

**JO DAVIESS COUNTY BOARD  
MEETING MINUTES  
SEPTEMBER 10, 2019**

**CALL TO ORDER:** Jo Daviess County Chairperson Scott Toot called the meeting to order at 7:00 p.m. on Tuesday, September 10, 2019 in the Jo Daviess County Board Room, Jo Daviess County Courthouse in Galena, Illinois.

**ROLL CALL** was answered as follows: Present - Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Present: 15. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

**THE PLEDGE OF ALLEGIANCE** was led by Chairperson Toot.

**THE INVOCATION** and thought for the day were given by William Bingham.

**AGENDA ITEM I – CONSENT AGENDA**

Chairperson Toot informed the board that Item B3 would read *“Appointment of G. Allen Crist to the Jo Daviess County Board of Health for the remainder of a three year term ending April 30, 2020.”*

A motion to approve the consent agenda as presented was made by Steve Allendorf and seconded by Diane Gallagher.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 15. Nays: 0. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

**AGENDA ITEM II - CITIZENS' COMMENTS**

There were no citizens' comments at this time.

**AGENDA ITEM III – UNFINISHED BUSINESS**

There was no unfinished business brought before the board at this time.

**AGENDA ITEM IV – NEW BUSINESS & COMMITTEE REPORTS**

Chairperson Toot thanked Brandon Behlke and presented him with a plaque in recognition of his dedicated years of service as a Jo Daviess County Board member. County Administrator Dan Reimer presented him with a framed photograph of the Courthouse, signed by all the department heads.

A motion to appoint Steve Allendorf as Vice-Chairperson of the Finance, Tax, and Budget committee was made by Staci Duerr and seconded by John Schultz.

The motion carried by voice vote.

A motion to approve a letter supporting the efforts of Midwest Medical Center to fund and construct turning lanes on Highway 20 was made by John Lang and seconded by William Bingham.

The motion carried by voice vote.

**EXECUTIVE:**

A committee motion to approve the Destination Marketing Management Agreement as presented pending the State's Attorney legal review was made by Steve Allendorf.

In discussion, State's Attorney John Hay gave his opinion regarding the proposed agreement. The changes to the contract were very minor, such as removing a working capital reserve provision and the months

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GGMI would make their report to the board; the main issue he sees is the proposed length of the contract. After extensive research, he believes the county does not have the authority to enter into long term contracts, therefore the proposed ten year length is not possible. He stated they could only enter into contracts for the period of time they've appropriated for, which is one year. He believes the board has two options; they could have language that would state the contract would automatically renew, with the provision that either party could object with a ninety day written notice or they could send it back to the Ad-Hoc DMO Committee so they can approach GGMI to find out what effect this would have on the negotiations. Ron Smith asked if they could approve the contract with the contract length changed to one year, automatically renewed, with the ninety day written notice option. John Hay indicated the board could do that.

An amendment to the motion to read "A motion to approve the Destination Marketing Management Agreement with a one year, automatic renewal contract term and a ninety day option to terminate by either party" was made by Ron Smith and seconded by John Lang.

A secondary amendment to the primary amendment to read "A motion to *send* the Destination Marketing Management Agreement with a one year, automatic renewal contract term and ninety day option to terminate by either party *back to the Ad-Hoc DMO committee to work out the details and to bring back a clean contract proposal at a future meeting*" was made by Steve Allendorf and seconded by John Lang.

The secondary amendment to the primary amendment carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heurman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, and John Schultz, Ayes: 11. Nays - Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Nays: 4. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

The amended motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heurman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, and John Schultz, Ayes: 11. Nays - Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Nays: 4. Absent - Lucas Bourquin. Absent: 1. Vacant:

A committee motion to amend the Jo Daviess County Handbook as presented, effective October 1, 2019 with the eighteen month vacation cutoff effective April 1, 2020 was made by Steve Allendorf.

The motion carried by voice vote.

A committee motion to approve the Jo Daviess County 2020 Holiday Schedule as presented was made by Steve Allendorf.

The motion carried by voice vote.

A motion to approve *An Ordinance Establishing a County Cannabis Retailers' Occupation Tax in the County of Jo Daviess, Illinois* with the state maximum tax rates was made by John Lang and seconded by Diane Gallagher.

In discussion, State's Attorney John Hay explained this ordinance was on the agenda because in order to collect a tax starting January 1, 2020, it must be adopted prior to September 30, 2019. There are two decisions to be made within this ordinance; taxing up to 3.75% of the gross receipts from sales in unincorporated areas of the county and taxing up to 3.00% of the gross receipts of sales made in a municipality located in the county. Because the next agenda item is an ordinance to prohibit cannabis business establishments, he recommends this motion be withdrawn so they can consider action on the next proposed ordinance to prohibit cannabis business establishments. The outcome of the next motion could impact the tax imposed section of the ordinance to establish a county cannabis occupation tax.

After discussion, a request to withdraw the motion was made by John Lang and seconded by Diane Gallagher.

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A motion to approve *An Ordinance Prohibiting Cannabis Business Establishments* was made by John Schultz and seconded by Hendrica Regez.

The motion failed by roll call vote. Ayes – Ron Smith, LaDon Trost, and Don Zillig. Ayes: 3. Nays - Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, and Scott Toot. Nays: 12. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

A motion to approve *An Ordinance Establishing a County Cannabis Retailers' Occupation Tax in the County of Jo Daviess, Illinois* with tax rates of 3.75% of the gross receipts from sales in unincorporated areas of the county and 3.00% of the gross receipts of sales made in a municipality located in the county was made by John Lang and seconded by John Schultz.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, and Don Zillig. Ayes: 14. Nays - LaDon Trost. Nays: 1. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

**INFORMATION & COMMUNICATIONS TECHNOLOGY:**

A committee motion to approve a resolution to establish Tegile/Western Digital as a sole source provider of Storage Area Network (SAN) centralized equipment as identified in the Jo Daviess County Purchasing Policy was made by Don Hill.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 15. Nays: 0. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

A committee motion to issue a purchase order to the lowest responsible Tegile/Western Digital value-added reseller, Storage-IT Solutions of Cary, IL, in the amount of \$74,570 for one T4100 SAN array with 5 years of 24x7 premium support and one T4200 SAN array with 5 years of 24x7 premium support. Storage-IT Solutions agrees to defer payment until December, 2019 (the County's 2020 fiscal year) with no interest or fees added and also will store the arrays until delivery and installation in December, 2019 was made by Don Hill.

The motion carried by voice vote.

**FINANCE, TAX, & BUDGETS:**

A motion to approve the following FY2019 line item transfer request(s) and associated claim(s) in the amount of \$270.00 was made by John Schultz and seconded by Staci Duerr:

- a. Transfer of \$1,000.00 from 001-41124-905 Miscellaneous Expense to 001-41124-441 Uniforms to pay an associated claim to Uniform Den in the amount of \$270.00.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 15. Nays: 0. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

The adjusted claim total for September, 2019 is \$601,920.01.

The fund balance for the Contingency Fund on July 31, 2019 is \$300,546.52.

**SPECIAL SERVICE AREA COMMISSIONS:**

Steve Allendorf reported the providers for SSA #1, SSA #2&4, and SSA #5 received payments with this month's claims, as approved at the August 13, 2019 County Board meeting. He also stated that State's Attorney John Hay has started the process for holding joint meetings to discuss new contracts.

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**DEVELOPMENT & PLANNING:**

The committee had no business to bring before the board.

**PUBLIC WORKS:**

The committee had no business to bring before the board.

**LAW ENFORCEMENT & COURTS:**

A committee motion to approve Change Order #2 to the Comelec Services, Inc. contract in the amount of \$2,544.71 to move the Jo Daviess County Sheriff Law Repeater from the water tower in the Village of Hanover to the new Radio Communication Tower at the Hanover Emergency Operation Center was made by William Bingham.

The motion carried by voice vote.

A motion to approve a claim to ComElec Services, Inc. in the amount of \$2,544.71 from line item 001-41123-701 Maintenance Service to pay change order #2 for antenna installation at the Hanover Radio Communication Tower Project was made by John Schultz and seconded by Ron Smith.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Hendrica Regez, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 14. Nays - Robert O'Connor. Nays: 1. Absent - Lucas Bourquin. Absent: 1. Vacant: 1.

Hendrica Regez left the meeting at this time.

A motion to approve a claim to ComElec Services, Inc. in the amount of \$12,913.48 from line item 048-46172-810 Equipment to pay the EMA portion of pay request #2 for the Hanover Radio Communication Tower Project was made by Diane Gallagher and seconded by John Lang.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 13. Nay - Robert O'Connor. Nays: 1. Absent - Lucas Bourquin and Hendrica Regez. Absent: 2. Vacant: 1.

A motion to approve a claim to ComElec Services, Inc. in the amount of \$12,913.48 from line item 066-46181-810 Equipment to pay the Sheriff portion of pay request #2 for the Hanover Radio Communication Tower Project was made by Staci Duerr and seconded by Diane Gallagher.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 13. Nays - Robert O'Connor. Nays: 1. Absent - Lucas Bourquin and Hendrica Regez. Absent: 2. Vacant: 1.

The adjusted claim total for September, 2019 is \$630,291.68.

**SOCIAL & ENVIRONMENTAL:**

The committee had no business to bring before the board.

**PLANNING COMMISSION/ZONING BOARD OF APPEALS:**

A motion to approve a recommendation for a Special Use Permit for a fertilizer distribution plant at 6142 N. Lake Road No. 1, Apple River, IL (Ag-Tech Air) was made by Diane Gallagher and seconded by Robert O'Connor.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, John Schultz, Ron Smith, Scott

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Toot, LaDon Trost, and Don Zillig. Ayes: 14. Nays: 0. Absent - Lucas Bourquin and Hendrica Regez. Absent: 2. Vacant: 1.

**LEGISLATIVE:**

The committee had no business to bring before the board.

**AGENDA ITEM V – BOARD MEMBER CONCERNS**

Robert O'Connor recognized IT/GIS Director Joe Kratcha for his negotiating abilities and thanked him for the financial savings the county realizes due to his efforts.

Diane Gallagher asked that future appointments list a short description of the person's qualifications, so members can vote with confidence.

Staci Duerr reminded members that tomorrow was September 11<sup>th</sup> and asked that in recognition of Patriot Day, the board observe a moment of silence. A moment of silence was observed.

**AGENDA ITEM VI – CITIZENS' COMMENTS**

Rose Noble thanked board members for the positive comments that were made during the DMO Marketing Management Agreement discussion. In response to concerns regarding money spent, she stated that for every \$1.00 spent on promotion, \$9.00 is spent in the community. The income that was generated from tourism spending in 2018 alone, resulted in \$5.6 million dollars of local tax revenue. She stated that GGMI board members had been excited about the proposed annual revenue share of 8% for a term of ten years, so the State's Attorney's opinion on term length limitations is disappointing and hopes they can come to an understanding with the Ad-Hoc DMO committee. She also indicated there was a positive vibe to the 1% service tax in terms of their board publicly supporting the idea.

Brandon Behlke thanked all those he worked with in his six and a half years on the County Board. This includes the thirty-four county board members and all past and present county officials and staff. He said there are those that think government doesn't work, but he believes it works in Jo Daviess County and that is thanks to the hard work and dedication of everyone involved.

**AGENDA ITEM VII – CLOSED SESSION**

A motion to enter closed session at 8:16 p.m. was made by Staci Duerr and seconded by John Schultz to discuss:

D. Pursuant to 5 ILCS Litigation Section 120/2(c)11

*"Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting."* Topic of discussion: Case No. 2019-MR-18, 2017-L-5.

The motion carried by voice vote.

The board reconvened to open session at 8:32 p.m. following a motion by Steve Allendorf and seconded by Staci Duerr.

The motion carried by roll call vote. Ayes – Steve Allendorf, William Bingham, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, John Schultz, Ron Smith, Scott Toot, LaDon Trost, and Don Zillig. Ayes: 14. Nays: 0. Absent - Lucas Bourquin and Hendrica Regez. Absent: 2. Vacant: 1.

**AGENDA ITEM VIII – POSSIBLE ACTION AS A RESULT OF CLOSED SESSION**

John Hay reported on Case 2019-MR-18. There was a summary judgment ordered on August 22, 2019, so because this was no longer a pending case, it would not be discussed in closed session. He stated an earlier motion to dismiss was denied, so an agreement was entered into that recognized the plaintiff's legal non-conforming use and the County's ability to implement zoning on the plaintiff should they attempt to extend or change their legal non-conforming use. There is no monetary amount attached to this order, it just recognizes the plaintiff's legal non-conforming use, because they were in business prior to the zoning ordinance.

A motion to approve the attorney representing the county to enter into a settlement agreement in case 2017-L-5 as recommended by the insurance provider was made by Steve Allendorf and seconded by John Lang. The motion carried by voice vote.

**AGENDA ITEM IX - ADJOURNMENT**

A motion to adjourn was made by John Korth and seconded by Robert O'Connor. The motion carried by voice vote.

Chairperson Toot adjourned the meeting at 8:34 p.m. until 7:00 p.m. Tuesday, October 8, 2019 at the Jo Daviess County Board Room, Jo Daviess County Courthouse in Galena, Illinois.

**JO DAVIESS COUNTY BOARD  
CONSENT AGENDA  
SEPTEMBER 10, 2019**

**A. MINUTES APPROVAL**

1. County Board meeting minutes from the August 13, 2019 Meeting

**B. APPOINTMENTS/RESIGNATIONS**

1. Appointment of Steve McIntyre to serve as the chairman of the Ad-Hoc Economic Development Committee.
2. Appointment of Anthony Yett to the Jo Daviess County Housing Authority Board of Commissioners for the remainder of a five year term ending June 10, 2025 (this includes the remainder of a term ending June 10, 2020 and for a five-year term beginning June 11, 2020 and ending June 10, 2025).
3. Appointment of \_\_\_\_\_ to the Jo Daviess County Board of Health.
4. Appointment of members to the Census 2020 Complete County Committee: Diane Gallagher and Hendrica Regez to serve as co-chairs.

**C. CONTRACTS, AGREEMENTS, & PETITIONS**

**D. ORDINANCES, RESOLUTIONS, & PROCLAMATIONS**

**E. REPORTS & CORRESPONDENCE**

1. Thank you note from the Delores Scott family.

**F. CLAIMS**

1. Claims approval in the amount of \$601,650.01 as follows:
  - i. \$453,716.26 (Regular Claims)
  - ii. \$18,288.70 (Utilities)
  - iii. \$0.00 (Travel Reimbursements)
  - iv. \$93,234.57 (GGMI Hotel/Motel Tax Reimbursement)
  - v. \$36,410.48 (Special Service Area Commissions)
    - Warren Area Ambulance Service, Inc. - SSA #1 - \$18,232.54
    - Elizabeth Community Ambulance Service – SSA #2 & #4 - \$12,658.21
    - Elizabeth Community Ambulance Service - SSA #5 - \$5,519.73(Payment of the above claims were authorized by County Board action approved on August 13, 2019)
2. Emergency Telephone Systems Board Fund claims in the amount of \$10,080.08
3. Consideration of approval of the following FY2019 line item transfer request(s) in the amount of \$30,375.60.
  - a. Transfer of \$30,375.60 from 007-41128-901 Contingency to 007-41128-810 Equipment to pay an associated claim to ComElec Services, Inc. in the amount of \$30,375.60 (to provide the ETSB with sufficient funds to pay their unbudgeted portion of the Hanover Radio Tower installation costs from the ETSB Equipment line item).
4. If the claim(s) in item 3 is approved, the total claims paid for ETSB for September, 2019 will be \$40,455.68.