

**SHELBY COUNTY BOARD MEETING**

**June 13, 2024 – 7:00 P.M.**

Video of meeting can be viewed at shelbycounty-il.gov (Shelby County YouTube channel)

The Shelby County Board met on Thursday, June 13, 2024, at 7:00 P.M in Courtroom A of the Shelby County Courthouse.

Chairman Robert Orman called the meeting to order. All those present said the Pledge of Allegiance, and Board member Sonny Ross gave the prayer.

County Clerk Jessica Fox called the roll. Bennett, Martin, Martz, and Nelson were absent. Edwards was tardy entering the meeting at 8:25 PM.

Minutes for the May 9, 2024, County board meeting were presented for approval. McCormick made motion to approve the minutes. Mayhall seconded said motion, which passed by voice vote (16 yes, 0 no).

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

Michael Tappendorf, County Highway Engineer, addressed the board to give his monthly report and request approval for 2 resolutions and 3 50/50 petitions. Tappendorf updated the board on projects his staff has been busy with the past month. (See department report attached to these minutes). Construction season has begun, and the outside team has been busy with various projects. The front office team has been busy with day-to-day operations as well as coordinating guardrail replacement throughout the county.

Tappendorf presented for approval a resolution to allocate an additional \$41,000 for the construction and engineering costs on Bridge 087-3000 on County Highway 21 east of Moweaqua. Brown made motion to approve the resolution. Wallace seconded said motion, which passed by roll call vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

A 50/50 petition from the Richland Township Highway commissioner to demolish and construct a new bridge SN 087-3148 on TR 199. This bridge is located 9.5 miles southwest of Windsor and estimated costs for preliminary engineering will be \$38,395. 80% will be funded from the State – Township Bridge program. The remaining 20% will be shared equally by the County and the Township with estimated costs being \$3,840 for each entity.

Williams made motion to approve the petition. Firnhaber seconded said motion, which passed by roll call vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

A resolution to approve an engineering agreement with Civil Design Inc to assist in the structural design, hydraulic study, and all other necessary items for the reconstruction of 087-3148 was presented for approval. Brown made motion to approve the resolution. Williams seconded said motion, which passed by voice vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

The next 50/50 petition was from the Cold Spring Township Highway Commissioner to construct drainage improvements on County Road 850 N in Section 8, just west of CH 15. Estimated costs are \$10,425 to be shared equally between the County and the Township. Brown made motion to approve the petition. Tate seconded said motion, which passed by roll call vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

The final 50/50 petition was from the Ash Grove Township Highway Commissioner to construct drainage improvements on CR 1350N in Section 11, just west of 3475E. Estimated cost is \$7,600 to be shared equally by the County and the Township. Brown made motion to approve the petition. McCormick seconded said motion, which passed by roll call vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

Zoning Administrator Scott McKee was unable to attend the meeting due to illness. McKee had requested approval from the board for Zoning Ordinance amendments to require utility companies to sign a road use agreement for the installation of overhead transmission lines and amend the fee schedule for communication towers.

Firnhaber made motion to approve the ordinance amendments. McCormick seconded said motion. Discussion was held. Boehm asked what the purpose of the ordinance was and why McKee had written it since it dealt with road use issues. Boehm stated there are all kinds of permits that involve the State, the county, and utility companies also have processes they have to follow, so she doesn't understand what the purpose of this ordinance is.

Boehm made motion to table to Zoning ordinance amendments until McKee could be present to explain them. Cole seconded said motion, which passed by voice vote (15 yes, 1 no – Ross).

At this time, State's Attorney Ruth Woolery addressed the board requesting an amendment for the State's Attorney budget. Cole made motion to approve the amendment, McCormick seconded said motion. Discussion was held.

Woolery requested a \$4,600 amendment to the first ASA line item since that line item has an overage of \$4,614.80 due to the severance agreement payout of \$74,030 paid to prior ASA Ambroziak on May 10. Woolery also needs to amend the second ASA line item by \$16,800 in order to hire an assistant state's attorney. Woolery stated she would only need one assistant as the office is

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not busy enough to require the use of 2 assistant states attorneys. Woolery stated it is necessary to have a competitive salary as there is currently an attorney shortage, especially in the 4<sup>th</sup> Circuit. The Victims Witness Coordinator grant also lapsed since paperwork was not submitted by the prior administration so the entire salary will need to come from the deputy clerk line item and there will be no reimbursement from the State until that grant is applied for, which the office is currently working on doing. The VWC grant runs through Jan – June, and June – Jan. The county will receive no grant reimbursement for that position until January 2025, if it is even awarded at that time. Discussion was held about the need for an emergency, but 55 ILCS 5/6-1003 also says by 2/3 vote of the board, a budget may be amended for personnel.

On Cole's motion, with McCormick's second, the budget amendment of \$21,400 for the State's Attorneys office passed by roll call vote (16 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

Coroner Brad Phegley updated the board he plans to move funds from the cremation account (to be used for equipment) to his Coroner Fee Fund budget so he can purchase a battery-operated Stryker cot. Phegley has the opportunity to purchase a refurbished Stryker cot which supports 700 pounds for \$11,000. Phegley stated these cots cost \$25,000- \$30,000 new. Phegley said they have had several heavy victims lately and he is concerned about the potential for back injuries with his coroner's deputies and the purchase of this cot is too good of a deal to pass. No taxpayers' funds will be used for this purchase.

Ross made motion to approve an audit of the State's Attorney's pursuant to 55 ILCS 5/9-31005. Williams seconded said motion. Discussion was held about what auditor would conduct this audit; no auditor was proposed for this audit. It was questioned if any funds were handled by the State's Attorney office during Mr. Hanlon's time here, but there is a statutory requirement to conduct an audit when an office has been vacated by an elected official where management or control of county funds has occurred. Ross stated he would urge a yes vote that this audit is performed. The question was asked again who the auditor would be that would conduct this audit. Williams stated the Legislative committee would make a recommendation for an auditor at the July meeting. Ross's motion, with William's second, passed by voice vote (16 yes, 0 no).

Boehm made motion to approve Stu Fox to farm the county farm at no cost to the county. Cole seconded said motion. Discussion was held. Cole explained this agreement is not a lease, crop share, or custom farm. The county would pay for the chemicals and the insurance. It was stated the board has voted to plant a cover crop twice. Planting a cover crop will cost approximately the same as the chemicals/insurance. If the board approves allowing Fox to farm by planting beans, the county can expect a return of \$100,000. Fox will also mow the farm/cemetery at no costs to the county. Last year it cost \$500 both times the farm was mowed. To just disc the weeds, it was \$6,000 for a one-time disc job. Cole stated the county could spend approximately the same amount of money and get nothing, by allowing Fox to farm the county can generate a revenue that would/could be put into the general fund to offset county expenses. Orman stated whether something is farmed for free or not, it is still a custom farm arrangement and subject to 1049.2. McCormick said that beans are a cover crop. Cole said the board never voted on planting a cover crop because the farm committee has never had any prices on planting a cover crop. The statement was made that if this agreement was subject to 1049.2 there were not enough members in attendance to vote on this. Ross made motion to table, Williams seconded, which failed by voice vote (8 yes, 9 no - Brown, Boehm, Cole, Hardy, McCormick, Morse, Mayhall, Tate, and Wallace).

Discussion continued, Cole stated a cover crop was farming, to which Orman stated a cover crop was not an investment into a return, it is to maintain the property, no different than mowing the lawn, a cover crop is to protect from weeds and soil erosion. McCormick said that soybeans would accomplish the same thing, until the combine is run. Wallace stated as long as the taxpayers know there is a threat of a lawsuit if we farm and are ok if the county spends money to defend a lawsuit, the county should take the \$100,000 and if we have to defend ourselves in court, we can use that \$100,000. The question continued to be asked about the votes needed to pass this farming agreement. Hardy asked if we could not get another board member in here to have 17 members present, so we could get this voted on. Orman than asked if the county has an ordinance. Williams said 1049.2 requires the farming to be bid and it has not been bid. Williams stated he understood the limited expenses, but 1049.2 still says it has to be bid, this is an investment in something that bears risk, the board doesn't have to plant a cover crop we could just disc it. Cole stated the bid process was for a lease, this is not a lease, this is free and how do you bid free. Boehm asked why the State's Attorney had not been asked about the legality of this, as she was sitting right here. Woolery stated opinions of attorneys differ in all areas of law. Woolery stated she did not read the investment act to include money into crops, she read that as money put into banks. The law is written to be read very strictly; the laws are not written to be expanded upon, in her opinion. Woolery said this is a gift, which the law allows to government entities. Woolery researched the vote requirements and said the statute specifically states lease of county property, since this is not a lease, it would only require a majority vote of the members present, and not ¾ vote of the entire board. Williams stated perhaps the board should wait until Woolery could provide a written legal opinion. Some board members voiced there is not time for that, as insurance needs to be purchased. Fox said there is a threshold there, where if the beans don't yield so many bushels, the crop insurance kicks in, which is currently \$519/acre guaranteed and he has until June 20 to get the beans planted. Williams stated the farm sale resolution passed at the May 9 meeting, stated the sale would include the whole bundle. Mayhall asked if the buyer would buy the fines/fees for noxious weeds. Orman said the county board would have to approve those fines/fees if they were enacted by the health department. Orman said he looked at that as Dillions Rule comes into play with the investments act that if there is no definition, there is prohibition. Woolery stated if there is no definition, you use the common understanding of the word, Woolery stated we are talking about financial investments, but she would not look at paying money into a crop as a financial investment for the county. Amling said there was an issue of liability, to which Fox stated he has his own liability insurance and would provide a copy of that certificate to the County Clerk's office. Williams stated 1049.2 subparagraph B, sentence 2 bundles

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custom farming, crop share arrangement into a lease, and this would require a  $\frac{3}{4}$  vote. Fox informed the board that his liability insurance would take care of his and him and any damage his would do to his farm. Fox said to make the sale pending after the crop is harvested. Williams said one of the prime seasons for selling farm ground is late July, August, early September that was the reason for wanting to get the ground sold. Firnhaber referred to the investment act again and said the county could not spend or invest public funds into chemicals. (30 ILCS 235/2). Ross stated he was still not clear on the vote requirement, whether it requires a  $\frac{3}{4}$  vote, or a majority. Orman stated he feels it requires a  $\frac{3}{4}$  vote and an Ordinance. Williams stated the county investment policy does not include farming and inputs for farming. Cole said there is \$167,000 budgeted for the farm. Orman said the budget was made last year in preparation for a corn crop and that was prior to the July meeting, when it was decided the taxes were inappropriate and there was no public purpose, but the farm budget had been approved, prior to the July 2023 meeting. Orman said he submitted that budget prior to Cole taking over as Chairman of the committee. Orman asked if agenda item 10, \$23,000 chemical/insurance purpose, and agenda item 11 mowing the farm/cemetery were contingent on 9, to which Cole responded yes. 1049.2 was again referenced for the voting part, Orman said the vote was  $\frac{3}{4}$  of the total board, which is 22 members. At this time, Fox said the chemicals/insurance would be paid for, and there would be no expense to the county. Fox said the people that vote against this can explain to taxpayers while they are against making money for our county. Woolery said the lease required  $\frac{3}{4}$  vote, Orman said it was a custom farm whether it was free or not. Morse stated it was a gift, Orman replied with intent to profit. Shuff asked if the board could get another member into the meeting to vote. Orman said the county doesn't have an Ordinance. Woolery said she pulled up a legal definition of custom farming, which includes the word for hire. At this time, the board was told Julie Edwards was on her way to the meeting, which would make the 17<sup>th</sup> member and  $\frac{3}{4}$  vote. Shuff asked Woolery her opinion on the ordinance. It was an either/or Woolery stated, regardless of paragraph A the board can do paragraph B. Ross said the farming would not be a lease, or a crop share, it is a custom farm, the bid process is irrelevant because it is free, and he was trying to figure out any if of 1049.2 was applicable to this situation. Woolery said even if it did apply how does the board bid free? It was determined the board could do a majority vote because they would not be following any portions of 1049.2 according to Woolery, the board was not spending any money, it was a gift.

Boehm called for the vote. Boehm's motion, with Cole's seconded passed by voice vote (15 yes, 1 no – Firnhaber).

Edwards entered the meeting at 8:25 PM.

Ross made motion to approve the Dive Team resolution upon recommendation of the PSC. McCormick seconded said motion. Mayhall explained this resolution was prepared after discussion with the insurance company, this resolution makes a declaration of a dive team. The resolution was pared back to be much simpler and the SOP/SOG will define more of the dive teams roles for insurance purposes. Ross explained a lot of what was in the prior resolution has been moved to the SOP/SOGs which will also be voted on by the board. Ross encouraged a yes vote and felt it was a good document. Approval of resolution passed by voice vote (17 yes, 0 no).

The next document presented for approval was the Shelby County Dive-Rescue Team SOP/SOGs. Ross made motion to approve, seconded by Mayhall. Discussion was held. Commander Pritchard explained procedures are what you follow, and guidelines provide some wiggle room. Under Section 1 Response Area & Fee Structure still lists a fee structure. It was asked if it was legal to charge a fee. Mayhall made a motion to amend this section to remove the fee structure, until legal counsel has had time to research. Ross seconded said motion. Woolery spoke on this issue; Effingham County has a very similar document in place for their dive team and they are only required to respond to those entities with whom they have a mutual aid agreement with. Woolery has spoken with the Effingham County State's Attorney, Effingham does charge a fee, but the SA's will meet to discuss and research this issue. Motion and second to amend passed by voice vote (17 yes, 0 no). This document will be signed by the board chair and will still have county board oversight. Ross's motion to approve as amended, with Mayhall's second passed by voice vote (17 yes, 0 no).

Mayhall made motion to approve the dive team application. Cole seconded said motion, which passed by voice vote (17 yes, 0 no).

Firnhaber made motion to approve the timekeeping policy. Williams seconded said motion. Edwards made motion to table this policy. Edwards stated a grievance has been filed by the Health Department, they are getting feedback from department heads, and Edwards feels they need a legal opinion from Woolery. Ross seconded said motion to table, which passed by voice vote (14 yes, 3 no – Firnhaber, Orman, and Williams).

Orman called for committee reports.

Cole reported the Airport is planning a car show and fly in on September 14.

Ross reported the box is on the Rescue Squad truck. Senator McClure sponsored a bill to form the Shelby County Rescue Squad, which passed the House, Senate and is on the Governor's desk to be signed. Ross stated a lot of work went into this and work will continue on the SOP/SOGs for the Rescue Squad.

Mayhall reported the Dive Team is up and running, equipment has been tested and is good. The window project is up and running with a fairly robust timeline. Animal Control Administrator Miller has reached out to Mayhall about the old animal control truck that was declared surplus. Miller would like to keep that vehicle in the animal control department.

Under Chairman updates Orman read an email from Benford and Brown regarding the 2022 audit.

*Bobby/Erica,*

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*I hope this email finds you well. I wanted to provide you with an updated regarding the status of the audit report package for FY2022. We are still working on draft report that will be presentable for the board of commissioners. We have completed most of the financial statements and footnotes, however, we are still working on certain supplementary schedules. In particular, we are preparing the budget to actual statements for the major funds (General, County Health, IMRF, Social Security and Township MFT funds). We are not certain of the reasons, but these statements were not included in the FY2021 report but will be for FY2022. We are also going through the various findings that we identified and consolidated them into what will be included in the report. We apologize for how long this process is taking-it has become much more time consuming than originally anticipated. However, we will keep pushing forward to get the draft and final deliverable complete as soon as possible. Let me know if you have any questions. Thanks. Sincerely, Timothy S. Watson, CPA*

Chairman Orman requested the following appointments:

Walt Lookofsky reappointed to the Airport committee. Motion by Cole, seconded by Mayhall, passed by voice vote (17 yes, 0 no).

John Hall reappointed to the Airport Committee. Motion by Cole, seconded by Mayhall, passed by voice vote (17 yes, 0 no).

Dr. John Brix reappointed to the Health Board. Motion by Morse, seconded by Cole, passed by voice vote (17 yes, 0 no).

Dr. Richard Brown reappointed to the Health Board. Motion by Williams, Seconded by Tate, passed by voice vote (17 yes, 0 no).

Cynthia Alepra, Greg Miller, Maria Shafer, David Ogden, and Mark Schanks to the Tourism Committee. Motion by Cole, seconded by Williams, passed by voice vote (17 yes, 0 no).

Teresa Boehm to the West Central Development Council. Motion by Cole, seconded by Mayhall, passed by voice vote (17 yes, 0 no).

Orman and Martz to the Rescue Squad committee to replace Boehm and fill a vacancy. Motion by Ross, seconded by Williams, passed by voice vote (17 yes, 0 no).

There was no correspondence.

Under the ARPA update, it was mentioned now that the window project is up and going perhaps the board can allocate those expenses from the ARPA money.

Under old business, the 9-1-1 resolution was addressed. Issues are still being worked on, but something should be brought back to the board in the future to address towers and funding.

Tate made motion to pay the claims. Ross seconded said motion. Ross amended the payment of claims to include the Mental Health "708" claims for client services and substance abuse. Tate seconded said motion, which passed by voice vote (17 yes, 0 no).

Tate's motion to pay claims as amended, with Ross's seconded passed by roll call vote (17 yes, 0 no). Ayes: Amling, Brown, Boehm, Cole, Edwards, Firnhaber, Hardy, Keenan, Mayhall, McCormick, Morse, Orman, Ross, Shuff, Tate, Wallace, and Williams. Nay: none.

Chairman Orman called for public body comment at 9:00 PM.

Comments/opinions expressed are summarized as follows:

\$74,030 severance agreement payout for ASA Ambroziak  
\$12,500 pay for deputy clerk from State's Attorney office  
FOP ARPA MOU, Deputy pay, loss of deputies  
County investments - interest rates  
Bank statement differences  
County accounting/financial software  
Vacation payout by former SA Kroncke to 3 employees  
Forensic audit results of Sheriff's office previously conducted  
2022 County farm taxes paid by generous person

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

Hardy made motion to adjourn until the next regular meeting to be held on July 11, 2024. McCormick seconded said motion, which passed by voice vote (17 yes, 0 no) and the meeting was adjourned at 9:42 P.M.

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Jessica Fox  
Shelby County Clerk and Recorder