

COMMITTEE REPORT

COMMITTEE: Executive Committee Meeting
CHAIRPERSON: John Lang, Chairperson
DATE/TIME: May 7, 2024 at 6:30 pm

PRESENT:

☒ John Lang
☒ LaDon Trost
☒ Dianne Allendorf

☒ John Creighton
☒ Diane Gallagher
☒ Don Zillig

☒ John Schultz
☒ Tina Brandel

A quorum was established.

Other Board Members: Michael Dittmar and Steve Endress.

Others: Scott Toot, Angie Kaiser, Chris Allendorf, Steve Keeffer, Kimball Willis, Jamie Watson, Kevin Turner, Melisa Hammer and Nicole Hermsen.

1. Minutes Approval

- a) Minutes of the March 5, 2024 Executive Committee meeting – John Schultz made a motion to approve the minutes of the March 5, 2024 Executive Committee meeting as presented. Seconded by Don Zillig and motion carried following a voice vote resulting in all Ayes.

2. **Citizens' Comments** – Randy Reed, Apple River, commented to the committee that he and his wife do a lot of camping and ATV riding in their free time and every weekend that they have free. They usually go to Darlington, WI because that is where all the trails are. If it would open in Illinois he would go riding during the week to go out for supper or on the weekends for supper. Groceries, gas, greenhouses. They like to go to the lake and the Mississippi Palisades. The ATV trail in Wisconsin brought in \$33 million in revenue last year. Green County and Monroe get a lot of them now that they have opened up. In Jo Daviess you would have bed and breakfasts, cabins and hotels a lot busier. People that bring their UTV's need a place to stay, a place to eat and buy gas. The towns along the state line especially now can't have machines in there. They are not that busy. You could allow machines in all those towns and they would stop and then go on farther. A lot of people ask him why Illinois is not open. Reed's brother-in-law runs an ATV shop in Darlington and employs 12 – 14 people there part-time and full-time. He sells parts, machines, etc. He owns six cabins, a lodge and a house that he rents out along the trail. Most people that come there, and they are usually full on the weekends, come from Illinois. They rent machines from him. They buy parts. They rent the cabins and ride on the trails or road. They go to hotels when he is full which is a lot. They buy supper and of course they buy gas. He rents out 20 ATV's, five to ten UTV's and most weekends are sold out. The campground in Darlington has 30 sites and is usually full. Reed would like to see it through.

3. Unfinished Business

- a) FY2023/FY2024 Strategic Goals and Plans – The Committee briefly reviewed the Strategic Goals and Plans. John Lang added that when we get into renovating the courthouse we need to take a look at the parking situation and try to find a solution for that. Scott Toot added that item 3 has already been dealt with. Item 1 we will complete when we finish the courthouse project.
- b) Update on Jo Daviess County FOIA requests – The Committee looked at the April 2024 FOIA Requests.
- c) Courthouse Project Update and possible action – Scott Toot went through the courthouse today with the architect and has pictures that he will share when he gives his report a little later on the

agenda. They have removed a lot of the items from the inside which you will see in the pictures. The conduit has been laid and covered up through the parking lot for the fiber cable that has to be moved. They are well on their way to the demolition portion of the project. There have been some materials that have been removed and taken down to Hanover. They are going to begin disassembling the County Clerk's counter and transporting it to Hanover as well. The soil display that was in the hall has been moved to Hanover as well and Steve Keeffer has expressed an interest in that item for the Highway Department building. They have secured the site more. They have fencing and will put up more no trespassing signs to discourage people from coming in there. Signage will direct people where to go to pay their property taxes and to the Courts facility. The Courts facility has a problem with the air conditioner but the landlord is taking care of the issue. There has been significant progress with the demolition inside the building. A brick roof was discovered above where the Assessor's office was and in the large courtroom you can see the original stenciling up towards the top and when they removed some of the heaters you can see some of the original wood.

At this time the chairman skipped down to New Business items a. through f. Lang believes it's important for us to know what laws we are dealing with in the State of Illinois.

- d) Discussion and possible action on an Ordinance Authorizing the Operation of Non-Highway Vehicles on County Roads – 55 mph or less roadways (Postponed from the January 2, 2024, meeting of the Executive Committee) – **John Schultz made a motion to table item d) and item e) until we have been presented with routes and a traffic study.** State's Attorney Chris Allendorf commented that we cannot table or postpone since we have already postponed this since January. Motion dies for the lack of a second. These items can always be brought back as new business in the future. **John Schultz made a motion to accept item d) with the hope that no one will second it.** John Lang called for a second to the motion. **Motion died for the lack of the second.**
- e) Discussion and possible action on an Ordinance Authorizing the Operation of Non-Highway Vehicles on County Roads – 35 mph or less roadways (Postponed from the January 2, 2024, meeting of the Executive Committee) – **John Schultz made a motion to approve an Ordinance Authorizing the Operation of Non-Highway Vehicles on County Roads – 35 mph or less roadways.** John Lang called for a second to the motion. **Motion died for the lack of the second.**

4. New Business

- a) Economic contributions of ATV/UTV's in Wisconsin 2023 – Executive Summary – John Creighton reviewed the Economic Contributions of ATV/UTV Riders in Wisconsin document that was included in the packet. If you tally it all up the economic impact of trail riding and road riding for UTV's in Wisconsin in 2023 came to \$5.4 billion. Lafayette County's cut of that was \$33 - \$34 million. We are looking at some pretty substantial possible income for the county but actually much more important than that is the revenue that comes into the county for the people of Jo Daviess County. That's income for numerous people. The report included in the packet is quite detailed and you can go online to see the entire report.
- b) Current Illinois law on UTV's – The law that we are dealing with in the State of Illinois is on page 22 of the packet. It states the non-highway vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. If there were a change to the law they would remove item (4) which is a recreational off-highway vehicle. Michael Dittmar commented that they don't prefer gravel roads because their machines are so expensive and they get dusty. They prefer to ride on asphalt roads. They don't really even like the trails system.
- c) Status of changing State law on UTV's - Lang continued that on page 24 are all of the current bills in the State of Illinois pertaining to Non-Highway Vehicles/UTV. All of them have either been re-

referred to the Rules Committee or sit in the Assignments Committee. This almost guarantees nothing will be passed this Spring.

- d) Current laws in Iowa and Wisconsin on UTV's – In both Iowa and Wisconsin the vehicles are limited to 35 miles an hour. In Wisconsin they have to approve what roads are going to open up for it.
- e) Two proposed County ordinances for review by County liability insurance carrier-John Lang has requested a written statement from our liability insurance carrier, ICRMT, whether they would cover us.
- f) Response from ICRMT on whether they would cover the County – Scott Toot emailed our insurance on April 19th with two UTV ordinances for their review. They in turn sent it to ICRMT General Council for review. There has been no response since. Chris Allendorf commented that he doesn't think anyone sitting at this table actually understands what is being discussed. The second ordinance complies with state law and he has told everyone that has asked about this multiple times. This has morphed into a debate whether we should be allowing UTV's on roadways. In his opinion, unless it has changed since there have been so many drafts of this going around, there is nothing to debate. If you are in favor of the county passing an ordinance allowing UTV's on County roads the second ordinance complies with what the state law says except that the county has not done a traffic study which it very clearly spells out in the statute that the County has to do before approving an ordinance allowing UTV's on County roadways that are posted at 35 mph or less. The first ordinance in the packet is some "too cute by half" attempt to circumvent the state law by saying posted non-highway vehicle speed limit of 35 mph or less. There is no such thing as a non-highway vehicle speed limit. The bigger question is liability. Allendorf feels the ordinance is fine, but if you want to avoid liability here, you have to follow what the law says. It's in there for a reason and it's not enough to say in the preamble of this ordinance that the County Board deems it safe. That's clearly not enough as the statute specifies. You need to have a safety study before you approve this ordinance. The chairman went back to Unfinished Business items d) and e) at this time.
- g) Discussion and possible action regarding the 15th Judicial Circuit Chief Judge's Administrative Order 2024-3 Probation Compensation Schedule – Scott Toot explained that Jamie Watson came to him and Melisa Hammer about two months ago with the executive order. The only question Toot has is if it was approved by the Administrative Office of the Courts. Watson stated yes. Toot continued that apparently in the past we have not followed the compensation plan orders for the Probation Department. This has been a long-standing practice with Jo Daviess County and Watson has brought that to Toot's attention. Under this new order which was effective February 15, 2024, on his twentieth anniversary he would be entitled to a \$1,750 longevity bonus. In order to pay this bonus the funds would need to come from the Contingency Fund because it wasn't budgeted for. Watson verified that as long as he has been in the position, the County has not followed the compensation schedule set forth by the Chief Judge. There was an agreement with the previous County Administrator and the previous Director of the Probation Department to give essentially a pass/fail percentage increase to Probation employees on their performance evaluations. It was a 2.7% increase. Watson's understanding is this probably came about in 2010 when things were difficult and there were budget cuts and pay freezes and our salaries weren't being reimbursed by the State at the percent they were supposed to be. Chris Allendorf commented that he didn't know why the County wouldn't follow this administrative order. It is a complete pass through for the County. Toot suggested that we have a motion that we have a resolution to pay this out of the Contingency Fund to go to the next County Board meeting. **John Schultz made a motion to approve the 20 year Longevity Bonus of \$1,750 per the 15th Judicial Circuit Chief Judge's Administrative Order 2024-3 Probation Compensation Schedule to be paid to Jamie Watson with the funds to be taken out of the Contingency Fund for this year. Seconded by Dianne Allendorf and the motion carried following a voice vote resulting in all Ayes.**

- h) Discussion and possible action on a Galena Unit District 120 – Grant Application Letter of Support – **Diane Gallagher made a motion to approve the Galena Unit District 120 – Grant Application Letter of Support as presented. Seconded by Tina Brandel and motion carried following a voice vote resulting in all Ayes.**
- i) Discussion and possible action on a Resolution to Close Special Fund 010 Township Bridge Fund, Special Fund 023 Township Motor Fuel Fund and Special Fund 107 County Clerk’s Delinquent Tax Redemption Fund and return them to Fiduciary Fund Status for FY2025 and Subsequent Fiscal Years – The auditors determined that we did not need to have these as special funds as part of the budget process or in the budget book. **John Schultz made a motion to approve a Resolution to Close Special Fund 010 Township Bridge Fund, Special Fund 023 Township Motor Fuel Fund and Special Fund 107 County Clerk’s Delinquent Tax Redemption Fund and return them to Fiduciary Fund Status for FY2025 and Subsequent Fiscal Years. Seconded by Dianne Allendorf and motion carried following a roll call vote resulting in all Ayes.**

5. Staff Reports

- a) County Administrator – Scott Toot, County Administrator, shared a PowerPoint presentation of the Courthouse Renovation with demolition photos to date.

6. Summary of Committee Activities

- a) Diane Gallagher – Development & Planning Committee – Development & Planning Committee has been looking at the Comprehensive Plan and she has authorized a small group of people to work on some details. We have a meeting tomorrow morning. We have had more specific detailed input just within this last month. That information we are sifting through and trying not to add too much but we had some on tourism, some on agriculture. We want to make sure that we don’t add too many more pages but we want to be sure we have as much detail as possible. Development & Planning will have a good clean copy when they meet later in April.
- b) Don Zillig – Law Enforcement & Courts Committee – There was nothing new to report.
- c) John Schultz – Finance, Tax & Budgets Committee – We had a meeting this month after a hiatus of about three months. We listened to a detailed financial audit report from Matt Schueler
- d) Tina Brandel – Information & Communications Technology Committee – ICTC did not meet this past month.
- e) John Creighton - Public Works Committee – Creighton informed the committee that Highway approved some bids for the Guilford Road bridge. They talked about buying a skid steer. They had a rather extensive discussion on was something he had asked Steve Keeffer to do, to produce a document detailing the Highway Department’s capital assets. We have suffered from decades of deferred maintenance. We need to do something about it.
- f) John Lang – Legislative Committee – Legislative Committee will be meeting on Thursday. One of the things that just happened in the last week was the Illinois General Assembly went through a major election reform bill. They passed it in one day and the Governor signed it on the second.
- g) Dianne Allendorf - Social & Environmental Committee – The Social and Environmental Committee had a special meeting last week following a special Board of Health meeting to work on the food program licenses and fees. The new licenses and fees will be coming to the County Board.

- h) LaDon Trost – County Board Chairman – At the conclusion of the approval of the Comprehensive Plan he is considering putting together a n Ad-Hoc Committee to review the zoning ordinance. It's important that we make the zoning ordinance comply with the Comprehensive Plan. We have received a letter of resignation from Dan Holcomb, District #5 representative. Trost interviewed a young lady the other day that he feels will be a really good candidate for District #5. He was really impressed with her. We will have to declare that seat vacant and in June we can fill that seat with approval from the Board.

7. **Citizens' Comments** – Randy Reed, Apple River, shared some more thoughts that he had written down during the meeting concerning UTV's. LaDon Trost commented that he doesn't know of anyone on this County Board that wouldn't like to see this pass because it would be an economic boom for Jo Daviess County. The whole thing comes down to the 35 mph speed limit that the State of Illinois has mandated in their statute. Without that being changed, Trost doesn't know how we can go forward. Michael Dittmar added that he plans to get some townships to ask for some road studies so he hopes we are in the positive when that happens. Scott Toot commented that Mike Simmons has resigned as EMA Director and we will miss him as EMA Director. We are working on replacing his position.

8. **Board Member Concerns** – Diane Gallagher thanked the County employees for their clear oversight for financial situations. Seeing the situation that has occurred in Dubuque and Dyersville with monies that were funneled away because of not paying attention to all kinds of little details. Don Zillig passed out a handout. As you can see from the agreement in 1997 the County sold the water tower to the City of East Dubuque for \$1. The agreement was that they could never raise the rates on the people where he lives any more than they did in East Dubuque. In 2019, Loras Herring, decided to double the rates which was against the agreement. Those were civil agreements which are only good for ten years. There is no timeline on intergovernmental agreements. In the most recent yearbook on page 25 in the third paragraph it reads as follows: The state's attorney represents county office holders and the County Board in their official capacities and provides then with legal counsel upon request. The problem Zillig has relates to an intergovernmental agreement which is not part of the county attorney's expertise he is requesting that the county engages the service of an attorney that specializes in intergovernmental agreements. The East Dubuque council met this last Monday and it was supposed to be streamed but nobody could get on. Zillig talked to the City Manager and was told they are going to raise everybody's rate ten percent. There is some type of water treatment bill that is \$6.05 and they are going to charge us four times that rate which is going to increase Zillig's water bill \$217.80 per year. Zillig just wants permission to get an intergovernmental agreement. Chris Allendorf responded that it is no really out of his expertise. He gave Zillig his opinion more than once as did John Hay. Zillig clearly didn't like the opinion he was given. Zillig apologized for offending Allendorf. John Creighton has taken a deep dive on our census and our demographic situation which he thinks everyone knows is not very good. He is not ready to present a document yet because he is looking for more data, but he feels this Board needs to understand that we have a litany of problems, but one of the big ones we are facing is the exodus on a vast scale of our youth. Jo Daviess County is the second oldest county in the state at 50.8 years old. In a month or two Creighton will have a document to present here.

9. Adjourn

The next meeting of the Executive Committee is scheduled for Tuesday, June 4, 2024 at 6:30 p.m.

The meeting adjourned at 8:11 p.m. following a motion made by Diane Gallagher. Seconded by John Schultz and the motion carried by voice vote.