregon, IL, and;

WHEREAS, the Committee reviewed the bid and recommends its approval.

NOW THEREFORE BE IT RESOLVED that the bid of \$92,332.06 from Martin & Company Excavating of Oregon, IL be accepted and approved at a maximum cost not to exceed \$101,565.27 (10% over the awarded amount), and;

BE IT FURTHER RESOLVED that the County Board Chairman be authorized to sign the necessary documents.

Motion by Mr. McGinn to approve the foregoing Resolution and Award for #18-00000-02-GM, Mathew Road, to Martin and Company Excavating, as presented. Motion carried.

Motion by Mr. McGinn to place on file the Public Works Committee's meeting report, March Claim reports and related informational items, as presented. Motion carried.

Motion by Mrs. Nelson to amend the ordinance amending chapter 6 - Animals of the Whiteside County Code to define breeders as households with 3 or more litters per 12 months, as presented. Motion carried.

Mrs. Nelson presented the following Ordinance:

ORDINANCE NO. 11

Amending Chapter 6 - Animals

WHEREAS, the County of Whiteside, Illinois (the "County") is a duly organized and existing County of the State of Illinois; and

WHEREAS, the County is now operating under the provisions of the Illinois Counties Code, as supplemented and amended; and

WHEREAS, there is a Code of Ordinances of Whiteside County, Illinois ("the Code"), adopted on September 20th, 2016, subject to revision by Ordinance and Resolution of the Whiteside County Board from time to time; and,

WHEREAS, the County Board desires to amend the Animal Control Chapter of the County Code to address hoarding issues, implement requirements for breeders, add penalties for the inhumane treatment of animals and implement a Trap, Neuter and Release program for feral cats,

THEREFORE, BE IT ORDAINED, BY THE WHITESIDE COUNTY BOARD, that:

Paragraph 1. Amend Chapter 6 - ANIMALS of the County Code as outlined in Exhibit 1, which is made a part hereof.

Paragraph 2. This Ordinance and every provision thereof shall:

Section 1. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.

Section 2. Supersede any other Ordinance or Resolutions or parts thereof, in conflict herewith.

Section 3. Go into effect June 1st, 2018.

Motion by Mrs. Nelson to adopt the foregoing Ordinance amending chapter 6 - Animals of the Whiteside County Code, as presented. Motion carried.

Motion by Mrs. Nelson to place on file the Health and Social Services Committee's meeting report, March claims report and related informational items, as presented. Motion carried. Mrs Nelson gave a brief UCCI update.

Motion by Mr. Milby to place on file the Judiciary Committee's meeting report, March claims reports and related informational items, as presented. Motion carried.

Motion by Mr. Milby to place on file the Wage & Salary Committee's meeting report and related informational items, as presented. Motion carried.

Mrs. Britt presented the following Ordinance:

ORDINANCE NO. 12

Setting the Number of Authorized Sheriff's Deputies

WHEREAS, the County of Whiteside, Illinois (the "County") is a duly organized and existing County of the State of Illinois; and

WHEREAS, the County is now operating under the provisions of the Illinois Counties Code, as supplemented and amended; and

WHEREAS, there is a Whiteside County Code ("the Code"), adopted on September 20th, 2016, subject to revision by Ordinance and Resolution of the Whiteside County Board from time to time; and,

WHEREAS, the position of Captain has been eliminated from the Sheriff Departments chain of command; and

WHEREAS, County Code requires the Public Safety Committee to set the maximum number of deputies each year,

THEREFORE, BE IT ORDAINED, BY THE BOARD, AS FOLLOWS:

Paragraph 1. Sec. 24-1. - Chain of command be amended as follows:

The following chain of command structure is hereby established: one chief deputy, one captain, two lieutenants, four sergeants, and deputy sheriffs.

Paragraph 2. Sec. 24-2. - Sheriff's deputies (a) be amended as follows:

(a) The number of authorized Sheriff's deputies is now set at 5+ 41 as indicated in the exhibit which made a part hereof.

Paragraph 3. This Ordinance and every provision thereof shall:

Section 1. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.

Section 2. Supersede any other Ordinance or Resolutions or parts thereof, in conflict herewith.

Section 3. This ordinance shall go into effect upon passage.

Motion by Mrs. Britt to adopt the foregoing Ordinance setting the number of authorized Sheriff's Deputies, as presented. Motion carried.

Motion by Mrs. Britt to place on file the Public Safety Committee's meeting report, March claims reports and related informational items, as presented. Motion carried.

Mr. Truesdell presented the following Ordinance:

ORDINANCE NO. 13

AN ORDINANCE TO PROVIDE FOR PUBLIC TRANSPORTATION
IN WHITESIDE COUNTY, ILLINOIS

WHEREAS, public transportation is an essential public purpose for which public funds may be expended under Article 13, Section 7 of the Illinois Constitution; and

WHEREAS, Whiteside County wishes to provide public transportation for its citizens and become eligible for grants from the State of Illinois or any department or agency thereof, from any unit of local government, from the Federal government or any department or agency thereof; and

WHEREAS, Illinois Compiled Statutes 740/2-1 et seq. authorizes a county to provide for public transportation within the (county or counties) limits;

NOW, THEREFORE, BE IT ORDAINED by the County Board Chairman and Whiteside County that:

Section 1. Whiteside County shall hereby provide public transportation within the (county or counties) limits.

Section 2. The clerk/secretary to the governing board of Whiteside County shall file a certified copy of this Ordinance, within sixty days after passage of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as required by law.

Section 4. That the County Board Chairman of the Whiteside County Board is hereby authorized and directed to execute and file on behalf of Whiteside County a Grant Application to the Illinois Department of Transportation.

Section 5. That the County Board Chairman of Whiteside County is hereby authorized and directed to execute and file on behalf of the Whiteside County all required Grant Agreements with the Illinois Department of Transportation.

Motion by Mr. Truesdell to approve the foregoing Public Transportation Applicant Ordinance, as presented. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 14

RESOLUTION AUTHORIZING EXECUTION AND AMENDMENT OF SECTION 5311 GRANT AGREEMENT

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, 49 U.S.C. § 5311 ("Section 5311"), makes funds available to the State of Illinois to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, the State of Illinois, acting by and through the Illinois Department of Transportation, is authorized by 30 ILCS 740/3-1 et seq. to provide the Section 5311 grant; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE *Whiteside County*:

Section 1. That an application be made to the Office of Intermodal Project Implementation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 for fiscal year 2019, for the purpose of offsetting a portion of the Public Transportation Program operating deficits of *Whiteside County*.

Section 2. That while participating in said operating assistance program *Whiteside County* will provide all required local matching funds.

Section 3. That the *County Board Chairman of the Whiteside County Board* is hereby authorized and directed to execute and file on behalf of *Whiteside County* such application.

Section 4. That the *County Board Chairman of the Whiteside County Board* is authorized to furnish such additional information as may be required by the Office of Intermodal Project Implementation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That the *County Board Chairman of the Whiteside County Board* is hereby authorized and directed to execute and file on behalf of *Whiteside County* a Section 5311 Grant Agreement ("Agreement") with the Illinois Department of Transportation, and amend such Agreement, if necessary, in order to obtain grant assistance under the provisions of Section 5311 for fiscal year 2019.

Section 6. That the *County Board Chairman of the Whiteside County Board* is hereby authorized to provide such information and to file such documents as may be required to perform the Agreement and to receive the grant for fiscal year 2019.

Motion by Mr. Truesdell to approve the foregoing Resolution Authorizing Execution and Amendment of Section 5311 Grant Agreement, as presented. Motion carried.

Mr. Truesdell presented the following Warranty:

ACCEPTANCE OF THE SPECIAL WARRANTY NO. 15

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended, makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, 49 U.S.C. § 5333(b) requires that fair and equitable arrangements must be made to protect the interests of employees affected by such assistance as a condition of receipt of funds under Section 5311; and

WHEREAS, a simplified process for assuring employee protections that accommodates the needs of participants in the Section 5311 program has been agreed upon by the U.S. Department of Labor and the U.S. Department of Transportation by allowing execution of a Special Section 533(b) Warranty for Section 5311 projects (Special Warranty), which the Secretary of Labor certified on May 31, 1979;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF Whiteside County:

- Section 1. That an application be made to the Office of Intermodal Project Implementation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal Transit Act of 1964, as amended.
- Section 2. As a condition of the receipt of Section 5311 funds, Whiteside County hereby agrees in writing to the terms and conditions of the Special Warranty (attached) regarding fair and equitable arrangements to protect the interests of employees affected by such assistance.

Motion by Mr. Truesdell to approve the Acceptance of the Special Warranty, as presented. Motion carried.

Motion by Mr. Truesdell to approve March 2018 mileage and travel reimbursement items for County Board members in the amount of \$1,519.06. On roll call members: Arduini, Ausman, Bitler, Britt, Celestino, Crandall, Cunniff, Duffy, Espinoza, Frank, Glazier, Hamilton, Hooper-Campos, Jacoby, Koster, McGinn, Mead, Milby, Karen Nelson, Katherine Nelson, Pennell, Russell, Stanley, Thompson, Truesdell, VanDeVelde and Wetzell (27) voted yes, members voting no: none and the motion was declared carried.

Motion by Mr. Truesdell to place on file the Finance Committee's meeting report, March claims reports and related informational items, as presented. Motion carried.

Motion by Mr. Truesdell to place on file the Executive Committee's meeting report, March claims reports and related informational items, as presented. Motion carried.

Motion by Mr. Thompson that this meeting be adjourned, the Board to meet again on Tuesday, May 15, 2018 at 6:30 p.m. Seconded by Mr. Glazier. Motion carried. The meeting adjourned at 7:04 p.m.

Dana Nelson
Whiteside County Clerk

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