

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, ILLINOIS SEPTEMBER 6, 2016

The meeting of the County Commissioners of Monroe County, Illinois was called to order at 8:00 a.m. Chairman Terry Liefer, Commissioner Delbert Wittenauer, and Commissioner Robert Elmore were present.

The meeting opened with the Pledge of Allegiance.

Others present included Sheila Wetzler, County Clerk Dennis Knobloch, along with Press Corps representatives – Joe Leicht of the Monroe County Independent and Alan Dooley of the Republic Times.

There being a quorum present, the meeting was called to order by Chairman Liefer.

There were no Public Comments.

The following Accounts Payable having been approved for payment, Commissioner Elmore moved that the same be allowed and that vouchers be issued against their respective funds of the County Treasurer for payment. Motion seconded by Commissioner Wittenauer, and so declared all voting Aye, none Nay, and none Absent. Motion carried.

GENERAL FUND

1 <sup>st</sup> National Bank of Waterloo	1,003.14
AT&T Mobility	2,062.06
Adam Tyberendt	48.75
Americom Imaging Systems, Inc.	383.00
Americom	2,643.34
Beneflex	961.00
Biethman's Heating & Cooling	5,670.00
Brandt Services Inc.	127.73
C.A.O.A.	325.00
Carl Wuertz	241.85
Cercis Emergency Physicians	44.00
Charter Communications	54.13
City of Waterloo	20,626.44
Coast to Coast	68.53
Cyril Kolmer	230.62
Data Tronics	41.00
Debra Burckhardt	175.00
Digital Ally	40.00
Dobbs Tire & Auto Centers	54.90
Ed Roehr Auto Radio Co Inc.	3,986.59
Gateway FS	2,268.73
Gateway Industrial Power	180.00
Goodin Associates Ltd	90.00
GreatAmerica Financial Services	178.49
Harrisonville Telephone Company	3,310.99
Human Resource Design	2,080.00
John Deere Financial	234.14

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Kara Welch	175.00
Kelton Davis	22,858.00
Kevin W Koenigstein	70.20
Leaf	500.06
MAR Graphics	1,702.05
Melissa Unterseh-Schreder	48.14
Memorial Hospital	360.15
Mike A. Maedge Trucking Inc.	3,999.77
Mike Fausz	70.20
Mike's Service Station	1,143.48
Motorola	1,236.00
Nabers Shop	400.53
Neal Rohlfing	221.76
O'Reilly Auto Parts	119.67
Pamela Monroe	35.64
Prairie Farms Dairy, Inc.	159.32
Quality Collision, Inc.	1,925.17
Quill Corporation	31.98
Radiant Software Inc.	4,236.00
Rahn's Hometown Auto Repair	598.22
Rejis Commission	1,052.00
Robert Hill	60.65
Ronald Mueller	25.02
Ruth's Deli & Catering	8,965.27
Sandra Sauget	81.76
Secure Document Destruction	40.00
Shelby's Automotive Repair Inc.	119.00
Sidebarr Technologies	99.00
Supply Works	465.56
Tessco	116.02
Thomson Reuters-West Publishing Corp.	86.06
V "Red" Smith	20.00
Walmart Community	195.86
Waterloo Animal Hospital	845.10
Waterloo Lumber Company Inc.	4.47
Watson's Office City	612.71
Wayne's One Stop	2,412.48

HEALTH TAX FUND

1 <sup>st</sup> National Bank of Waterloo	1,157.26
Coast to Coast	162.00
Harrisonville Telephone Company	601.27
K&D Printing	261.00
Merck Sharp & Dohme Corp.	627.33
Motorola	34.00
Quill Corporation	38.97

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AMBULANCE SERVICE FUND

1 <sup>st</sup> National Bank of Waterloo	525.00
Airgas Mid America	121.36
Andres Medical Billing, Ltd.	3,365.49
Bound Tree Medical LLC	144.25
Harrisonville Telephone Company	185.57
Hero's In Style	113.27
Midwest Warehouse & Storage, Inc.	100.00
Motorola Solutions	396.00
Phillips 66 Company	274.43
Sam's Club/Synchrony Bank	81.88
Sierra Wireless	996.00
Sunset Ford	211.12
Walmart Community/RFCSELLC	18.91
Weir Ford-Mercury LLC	1,014.46
Wells Fargo Vendor Fin Service	115.99
Wex	1,718.54
Zoll Medical Corporation	771.63

HIGHWAY FUND

Americom Imaging	124.48
Aramark Uniform Services	2,277.43
Columbia Quarry Company	1,124.10
Energy Petroleum Co.	3,598.02
Fountain Water District	67.85
Glenn Stumpf	100.00
Harrisonville Telephone Co.	43.74
Iron Crafters Inc.	50.00
John Deere Financial	220.98
Leaf	299.00
Monroe County Highway Department	48.69
Nabers Shop	28.96
Sidebarr Technologies	312.50
The Home City Ice Company	164.30
V "Red" Smith Pest Control Inc.	25.00
Waterloo Lumber Co.	2.79
Wedge Tire	1,078.90

BRIDGE FUND

Baxmeyer Trucking Inc.	1,360.00
Construction Supply	2,012.80
Henke Excavating, Inc.	31,969.32
Road District No. 1	6,799.25

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COUNTY MFT

Columbia Quarry Company	508.87
JTC Petroleum Co.	6,559.92

ROAD DISTRICT MFT

Columbia Quarry Company	14,285.91
JTC Petroleum Co.	15,949.44
Mike A. Maedge Trucking Inc.	41,585.94
Monroe County Highway Fund	10,000.00
Road District No. 10	19,295.00

RECORDER'S DOCUMENT FUND

Fidlar Technologies	383.18
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COURT AUTOMATION

Goodin Associates Ltd	27,353.96
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Aaron Metzger was present to discuss Highway Department business. Mr. Metzger presented information that he will be forwarding to IDOT regarding their understanding that the Monroe County Engineer's office is adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and requirements of 605 ILCS 5/5-402. Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to approve the "Agreement of Understanding for Maintenance" with the Illinois Department of Transportation. All voting Aye, none Nay and none Absent. Motion carried.

**RESOLUTION 16-52**

WHEREAS, the Illinois Highway Code provides that the state, upon satisfying itself that the County Engineer's office in a county is adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and requirements of Section 605 ILCS 5/5-402, may grant a county permission to construct or maintain highways or sections thereof when such projects are financed in whole or in part with any funds received from the state except Federal-aid funds, without approval and supervision of the state, providing the county will enter into an agreement of understanding with the state.

NOW, THEREFORE, BE IT RESOVLED, that for the purpose of administering the Motor Fuel Tax Maintenance Programs of the County and various Road Districts of Monroe County, that the County Board Chairman and County Engineer be authorized to sign the attached agreement of understanding providing for program supervision at the County level.

Passed by the Board of County Commissioners of Monroe County, Illinois at Waterloo, this 6<sup>th</sup> day of September, 2016.

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Motion: Wittenauer  
Aye: Three  
Absent: None

Second: Elmore  
Nay: None

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Terry Liefer, Chairman

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Dennis M. Knobloch, County Clerk

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Delbert Wittenauer, Member

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Robert Elmore, Member

There was discussion of right-of-way on various County roads, and the associated sight lines when farmers plant their crops too close to the roadways. Mr. Metzger said many times, the farmers stay behind the right-of-way boundaries, but because of curves in the road or other situations, sometimes it is still necessary to remove planted crops for the safety of drivers. He said he normally does this if he receives calls from citizens regarding what they feel are dangerous situations.

Mr. Metzger said that regarding the Road District CST projects - \$15,000 had been used on Steffen Road, and \$10,000 had been used on Country Club Lane. He said that since the City of Waterloo was not willing to share in the funding for this project, the Road District Commissioner there could use some additional CST assistance. Mr. Metzger said his suggestion would be to take the \$5,000 that was not being used for a project on JJ Road, and the \$16,000 that was left in the CST project account, and transfer these funds to Road District No. 2 for use on Country Club Lane. Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to approve this transfer of funds. All voting Aye, none Nay and none Absent. Motion carried.

Mr. Metzger said he was putting notices in the newspaper that the position of Road District Commissioner and Road District Clerk for each of the county's 10 Road Districts would be on the ballot for the April, 2017 Election..

Kevin Koenigstein came to the meeting.

Bruce Brinkman came to the meeting to discuss the Flood Prevention District. He said that all contracts have been let to get all of the levees within the Flood Prevention District to the 100-year level. He said that they will also be replacing some of the plastic pipe with concrete pipe, and that will take the protection level to 500 years. Mr. Brinkman said the District is hoping to achieve a 35%/65% funding ratio on all of their contracts. He said that everyone is looking closely at the FEMA remapping situation for the Monroe County Levee Districts that are south of the Flood Protection District area. Mr. Brinkman said that he went to a UMIMRA meeting last week with other representatives of the Monroe County Farm Bureau. Mr. Brinkman and Commissioner Wittenauer provided testimony before the group. Mr. Brinkman said that the UMIMRA plan calls for all levees north of Cairo to be built to the 500-year level. He said he feels that is not practical, as the funding would not be available for that kind of construction. The UMIMRA also calls for using the

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floodplain areas of Monroe County as a drainage basin for this northern stretch of the Mississippi River, and this plan is meeting with opposition from most of the Monroe County Bottom farmers and residents.

Commissioner Wittenauer asked about the Project Labor Agreement. Mr. Brinkman said the FPD is sticking by their original intent to continue to use the PLA, even though the Corps seems unwilling to bend regarding their opposition to this arrangement. Mr. Brinkman said it is also important for the local Levee Districts to remember that if FEMA and the Corps feel that the pumps need to be operated in their Districts in order to maintain the levee certification in that area, the Districts need to be sure and operate their pumps, or that certification could be lost.

Motion was made by Commissioner Elmore, with a second by Commissioner Wittenauer to approve the annual budget for the Flood Prevention District. All voting Aye, none Nay and none Absent. Motion carried.

Brian Hooten came to meet with the Board to discuss the current status of the Courthouse HVAC system. He said that the building chiller has two compressors, and one of those compressors has just gone out. Currently the second compressor is carrying the load, but it is uncertain how long that will continue. Mr. Hooten said if the second compressor goes out, the building could be without HVAC for an extended period of time – possibly up to three weeks. He said this equipment is no longer manufactured, and the only option for repair would be a rebuilt compressor. Mr. Hooten said there is also a problem, because the switch gear for the new generator and the fencing was placed in front of the compressors, which will cause problems with removing the compressor that is not working. Chairman Liefer said that CTS is coming to the meeting next week to report on the status of their energy audit, and he felt it made sense to get that report before making any decisions regarding repair of the equipment. Commissioner Wittenauer said he felt that Mr. Hooten should check on the possibility of bringing in emergency chiller/compressor equipment if the current equipment malfunctions before any changes can be made.

Kevin Koenigstein came to the meeting to discuss the potential for borrowing or bonding funds – up to \$4 million – if necessary for the construction of the proposed Rehabilitation Center at Oak Hill. Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to approve the Resolution Determining the Intent of the County of Monroe, Illinois to Reimburse Itself for Certain Capital Expenditures. All voting Aye, none Nay and none Absent. Motion carried.

**RESOLUTION 16-53**

A RESOLUTION DETERMINING THE INTENT OF THE  
COUNTY OF MONROE, ILLINOIS TO REIMBURSE ITSELF  
FOR CERTAIN CAPITAL EXPENDITURES

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF MONROE, ILLINOIS, AS FOLLOWS:

RESOLVED, that The County of Monroe, Illinois (the “County”) expects to make capital expenditures after the date of this Resolution for the benefit of the county in connection with the acquisition, construction, furnishing and equipping of a rehabilitation center for Oak Hill (the

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“Project”), and the county intends to reimburse itself for such expenditures, to the extent permitted by law, with the proceeds of tax-exempt bonds to be issued by the County (the “Bonds”).

FURTHER RESOLVED, that the maximum principal amount of Bonds expected to be issued for the Project is \$4,000,000.

PASSED by the Board of County Commissioners of the County of Monroe, Illinois the 6<sup>th</sup> day of September, 2016.

ATTEST:

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Terry Liefer, Chairman

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County Clerk

Mr. Koenigstein said the tax bills are currently being printed and stuffed at MAR Graphics. The bills should be in the mail by the end of this week. He said the real estate tax installments would be due on October 18 and November 18. Commissioner Wittenauer asked how long it would take to put together a bank line of credit for the Oak Hill construction, if that would become necessary. Mr. Koenigstein said he had already laid the groundwork for that, and it wouldn't take long to complete that work when necessary. He advised against setting up the line of credit until it is absolutely necessary, because the County will incur costs during that process, and if it is decided to not proceed with the construction project, these extra costs would be for naught.

Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to reappoint Gary Stumpf to the Fish Lake Drainage and Levee District #8. All voting aye, none Nay and none Absent. Motion carried.

**RESOLUTION 16-54**

BE IT RESOLVED by the Board of County Commissioners of Monroe County, Illinois that Gary Stumpf, 10702 Levee Road, Columbia, Illinois be reappointed to the Fish Lake Drainage & Levee District #8 for a term of three years with term to commence on September 2, 2016 and term to expire on September 1, 2019 or until a successor is appointed and has qualified.

Passed by the Board of County Commissioners of Monroe County, Illinois at Waterloo this 6<sup>th</sup> day of September, 2016.

Motion: Wittenauer  
Aye: Three  
Absent: None

Second: Elmore  
Nay: None

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Terry Liefer, Chairman

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Dennis M. Knobloch, County Clerk

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Delbert Wittenauer, Member

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Robert Elmore, Member

Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to reappoint Scott Rippelmeyer to the Columbia Drainage and Levee District #3. All voting Aye, none Nay and none Absent. Motion carried.

**RESOLUTION 16-55**

BE IT RESOLVED by the Board of County Commissioners of Monroe County, Illinois that Scott Rippelmeyer, 1644 KK Road, Valmeyer, Illinois be reappointed to the Columbia Drainage & Levee District #3 for a term of three years with term to commence on September 2, 2016 and term to expire on September 1, 2019 or until a successor is appointed and has qualified.

Passed by the Board of County Commissioners of Monroe County, Illinois at Waterloo this 6<sup>th</sup> day of September, 2016.

Motion: Wittenauer  
Aye: Three  
Absent: None

Second: Elmore  
Nay: None

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Terry Liefer, Chairman

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Dennis M. Knobloch, County Clerk

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Delbert Wittenauer, Member

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Robert Elmore, Member

Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to approve a Raffle Permit for the Hecker Sportsman Club for September 24, 2016. All voting Aye, none Nay and none Absent. Motion carried.

Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to approve a Courtyard/Bandstand permit for LifechurchX to hold a candlelight Christmas Eve Service on December 24<sup>th</sup>, with the contingency that they provide the required Proof of Insurance Certificate. All voting Aye, none Nay and none Absent. Motion carried.

Kim Keckritz and Dan Borisuk of Oak Hill, along with Dan and Brian from Holland Construction came to the meeting to discuss the bid for construction of a Rehabilitation Unit at Oak Hill. The paperwork presented by Dan Sternau of Holland included the Bid Results, Exhibit B (including some Bid Assumptions and Clarifications) and a proposed schedule for the Project. Mr. Sternau began by explaining the details of the Exhibit B document. He explained that in order to bring the bid more in line with the available budget dollars, it was decided by management to pull out the construction of the Maple Hall Renovation as well as the Sun Room addition. Mr. Sternau said since the plans have



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already been approved by IDPH, these same plans could be used at a later date to do the Maple Hall and Sun Room construction. He said Holland will provide a stand-alone set of documents for that

phase, and the County could then file an extension with IDPH to move forward with that construction. The following revisions were discussed:

Replacement of an autoclave wall system with a grouted solid reinforced cantilever wall.

Locking at plastic laminate as a countertop alternate in some areas instead of quartz.

Signage is not included in this proposal, but included as Owner FF&E.

Spa tub deleted from construction costs, but included as Owner FF&E.

The proposed VRV HVAC system replaced with PTAC units. Mr. Sternau said these are not as energy efficient as the VRV system, but they are the most energy efficient PTAC units available. These units can be unplugged and taken out easily for repair or replacement.

Bathroom heat lamps need to be incorporated on electrical plans.

Low voltage including nurse call, access control, security, data and telephone will be furnished by owner.

Inclusion of additional parking spaces as part of the asphalt paving as an alternate at the request of Oak hill representatives.

No landscaping is included in the budget at this time. Ms. Keckritz said she would like to approach this as a potential donor project.

A revision to the originally proposed storm water piping, and the existing detention basin will be enlarged to accommodate the increased drainage.

Mr. Sternau then went through the apparent low bids.

Superior Aluminum Supply Only – aluminum handrails	2,615.00
Superior Rail adder – aluminum handrails	2,500.00
St. Louis Woodworks – ornamental woodwork	41,851.00
Wood Base Material Stonetree – ornamental woodwork	1,118.00
Window Sills and Solid Surfacing – ornamental woodwork	5,100.00
Geissler Roofing – siding, soffit, fascia, trim	60,197.00
Premier Builders Supply – vinyl windows	13,162.50
Caulking and Tape Windows Plug	3,500.00
H&G Sales – door frames and hardware	95,466.00
Construction Specialties – wall protection, etc.	19,495.00
FRP Panels – wall protection, etc.	3,161.00
Weber Fire – fire extinguishers	478.00
Toilet accessories	20,830.00
Medicine cabinets	2,800.00
<u>Subtotal – General Trades</u>	<u>272,273.50</u>

Waterhout – framing and materials	331,880.00
Rehkemper and Sons – carpentry materials	167,821.23
Miller Brothers – demolition	28,500.00
Martin Steel Furnish Only – steel beams and columns	13,100.00
Hagarty Iron Erection	4,900.00
<u>Subtotal – framing and framing materials</u>	<u>546,201.23</u>

Huebner Concrete – building and site concrete	273,619.00
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Toenjes Brick Contracting – masonry	70,780.00
Fire walls – thermacrete	20,000.00
Wagner Insulation – thermal insulation	23,301.31
Geissler – roofing	117,000.00
Geissler – sheet metal	49,000.00
MO Valley Glass – glazing	12,199.00
Stanley – operators	3,750.21
George Weis Company – drywall	206,145.00
Henges Interiors – flooring	163,390.00
All American Painting – painting	35,486.00
Signage – (provided by owner)	
Residential Kitchen and Laundry	4,959.00
Sunshine Drapery – window blinds	4,935.00
B&J Peerless Restaurant – food service equipment	65,866.00
Automatic Fire Sprinkler – fire suppression	118,770.00
Bergmann-Roscow Plumbing – plumbing	245,000.00
Heartland Mechanical – HVAC	437,500.00
CGL Electric – electrical	419,800.00
Huebner – earthwork and storm sewer	79,294.00
Gleeson – asphalt paving	21,058.00
 Grand Total of all apparent low bidders/bids	 3,190,327.25

With the deduction for the exclusion of the Maple Hall Renovation and construction of the Sunroom, and other miscellaneous additions and deductions, the total cost of construction of the Rehabilitation Unit at Oak Hill is \$3,978,301.46.

Mr. Sternau said their numbers include \$200,000 of Owner FFE, and he said they could make all of the plans to acquire those items, as well as make plans for the delivery and installation of same. Ms. Keckritz said they have made all of the arrangements for procuring these items, so she didn't see any reason to pay Holland the 7% fee on that line item. Mr. Sternau said that was no problem – he would remove that item from the list that is included for Holland to complete, and that would result in a reduction of \$14,000 in the Holland fee. Mr. Sternau said they would still provide coordination with delivery and installation if necessary, so there are no conflicts with the construction schedule and work of the other contractors.

There was discussion of the Nurse Call system. Holland included \$18,000 on the construction cost detail. Ms. Keckritz said by the time the project is complete, she felt the number for the call system/telephone system would be closer to \$104,000, and that is just for the proposed new construction area of the building. Mr. Sternau said they are also including some mitigation measures to encapsulate the moisture from the concrete slab so the flooring adhesive will work the way it is designed. He said the estimate also included \$100,000 in contingency funds, and if the contingency amount is not used, it will go back to the owner. Any contingency funds needed have to be detailed by change order approved by the owner.

Ms. Keckritz said there is nothing in the contract for landscaping, and she feels that will take at least \$20,000. She plans to talk to the Endowment Board and also do some fundraising with the public for

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that item. She said if you add in this amount plus the \$104,000 for the call system, it brings the total cost up to \$4.1 million.

There was some discussion regarding the payment and performance bond on the project. Mr. Sternau said he would suggest that the County accept a Letter of Guarantee, and that would save the cost of the bond, which would be about \$40,000. Dennis Knobloch suggested that this information be given to Kris Reitz so he can provide a legal opinion for the County.

Ms. Keckritz said she feels that the total project cost will eventually be under \$4 million.

Chairman Liefer said you also have to remember that Oak Hill has already paid some of the preconstruction/engineering costs.

Mr. Sternau said originally it was planned to include multiple alternates in the contract, but it was decided that some of the contractors may have decided not to bid if they had to do the extra work to come up with pricing for a lot of alternate items. There was also some discussion regarding the road around the back of the building. Mr. Sternau said at some point the road will have to be closed for various stages of the construction. Ms. Keckritz said there is only a single lane when you get to the back of the building, and that makes it hard for the large trucks making deliveries. There is the possibility of putting some rock down to help the traffic flow in that area.

There was extensive discussion regarding the quality of the topsoil on the site. Mr. Sternau said that any topsoil brought into the site has to be tested and approved.

Mr. Sternau said if the County decides to proceed with the project, they would like to get started immediately, so the building can be under roof by the time cold weather sets in. Erosion control and sitework, along with building pad preparation would begin within the next several weeks. The slab on grade would be poured by early November, so the wall panels can be set in place shortly after that. Roof framing would also be done in November and December. Mr. Sternau said most of the construction should be complete by April, and request for final approval would be submitted to IDPH no later than the first week of May.

Mr. Sternau said this will be done using the GMP approach (Gross Maximum Price). The County will be billed monthly by Holland, and Holland can only bill for work that has been completed to the time of the billing. He said that since you are getting a GMP, Holland will not take any of the risk, and any changes in the scope of work or problems with contracts/contractors will have to come from Contingency. Ms. Keckritz asked if Holland is at risk for anything. Mr. Sternau said they are at risk if the project cost exceeds the GMP specified in the contract, or if there is a design error, Holland is also at risk.

Chairman Liefer said he has talked to Chris Voelker, the County Building Inspector, and he has agreed to serve as the County's "eyes" on this construction project.

There was discussion regarding the financing for the project. Chairman Liefer said he did not want Oak Hill to run their account down to zero. Ms. Keckritz said she felt the Nursing Home could cover up to \$3 million of the construction cost. Dan Borisuk asked if the CTS Energy Audit would provide any changes to this project. Chairman Liefer said he didn't think the Energy Audit would create any

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changes for the upcoming project, and anything associated with the existing building, could be put off for an extended period if that would have a negative impact on the budget.

Motion was made by Commissioner Elmore, with a second by Commissioner Wittenauer to proceed with the construction of the Nursing Home Rehabilitation Unit, pending the delivery of a Letter of Guarantee from Holland Construction in lieu of a Payment and Performance Bond, and delivery of a set of stand-alone documents for the renovation of Maple Hall and the construction of a Sunroom at a later date. All voting Aye, none Nay and none Absent. Motion carried.

Ms. Keckritz asked that Chairman Liefer get the contract to Kris Reitz for review, so completion of the necessary documents doesn't slow up the construction progress on this project.

Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to appoint Merrill W. Prange to the Monroe County Public Building Commission to replace Bernard Vogt. All voting Aye, none Nay and none Absent. Motion carried.

**RESOLUTION 16-56**

BE IT RESOLVED by the Board of County Commissioners of Monroe County, Illinois that Merrill Prange, 240 Church Street, Fulst, Illinois be appointed to the Public Building Commission for a term of five years with term to commence on September 6, 2016 and term to expire on September 5, 2021 or until a successor is appointed and has qualified.

Passed by the Board of County Commissioners of Monroe County, Illinois at Waterloo this 6<sup>th</sup> day of September, 2016.

Motion: Wittenauer  
Aye: Three  
Absent: None

Second: Elmore  
Nay: None

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Terry Liefer, Chairman

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Dennis M. Knobloch, County Clerk

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Delbert Wittenauer, Member

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Robert Elmore, Member

Mike Fausz and Craig Hern came to the meeting to discuss a proposed Franchise Agreement between Monroe County and Harrisonville Telephone Company. Mr. Hern said this is a Franchise Agreement for the IPTV product, similar to the agreements that the County already has with several of the cable companies, and it will provide some revenue to the County. Mr. Fausz said this also includes the offer of several free hookups for County facilities. Mr. Fausz said he felt this was a win-win situation for the County. Motion was made by Commissioner Wittenauer, with a second by Commissioner

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Elmore to approve the Franchise Agreement between Monroe County and Harrisonville Telephone Company. All voting Aye, none Nay and none Absent. Motion carried.

**ORDINANCE NO. 16-7**

AN ORDINANCE AUTHORIZING HTC COMMUNICATIONS CO. TO OPERATE AND  
MAINTAIN AN IPTV SYSTEM IN MONROE COUNTY, ILLINOIS, AND SETTING FORTH  
CONDITIONS ACCOMPANYING THE GRANT OF AUTHORITY

Be it Ordained by the Board of Commissioners of Monroe County, Illinois:

SECTION 1. DEFINITIONS

For the purpose of this authorization, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined shall be given their meaning according to common usage within the video and/or broadband services industries. Words that have no specific meaning within the video and/or broadband services industries shall be given their common and ordinary meaning.

- 1.1 “Authorization” shall mean the permission granted under this Ordinance.
- 1.2 “County” shall mean the area within the county limits of Monroe County, in the State of Illinois, including areas annexed during the term of this Authorization.
- 1.3 “Grantor” shall mean the Monroe County, Illinois.
- 1.4 “Grantee” shall mean HTC Communications Co., and its successors, transferees or assignees.
- 1.5 “Gross Receipts” shall mean all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Grantee for the operation of a cable or video system to provide cable service or video service within the Grantee’s cable service or video service area within the local unit of government’s jurisdiction.

- A. Gross Receipts shall include the following:
  - (i) Recurring charges for cable service or video service.
  - (ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
  - (iii) Rental of set-top boxes and other cable service or video service equipment.
  - (iv) Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges.
  - (v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
  - (vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
  - (vii) A pro rata portion of all revenue derived by the Grantee or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from

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the operation of the Grantee's network to provide cable service or video service within the county. The allocation shall be based on the number of subscribers in the County divided by the total number of subscribers in relation to the relevant regional or national compensating arrangement

- (viii) Compensation received by the Grantee that is derived from the operation of the Grantee's network to provide cable service or video service with respect to commissions that are received by the Grantee as compensation for promotion or exhibition of any products or services on the Grantee's network, such as a "home shopping" or similar channel, subject to subsection (ix).
- (ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the Grantee's revenue attributable to the other services, capabilities, or applications shall be included in Gross Receipts unless the Grantee can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- (x) The fee set forth in Section 3.2 herein.

B. Gross Receipts do not include any of the following:

- (i) Revenues not actually received, even if billed, such as bad debt, subject to Section A(vi) above.
- (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the Grantee to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- (iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing, or any other revenues attributed by the Grantee to noncable service or nonvideo service in accordance with the Grantee's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.
- (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the County and pay the fee set forth in Section 3.2 herein with respect to the service.
- (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the Grantee and required to be remitted to the taxing entity, including sales and use taxes.
- (vi) Security deposits collected from subscribers.

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(vii) Amount paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

C. Revenue of an affiliate of Grantee shall be included in the calculation of Gross Receipts to the extent the treatment of the revenue as revenue of the affiliate rather than the Grantee has the effect of evading the payment of the fee set forth in Section 3.2 herein which would otherwise be paid by the cable service or video service.

1.6 “IPTV Service” shall mean the audio, video, broadband, data, communications and other service provided by Grantee from time to time via Internet protocol.

1.7 “Person” shall mean any corporation, partnership, proprietorship, individual or organization, governmental organization, or any natural person.

1.8 “Public Right-of-Way” shall mean the surface, air space above the surface, and the area below any public street, road, highway, freeway, lane, path public way, alley, court, sidewalk, boulevard, parkway, drive, bridge, tunnel, park, parkway, waterway, easement or right-of-way now or hereafter held by Grantor, or dedicated for use by the Grantor, use by the general public, or use compatible with System operations.

1.9 “Service” means any IPTV Service that is offered to any Person in conjunction with, or distributed over, the System.

1.10 “System” shall mean a system of antennas, cables, wires, lines, waveguides or other conductors, converters, equipment or facilities, used for distributing IPTV Services within the County.

SECTION 2. GRANT OF AUTHORITY

2.1 Grant of Authorization. For the purposes of constructing, operating and maintaining a System in the county, Grantee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the Public Rights-of-Way in the County such lines, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appropriate to the operation of the system, and shall have the right of ingress and egress by reasonable routes across the adjoining property of the County to and from said Public Right-of-Way, and the right to temporarily use, at any time and from time to time, reasonable portions of the County’s land located in the vicinity of said Public Right-of-Way during construction, operation and maintenance of a System or other activities related to a Service. Furthermore, Grantee may operate the Service and offer such Service to the citizens of the County.

2.2 Authorization Term. The initial term of this Authorization shall commence when passed and adopted by the Grantor, and continue in force and effect for a term of five (5) years from said date. This authorization may be renewed for an additional five (5) year term upon mutual consent of the Grantee and Grantor, provided the Grantee substantially complied with the material terms of this Authorization.

2.3 Conditions of Authorization. The rights afforded to Grantee hereunder are granted subject or the conditions hereinafter provided.

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SECTION 3. CONSTRUCTION, OPERATION AND MAINTENANCE

3.1 Construction, Operation, and Maintenance Requirements.

A. Grantee shall construct, operate and maintain its System in compliance with all applicable federal and state and local laws, rules and regulations.

B. Grantee shall at all times take reasonable precautions to prevent failures and accidents which are likely to cause damage or injury to the public, to employees of the Grantee and to public property or private property.

C. Any Public Right-of-Way, public property or private property that is disturbed or damaged during, or as a result of, the construction, reconstruction, repair, replacement, relocation, operation or maintenance of the system, shall be promptly repaired by the Grantee, at its sole expense.

D. Grantee shall make use of existing poles and other facilities that are available to Grantee. Grantee may erect its own poles and install its own conduit, with approval of the Grantor, which approval shall not be unreasonably withheld.

E. In areas of the county where all cables, wires or other like facilities of public utilities are placed underground, Grantee shall place its cables, wires, or other facilities underground.

F. Grantee may cut or trim trees and vegetation interfering with national Electrical Safety Code or other clearance requirements.

G. In the event it is necessary to temporarily move or remove any of Grantee's wires, cables, poles, or other facilities placed pursuant to this authorization, for the purpose of lawfully moving a large object, vehicle, building or other structure over the streets of the County, Grantee shall be given thirty (30) days prior notice by Grantor. Grantee shall move those facilities as may be required to facilitate such movements at the expense of the Person requesting the temporary removal.

3.2 Fee to County.

A. Grantee shall pay to Grantor, for the rights granted under this Authorization, a fee of 5% of Gross Receipts (as defined in Section 1.5 above) per year. Grantor understands and agrees that any fee imposed on Grantee by Grantor may be passed through to Grantee's subscribers. The amount due shall be paid to the Grantor on a calendar year basis due no later than one hundred twenty (120) days following the close of Grantee's fiscal year.

SECTION 4. INSURANCE, INDEMNITY

4.1 Indemnity.

A. Scope of Indemnity. To the extent permitted by law, and except for matters arising out of the Grantor's negligence, or the negligence of Grantor's agents and employees, grantee shall, at its sole cost and expense, indemnify, hold harmless, and defend the Grantor, its officers, boards, commissions, agents and employees, against any and all claims, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, repair, maintenance, or operation of the System.



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B. Duty to Give Notice and Tender Defense. Grantor must give Grantee timely written notice of making of any claim or of the commencement of any action, suit or other proceeding covered by the indemnity of this Section. In the event such claim arises, Grantor or any other indemnified party shall tender the defense thereof to Grantee, and Grantee shall have the right to defend, settle or compromise any claims arising hereunder and Grantor shall cooperate fully therein.

4.2 Insurance. Grantee shall maintain throughout the duration of the term of the Authorization, the following types and amounts of insurance for covered claims against Grantee: (i) comprehensive general liability insurance with limits against bodily injury and property damage of \$1,000,000 per occurrence; and (ii) comprehensive automobile liability insurance on all owned, hired and non-owned vehicles with a limit of \$500,000 for bodily injury and \$1,000,000 for property damage.

SECTION 5. MISCELLANEOUS

5.1 Severability. If any law, regulation, court or administrative decision renders any provision of this Authorization invalid, the remaining provisions of the Authorization shall remain in full force and effect.

5.2 Force Majeure. Grantee shall not be deemed in default, non-compliance, or in violation with any provision of this Authorization where performance was rendered impossible by war or riots, civil disturbances, natural catastrophes, strikes or other circumstances beyond the Grantee's control.

5.3 No Waiver.

A. The failure of either party on one or more occasions to exercise a right or to require compliance or performance under this authorization, or any other applicable law, shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by such party, unless such right or such compliance or performance has been specifically waived in writing.

B. Both the Grantor and the Grantee expressly reserve all rights they may have under law to the maximum extent possible; neither the Grantor nor the Grantee shall be deemed to have waived any rights they may now have or may acquire in the future by entering into this Authorization.

5.4 Entire Agreement. This Authorization represents the entire understanding and agreement between the parties hereto with respect to the subject matter hereof, supersedes all prior oral negotiations between the parties, and can be amended, supplemented, modified or changed only by an agreement in writing which makes specific reference to the Authorization or the appropriate attachment and which is signed by the party against whom enforcement of any such amendment, supplement, modification or change is sought.

5.5 Laws Governing. This Authorization shall be governed by and construed in accordance with the laws of the State of Illinois, and any applicable federal law.

5.6 Public Benefit. Subject to the remaining provisions of this Section, Grantee shall provide one free service line drop and free basic service for one television terminal at all current and future public buildings within its service footprint in the County, including but not limited to all

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County government buildings, public libraries, and public primary and secondary schools, whether owned or leased by the County (each an “eligible building.” Exhibit A.). Such service shall be used in a manner consistent with the government purpose for the eligible building and shall not be resold. Grantee’s facilities pass the eligible building and Grantee’s video service is generally available to residential subscribers in the County. Moreover, the burden of providing such free service at each eligible building shall be shared by all cable and video providers whose systems pass the eligible buildings in an equitable and competitively neutral manner, and nothing herein shall require duplicative installations by more than one cable or video provider at each eligible building.

5.7 Effective Date. This Authorization shall be effective when adopted for the term set forth in Section 2.2.

Passed and adopted this 6<sup>th</sup> day of September, 2016.

ATTEST:

MONROE COUNTY, ILLIOIS

By \_\_\_\_\_

Mr. Fausz said the County purchased a new telephone system from HTC last year, and the warranty period has now expired. HTC is now proposing a Maintenance Agreement at \$65 per month on all of our equipment. This would include service on the equipment along with software upgrades, but the cost of any new equipment would be the responsibility of the County. Following extensive discussion, it was decided to decline the offer for the annual Maintenance Agreement.

There was discussion regarding the Radio Tower at the Sheriff’s office. Chairman Liefer said a new company is proposing to take over the tower lease. Mr. Fausz said you have to remember that the County doesn’t own the Tower. He said Southwestern Bell owns the Tower, and they let the County put their equipment on it for no charge. Mr. Fausz said if they ever want to get rid of the Tower, they will sell it to the County for \$1. He said with what this company is proposing, it is less per month than what the County is receiving on the current lease, so it would be silly to enter this new agreement.

Carla Heise came to the meeting to discuss Ambulance Service business. She said she had given a copy of a proposed new contract for Software services to Kris Reitz for review and hasn’t heard anything back. She said she would like to proceed with the contract, because the current provider has to be given 90 days notice before discontinuing service. Ms. Heise said the service currently provided by Trittech would be discontinued, and service would be initiated with ESO Solutions, Inc. The County’s billing company, Andres, has worked with the new software provider, and comes highly recommended. Ms. Heise said the annual cost of the contract will be about \$1,000 less than the current cost. Motion was made by Commissioner Wittenauer, with a second by Commissioner Elmore to discontinue service from Trittech and initiate service with ESO Solutions, Inc. pending positive review of the contract by Kris Reitz. All voting Aye, none Nay and none Absent. Motion carried.

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Ms. Heise said the new contract will also include automatic integration with the existing CAD system being used by the Ambulance Service. Following discussion, motion to approve a Master Services Agreement with ESO Solutions, Inc. was made by Commissioner Wittenauer, with a second by Commissioner Elmore. All voting Aye, none Nay and none Absent. Motion carried.

Ms. Heise said she will be coming to the Board within the next 30 days with a new billing rate structure for the Ambulance Service. She also said they have been surveying those who have used the Ambulance Service to determine their level of satisfaction, or any concerns they may have had with the Service. Commissioner Wittenauer asked about the Ambulance that had the ball joints replaced. Ms. Heise said there has also been a problem with one of the other units. It has been in the shop for quite some time, and they finally replaced the wiring harness. She said the bill will be about \$7,000, and it was in the shop so long that it lost the State Ambulance license.

Jim Maurer came to the meeting to discuss the work of the Ambulance Service Review Committee. On a different topic, he said his company, AT&T probably owns the tower that was discussed earlier, because they have acquired all of the property of Southwestern Bell.

Mr. Maurer presented the following letter to the County Board.

September 6, 2016

Monroe County Board of Commissioners  
100 South Main Street  
Waterloo, IL 62298

To the Monroe County Commissioners:

On behalf of the Monroe County Ambulance District Review Board, please accept our thanks for requesting input to the status and future opportunities of the Monroe County Ambulance/EMS service. We appreciate that each commissioner attended all of the Review Board meetings, and it is our hope that the Commission will be aided in your decision-making by the recommendations below.

As background, the Ambulance Review Board conducted four public meetings since May of 2016. During those meetings residents of the county were given an opportunity to express their views on the future and current status of the ambulance service for the County.

Attendance at each of the meetings ranged from more than 100 people to less than 20 over the four months. Residents overwhelmingly supported the existing ambulance service and clearly had no desire to consider the possibility of turning over the service to a third party. The Review Board also heard from the Ambulance Service director and many of the EMS staff. The director attended all the Review Board meetings and answered questions from the audience as well as Review Board members.

The Review Board spent considerable time reviewing the Ambulance Service operating expenses for the past five years. We found no obvious signs of mismanagement, although that would have to be determined by a regular audit.

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It appears to us that the call volume is increasing year-over-year. That fact, coupled with the increase in Medicare patients and thus reduced reimbursement payments, has put a strain on the overall budget. In addition, collection of payments for services was changed in 2016 to an outside third party. Some recommendations regarding maintenance procedures on the vehicles were offered at the Review Board meetings to the Ambulance Service personnel, which could result in cost savings.

It is the Review Board's understanding that the Commission would like to reduce the overall county expense for the operation of the Ambulance District by \$100,000 or approximately 7% annually. The 2015 overall Ambulance District budget was \$1,441,443.

The savings would allow for a fund to be established to provide for updating or securing new ambulance trucks. We believe that objective should be made part of the job description of the Ambulance Services director.

We also would recommend that the reduction in budget be phased in over a period of years i.e. \$50,000 the first year, \$75,000 the second year and \$100,000 in the third year. In addition, we believe the Commission should consider establishing an Ambulance Services Committee that has oversight of the director and can assist that position in meeting the goals of the agency.

We believe the Ambulance Service should review and consider the opportunity of establishing an Ambulance Tax District should the need for additional funds continue to be a concern. That decision will need to come from the residents, as it requires a ballot measure to establish the district.

We also believe that the Ambulance Service should explore the "Citizen Proposal to Monroe County Ambulance Committee" document created by Michael Sabo, dated July, 2016. Included in the document are numerous ways the Ambulance District could seek to improve services, and utilize community paramedicine-type approaches to further reduce the strain on the County budget in providing the services to our County.

In addition, after review of other similarly situated ambulance districts, we believe that there exists an opportunity for the district to conduct fundraisers to provide additional support to the district budget. This is particularly feasible considering the widespread community support the district enjoys.

In conclusion, the Monroe County Ambulance District Review Board believes the existing Ambulance District is operating effectively in serving the needs of Monroe County residents. As a result we do not believe there exists the need to contract these services out to a third party at this time.

We also believe there is some opportunity to reduce some expenses and/or increase fundraising activities that would allow the Service to create a fund that could be used for the purchase of new equipment including ambulances, as the need arises.

The Review Board appreciates the difficulty that the County Commission faces as the demand for all County services expands and your limited ability to increase available funds to cover those needs.

Respectively,

Jim Maurer

Chairman

Monroe County Ambulance Service Review Board 618-823-2198

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Mr. Maurer said he felt the committee did a great job of gathering input from all members of the community who were interested in expressing their opinion. He said that the Committee understands the challenges of the County Board in coming up with the necessary budget dollars to keep the Ambulance Service operational. He said the committee did not find any striking or major problems with the Ambulance Service as currently operated. Mr. Maurer said one thing the Committee found was a tremendous amount of community support for the Ambulance Service. There was discussion about the possibility of the formation of an Ambulance Taxing District. Mr. Maurer said he felt that any efforts to that end should be initiated from an outside source – not by the County Board. He said he wasn't sure the time was right for starting that process, because he felt the public would need to see some problems with the financial stability of the Ambulance Service before they would lend their support. Mr. Maurer said the tipping point is when the County can't continue to offer the necessary services. He said that compared to a lot of other Ambulance Services, the Monroe County service is functioning well.

Commissioner Elmore asked if the committee discussed the details of forming an Ambulance District. Mr. Maurer said the Committee did not go into the specifics of that. Mr. Maurer said there would have to be a citizen-based Committee formed to lead an effort like that.

Mr. Maurer said the County will have fewer budget dollars to deal with and ever-increasing demands from the citizens, so it will continue to be a struggle for the County Board to come up with solutions to this problem. He said one of the committee recommendations was to establish a permanent Ambulance Service Committee to continue to review the operations of the Ambulance Service, and offer suggestions for assistance and improvement when necessary. Chairman Liefer asked if the members of the temporary Committee would consider becoming members of a permanent Committee. Mr. Maurer said you would have to poll the individual Committee members to determine their level of interest. He also suggested possibly beefing up the job description for the Service Director, and maybe offering a bonus for a positive performance. Chairman Liefer said there may be problems with other Departments if this is offered to the Ambulance Service and not to other offices.

Mark Yeager, member of the Ambulance Service committee, joined the discussion. He said he feels forming an Ambulance Service District is a good idea, but it will require some thought since you will be dealing with the City of Waterloo, the City of Columbia and the smaller municipalities along with the unincorporated area of the County. Commissioner Wittenauer said if this effort is started, who should be the one to do that? Mr. Yeager said that needs to come from the Ambulance Service. Mr. Yeager said he did it as Fire Chief for the Waterloo Fire Department when that group made the effort to get the City of Waterloo to join the Waterloo Fire District. He said he helped Millstadt and Columbia with similar efforts. Mr. Yeager said the big problem is getting the local officials to give up the power. Commissioner Elmore asked Mr. Yeager if he would help if there was an effort to start an Ambulance District. Mr. Yeager said he has already talked to some of the Ambulance Service personnel, and he has told them he would assist with a project like that.

Chairman Liefer said he had no concern about the current quality of service from the Ambulance Service, but with declining budget dollars, that could become a problem in the future. He said he wasn't so sure that the level of service will continue if changes aren't made. Mr. Yeager said he felt that if the service is outsourced to a private stockholder company, the level of service that the public is now accustomed to, would no longer be provided. Mr. Yeager said he understands that the Service is expensive to operate, and it does not generate a lot of revenue to offset that expense. Mr. Maurer

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said he still doesn't feel now is the prime time to initiate the effort to start an Ambulance Service district when the public is satisfied with the service.

Commissioner Wittenauer said in looking at a lot of the Ambulance Districts, they had high budget dollars, but that was with combining the Fire and Ambulance Services – is that a good thing or bad thing that they're combined? Mr. Yeager said it depends on the community. He said that Firemen would have to be certified as EMT's, because the two services would run jointly.

Mr. Maurer said Mike Sabo also presented a very extensive document regarding grants and other types of funding, and suggested that the County Board work with Mr. Sabo to see if there was some assistance available. Mr. Sabo said he had evenings and weekends available. Ms. Heise said she has talked with Mr. Sabo and would continue the discussions with him to see if there was any outside assistance available.

Mr. Maurer said he thinks the Ambulance Service will end up in the black this year, maybe to the tune of \$18,000, and he would suggest putting away any surplus to be used to equipment procurement and maintenance. Ms. Heise said she wasn't sure – she would have to talk to the Treasurer to find out that number.

Chairman Liefer said he wanted to publicly thank all of the members of the Ambulance Service Review Committee.

The minutes of the August 15, 2016 regular meeting were approved upon motion by Commissioner Elmore, with a second by Chairman Liefer. All voting Aye, none Nay and none Absent. Motion carried.

Chairman Liefer said he was asked several times if the Waterloo Lions Club could do something with lighting the outside of the Courthouse for their various events – something that would be more permanent than stringing the lights from the trees when events take place. He said he has told them to talk with Brian Hooten. Commissioner Wittenauer said we have to be careful that we're not taking on more maintenance and expense, just as happened with the streetlights when they recently needed painting, and it became the County's responsibility. Commissioner Wittenauer said he wondered if they couldn't install some of the ground lighting along the sidewalks. Dennis Knobloch said that wouldn't accomplish what they want for their various events when they string lights from the trees to light up the various areas of the Courtyard.

Chairman Liefer said a letter is being sent to the Violence Prevention Center to let them know that their services will be terminated, and Monroe County is going to turn those services over to the House of Neighborly Service. Monroe County is also requesting that any remaining funds being held by the Violence Prevention Center be conveyed to the House of Neighborly Service.

Commissioner Wittenauer said that later today, a meeting will be held to organize all of the Levee Districts in Monroe and Randolph County. He said they are allowing only one representative from each Levee District, along with one County representative from each County. Commissioner Wittenauer said one of his concerns is that more revenue will be necessary, and that it will probably fall back on the landowners to put in more money.

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There being no further business to come before the Board, motion to adjourn was made by Commissioner Elmore, with a second by Commissioner Wittenauer. All voting Aye, none Nay and none Absent. Motion carried.