

## SHELBY COUNTY BOARD MEETING

April 13, 2023 – 7:00 P.M.

The Shelby County Board met on Thursday, April 13, 2023, at 7:00 P.M. in Courtroom A of the Shelby County Courthouse in Shelbyville, Illinois.

Chairman Robert Orman called the meeting to order. Board member Matt Kessler gave the prayer, and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Bennett and Davis were absent.

Minutes for the March 9, 2023, board meeting were presented for approval. McCormick moved to approve the minutes. Hardy seconded said motion. Board member Sonny Ross stated in light of conversations and emails about the possibility of unmarked graves outside of the poor farm cemetery located on the county farm ground received by board members during the past month, and comments related to the possibility of burials outside of the cemetery, which were made by Carol Cole and not included in the body of the March 9<sup>th</sup> minutes during the portion of discussion related to PPI, Ross felt the minutes should be tabled and made motion to table approval of the minutes. Firnhaber seconded said motion to table approval of the minutes which passed by voice vote (17 yes, 3 nay – Boehm, Cole, and Morse).

At this time Chairman Orman called for Public Body Comment.

Tami Smith, lifelong resident of Central Illinois and 15-year resident of Shelby County, stated she was concerned about the infrastructure of bridges and roads located in Shelby County. Smith distributed pictures to the board of the Jordan Creek Bridge, built in 1983, which shows various stages of disrepair. Smith asked for an update of the search for a County Highway Engineer. Road/Bridge Chair Matt Kessler informed Smith a special R/B meeting will be held on April 18, 2023, at 6:00 PM at the Highway Department to interview a potential candidate for the Highway Engineer position.

John Herron, Coles County stated he discussed looking at the Courthouse Clock with the Sheriff and was pleased to have gotten permission pending the signing of a wavier releasing the county from any liability.

Chris Boehm said he would like to thank the County employees. Boehm continued by stating during the past few years the county had been involved in an "ugly community feud and the folks that have bared the brunt of that are the county employees." Boehm stated this county has lost a lot of good employees from the Courthouse, the Highway Department and the Sheriff's office who did their jobs with integrity and pride. Boehm voiced it was his opinion the concern of the employees have been ignored at best, or at worst, "turned against them and been weaponized in an attempt to silence them." Boehm informed the board, they "are not going to silence employees," or "convince them their experience in working for the county the last 5 years is not their experience." Boehm stated the employees deserve better than the way they have been treated. Boehm stated he thought it was shameful what had happened in our county the last few years. "We have done better than this in the past and we can again" Boehm stated, but it will "take some folks to take better advise and seek wiser counsel." Boehm stated he just wants the board to listen to what the employees are saying.

Board member Cody Brands told Boehm he "had something on that," he had an email from AFSCME Union President Lisa Swenny that he was not allowed to talk to county employees during working hours and suggested Boehm "put that on his website." Brands also stated he was in a Union and to say he couldn't talk to union employees during working hours was "uncalled for."

Treasurer Erica Firnhaber stated as an elected official she is the employer for the 2 employees in her office and the buck stops with her if they are unhappy. Firnhaber stated that each office is responsible for their employee satisfaction and the "buck stops with that elected or appointed official." Every office is responsible for their own office and doesn't answer to another office. Firnhaber stated to her knowledge her employees were not unhappy. Firnhaber blamed "this whole issue being blown out of proportion," due to the lack of understanding about what this government entity is. Firnhaber said if there is dissension in this county "it is because of what is being spewed all over social media which is false information." "The fact of the matter is every office functions separately and we are all under the policy or procedure the board sets down." Firnhaber responded to a public question as HR rep. Firnhaber reported as HR, she pays payroll, makes sure employees are covered by IMRF and Insurance. Firnhaber stated there was nobody that could say questions about payroll, insurance and IMRF aren't handled by her office immediately. Any employee who was unhappy should contact their department head or file a grievance.

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Julie Edwards stated she "wonders" why employees are making others aware of issues instead of addressing their issues or concerns with board members who can try and fix things. Members of the public can't fix the problems and if employees aren't comfortable speaking with her about their issues or concerns, there are other board members they could discuss them with. Edwards stated "people might not like what I have to say, but I have never told anyone they couldn't speak to me."

State's Attorney Hanlon addressed those in attendance that the dissension Mr. Boehm spoke about was "a product of his own doing." If Boehm would "listen to his own words and how he approaches things," he might find "those issues might disseminate or dissipate instead of becoming bigger issues for himself." Hanlon stated he had been the "source of much of Boehm's public commentary," yet Boehm had not reached out to ask him a single question. Hanlon stated if Boehm would ask him a question, he might find there are events and circumstances that might lead to decisions Hanlon makes in his office that are "predicated by proper application of the law." Hanlon stated he didn't know "what law school" Boehm had attended, or the extent of Boehm's education, but it would seem to Hanlon that "if one has an issue with a person and is coming to this public body saying you have to stop this dissension between us, "then you have to start with yourself". Hanlon told Boehm, "if he had a question, he was welcome to stop by his office and talk with him." Hanlon stated he is in his office "almost every single day," sometimes he has "to go to other courts" but expressed to Boehm he was welcome to stop by.

Tom Finks, private attorney, born and raised in Shelbyville, still has family and business interests in Shelbyville and served as Shelby County State's Attorney from 1992-1996 addressed the board regarding the county farm. Finks addressed Hanlon's opinion of the county farm dated March 22, 2023 in a report to the board, which was emailed on March 27, 2023, as aggressive. Finks stated he takes a more conservative approach and interprets the law differently than Mr. Hanlon. Finks stated there is no competent evidence in his opinion which should alter the use or operation of the farm. A conversation between Carol Cole and her mother could be deemed as "folk tale, legend, or 2<sup>nd</sup> - 3<sup>rd</sup> level hearsay" and does not classify as evidence. Finks stated the farm has been farmed for 70-80 years and there has been nothing turned up, which would indicate bodies buried outside the cemetery. Finks referenced the Illinois Cemetery Act and the Human Skeletal Remains Protection Act. Finks closed his statements by saying there was no need for the board "to be alarmed or make any drastic changes related to the operations of the county farm" based on the comments made by Cole.

Hanlon responded that if Mr. Finks would have called him before the meeting, Finks would have learned of factors that might have altered his opinion. Hanlon would have informed Finks that there was competent evidence, based on information in the public record, and the comptroller's records.

Chair Orman stated we "aren't going to debate this issue."

Jeremy Williams said he wanted to "very carefully and off the cuff suggest the larger part of what had been said in this meeting had been little more than an argument, was not going to help anything, not going to serve forward progress, and was not addressing the business of the county" Williams continued by saying "people have the right to say what they want to say, they can come in here and do whatever they want and he respects it and appreciates it, but the board is here to address county business and serve the people and the taxpayers, we don't need the back and forth arguing and bickering."

Board member Julie Edwards stated, "she thinks everyone in the courtroom respects Carol as a historian of the County Farm." "Cole spent her whole life there." Edwards said she "didn't think Cole's statements were incompetent statements." Edwards continued with her comments by saying "Carol knows what goes on at the farm, she has studied that farm and might know if there are bodies buried there." "I'm not saying we need to stop farming the farm, but we have to pay attention to the statements she made, or at least I think so."

Kirk Allen from the Edgar County Watchdogs informed those in attendance they came to Shelby County "years ago at the request of those in local government." Folks try to blame Treasurer Firnhaber, but they were here long before she got elected." "We still get asked for assistance from people from within because they are "afraid of retribution when they speak out and I'm not going to ignore them." Allen said he reached out to Cole about her statements that at least 1 body was not buried in the cemetery but, they don't know where it's at but it's somewhere on the county farm. Allen said they took Cole on her word since she referenced a public record that appears to be accurate. Allen stated the ECWD also referenced the Illinois Administrative Code that also deals with unknown burial sites.

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Cole responded by saying she said, "there was 1 person who died that's name is not in the cemetery." "There are other names that are not on the cemetery also, before 1892. There are lots of people buried in the cemetery, their names are not there." Cole stated she did not say the man was buried elsewhere she just said his name was not listed in the cemetery. Cole stated in the email she sent to Kirk Allen, according to the book, the Almshouse Registry book, the last person buried at the poor farm in 1942 is not listed on the grave plot.

Teresa Boehm asked the other board members "how many had looked at the expenditure reports from Erica that had been sent out yesterday for the month of March"? Boehm said in comparing the February reports to the March expense reports it appears the new Assistant State's Attorney is being paid \$36,933.60 more than the previous ASA was". Boehm stated she realized the money was in the SA's budget and could be spent accordingly, but wanted to ask how many of the board members were aware of this? Chairman Orman and Treasurer Firnhaber both commented this money "was in the budget." Boehm stated she understood that, but questioned how many board members were aware of this pay increase? Boehm stated she is not saying "anything illegal was being done."

Martha Firnhaber stated Boehm had "just accused board members of not looking at reports."

Joanna Hardy stated the budget had been approved by the board and the department head could determine how to spend the money.

Next Boehm reported there was \$3,833,417 in ARPA funds available, based on information she received from the Treasurer. Orman asked Boehm for "follow up to find how much is obligated." Orman stated "the obligation was clearly a moving target, if you will, because that isn't a hard and fast number because of union mou's."

Boehm stated without knowing what is available in ARPA, projects can't be discussed during committee meetings. 1.25 million has been obligated in Capital Improvement and 1.7 million +/- has been obligated under projects.

Tricia Miller spoke about the celebration of the Easter holiday this past weekend. She stated, "a lot of us feel like we have been nailed to the cross and it's painful." Miller asked, "when is it going to stop?" "Why can't we treat people respectfully? She stated, "we speak about legal, but what about right and wrong?" Miller informed those present her church service had been used by the ECWD when their congregation was asking for healing prayers for their community. Miller stated she "felt humiliated and as if she had been drug through the mud." She also said after attending meetings related to the Ambulance issue it sounds like there are 3-4 parts to the plan and hopes people know what they are voting on when that time comes. She reported she had started sending FOIA request and had sent one to Mark Bennett and County Clerk Jessica Fox regarding emails about the county farm from Dec. 2022 to present. She got a response from Bennett that he didn't have anything, but her response from the County Clerk indicated differently. She narrowed her request to Bennett, and Miller reported Bennett told her he didn't know what she was up to. She asked Bennett "if he responded in the same manner to the ECWD." Miller questioned how the public is supposed to know if board members "are telling the truth." Miller encouraged people to submit FOIA request. Miller stated she tried to call Chairman Orman, but never heard back. Immediately after Miller exited the meeting.

Orman stated he had tried to call Miller on his way to the ETSB 911 meeting and perhaps after she goes back and looks at the tape and sees he did try and return her call; they can have a discussion.

Chairman Orman, as Liquor Commissioner for the County, informed the board the committee met on Thursday, March 30 and heard a request from No Bad Days Farm for a special use permit for their Rhythm and Blooms Festival to be held on June 3 at their farm in Shelbyville Township. The special use permit will allow for liquor sales by Fieldhouse 219 between the hours of 4:00 PM – 9:00 PM. The budget committee recommended the approval of this request.

Williams made motion to approve the request for the issuance of a special use permit. Ogden seconded said motion, which passed by voice vote (20 yes, 0 no).

Orman next reported at the same budget meeting, the committee had discussed the Zoning position with 2 prospective candidates. While both were interested in EMA, one of the candidates stated he would be open to trying Zoning in the interim, in hopes it might lead to the future possibility of moving into the EMA job.

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Orman also stated if this candidate learned the Zoning job and did transition to EMA, they would be available to train a new zoning person. At this time, Orman made the recommendation of Scott McKee as Zoning Administrator. Orman also thanked former Zoning Administrator Bill Schmitz for "graciously" assisting with Zoning since his resignation on February 28, to address issues that had come up in the interim.

Morse made motion to approve the appointment of Scott McKee. Firnhaber seconded said motion, which passed by voice vote (20 yes, 0 no).

The budget committee made recommendation to the full board to approve Prairie Power, Inc. do an archeological survey prior to installing any poles on the County Farm, in light of comments made about the possibility of bodies being buried on this ground outside of the cemetery. This would be at no costs to the County.

Ross made motion to approve PPI doing an archeological survey. Brands seconded said motion.

Discussion continued: Although this ground has been farmed for many years, Orman stated to the best of his knowledge or at least the last 30 years the county farm has been "no till, so the ground wouldn't have been turned over." The archeological survey would be for the area related to the primary route wherever that may be. Boehm asked if the firm could put stakes in the ground where the poles would be so board members could see the route. There was much discussion regarding the "proposed route." Maps had been provided to the board members at the March meeting, but no maps had been emailed prior to this meeting for the board members to review during discussion. There was much discussion regarding this project, the proposed route which PPI wants to use, where the hedge row was, where the route is in relation to the cemetery. There are many factors involved with this issue. Mayhall asked how the county goes about asking for more detailed research in this project. It was stated there is a headstone in the "fence row." The U of Illinois has the capabilities to discover what is and what is not on the county farm ground in terms of bodies being buried on the ground. Ross stated "we can't farm where bodies are." A plat from 1875 was produced at the at the budget meeting, which appears to show a headstone on the property line. It was asked if PPI could provide financial assistance to the county to assess all the farm ground for the possibility of human remains. Orman said "it's not the first time I have heard it (bodies being buried at the county farm), but I have never heard it in a public meeting." It was asked if the board could do a "field day" at the farm so the proposed route could be visualized better for everyone. Chairman Orman stated no, as this could be a violation of the open meetings act.

Ross withdrew his motion to approve PPI to conduct an archeological survey. Ross states this is a very controversial topic which has a lot of downsides.

Ogden made motion to approve PPI conduct an archeological survey. Hardy seconded said motion. Firnhaber amended the motion to request a drone arial image to point out to the board what they are looking at. Nelson seconded said motion, which passed by voice vote (15 yes, 5 no – Brands, Brown, McCormick, Morse, and Williams).

The original motion to have PPI conduct an archeological survey passed by voice vote (20 yes, 0 no).

The next item related to PPI, Inc project was to vote to accept the original route across the county farm ground for power pole installation as recommended by the budget committee. The maps for this route were presented and initially discussed/explained to the board at the March 9, 2023 county board meeting.

Brands made motion to approve the original route for the PPI project across the county farm at the recommendation of the budget committee. Williams seconded said motion, which passed by voice vote (20 yes, 0 no).

County Treasurer informed the board that due to 2 recent employee retirements an accelerated payment is due to IMRF in the amount of \$21,289.51. If this amount is not paid by the County in 90 days, it will begin accruing 7.5% interest. This will be a payment from the IMRF fund to IMRF. There is plenty of money in the IMRF account for this payment. County Treasurer Erica Firnhaber stated this was a "no brainer" in her opinion.

Orman made motion to approve the IMRF lump sum payment. Brands seconded said motion, which passed by roll call vote (20 yes, 0 no). Ayes: Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, McCormick, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

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At this time, the Chairman called for the County Highway Engineer's report.

Matt Kessler, Road/Bridge Chair reported that the annual Motor Fuel Tax audit had been completed by IDOT with no critical findings.

Ogden made motion to accept the MFT audit as filed with the county by IDOT. Wallace seconded said motion, which passed by voice vote (20 yes, 0 no).

Public Safety committee member Sonny Ross addressed the board regarding the 2023 County Ambulance tax levy and requested this amount be set to zero. Ross stated this would put the board in line with other votes taken in the last year that Shelby County did not want to license Ambulance services. The committee has been researching this issue and the county does not provide county ambulance services, the county has no contracts with any of the services providing ambulance services and the county has been collecting and distributing a tax for the payment of expenses not paid from the general fund which are incurred in providing emergency ambulance service as worded in the 1988 referendum since 1990 "inappropriately." There was never a policy created by board action following the voter approved referendum, regarding how these emergency ambulance services would receive payments. The Fees and Salaries committee determined what calls would be paid per Ambulance service and what wouldn't be paid. The county has been collecting a tax and paying other services to provide ambulance services to those taxpayers paying into the county ambulance tax. The committee will need to figure out what to do with the \$120, 755 in Ambulance reserves and after his discussions with both the County Clerk and Treasurer states that will be "no small task." The final step will be for the County board to have a referendum on the 2024 ballot to cease operation wholly regarding the ambulance tax levy. Board member Mayhall questioned what the "end goal was" and expressed concerns about residents having ambulance service available if needed. If a resident calls for an ambulance, 911 services must dispatch an ambulance to the caller's home. Ambulance services cannot refuse to respond to a person's home, this would be illegal. Local Fire Protection Districts can have their own referendum, if and when they so choose, and ask their voters if they want to pay an ambulance levy based on those specific districts. Ross stated the end result for the county regarding the Ambulance levy/services is to either "get in or get out."

Tate made motion to set the county ambulance levy at 0 for the 2023 tax year. Firnhaber seconded said motion, which passed by voice vote (20 yes, 0 no).

Chairman Orman called for committee reports. (Committee reports are attached to these minutes).

Board member Edwards reported she had attended a Health Board meeting. The Health Department is making improvements by doing some remodeling and serves a great deal of people in various programs. The restructuring of the building will allow the department to better serve those that participate in programs at the department.

Sonny Ross reported the dive team received some "love from the local school" and have been on the front page of the paper the past couple of weeks. The rescue squad helped with a pretty serious wreck up on the Findlay Bridge and did a great job.

Carol Cole reported there will be a car show and fly-in at the Airport on July 8. The landing and fields commission is trying to show case the Airport, as well as make some upgrades to some of the buildings.

Road and Bridge committee chair Matt Kessler reported the Highway budget is under some "stress" due to having to "farming out some engineering projects" due to the lack of a county highway engineer. The committee would like to use APRA funds to give a sign on bonus to a new county highway engineer, and to purchase some equipment to replace some "aged equipment" at the highway department.

Public Safety committee Chair Tate reported the grant received from the state for the windows is due to expire at the end of May this year. The committee has requested a 1-year extension. They have been in contact with a architectural firm that specializes in historical restoration, which the grant requires. Tate said they are "working on it" and hope to wrap up a project that should have been completed when the geothermal was put in.

Updating the board, Chairman Oman stated during the budget committee meeting held on March 30 it was discussed that the former auditor Wipfli didn't complete a requirement for GATA, which was discovered in the last 30-45 days which would allow the county to complete their portion, since the auditors didn't "check some boxes" for their portion. Wipfli is going to remedy this at no cost to Shelby County.

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Continuing with Chairman appointments, Orman requested the following:

Julie Edwards, Tad Mayhall and Mitchell Shuff to the Cooperative Extension Committee. Motion by Nelson, seconded by Tate. Motion passed by voice vote (20 yes, 0 no).

Paul Canaday to the Health Board. Motion by Ross, seconded by Firnhaber. Motion passed by voice vote (20 yes, 0 no).

Annette Martin to the Mental Health "708" Board. Motion by Ogden, seconded by Firnhaber. Motion passed by voice vote (20 yes, 0 no).

John Helton as trustee of the Strasburg Fire Protection District. Motion by Williams, seconded by McCormick. Motion passed by voice vote (20 yes, 0 no).

Penny Standerfer as Shelbyville Fire Protection District Trustee. Motion by Firnhaber, seconded by Edwards. Motion passed by voice vote (20 yes, 0 no)

Michael Nohren as Tower Hill Fire Protection District Trustee. Motion by Wallace, seconded by Kessler. Motion passed by voice vote (20 yes, 0 no).

James Hooten as Windsor Fire Protection District Trustee. Motion by Ross, seconded by Williams. Motion passed by voice vote (20 yes, 0 no).

Larry Minott as Moweaqua Fire Protection District Trustee. Motion by Nelson, seconded by Brown. Motion passed by voice vote (20 yes, 0 no).

Under correspondence, the Chairman reported he had been on some Zoom calls and had communications with other counties regarding the Wind/Solar ordinance which must be "on the books" by May 27, 2023, per 55 ILCS 5/5-12020 (D) which became law on January 27, 2023. Orman stated he had gotten a lot of good education and information that a group of counties "up north" are going to be presenting to their county boards that are "state law savvy."


A question was asked about the video equipment since an email had been sent by David Woods from Mytec regarding the set up. Orman didn't get back in touch with Mytec about setting up the equipment for this meeting.

A question was asked about the AFSCME lawsuit, Treasurer Firnhaber stated a Zoom call had been held that day. Appointed counsel Chris Koester will withdrawal from the case and State's Attorney Hanlon will take over.

Finance committee member Martha Firnhaber stated documentation had been received so the bill for Shelbyville Vet Services, Coast to Coast, and the EDC of Shelby County would be paid. The RW Keys bills was pulled again for review by the Public Safety committee. Firnhaber made motion to approve the payment of claims. Ross seconded said motion, which passed by roll call vote (20 yes, 0 no). Ayes: Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Kessler, Martin, Mayhall, McCormick, Morse, Nelson, Ogden, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

There was no further business to come before the Shelby County Board.

Williams made motion to adjourn until the next regular scheduled meeting to be held on May 11, 2023. Wallace seconded said motion, which passed by voice vote (20 yes, 0 no) and the meeting was adjourned at 8:58 PM.

  
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Jessica Fox  
Shelby County Clerk and Recorder