

OWEN COUNTY COMMISSIONERS

Minutes-June 7, 2021

Meeting was called to order by President, Gary Burton at 9am.

Pledge of Allegiance was said, and Prayer given by Sheriff Hobbs.

Roll was called, all Commissioners were present. Public Signed in. Attached for Permanent record.

A motion to approve the minutes was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

A Claims Review was given by Attorney Bryan; while the State has given permissions for processing from the general fund-negative claims we cannot continue. We need to move forward with processing claims for Funds that have positive balances only. It was agreed that after June 21st all claims will be checked by the Auditors Office for monies available when presented. If there are no funds available, they are to be returned to the Department to request transfers and/or additional appropriations. A Council Workshop is to be held on June 14th to review all Funds/Budgets line by line to determine amounts needed to appropriate into the general fund to get it out of the red/negative. A motion to approve the Claims Docket was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0. Out of Cycle Claims were presented for signatures: Jury Duty-\$3878.98, Utilities-\$16281.28, and BMV-\$15.00.

Old Business

A motion was made by Bob Curry; seconded by Dale Dubois to have the Building Department manage the County Storage Units. Motion carried 3-0. Attorney Bryan will give notice to Vortex, the current management company over the units.

A Farmland Lease Agreement was presented and read by Attorney Bryan to allow Robert Kean to mow the county owned property adjacent to him. A motion to approve the agreement was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

A confirmation letter from the Health Department appointing Bill Roberts and Dave Goss as septic field inspectors as volunteers and/or as needed basis was given by John Reeves.

Mr. Burton related that there is nothing further at this time on Paycor-Payroll and LOW. They will be discussed further at budget hearings.

New Business

Commissioner Burton opened a *Public Hearing* regarding an Owen County Zoning & Subdivision Control Ordinance Amendment 2021-11. Attorney Bryan began the hearing reading Code that allowed the procedures from action taken on May 11th by Planning & Zoning. He confirmed with Planning Director-Suzanne Simmerman that proper legal notice signed by her, and the board president had been provided to two newspapers; she related yes--Evening World and Brazil Times with the required 10 days. Copies of the Ordinance were also provided to the Auditor. He asked if anyone had any objections to the procedural methods that were presented. No objection was made.

Petitioners Brad and Angela Long came before the Commissioners to request their property at 770 n. County Line Road be rezoned from Agricultural to Business for use as a Wedding Venue. They related that they have received their state approval for a foundation, septic-soil and hired an engineer and plans have been approved by the State also. Mr. Long related that Zoning is the last step in the process that they needed.

Mrs. Long related a 30-page plan in working with the state and that they want to give back to the community with this request.

Next, Attorney Richard Lorenz representing the opposition began by confirming that a petition with over 100 signatures from adjacent landowners as well as concerned citizens had been received. Ms. Simmerman and Ms. Reeves both confirmed the list had been received and given to the Commissioners.

He presented a Map of the area in question with both the parcel request and adjacent neighbors.

His first point was to say that it was the wrong application and that a re-zone should have never been used. The County spent several thousands of dollars for a comprehensive plan and this parcel should be kept and protected as Agricultural Preserve. Adjacent owners want to sustain existing conditions as family related owners. A critical point if approved it would be a permanent, unconditional, and irrevocable decision and cannot be undone. It could give the potential of the property becoming whatever they would want, examples of a gas station, store, or even a Walmart were given. Further stated that they are not here to debate; It is the wrong thing to do and request the board to preserve the farming community.

Adjacent Landowners and Concerned Public that were present and spoke:

Kenton Brown-Related he owns 110 surrounding the property in question. He moved here from a city to be in a quiet area as his daughter has autism. It concerns him what effect it would have on her.

Ms. Yoho-Related that this is a multi-generation farm that the family has owned since 1973. The concern for bringing in drinking, partying and increased traffic into the area would take away the rural farming community atmosphere that they have. The Amish-buggies use these roads and concerned for their safety with traffic. She also spoke for a Mr. VanSickle that had left Cory because of a bar venue to get his family away it and has now found out this is possibly coming next to him. Wants the Long's to do it somewhere else and they are selfishly taking advantage of the residents in this area.

Fred Flagle-Direct to the Longs he asked for them to take it somewhere else. Noting that they do not even live in Owen County, they are in Clay. He asked for those present that do not want it in their neighborhood to please stand up; 14+ stood. He even offered to them to buy their property to keep this from happening.

Commissioners confirmed with the Longs that no they do not live here.

Commissioners also asked of Highway Superintendent if the roads were Owen or Clay. He related that a small section of gravel road was Owen; the other was Clay.

Attorney Bryan read the 2021-11 Ordinance at this time. It requires a yea or nay vote by each Commissioner Individually and attest by Auditor. Ordinance attached for permanent record.

Mr. Lorenz added that the decision to re-zone would be substantially fatal and will cause more problems and that they cannot win in court. Used the recent Monster Trash situation as an example. Pleaded that they seriously consider their decisions.

At this time, a motion was made by Dale Dubois; seconded by Bob Curry to approve the Re-Zone from Agricultural to Business. Commissioners Dubois and Curry Voted-Yea and Burton-Nay. Carried 2-0.

The American Rescue Plan Monies requires for Authorization and Contact Persons to be registered for the release of Funds to Owen County. A motion to have the Auditor as Contact and Commissioner Burton as the Authorization was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0. It will also provide an added layer of Internal Controls and Communication with both persons serving.

Ms. Reeves provided a letter that had been received from State Board of Accounts requesting a written reply regarding the last State Audit in 2019 for Internal Controls. Commissioner Burton (extremely frustrated) related that Controls and Ordinances have been put in place and have not been enforced by Departments. Although the time is prior to the current Auditor she will review the 2019 Audit Report and respond to their request and that she can only offer what has been done since she began in January. A copy of the report from Ms. Steward was given stating that she had trained her employees and implemented procedures.

Mr. Burton related that an Internal Controls Board is to be appointed at the next meeting that will have a Commissioner, Council and Elected Person to serve to oversee and “enforce” Internal Controls to get things back in order in our County even if he has to send the Sheriff. Attorney Bryan confirmed the time from 2017 to 2019, not sure what they are asking for but the need for response and corrective actions must be in place.

An AT&T Contract had been received and presented for approval. Due to concerns with many numbers listed that do not belong to the County. A motion to table and allow the Attorney to further review was made by Mr. Burton; seconded by Mr. Curry. Motion carried 3-0.

Economic Development Board-LEO 8th District had presented a request to appoint a Commissioner to the Board. A motion to appoint Bob Curry to the Board was made by Dale Dubois; seconded by Gary Burton. Motion carried 3-0 and allow him to sign.

Next Ms. Reeves provided information for an On-Board Benefits Program that is a cost to the County of \$650/mo. and asking for permission to discontinue. Mr. Burton related that this was a Program that the previous auditor had taken on. A motion to dismiss the agreement was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0.

A request had been received from an individual offering to provide services to the County for an Asset Management Plan that is required by State; and has not been submitted by the County. Mr. Burton acknowledge that unfortunately nothing had been done by the previous auditor. Ms. Reeves related that she had just attended a State Conference with specific training for this and feels that with the same information and process that he presented she could prepare the Plan.

Attorney Bryan reviewed a Letter from IDEM regarding the Methane Leaks at GP5 at the County Landfill and the need for additional testing in the amount of \$6000. A motion to approve the testing and monies to be paid from the Riverboat Fund was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0.

Highway Superintendent Greg Melton came before the Commissioners requesting permission to explain a tally of circumstances that he is dealing with right now and feels he is being tried on social media and peers that they work with every day and is extremely frustrated. First was his vehicle inventory that he has purchased, traded and/or repaired to have a fleet that allows them to do their jobs all with the permission of the Commissioners. Second was his Equipment issues with snowplows, salt beds, bulldozer. Specifically discussed the Welder, related that it sits in the back of a truck and has pictures of all his inventory. Next was the Waste Oil Furnace and increased gas bills. As he explained to the Sheriff and Attorney about a flyer he had received, he said Mr. Burton asked him if he could use one and he went to the local NAPA; they do not order on the internet, so he contacted him back. Internet Quotes were received (one not saying NAPA). He further explained that he feels that they can produce enough used oil to run it and gave types and amounts. At this time, he stated that when I am done-might be fired but he has not done anything illegal, does not steal and tired of being accused. Mr. Burton applauded his efforts and since the two and a half years he has been here the highway has been scrutinized and it is pathetic. He has not taken a penny from the county and the crap he must go through is ridiculous and it needs to stop now. Mr. Melton feels he has a good working relationship with local Napa and Bloomington Vendors but still feels he does 90% of his business here locally.

Community Crossing Grant Bid Packets were presented for approval. A motion for Steubenville Road was made by Dale Dubois; seconded by Bob Curry was made. Carried 3-0. A motion to approve Culcross Road was made by Bob Curry; seconded by Dale Dubois. Carried 3-0. A motion to approve Walden Road was made by

Bob Curry; seconded by Dale Dubois. Carried 3-0. A timeline for advertisement and deadlines was given by Attorney Bryan. Three bid packets were also provided that will be presented to the selected applicant.

Next was a request to allow Matt Bixler to take an old railroad car pipe that has wallowed out of the ground on his property as it would cost the county more than the pipe was worth to have someone come and pick it up. Attorney Bryan stated that if there were any value it would have to be considered scrap. Mr. Melton was instructed to try and obtain quotes and bring it back to the next meeting for further discussion.

Next was the Community Crossings 2022 Road Proposals deadline for July 6th. Commissioners have chosen Concord & Sherfield Road, Fidler Road and Splinter Ridge. A motion for Mr. Melton to apply for the Grant was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Mr. Melton related that he was going to the Council to request moving funds from Fund 1135 into Community Crossings due to a cost increase to pay CLR as well as offer a cost savings with the rising prices of steel permission to allow him to bid out Bridge#44 and #116. The Amount will be \$111377.35. Motion to allow him to go before council was made by Gary Burton; seconded by Dale Dubois. Motion carried 3-0.

A letter from the State of Indiana regarding the Annual Local Vehicle Excise/Wheel Tax had been received. If any changes are to be made it must be done by September 1, 2021. Attorney Bryan reviewed the documents and related the boxes that needed marked.

Mr. Melton thanked Rachel Whiting for completing and updating the annual report and noted that the county has 632 miles of roads now that the plan has been updated, we now have 712 miles.

Update on Kelley Road Bridge that it was started last week and are waiting on Bridge Beams to be delivered.

Lastly was discussion for oil to be used on gravel roads. He indicated that other counties charge, and Mr. Burton wants them to provide them with reasoning for the request.

Mr. Burton asked about the Culvert installation and outstanding amounts that have not been paid by residents in the amount of \$60000. Mr. Melton clarified that if they are installed at existing driveways, they have an. If new roads are being built, they must pay for them before installation. Attorney Bryan said that individual suits could be filed against those who still owe.

Sheriff Hobbs related he had nothing other than to remind them that Garmond will be at the Next Meeting.

911 Dispatch Director Kathleen Lamb presented a quote from Hicom for moving phone lines to the Communications Center directly. She has the monies available in her cash balance of \$3702.07 to pay for it. A motion to approve the quote was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0. She will be presenting an MOU at the next meeting for Eastern Heights for the building of a new radio tower.

Elected Officials-

Cris Lunsford had nothing.

Donna McElroy relating the constant loss of the internet for Probation, Health and EMA. She tried to obtain a grant with no luck at this time. Mr. Burton related that they have been running off Wi-Fi. Smithville now has fiber to the Thai Restaurant in the same row of buildings and they would run it to the three offices for \$650 month. Ms. Reeves suggested using the \$650 that was just dismissed from Onboard could pay for that. He added to take that amount and divide it by three and add to their budgets to pay for the service. A motion to approve the Smithville to install internet for the three offices was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0. It will be presented to council as well.

Verl commented that community grants gave the commissioners to run all the traffic counts on Freedom Roads and feels that they need to use monies on the most traveled roads.

With the ARP Funds coming in and allowable uses; but the highway lost money but maybe the funds can be used for this.

No other Elected Official Comments were made.

Commissioner Burton offered that as the Auditor any proposed timesheet that we felt would work could be used. Ms. Reeves offered five of the current sheets being used but wants to make sure that SBOA is okay with them. Mr. Burton further added that he promises by the end of the year there will be a time clock in place to help get the time management under control relating to excessive vacation and comp-time we have now.

Attorney Bryan presented and read two new updates to the County Personnel Policy.

The first one is for Time Keeping Section 401 requiring Form 99A for employees. It references the Annual Timesheet that is required by State Board of Accounts. Department Heads and Employees were told for the last two years that they were no longer required to submit the form to the Auditors Office. Frustration again was Mr. Burton and the urgency to get things corrected that the state is going to take over. Ms. Lamb and Mr. Lunsford asked if a new hire list could be created, and Ms. McElroy suggested to have annual or semi-annual meetings to review policies and procedures. Sheriff Hobbs commented that it is not every department, but they need learn to be responsible for their own departments. A motion to approve the updated Policy was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0.

The next Policy is regarding Overtime Section 507. Mr. Bryan presented and read the policy as well. A motion to adopt the policy was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Mr. Bryan will have a proposed Comp Time Policy Section 506 to present at the next meeting.

Ms. Reeves provided a copy of the Congressional Common School Fund Annual Report for approval and Signatures. The balance included two years of interest as it has not been distributed to the schools. The State has related that they will take over the Fund and make payments directly for the County. A resolution to allow the State to take over must be created to complete the process. At this time, a motion to approve the annual report in the amount of \$1904.41 was made by Gary Burton; seconded by Bob Curry. Motion carried 3-0.

She then presented an email of concern received from Lynn Walters and the Courts frustration with losing connection relating to the program Adobe. Ms. Reeves was instructed to check into the cost of additional licenses as was suggested by IT-Mike Bristow to improve service.

Mr. Burton had finally received a breakdown from Toshiba for the copiers. Ms. Reeves will make notice to the departments on their portions and moving the corrected amounts out of the general funds where they were initially spent.

She noted that copies of the Monthly Financial Report that Jim had referenced earlier, and the Treasurers Report were provided for their review.

Sheriff Hobbs again addressed his frustration with the budget situation and having to come up with funds out of this year's budgets to pay for last years mistakes. He has a business to run and cannot keep moving monies to keep going. The money is gone! Is the Council going to have to come up with the funds by the 30th to get us out of the red whether from riverboat or LIT and basically robbing Peter to pay Paul? All departments inherited prior debt from the \$590000 that was not done in December 2020. Burton related that the County has assets and CD's but if they get rid of them, we have nothing. Bryan referenced the June 14th Council

Meeting with all departments going through their budgets and creating the roadmap for the June 30th Pre-Budget Worksheet that is due, and basically the well is dry. While SBOA is allowing this right now, it will have to change, and priorities and obligations must be looked at. Re-iterated no claims will be paid if in the red after June 21st. Council must approve and appropriate funds to bring the general fund out of the red at their meeting on the 14th, which will require a special meeting to achieve by June 30th deadline.

Polly Chesser asked why it is this like this, and micromanaging to fix this. Why hasn't it been looked at for the last five years. Verl Keith added that he feels it is because they were misled. Mr. Burton added that, and everyone wants to run the county instead of doing their job. Sheriff Hobbs added that former Commissioner jeff Bothers had a good idea about internal controls. It is not the Auditors job to manage departments funds. If you have a hundred dollars in a line item do not spend a hundred and one. Mr. Burton then added he wanted to remind everyone we do not have two-million-dollar problem; we have an eight-million-dollar problem to make up.

A motion to adjourn was made by Gary Burton; seconded by Dale Dubois. Motion carried 3-0.