

**PROCEEDINGS
OF THE
MACON COUNTY BOARD**

JUNE 13, 2019

**Kevin Greenfield
Chairman**

**Josh Tanner
Clerk**

The Chairman called the meeting to order at 6:00 p.m. with the Sheriff and Assistant State's Attorney, Mike Baggett present.

The Roll Call showed all members present with the exception of Mr. Bird, Mrs. Cox and Mr. Noland.

Mrs. Taylor led the members in prayer.

All led in the Pledge of Allegiance.

A. APPROVAL OF THE MINUTES OF THE MAY 09, 2019 MEETING

MOTION

Mr. Smith moved, seconded by Mr. Oliver to approve the minutes of the May 09, 2019 meeting.

There were no questions or comments from the board floor.

ROLL CALL.

Ayes: Brown, Buckner, Dawson, Drobisch, Dudley, Greenfield, Gresham, Hogan, Holman, Jackson, Joy, Kraft, Little, Mattingley, Oliver, Smith, Taylor, Zimmerman

Nays: (None)

AYES = 18

NAYS = 0

MOTION CARRIED.

RECOGNITIONS:

Sheriff Brown: Sheriff Brown asked Wendy Diericks, Taylor Malone and Nurse Careth to come forward. He wanted to give them all a story about how proud he is of his correctional officers. A lot of times people don't hear about the great job they do because they are often not seen. Sheriff Brown wanted to give them a synopsis of what actually happened on May 19th. Sheriff Brown read the following: On May 19, 2019 Corrections Officer Diericks was assigned to Trod 6. At approximately 6:49 p.m. Officer Diericks heard yelling and pounding coming from Pod E. Corrections Officer Malone was on the deck and cycled the door to E pod while Officer Diericks went into the area. Two detainees were yelling that another detainee was not breathing. Officer Diericks went to the detainee by cell 1 and tapped her face and conducted a sternum rub with no response. Officer Diericks checked the individual and she was not breathing and had no pulse. Diericks immediately called out an emergency (via radio) in trod 6 E pod. Officer Diericks directed Officer Malone to retrieve the AED. Diericks used the blanket under

the detainee to pull her out of the corner and uncovered her. Officer Goodbrake, Corporal Barrows who is now Sergeant, and Officer Cook arrived in the area. Officer Malone returned with the AED and Corporal Barrows began chest compressions while Diericks set up the AED. Nurse Careth arrived and took the mask for breaths. Corporal Kramer arrived and confirmed EMS was called and secured the other two inmates in cell 4. The AED advised shock at 6:53 p.m., while Corporal Barrows continued chest compressions and Nurse Careth continued breaths. Officer Cook took over chest compressions and Nurse Careth continued breaths. The AED advised a second shock at 6:55 p.m., while Officer Malone took over chest compressions from Officer Cook. Officer Cook took over chest compressions for Officer Malone and Diericks relieved Nurse Careth on breaths. The AED advised shock at 6:58 p.m. and chest compressions and breaths were continued. At 7:00 p.m. the AED advised of no shock, as the detainee began breathing on her own. EMS arrived at 7:01 p.m. and took over. EMS transported the individual to St. Mary's Hospital via ambulance at 7:09 p.m. This individual survived this incident while in their custody. Sheriff Brown just wanted them to know how proud he was of them and to let the board know the wonderful job they actually do. Sheriff Brown said he is giving a Lifesaver Certificate to them and he wanted the board to realize and recognize the wonderful work they actually do, and what teamwork actually does.

Sheriff Brown: Sheriff Brown also stated that Nurse Careth is actually an employee of Crossing Healthcare who actually provide the services, and they do a wonderful job.

Mr. Greenfield: Mr. Greenfield said they don't get good news very often, but that is good news.

There were no zoning or subdivision issues presented at the meeting.

B. CORRESPONDENCE

A Notice of Application for Permit to Manage Waste for Advanced Disposal Services Valley View Landfill addressing condition VIII.15.

A letter from Eligo Energy regarding a municipal aggregation program.

A copy of the Decatur Metropolitan Exposition, Auditorium and Office Building Authority audit the year ending December 31, 2018.

A letter from Comcast regarding changes to Digital Premier.

An e-mail from Ameren regarding vegetation.

A copy of the 2018 Year End Financial Statement for the Decatur Public Building Commission.

REPORTS

Sheriff Report – May 2019
Treasurer Fund & Investment Report – May 2019
Collector Report – May 2019
Coroner Report – April 2019
Coroner’s Annual Report for 2018
Public Defender Report – May 2019
Auditor Report – April & May 2019

QUESTION:

Mr. Dudley: Mr. Dudley asked for the nature of the correspondence on the aggregation.

Mr. Tanner: Mr. Tanner said Eligo Energy is a company that has solicited the county and asked if they want to participate or at least receive information on municipal aggregation for Macon County residents.

MOTION

Mr. Smith moved, seconded by Mr. Dudley to approve the Correspondence and Reports and that they be placed on file by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

1. CLAIMS

MOTION

Mrs. Little moved, seconded by Mrs. Kraft to approve the claims that have been paid by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

C. APPOINTMENTS

2. Resolution G-5001-06-19 – Appointment to Macon County Zoning Board of Appeals

Adam Brown, 9985 Shetland Rd., Decatur, IL 62526
Term Expires: May 31, 2024

MOTION

Mr. Jackson moved, seconded by Mrs. Kraft to approve Resolution G-5001-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (BROWN ABSTAINED FROM VOTING)

3. Resolution G-5002-06-19 – Reappointment to Macon County Health Board

Vivian Goodman, 1676 N. Union St., Decatur, IL 62526
Term Expires: May 31, 2022

MOTION

Ms. Zimmerman moved, seconded by Mr. Oliver to approve Resolution G-5002-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (BROWN SHOWED HIS VOTE AS YES)

D. CONSENT CALENDAR

4. Resolution G-5003-06-19 – Executing deeds to convey property on which taxes were delinquent

MOTION

Mr. Dudley moved, seconded by Mr. Brown to approve the Consent Calendar by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

JUSTICE COMMITTEE

5. Mr. Mattingley presented Resolution G-5004-06-19 which is entering into an agreement with Champaign County for the sale of juvenile detention bed space.

MOTION

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5004-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

6. Mr. Mattingley presented Resolution G-5005-06-19 which is approving an agreement with Community Health Improvement Center d/b/a Crossing Healthcare for inmate health services at the Macon County Jail for the term of May 1, 2019 through April 30, 2020.

MOTION

Mr. Mattingley moved, seconded by Mr. Jackson to approve Resolution G-5005-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

7. Mr. Mattingley presented Resolution G-5006-06-19 which is approving in-kind donations from the Howard G. Buffett Foundation of office furniture, vehicle equipment, radio equipment, computer equipment, cell phones, and miscellaneous equipment.

MOTION

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5006-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

EEHW COMMITTEE

8. Mr. Dudley presented Resolution G-5007-06-19 which is approving increase in appropriations for vehicle purchases in the FY19 budget.

MOTION

Mr. Dudley moved, seconded by Mrs. Kraft to approve Resolution G-5007-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

OPERATIONS AND PERSONNEL COMMITTEE

9. Mrs. Little presented Resolution G-5008-06-19 which is approving a lease renewal agreement with Senator Andy Manar.

MOTION

Mrs. Little moved, seconded by Mr. Mattingley to approve Resolution G-5008-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Legislative Committee had nothing to submit at the meeting.

FINANCE COMMITTEE

10. Mr. Jackson presented Resolution G-5009-06-19 which is approving the sale of vehicles.

MOTION

Mr. Jackson moved, seconded by Mrs. Kraft to approve Resolution G-5009-06-19 by prior roll vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (LITTLE SHOWED HER VOTE AS NO)

NEGOTIATIONS COMMITTEE

Mr. Greenfield: Mr. Greenfield said they will start negotiations with the deputies' contract tomorrow. He is not sure exactly how it is going to shake up but he talked to Ms. Zimmerman and Mr. Jackson. They are the three on the negotiating committee. They will see how it starts out tomorrow. He is not sure how long it is going to take to settle it, but he would keep them informed by e-mail as it goes.

TRANSPORTATION COMMITTEE

11. Mr. Dudley presented Resolution H-2168-06-19 which is approving an engineering agreement and appropriating funds for the TR 30 Strawn Road Bridge Replacement Project in Austin Township.

MOTION

Mr. Dudley moved, seconded by Mr. Hogan to approve Resolution H-2168-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED. (LITTLE SHOWED HER VOTE AS YES)

12. Mr. Dudley presented Resolution H-2169-06-19 which is appropriating funds for The Beckett Group for the BUILD FY19 Grant Development Proposal.

MOTION

Mr. Dudley moved, seconded by Mr. Hogan to approve Resolution H-2169-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

13. Mr. Dudley presented Resolution H-2170-06-19 which is approving and appropriating funds for the CH 50 Lost Bridge Road CIR Reconstruction Project.

MOTION

Mr. Dudley moved, seconded by Mr. Holman to approve Resolution H-2170-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

14. Mr. Dudley presented Resolution H-2171-06-19 which is approving and appropriating funds for the CH 19 Niantic Road CIR Reconstruction Project.

MOTION

Mr. Dudley moved, seconded by Mr. Brown to approve Resolution H-2171-06-19 by prior roll call vote.

There were no questions or comments from the board floor.

MOTION CARRIED.

The Executive Committee had nothing to submit at the meeting.

The Siting, Rules & Ordinance Committee had nothing to submit at the meeting.

The Building Sub-Committee had nothing to submit at the meeting.

CITIZENS' REMARKS:

Edward Yoder read a prepared statement: My name is Edward Yoder and I live at 623 N. Cove Court. Decatur. I have a Bachelors of Science Degree in Agricultural Engineering from the University of Illinois, and a Masters of Science in Agricultural Economics from Southern Illinois University. Starting in 2001, I have held a Professional Engineer Inter license number 061029894 from the State of Illinois. In addition to being an engineer in private industry and the public utility sector, I am the Operations Manager for my family's farm located at 9402 Ocean Trail Road, Oakley. Since I am an engineer and the operations manager of the family farm, my family decided that I would be better suited to bring this issue to your attention. I come to you this evening in regards of a legal issue that has been instigated by the Macon County Highway Department Engineer Bruce Bird against my father, Edward Yoder.

In early May 2017, our newly planted farm field located on the SE corner of Ocean Trail Road and Macon County Highway 59, also known as Prairie View Road; experienced a severe rain event that resulted in surface runoff from the field into the adjacent road ditch along Ocean Trail Road. Thereafter in 2017, the Long Creek Township Road Commissioner cleaned the road ditch along Ocean Trail Road that is parallel to our farm field. In late November 2017, the Macon County Highway Department once again cleaned the ditch parallel to our field along Ocean Trail Road and cleaned the ditch parallel to our field along Macon County Highway 59. In December of 2017, Edward Yoder received Invoice #17-1 by the Macon County Highway Department for the sum of \$3,768.59 for "Ditch Cleaning". That same month, Edward Yoder sent a Freedom of Information Act (FOIA) request to the Macon County Highway Department Engineer Bruce Bird regarding the billing of landowners for ditch cleaning in the past five years. County Engineer Bird responded:

"In regards to your request for any invoices billed to adjacent properties in the last five years in Macon County where Macon County Highway cleaned County and Township easements road ditches, we can report that we do not have any invoices billed to adjacent properties in the last five years in Macon County where Macon County cleaned County and Township easements road ditches."

After discussing the issue with our own legal counsel, Illinois Highway Code 605 ILCS 5/9-117, Chapter 121, Paragraph 9-117 allows landowners to drain their land into the adjacent road ditch. On January 31, 2018, Attorney Ed Flynn, acting on behalf of Macon County as special counsel, sent Edward Yoder a threatening letter for him to pay the invoice or else he would file a lawsuit. He wrote, "Mr. Yoder's field activities caused a significant mess on Macon County Highways". He also wrote that County Engineer Bruce Bird has "...never experienced a farmer whose reckless disregard caused such a mess on the county highways". Attorney Flynn threatened to "...turn this matter over to the Macon County Soil and Water Conservation District..." Note this is the same Macon County Soil and Water Conservation District that has previously awarded Edward Yoder the Illinois State Conservation Farmer of the Year, and this same Agency has used our farm as a model conservation farm for tours. On March 29, 2018, Attorney Ed Flynn filed a small claims complaint 2018SC497 in Macon County Court against my father to pay this invoice. This small claims complaint names three counts that I will now

summarize: (1) Violation of the Illinois Highway Code, (2) Negligence, and (3) Public Nuisance. All three counts name “farming activities” as the cause for the ditch maintenance invoice.

Historically, and as far as we can determine from our personal records, this same piece of land has been farmed since the late 1850s. My family has been farming in Macon County and Long Creek Township for 84 years. But suddenly in November 2017, County Engineer Bird finds fault with this field’s drainage and our farming practices. It is no coincidence to us that the timing of the original Invoice and the following small claims case occurred during the 2018 election cycle. Was this issue politically motivated? We can only speculate. Regardless, we attempted to settle this matter out of court, but Attorney Flynn instructed our Attorney that we were going to trial per the wish of the Macon County Board. Where is the Macon County Board Resolution for such wish?

This demand for payment by County Engineer Bird sets a dangerous legal precedent for ALL property owners. If the Court rules against our case, then what is to stop County Engineer Bird from charging more property owners for road maintenance? Macon County Highway 59 is scheduled to receive fresh oil this summer. Will County Engineer Bird send my family an invoice for that work? Currently, the Macon County Highway Department is performing extensive ditch cleaning and culvert replacement along Lost Bridge Road. Will County Engineer Bird invoice these property owners for this work?

The illustrious ditch work performed by the Macon County Highway Department under the direction of County Engineer Bird along Ocean Trail Road and County Highway 59 is in my opinion crude and destructive. Our pre-existing soil erosion control structures that controlled our field surface drainage into the adjacent road ditches were destroyed by the Macon County Highway Department’s ditch cleaning. The exposed soil in the ditch and gutter sidewalls were never seeded or matted with straw in the fall or spring after the work. Even though the roadside grass finally returned this past summer, the ditch gutter sidewalls are continuing to collapse and wash away our adjoining property. Our field drainage tile outlet, which has been in place for several years, is now collapsing due to the ditch gutter sidewall erosion. The collapsing ditch gutter sidewalls are filling in the same road ditches that County Engineer Bird is demanding that we pay to repair. In addition, the Long Creek Road Commission had to return this past February to shore up the actual road itself to prevent it from collapsing into its own road ditch, due to the erosion caused by the Macon County Highway Department’s ditch cleaning!

If this issue was such a hazard to the public safety as claimed by Attorney Flynn’s original letter and subsequent small claims complaint, then why did it take County Engineer Bird six months to address the issue? Six months? In my fifteen years of experience as an engineer, any engineer who takes six months to act upon a safety issue would be removed from their position for dereliction of job performance. Furthermore, neither my father nor myself will tolerate having our farming practices slanderously called “negligent”, “reckless”, or a “public nuisance”. Although our family farm operation is small by modern operations, we run a safe, competent, and effective farming operation. We do not put the public at risk, and we do not purposely allow our precious topsoil to just carelessly wash away. The jury trial for this case is set for September 23, 2019. You on the County Board have an opportunity to address this issue. The Citizens

of Macon County must have a County Engineer that will work for the people and not abuse his authority by operating autonomously and use the county Highway Department to harass property owners. Please feel free to contact Edward Yoder or myself if you have any questions regarding this issue. We will make copies of any related materials upon request. I respectfully request my comments are submitted to this evening's County Board Minutes, and I submitted a copy of this speech with the Macon County Clerk. My family and I thank you for your time and your consideration.

OFFICEHOLDERS' REMARKS:

Mr. Yoder: Mr. Yoder said as they know he is the Macon County Treasurer. Mr. Flynn represents the Treasurer's office and the Highway Department, along with other county offices. Mr. Yoder finds it really strange that Mr. Flynn is the one that is filing an action against him in court.

Mr. Jackson: Mr. Jackson asked where they stand on conflict of interest here, anything at all.

Mr. Baggett: Mr. Baggett said respectfully, he would not comment on anything regarding this litigation during open session.

There was no old business presented at the meeting.

There was no new business presented at the meeting.

MOTION TO ADJOURN

Mr. Dudley moved, seconded by Mr. Oliver to adjourn until Thursday, July 11, 2019 at 6:00 p.m.

MOTION CARRIED.

Meeting adjourned at 6:23 p.m.