

BOARD MEETING 2/18/2021

Page 1

1 ILLINOIS DEPARTMENT OF LABOR
 2 AMUSEMENT RIDE AND ATTRACTION SAFETY BOARD
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 10 BOARD MEETING
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 15 THURSDAY, FEBRUARY 18, 2021
 16 2:00 P.M.
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Page 3

1 APPEARANCES
 2 PUBLIC MEMBERS:
 3 David Bennett
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 15 APPEARING FROM SPRINGFIELD, ILLINOIS:
 Tom Coe, Chief Ride Inspector
 Jason Keller, Assistant Director
 Mary Pierce
 17 Stephen Underwood
 18 FROM ALL AROUND AMUSEMENT:
 Juanita Salerno
 19 Robert Salerno
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Page 2

1 APPEARNCES
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 19
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 23
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Page 4

1 MR. KLEINIK: Good afternoon,
 2 everybody, and thank you for taking the time out
 3 of your busy schedule to join us. I call this
 4 meeting to order for the amusement ride and
 5 attraction safety board meeting together. And we
 6 have several things to go over so I'd like to
 7 have Mary to do the roll call, please.
 8 MS. PIERCE: Okay. Weston Sparks.
 9 MR. SPARKS: Here.
 10 MS. PIERCE: Daniel Schwabe.
 11 (No response.)
 12 MS. PIERCE: Daniel Schwabe.
 13 (No response.)
 14 MS. PIERCE: Joseph Redshaw.
 15 MR. REDSHAW: Present.
 16 MS. PIERCE: David Bennett.
 17 MR. BENNETT: Here.
 18 MS. PIERCE: Patty Sullivan.
 19 (No response.)
 20 MS. PIERCE: Patty Sullivan.
 21 (No response.)
 22 MS. PIERCE: William Jennings.
 23 MR. JENNINGS: Present.
 24 MS. PIERCE: Jessica Yard.

BOARD MEETING 2/18/2021

Page 5

1 MS. YARD: Present.
 2 MR. KLEINIK: Seeing the roll call,
 3 it appears we have a quorum to continue the
 4 meeting. First, I would just like to let
 5 everybody know that all of you -- that your term
 6 expires on January 17th of this year and has been
 7 submitted to the governor's office for
 8 reappointment at my recommendation.
 9 Also, we have a vacancy for the
 10 professional engineer. There has been a
 11 professional engineer's name submitted to the
 12 governor's office for consideration also. And
 13 then should be -- you should be receiving
 14 something in the -- an e-mail if you haven't
 15 already. Please fill out the information and get
 16 it back as soon as possible. I'd like to have
 17 these reappointments done by the second week of
 18 March that way we don't run into any timetables.
 19 Any questions on that?
 20 Hearing no questions, the first thing
 21 of order is as director of Department of Labor ex
 22 officio, we don't have a chairman for this safety
 23 board now because the past chairman that you guys
 24 elected has resigned and indicated he did not

Page 6

1 want to be part of the board no more. So I will
 2 open it up to the members for nomination for a
 3 chairman. Do I have any nominations? Any
 4 nominations for chairman of the safety board?
 5 Any nominations for chairman of the safety board?
 6 Since I don't have any volunteers, I think I have
 7 my legal counsel on here, can I just appoint
 8 somebody? I'm just joking.
 9 Anyway, it's very important that we
 10 have a chairman to kind of oversee this and to be
 11 able to run these meetings so if I could get a
 12 volunteer. Patty, do you want to do it again or
 13 Wesley, do you want to do it or Jessica, do you
 14 want to do it? Bill, do you want to do it? Dave
 15 Bennett, do you want to do it? Joseph Redshaw
 16 want to do it? We need a nomination.
 17 What is your suggestion that we do?
 18 MR. COE: Is there a vice chair or
 19 secretary or some other official for the board?
 20 Is there an executive group?
 21 MR. KLEINIK: No, there is not. The
 22 statute lays out that the board of directors and
 23 the board of the chairman is elected by their
 24 peers and the director of the Department of Labor

Page 7

1 is ex officio.
 2 MR. COE: Right. What you would do
 3 is try to appoint a president pro tem or director
 4 pro tem just to run through the meeting and then
 5 have discussions to try to come up with an
 6 individual who would want to serve in that
 7 capacity, you know, after further discussion, but
 8 you need a president pro tem to at least run the
 9 meetings as they are until you get somebody in
 10 place.
 11 MR. KLEINIK: Do I have a volunteer
 12 to run the meetings as a chairman pro tem? Wes,
 13 would you run the meeting?
 14 MR. SPARKS: I would respectfully
 15 decline.
 16 MR. JENNINGS: Okay. If we're
 17 talking about a pro tem and we are just running
 18 this meeting by the agenda -- this is Bill
 19 Jennings -- and if we want to get through that,
 20 I'll do that to get us off dead center.
 21 MR. KLEINIK: Okay. So we have a
 22 volunteer to serve as chairman pro tem for this
 23 meeting. It would be William Jennings. Do I
 24 have second for that?

Page 8

1 MR. REDSHAW: I'll second that. Joe
 2 Redshaw.
 3 MR. KLEINIK: We have a second. All
 4 those in favor say aye.
 5 (WHEREUPON, ALL VOTING MEMBERS VOTED
 6 AYE.)
 7 MR. KLEINIK: Hearing all the ayes, I
 8 believe that's a majority, so Mr. Jennings, I'll
 9 let you take over from here.
 10 (Audio feedback.)
 11 COURT REPORTER: This is the court
 12 reporter. I can't hear. There is a lot of
 13 background noise, and I don't know what is going
 14 on. Some people need to be muted that aren't
 15 muted. That's better. Thank you.
 16 MR. COE: Okay. Bill, are you still
 17 on?
 18 MR. JENNINGS: Yes. Go ahead. We
 19 had some feedback. We have the pro tem taken
 20 care of under the chairman election.
 21 Approval of the agenda, do we have
 22 any additions to the agenda? Hearing none, we'll
 23 move on.
 24 Has everybody read their copy of the

BOARD MEETING 2/18/2021

Page 9

1 minutes from our last meeting? Do we have any
 2 changes or corrections to the minutes of the last
 3 meeting.
 4 MR. SCHWABE: This is Dan Schwabe, I
 5 got on the call a little late. I did notice I
 6 think it was page 16, row ten, that Six Flags Mid
 7 America, it should be Six Flags Great America.
 8 MR. JENNINGS: Any other changes or
 9 corrections? If not, I'd entertain a motion to
 10 approve the minutes of the September meeting.
 11 UNIDENTIFIED SPEAKER: I'll make a
 12 motion.
 13 MR. BENNETT: I move to second. I'm
 14 Dave Bennett.
 15 MR. JENNINGS: I'll remind you to
 16 make sure you identify yourself when you make a
 17 motion or a second. All in favor signify by
 18 saying aye.
 19 (WHEREUPON, ALL VOTING MEMBERS VOTED
 20 AYE.)
 21 MR. JENNINGS: All opposed? Motion
 22 carries with those corrections.
 23 Next item, any reviews on the
 24 September meeting that -- any updates?

Page 10

1 MR. COE: There is just one comment
 2 that we wanted to follow up on. This is Tom Coe.
 3 The NDT requirements are going to have to remain
 4 the same unless it's followed up with a letter
 5 from the manufacturer. I've talked to a few
 6 companies and that probably is not going to
 7 happen that you will receive a letter from there.
 8 I know Dan Permala (phonetic) gave one company of
 9 ours an exception letter and Six Flags, they have
 10 some exception letters for their larger roller
 11 coasters. But generally speaking, the carnival
 12 industry, as far as I know, they are going to
 13 have to redo the NDTs for this operating season.
 14 Is there any questions about that?
 15 Okay. I can go ahead and move onto the old
 16 business. We did get everything updated into our
 17 rules and approved that were approved in the
 18 September meeting. The large inflatable fee
 19 structure, those are inflatables that are over
 20 1500 square feet went to \$130. Regulations of
 21 aerial adventure courses was adopted. That
 22 became effective January 1st of this year. Ride
 23 operator training has been changed to be mandated
 24 annually for all operators.

Page 11

1 We did update the standards and
 2 adopted the current standards that we have looked
 3 at for F770, F2374, and 2974. We have put on the
 4 table ASTM Standards F2291. I would like to hold
 5 that until we get an in-person meeting with more
 6 of the industry representatives because that's
 7 going to have some pretty large impacts on
 8 carnival owners and ride owners. And as soon as
 9 we get the board approved, we have summary sheets
 10 on that with the changes incurred and we'll send
 11 that out to the board prior to the next meeting.
 12 MR. JENNINGS: This is Bill Jennings,
 13 I'm back on. For some reason my phone dropped
 14 for a minute and I had to pick it back up, so
 15 sorry about that. Any further questions? So
 16 with that -- go ahead.
 17 MR. COE: We can move on into new
 18 business, and we'll give you our annual summary
 19 slide presentation. We can start that. Can
 20 everyone online see that?
 21 MR. JENNINGS: Yes, I did.
 22 MR. COE: Okay. This is basically
 23 our summary of what occurred last year, the
 24 statistics accident report, safety bulletins and

Page 12

1 additional department updates.
 2 These are the statistics. This is
 3 what we accomplished last year. Significantly
 4 affected by COVID. Basically did 884 separate
 5 ride inspections, and some of those were
 6 followups as you can see on the list. It was
 7 pretty well limited to indoor facilities.
 8 This year, as a comparison, most of
 9 the 884 inspections were completed by mid January
 10 of 2020. This year we are probably in the same
 11 timeframe at about 150 inspections, so people are
 12 in a wait and see mode to see what happens
 13 anticipating their opening.
 14 The accident report contained from
 15 our last meeting, there were three reported
 16 accidents. They were all patrons. And all three
 17 of them occurred in a pretty short period at one
 18 of our operating facilities which is an outdoor
 19 ropes course and zip line combination.
 20 Non-destructive testing, we try to
 21 keep that updated on our website. They are
 22 updated yearly. I do not believe there's been
 23 any changes in this year. There are also two
 24 links that you can go to. One of them is through

BOARD MEETING 2/18/2021

Page 13

1 NAARSO, and I've got my other glasses on. What
 2 is the other one?
 3 UNIDENTIFIED SPEAKER: The
 4 RidesDatabase.
 5 MR. COE: The RidesDatabase, which
 6 took over for the Cares Database which we've had
 7 in the past. Any questions on that?
 8 Again, just to review, these are the
 9 standards that we ended up adopting and are
 10 enforced as of January 1st.
 11 COVID-19 updates, the state -- the
 12 entire state is in phase four mitigation, which
 13 is scheduled I believe into June 4th of this
 14 year. We have no other updates as far concerning
 15 carnivals. We're pretty much at the same point
 16 that we were at the end of last year. I did give
 17 you the links there. DCEO, Commerce and Economic
 18 Opportunities, they do most of the public
 19 relations for the COVID issues, and they do have
 20 a 1-800 number and an e-mail support number if
 21 you have specific questions. One of the things
 22 that they added to their website is they do have
 23 signage that is available to the user to
 24 download. I do believe that's going to be a

Page 15

1 include the carnival amusement industry. So we
 2 are working on that to get that through.
 3 Another bill that has come back, we
 4 did a review and talked about this. There is
 5 some new legislation that is coming out for
 6 trampoline court. It's the revival of one that
 7 we reviewed in 2018. That's the house bill. And
 8 if anybody wants to go look at it, they can
 9 specifically go look at it, but basically all it
 10 does is add trampoline courts into the law for us
 11 to regulate.
 12 Our stance on that is we'll look at
 13 it if, you know, there's comments from the board,
 14 I don't know that it particularly affects anyone
 15 at this point. We would, you know, look at it
 16 the same way that we do with the aerial adventure
 17 courses. We would adopt the ASTM standards to
 18 require a third party inspection. There is no
 19 way with our workload that we can handle doing
 20 the entire inspection ourselves with our own
 21 inspectors.
 22 And at that point, does the board
 23 have any input at this point? You can either do
 24 it now or you can get back to me later on.

Page 14

1 requirement of IDPH so that may be helpful to any
 2 of the owners.
 3 Rule changes, we went through the
 4 JCAR process. During that process, they review
 5 all of the changes that we proposed to our rules.
 6 They were approved with one clarification that
 7 we'll get into on the next slide. They can be
 8 viewed on our website. We have a full
 9 incorporated set of rules and this link, which is
 10 right underneath, the full set of rules. It's
 11 just the pages of the rules in which changes were
 12 incorporated. So if you just want to see what
 13 was changed for January 1st, 2021, you can use
 14 this link. But both files contained all of the
 15 information.
 16 Under the -- was there a question?
 17 Okay. When we went through the JCAR process,
 18 there was clarification that was requested by
 19 them for the definition of dry slide. Our stance
 20 is dry slides are going to be limited to the
 21 carnival industry for our inspections. What they
 22 questioned was dry slide technically includes all
 23 playground equipment, McDonald's Playlands and
 24 they wanted to narrow that definition to just

Page 16

1 MR. KLEINIK: Tom, this is Mike. I
 2 just wanted to ask the board if you could on the
 3 dry slide, any input on that would be
 4 appreciated. Give me guidance how you want to
 5 proceed with that so we can get back with
 6 JCAR and get that changed. The same as on the
 7 trampoline, I would like to have the board's
 8 input on that. Thank you.
 9 MR. JENNINGS: Any other comments or
 10 questions on that aspect? Okay. Go ahead.
 11 MR. COE: I guess the last point that
 12 we've got to go to is hopefully things are moving
 13 forward. We'll be able to have an in-person
 14 meeting at the end of the year. Tentatively, we
 15 can talk about it, Thursday, September 16th,
 16 2021, at the main IDOT building on Dirksen
 17 Parkway. We've had it there before at their main
 18 auditorium. I did kind of make a mistake and
 19 include those times, but typically, you know, we
 20 can start at five or six, whichever the board
 21 feels would be most proactive for everyone. Is
 22 there any input on that date? And I say it will
 23 be subject to change depending on how things move
 24 forward.

BOARD MEETING 2/18/2021

Page 17

1 MR. KLEINIK: Would you restate that
2 date again and location?
3 MR. COE: It would be Thursday,
4 September 16th, 2021, and I'm assuming 5:00 p.m.
5 would be the earliest that we would want to start
6 and it's at the main IDOT headquarters on Dirksen
7 Parkway in Springfield.
8 MR. KLEINIK: There will be follow-up
9 e-mails I'm sure with that.
10 MR. COE: Yeah. If anybody has a
11 conflict with that, that's far enough out that we
12 can move that date around a little bit. I know
13 5:00 with some of the traveling people, that's
14 are going to be a little difficult but that would
15 get everybody home at a halfway reasonable time.
16 MR. JENNINGS: No problem there. Did
17 we need to discuss anything about the 2020 permit
18 refunds that were there? It doesn't affect me,
19 but I didn't know if there was anybody else that
20 needed to discuss that that were sent out.
21 MR. COE: I can give you an update of
22 where we're at. Okay. We did send notifications
23 out to everyone who had money in their account
24 and did not receive permits. Those people were

Page 18

1 allowed -- that group of people were allowed to
2 request either the transfer the funds into this
3 program year or have a check returned to them.
4 The majority of them transferred the funds, and
5 we are in the process of getting the checks cut
6 for those who actually requested the money to be
7 returned.
8 MR. JENNINGS: Any questions or
9 comments on that Powerpoint presentation? Any
10 public comments or questions? I have, I think --
11 the elephant in everybody's living room is the
12 COVID status obviously, and I've been bombarded
13 with questions as to when we will know and with
14 our fairs starting in June and right now the
15 executive order is renewed to June the 4th or
16 whatever and technically the way I read it we
17 wouldn't be able to do anything unless we go to
18 phase five and that's always the big question,
19 which brings me around to are we okay that if
20 staffing wise, et cetera, that if let's say May
21 the 15th we get a change in executive orders and
22 they turn all the county fairs loose that we can
23 get these carnivals ready to run?
24 MR. COE: The lead-in time is very

Page 19

1 important. We have basically six inspectors and
2 does include me. I'm typically in the office but
3 I do have the ability to get out in the field.
4 If we had a couple of weeks of lead-in time, I
5 don't really see that much of a problem. We
6 should be able to handle everything. If it comes
7 about that the announcement is on a Thursday that
8 you can open on Saturday, that's going to be a
9 little bit of a problem.
10 MR. JENNINGS: Okay. I think that's
11 the big question for I know this from my end. We
12 had a meeting the day before yesterday and that
13 was the question that was reiterated several
14 times. So hopefully, we'll be able to handle
15 that and everything will go well. Any other
16 questions or comments from the board or anybody
17 in the public?
18 MR. SCHOENDIERST: Yes. Andy
19 Schoendierst here, do you hear me?
20 MR. JENNINGS: Yes, I've got you,
21 Andy.
22 MR. SCHOENDIERST: I'm questioning,
23 we have several festivals that are in May and
24 festivals have got the approval of the city

Page 20

1 councils, the county and even the local health
2 organizations have said they can move forward
3 with the carnival and this -- I'm talking small,
4 five or ten rides. I just want to clarify that
5 is true because it comes down to the decision of
6 the local health apartment; is that correct or
7 not? I just want to clarify that.
8 MR. JENNINGS: That clarification is
9 above my pay grade. Does anyone else want to
10 tackle that question?
11 MR. SCHOENDIERST: And the
12 clarification for myself came from the local
13 health department. They said they had the power
14 to let us operate.
15 MR. JENNINGS: That's great.
16 MR. CHIECKO: I'm sorry. This is
17 Greg Chiecko from the OABA, and Andy, if you
18 don't mind, maybe I can phrase that question a
19 little differently and it would be easier and
20 more concise for an answer. Are the state
21 inspectors allowed to inspect rides if all the
22 permitting is in place from the county and the
23 health inspector, et cetera, to operate?
24 MR. COE: We can inspect any ride at

5 (Pages 17 to 20)

BOARD MEETING 2/18/2021

1 any time right now. We do not need any approval
 2 from anyone. We can put a permit on a ride and
 3 then it is up to the owner to comply with the
 4 local jurisdictions or whoever and, you know, to
 5 run the carnival, but if you want to have someone
 6 inspect it -- if you want to get something
 7 inspected today, we're setting up appointments as
 8 we speak.
 9 MR. CHIECKO: Andy, did that
 10 adequately answer you question?
 11 MR. SCHOENDIERST: Yes, it did.
 12 Thank you, Tom. Tom, thank you. I appreciate
 13 that.
 14 MS. SALERNO: Hi, this is Juanita
 15 Salerno from All Around Amusement. I just wanted
 16 to ask if you were going to have those sites that
 17 you referred to us, the DCEO or COVID-19, all
 18 those sites, are you going to have those listed
 19 on the Departmental of Labor? I didn't get
 20 everything down so that's why I'm questioning
 21 this.
 22 MR. COE: Yes. We can put those
 23 links up. Th OABA offices and outdoor operations
 24 guidelines and we can probably link that too.

1 there's anything that you would like to see in
 2 these guidelines, please either let me know or
 3 let Andy know and we will make sure that we are
 4 at least satisfying everything in your world.
 5 MR. SCHOENDIERST: Thank you and I
 6 will.
 7 MR. JENNINGS: Thank you all for that
 8 discussion. Any further comments or questions?
 9 If not, I guess a motion to adjourn would be in
 10 order.
 11 MS. YARD: This is Jessica Yard. I
 12 motion to adjourn.
 13 MR. BENNETT: This is Dave Bennett.
 14 I'll second that motion.
 15 MR. JENNINGS: We have a motion and a
 16 second to adjourn the meeting. All in favor
 17 signify with saying aye.
 18 (WHEREUPON, ALL VOTING MEMBERS VOTED
 19 AYE.)
 20 MR. JENNINGS: All opposed, the same
 21 sign. Motion carries. Meeting is adjourned.
 22 And until we meet again.
 23 Thank you all.
 24

1 MS. SALERNO: All right. That would
 2 be very helpful. I know a lot of people are out
 3 of town right now and would probably appreciate
 4 that.
 5 MR. CHIECKO: Tom, it is Greg again
 6 from the OABA. If I may ask, I know it's not in
 7 your jurisdiction to approve those guidelines.
 8 Could you clarify for us who actually approves
 9 those guidelines and help us navigate how to get
 10 to that party, and I guess we'll have to overturn
 11 or request to overturn the governor's guidelines?
 12 Am I correct in that? And I apologize, but I do
 13 this in 50 states and I don't have detail in
 14 every single state well.
 15 MR. KLEINIK: This is Director
 16 Kleinik. What I would suggest is that you guys
 17 reach out to DCEO and present this information
 18 with them, and you can tell them that you had
 19 presented it to the carnival safety board or the
 20 amusement safety board at their meeting today and
 21 we have looked at them, and I've reviewed them
 22 and I see them as very helpful. They're the ones
 23 that are going to have to do the approval.
 24 MR. CHIECKO: Thank you. And if

1 CERTIFICATE OF REPORTER
 2
 3 I, ERIKIA SCHUSTER, a Certified Shorthand
 4 Reporter (IL), Missouri Notary No. 09561566, do
 5 hereby certify that the testimony was taken by me to
 6 the best of my ability and thereafter reduced to
 7 typewriting under by direction; that I am neither
 8 counsel for, related to, nor employed by any of the
 9 parties to the action in which this hearing was
 10 taken, and further that I am not a relative or
 11 employee of any attorney or counsel employed by the
 12 parties thereto, nor financially or otherwise
 13 interested in the outcome of the action.
 14
 15
 16
 17
 18 _____
 19 Certified Court Reporter
 20
 21
 22
 23
 24

BOARD MEETING 2/18/2021

A		B		
ability 19:3 24:6	23:3	back 5:16 11:13	call 4:3,7 5:2	7:2 8:16 10:1,2
able 6:11 16:13	announcement 19:7	11:14 15:3,24	9:5	11:17,22 13:5
18:17 19:6,14	annual 11:18	16:5	capacity 7:7	16:11 17:3,10,21
accident 11:24	annually 10:24	background	care 8:20	18:24 20:24
12:14	answer 20:20	8:13	Cares 13:6	21:22
accidents 12:16	21:10	Barrington 3:3	carnival 2:7,11	combination
accomplished	anticipating	basically 11:22	10:11 11:8 14:21	12:19
12:3	12:13	12:4 15:9 19:1	15:1 20:3 21:5	come 7:5 15:3
account 17:23	anybody 15:8	believe 8:8	22:19	comes 19:6
action 24:9,13	17:10,19 19:16	12:22 13:13,24	carnivals 13:15	20:5
add 15:10	Anyway 6:9	Bennett 3:2	18:23	coming 15:5
added 13:22	apartment 20:6	4:16,17 6:15	carries 9:22	comment 10:1
additional 12:1	apologize 22:12	9:13,14 23:13	23:21	comments 15:13
additions 8:22	APPEARING	23:13	center 7:20	16:9 18:9,10
adequately	3:15	best 24:6	CERTIFICATE	19:16 23:8
21:10	appears 5:3	better 8:15	24:1	Commerce
adjourn 23:9,12	appoint 6:7 7:3	big 18:18 19:11	Certified 24:3	13:17
23:16	appointments	Bilandic 2:4	24:19	companies 10:6
adjourned	21:7	bill 6:14 7:18	certify 24:5	company 3:6
23:21	appreciate	8:16 11:12 15:3	cetera 18:20	10:8
adopt 15:17	21:12 22:3	15:7	20:23	comparison
adopted 10:21	appreciated	bit 17:12 19:9	chair 6:18	12:8
11:2	16:4	Bjenn@wbno...	chairman 5:22	completed 12:9
adopting 13:9	approval 8:21	3:11	5:23 6:3,4,5	comply 21:3
adventure 10:21	19:24 21:1	board 1:2,10 4:5	6:10,23 7:12	concerning
15:16	22:23	5:23 6:1,4,5	7:22 8:20	13:14
aerial 10:21	approve 9:10	6:19,22,23	change 16:23	concise 20:20
15:16	22:7	11:9,11 15:13,22	18:21	conflict 17:11
affect 17:18	approved 10:17	16:2,20 19:16	changed 10:23	consideration
afternoon 4:1	10:17 11:9 14:6	22:19,20	14:13 16:6	5:12
agenda 7:18	approves 22:8	board's 16:7	changes 9:2,8	contained 12:14
8:21,22	aspect 16:10	bombarded	11:10 12:23	14:14
ahead 8:18	Assistant 3:16	18:12	14:3,5,11	continue 5:3
10:15 11:16	assuming 17:4	Box 2:16	check 18:3	copy 8:24
16:10	ASTM 11:4 15:17	Bridge 3:6	checks 18:5	correct 20:6
Alaris 3:21	attorney 24:11	brings 18:19	Chiecko 20:16	22:12
allowed 18:1,1	attraction 1:2	building 2:4	20:17 21:9	corrections 9:2
20:21	4:5	16:16	22:5,24	9:9,22
America 2:8,12	Audio 8:10	bulletins 11:24	Chief 3:15	councils 20:1
9:7,7	auditorium	Burgess 3:12	city 19:24	counsel 6:7
amusement 1:2	16:18	business 10:16	clarification	24:8,11
3:18 4:4 15:1	available 13:23	11:18	14:6,18 20:8	county 18:22
21:15 22:20	aye 8:4,6 9:18	busy 4:3	20:12	20:1,22
Andy 19:18,21	9:20 23:17,19		clarify 20:4,7	couple 19:4
20:17 21:9	eyes 8:7		22:8	course 12:19
		C	coasters 10:11	courses 10:21
		C 2:1 3:1	Coe 3:15 6:18	15:17

BOARD MEETING 2/18/2021

<p>court 3:20 8:11 8:11 15:6 24:19 courts 15:10 COVID 12:4 13:19 18:12 COVID-19 13:11 21:17 Crystal 2:9 CSR 3:20,21 current 11:2 cut 18:5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 2:3 Dan 9:4 10:8 Daniel 2:11 4:10 4:12 Database 13:6 date 16:22 17:2 17:12 Dave 6:14 9:14 23:13 David 3:2 4:16 day 19:12 Dbennett@pr... 3:4 DCEO 13:17 21:17 22:17 dead 7:20 decision 20:5 decline 7:15 definition 14:19 14:24 department 1:1 2:3 5:21 6:24 12:1 20:13 Departmental 21:19 depending 16:23 detail 22:13 differently 20:19 difficult 17:14 direction 24:7 director 2:3 3:16 5:21 6:24</p>	<p>7:3 22:15 directors 6:22 Dirksen 16:16 17:6 discuss 17:17,20 discussion 7:7 23:8 discussions 7:5 doing 15:19 download 13:24 Drive 3:12 dropped 11:13 dry 14:19,20,22 16:3 Dschwabe@s... 2:14</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:1,1 3:1,1 e-mail 5:14 13:20 e-mails 17:9 earliest 17:5 easier 20:19 Economic 13:17 effective 10:22 either 15:23 18:2 23:2 elected 5:24 6:23 election 8:20 elephant 18:11 Eleventh 3:22 Eli 3:6 employed 24:8 24:11 employee 24:11 ended 13:9 enforced 13:10 engineer 5:10 engineer's 5:11 entertain 9:9 Entertainment 2:8 entire 13:12 15:20 equipment</p>	<p>14:23 Erikiya 3:20 24:3 et 18:20 20:23 everybody 4:2 5:5 8:24 17:15 everybody's 18:11 ex 5:21 7:1 exception 10:9 10:10 executive 6:20 18:15,21 expires 5:6</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F2291 11:4 F2374 11:3 F770 11:3 facilities 12:7,18 fairs 18:14,22 far 10:12 13:14 17:11 favor 8:4 9:17 23:16 FEBRUARY 1:15 fee 10:18 feedback 8:10 8:19 feels 16:21 feet 10:20 festivals 19:23 19:24 field 19:3 files 14:14 fill 5:15 financially 24:12 first 5:4,20 five 16:20 18:18 20:4 Flags 2:12 9:6,7 10:9 follow 10:2 follow-up 17:8 followed 10:4 followups 12:6 forward 16:13 16:24 20:2</p>	<p>four 13:12 Fox 3:3 full 14:8,10 funds 18:2,4 further 7:7 11:15 23:8 24:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>generally 10:11 getting 18:5 give 11:18 13:16 16:4 17:21 glasses 13:1 go 4:6 8:18 10:15 11:16 12:24 15:8,9 16:10,12 18:17 19:15 going 8:13 10:3 10:6,12 11:7 13:24 14:20 17:14 19:8 21:16,18 22:23 Good 4:1 governor's 5:7 5:12 22:11 grade 20:9 great 2:12 9:7 20:15 Greg 20:17 22:5 group 6:20 18:1 guess 16:11 22:10 23:9 guidance 16:4 guidelines 21:24 22:7,9 22:11 23:2 Gurnee 2:13 guys 5:23 22:16</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>halfway 17:15 handle 15:19 19:6,14 happen 10:7 happens 12:12</p>	<p>headquarters 17:6 health 20:1,6,13 20:23 hear 8:12 19:19 hearing 5:20 8:7,22 24:9 help 22:9 helpful 14:1 22:2,22 Hi 21:14 hold 11:4 home 17:15 hopefully 16:12 19:14 house 15:7 Hunt 3:3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify 9:16 IDOT 16:16 17:6 IDPH 14:1 IL 2:5,9,13,16 3:3,7,10,13 24:4 IL-30 3:9 Illinois 1:1 3:15 3:21 impacts 11:7 important 6:9 19:1 in-person 11:5 16:13 include 15:1 16:19 19:2 includes 14:22 incorporated 14:9,12 incurred 11:10 indicated 5:24 individual 7:6 indoor 12:7 industry 10:12 11:6 14:21 15:1 inflatable 10:18 inflatables 10:19 information</p>
--	---	--	---	---

BOARD MEETING 2/18/2021

5:15 14:15 22:17 input 15:23 16:3 16:8,22 inspect 20:21 20:24 21:6 inspected 21:7 inspection 15:18 15:20 inspections 12:5,9,11 14:21 inspector 3:15 20:23 inspectors 15:21 19:1 20:21 INSURANCE 2:15 interested 24:13 issues 13:19 item 9:23	join 4:3 joking 6:8 Joseph 2:15 4:14 6:15 Juanita 3:18 21:14 June 13:13 18:14 18:15 jurisdiction 22:7 jurisdictions 21:4	line 12:19 link 14:9,14 21:24 links 12:24 13:17 21:23 list 12:6 listed 21:18 Litigation 3:21 little 9:5 17:12,14 19:9 20:19 living 18:11 local 20:1,6,12 21:4 location 17:2 look 15:8,9,12 15:15 looked 11:2 22:21 loose 18:22 lot 8:12 22:2 Louis 3:22	2:15 members 3:2 6:2 8:5 9:19 23:18 Michael 2:3,4 Michael.kleini... 2:6 mid 9:6 12:9 Midway 2:8 Mike 16:1 mind 20:18 minute 11:14 minutes 9:1,2,10 Missouri 3:22 24:4 mistake 16:18 mitigation 13:12 mode 12:12 money 17:23 18:6 motion 9:9,12,17 9:21 23:9,12 23:14,15,21 Mound 3:6 move 8:23 9:13 10:15 11:17 16:23 17:12 20:2 moving 16:12 muted 8:14,15	6:16 nominations 6:3,4,5 Non-destructi... 12:20 North 2:8,12 3:9 3:22 Notary 24:4 notice 9:5 notifications 17:22 number 13:20 13:20
J	K	M	N	O
Jacksonville 3:7 January 5:6 10:22 12:9 13:10 14:13 Jason 3:16 JCAR 14:4,17 16:6 Jennings 3:9 4:22,23 7:16 7:19,23 8:8,18 9:8,15,21 11:12 11:12,21 16:9 17:16 18:8 19:10,20 20:8 20:15 23:7,15 23:20 Jescjo16@gm... 3:14 Jessica 3:12 4:24 6:13 23:11 Joe 8:1 Joe@redshaw... 2:17	keep 12:21 Keller 3:16 kind 6:10 16:18 Kleinik 2:3 4:1 5:2 6:21 7:11 7:21 8:3,7 16:1 17:1,8 22:15,16 know 5:5 7:7 8:13 10:8,12 15:13,14,15 16:19 17:12,19 18:13 19:11 21:4 22:2,6 23:2,3	main 16:16,17 17:6 majority 8:8 18:4 mandated 10:23 manufacturer 10:5 March 5:18 Mary 3:16 4:7 McDonald's 14:23 meet 23:22 meeting 1:10 4:4,5 5:4 7:4 7:13,18,23 9:1 9:3,10,24 10:18 11:5,11 12:15 16:14 19:12 22:20 23:16,21 meetings 6:11 7:9,12 MEMBER 2:7,11	N 2:1 3:1,9 NAARSO 13:1 name 5:11 narrow 14:24 Nashville 2:8 navigate 22:9 NDT 10:3 NDTs 10:13 need 6:16 7:8 8:14 17:17 21:1 needed 17:20 neither 24:7 new 11:17 15:5 noise 8:13 nomination 6:2	OABA 20:17 21:23 22:6 obviously 18:12 occurred 11:23 12:17 office 5:7,12 19:2 offices 21:23 official 6:19 officio 5:22 7:1 okay 4:8 7:16,21 8:16 10:15 11:22 14:17 16:10 17:22 18:19 19:10 old 10:15 Olney 3:10 ones 22:22 online 11:20 open 6:2 19:8 opening 12:13 operate 20:14 20:23 operating 10:13 12:18 operations 21:23 operator 2:7,11 10:23 operators 10:24 Opportunities 13:18

BOARD MEETING 2/18/2021

<p>opposed 9:21 23:20 order 4:4 5:21 18:15 23:10 orders 18:21 organizations 20:2 outcome 24:13 outdoor 12:18 21:23 oversee 6:10 overturn 22:10 22:11 owner 21:3 owners 11:8,8 14:2</p> <hr/> <p style="text-align: center;">P</p> <p>P 2:1,1 3:1,1 p.m 1:16 17:4 P.O 2:16 page 9:6 pages 14:11 Parkway 16:17 17:7 part 6:1 particularly 15:14 parties 24:9,12 party 15:18 22:10 patrons 12:16 Patty 3:5 4:18 4:20 6:12 Patty@elibrid... 3:8 pay 20:9 peers 6:24 people 8:14 12:11 17:13,24 18:1 22:2 period 12:17 Permala 10:8 permit 17:17 21:2 permits 17:24 permitting</p>	<p>20:22 phase 13:12 18:18 phone 11:13 phonetic 10:8 phrase 20:18 pick 11:14 Pierce 3:16 4:8 4:10,12,14,16 4:18,20,22,24 place 7:10 20:22 playground 14:23 Playlands 14:23 please 4:7 5:15 23:2 point 13:15 15:15 15:22,23 16:11 possible 5:16 power 20:13 Powerpoint 18:9 present 4:15,23 5:1 22:17 presentation 11:19 18:9 presented 22:19 president 7:3,8 pretty 11:7 12:7 12:17 13:15 prior 11:11 pro 7:3,4,8,12,17 7:22 8:19 proactive 16:21 probably 10:6 12:10 21:24 22:3 problem 17:16 19:5,9 proceed 16:5 process 14:4,4 14:17 18:5 professional 5:10,11 program 18:3</p>	<p>proposed 14:5 public 3:2 13:18 18:10 19:17 put 11:3 21:2,22</p> <hr/> <p style="text-align: center;">Q</p> <p>question 14:16 18:18 19:11,13 20:10,18 21:10 questioned 14:22 questioning 19:22 21:20 questions 5:19 5:20 10:14 11:15 13:7,21 16:10 18:8,10 18:13 19:16 23:8 quorum 5:3</p> <hr/> <p style="text-align: center;">R</p> <p>R 2:1 3:1 reach 22:17 read 8:24 18:16 ready 18:23 really 19:5 reappointment 5:8 reappointmen... 5:17 reason 11:13 reasonable 17:15 receive 10:7 17:24 receiving 5:13 recommenda... 5:8 redo 10:13 Redshaw 2:15 4:14,15 6:15 8:1,2 reduced 24:6 referred 21:17 refunds 17:18 regulate 15:11</p>	<p>Regulations 10:20 reiterated 19:13 related 24:8 relations 13:19 relative 24:10 remain 10:3 remind 9:15 renewed 18:15 report 11:24 12:14 reported 12:15 reporter 3:20 8:11,12 24:1,4 24:19 REPRESENTA... 2:15 representatives 11:6 request 18:2 22:11 requested 14:18 18:6 require 15:18 requirement 14:1 requirements 10:3 resigned 5:24 respectfully 7:14 response 4:11 4:13,19,21 restate 17:1 returned 18:3,7 review 13:8 14:4 15:4 reviewed 15:7 22:21 reviews 9:23 revival 15:6 ride 1:2 3:15 4:4 10:22 11:8 12:5 20:24 21:2 rides 20:4,21 RidesDatabase 13:4,5</p>	<p>right 7:2 14:10 18:14 21:1 22:1 22:3 Road 3:6 Robert 3:19 roll 4:7 5:2 roller 10:10 room 18:11 ropes 12:19 Route 2:12 row 9:6 Rule 14:3 rules 10:17 14:5 14:9,10,11 run 5:18 6:11 7:4 7:8,12,13 18:23 21:5 running 7:17 Rushville 2:16</p> <hr/> <p style="text-align: center;">S</p> <p>S 2:1,4 3:1 safety 1:2 4:5 5:22 6:4,5 11:24 22:19,20 Salerno 3:18,19 21:14,15 22:1 satisfying 23:4 Saturday 19:8 saying 9:18 23:17 schedule 4:3 scheduled 13:13 Schoendierst 19:18,19,22 20:11 21:11 23:5 Schuster 3:20 24:3 Schwabe 2:11 4:10,12 9:4,4 season 10:13 second 5:17 7:24 8:1,3 9:13 9:17 23:14,16 secretary 6:19 see 11:20 12:6</p>
--	--	---	---	---

BOARD MEETING 2/18/2021

12:12,12 14:12 19:5 22:22 23:1 Seeing 5:2 send 11:10 17:22 sent 17:20 separate 12:4 September 9:10 9:24 10:18 16:15 17:4 serve 7:6,22 Services 3:21 set 14:9,10 setting 21:7 sheets 11:9 short 12:17 Shorthand 24:3 sign 23:21 signage 13:23 Significantly 12:3 signify 9:17 23:17 single 22:14 sites 21:16,18 six 2:12 9:6,7 10:9 16:20 19:1 slide 11:19 14:7 14:19,22 16:3 slides 14:20 small 20:3 somebody 6:8 7:9 soon 5:16 11:8 sorry 11:15 20:16 Sparks 2:7 4:8 4:9 7:14 speak 21:8 SPEAKER 9:11 13:3 speaking 10:11 specific 13:21 specifically 15:9 Springfield 2:4 2:5 3:13,15 17:7 square 10:20	St 2:4 3:22 staffing 18:20 stance 14:19 15:12 standards 11:1,2 11:4 13:9 15:17 start 11:19 16:20 17:5 starting 18:14 state 13:11,12 20:20 22:14 states 22:13 statistics 11:24 12:2 status 18:12 statute 6:22 Stephen 3:17 Street 3:22 structure 10:19 subject 16:23 submitted 5:7,11 suggest 22:16 suggestion 6:17 Sullivan 3:5 4:18,20 summary 11:9,18 11:23 support 13:20 sure 9:16 17:9 23:3	T table 11:4 tackle 20:10 take 8:9 taken 8:19 24:5 24:10 talk 16:15 talked 10:5 15:4 talking 7:17 20:3 technically 14:22 18:16 tell 22:18 tem 7:3,4,8,12 7:17,22 8:19 ten 9:6 20:4	Tentatively 16:14 term 5:5 testimony 24:5 testing 12:20 Th 21:23 thank 4:2 8:15 16:8 21:12,12 22:24 23:5,7 23:23 thereto 24:12 thing 5:20 things 4:6 13:21 16:12,23 think 6:6 9:6 18:10 19:10 third 15:18 three 12:15,16 Thursday 1:15 16:15 17:3 19:7 time 4:2 17:15 18:24 19:4 21:1 timeframe 12:11 times 16:19 19:14 timetables 5:18 today 21:7 22:20 Tom 3:15 10:2 16:1 21:12,12 22:5 town 22:3 Trail 3:3 training 10:23 trampoline 15:6 15:10 16:7 transfer 18:2 transferred 18:4 traveling 17:13 true 20:5 try 7:3,5 12:20 turn 18:22 two 12:23 typewriting 24:7 typically 16:19 19:2	U	underneath 14:10 Underwood 3:17 UNIDENTIFIED 9:11 13:3 update 11:1 17:21 updated 10:16 12:21,22 updates 9:24 12:1 13:11,14 use 14:13 user 13:23	16:17 website 12:21 13:22 14:8 week 5:17 weeks 19:4 went 10:20 14:3 14:17 Wes 7:12 Wesley 6:13 Weston 2:7 4:8 whichever 16:20 William 3:9 4:22 7:23 wise 18:20 working 15:2 workload 15:19 world 23:4 wouldn't 18:17 Wsparks@na... 2:10
				V	vacancy 5:9 vice 6:18 viewed 14:8 volunteer 6:12 7:11,22 volunteers 6:6 VOTED 8:5 9:19 23:18 VOTING 8:5 9:19 23:18	X
				W	wait 12:12 want 6:1,12,13,14 6:14,15,16 7:6 7:19 14:12 16:4 17:5 20:4,7,9 21:5,6 wanted 10:2 14:24 16:2 21:15 wants 15:8 way 5:18 15:16 15:19 18:16 we'll 8:22 11:10 11:18 14:7 15:12 16:13 19:14 22:10 we're 7:16 13:15 17:22 21:7 we've 13:6 16:12	Y
					Yard 3:12 4:24 5:1 23:11,11 Yeah 17:10 year 5:6 10:22 11:23 12:3,8,10 12:23 13:14,16 16:14 18:3 yearly 12:22 yesterday 19:12	Z
					zip 12:19	0
					084-004660 3:21 09561566 24:4	1
					1 2:7 1-800 13:20 130 10:20	

BOARD MEETING 2/18/2021

150 12:11	60010 3:3			
1500 10:20	60014 2:9			
15th 18:21	60031 2:13			
16 9:6	618.741.7277			
16th 16:15 17:4	3:13			
1704 3:6	618.843.1146			
175 2:16	3:10			
17th 5:6	62450 3:10			
18 1:15	62650 3:7			
1817 2:8	62681 2:16			
1st 10:22 13:10	62704 2:5			
14:13	62711 3:13			
	63101 3:22			
<hr/>	644-2191 3:23			
2				
2 2:11				
2:00 1:16	<hr/>			
2018 15:7	7			
2020 12:10	711 3:22			
17:17	<hr/>			
2021 1:15 14:13	8			
16:16 17:4	847.323.8272			
21 2:12	2:9			
217.245.7145	847.975.9710			
3:7	3:4			
217.332.2810	884 12:4,9			
2:17	<hr/>			
217.782.0996	9			
2:5	900 2:4			
2212 3:12				
2699 3:9				
2974 11:3				
<hr/>				
3				
314 3:23				
330 3:3				
<hr/>				
4				
4930 2:13				
4th 13:13 18:15				
<hr/>				
5				
5:00 17:4,13				
50 22:13				
542 2:12				
574.249.2133				
2:13				
<hr/>				
6				