

Owen County Board of Commissioners
Minutes-September 19, 2022

Meeting was called to order by President Gary Burton.

Pledge of Allegiance was said, Opening Prayer given by Cris Lunsford.

Members Present: Gary Burton, Bob Curry, and Joel Lowe. Also, Attorney Jim Bryan and Auditor Sheila Reeves. Public sign in sheet attached for permanent record.

Mr. Burton began with concern regarding IT and acknowledging negative comments that were made in the council meeting from Mr. Hess about them, and with them not even being present. In the future if any Elected Official or Department Head has a problem with a vendor, they are to bring it to them and they will not put up with it. Both Forthphaze Owner Jim Doering and employee Mike Bristow were present. IT has all the equipment up and running for the meeting except one tv screen.

A motion to approve the minutes as presented was made by Bob Curry, seconded by Joel Lowe. Carried 3-0. Mr. Bryan gave a financial review of all the major funds, noting that they all have positive balances with only two grant funds having negative balances. He continued with review of the Jail Project and funds available in #1233 and #1170 and concern of the lack of revenue expected to support it. Mr. Burton feels like they took a poke from council at their last meeting and that they can't keep saying its them. The project was only put on hold at this time and the financial concerns speak for itself and all three of them have no intentions of increasing property taxes. Angela Frank asked what happens if a failed inspection was to happen. Mr. Burton related that they have not received any failed reports at this time.

ARPA Plan Review included the possibility of using an additional \$500000 for building and repairing various bridges and streets in the county. The remaining \$1519981 would be used to pay for operating expenses out of the general fund. If approved by council, the operating expenses would begin in 2022 and into the calendar year 2023. The exact funds/line items to be paid from will be determine upon approval. Mr. Burton related that the Council had not given raises and a motion was made by Mr. Curry; seconded by Mr. Lowe to approve the additional funds for the highway. Carried 3-0. The next motion was for the reduction of \$1.5 million of revenue in the general fund was made by Mr. Curry; seconded by Mr. Lowe. Carried 3-0.

A motion to approve Payroll in the amount of \$216,678.28 was made by Mr. Lowe; seconded by Mr. Curry. Carried 3-0. A motion to approve Regular claims in the amount of \$231,109.84 was made by Mr. Curry; seconded by Mr. Lowe. Carried 3-0. A motion to approve the Out of Cycle Claims was made by Mr. Lowe; seconded by Mr. Curry. Carried 3-0.

No old business was discussed.

IU Health Insurance representatives Ron Remak and Brittney Doering related that the county insurance would hold at the same rate for a guaranteed two-year period due to the great review of claims and healthy results programs that had implemented. A motion to accept and sign the renewal was made by Mr. Burton; seconded by Mr. Curry. Carried 3-0. A second motion was made by Mr. Lowe; seconded by Mr. Curry to accept the free Employee On-Board Navigator donated by One America and Bill C Brown Associates. Carried 3-0.

RQAW Professional Engineer Services presented a proposal for the Health Building/86 E. Market St., Spencer. After review of the scope of services, a motion to approve the Project Fee of \$3500 for a Building Assessment and Report was made Mr. Lowe; seconded by Mr. Curry and allowing signature by Mr. Burton. Carried 3-0.

911 Director Kathleen Lamb presented a Sole Source Letter for leasing (5) Concept Seating 24/7 Intensive Use Dispatch Chairs from Shelby Products. IC Single Source 5-22-10-13 and IC 5-22-10-3 Reporting Requirement were read by Mr. Bryan. A motion to approve was made by Mr. Lowe; seconded by Mr. Curry. Ms. Lamb will provide and sign the contract with Ms. Reeves attesting. Carried 3-0.

She next explained that she has an employee getting ready to deploy and is asking for a temporary replacement position and be filled with current applicants on file. Further review by Mr. Bryan is pending.

EMA Director Jack White asked members to transfer the spending authority for the Nextel Re-Banding Fund from EMAC as was originally set-up to the 911 Advisory Board. A motion to approve the request was made by Mr. Lowe; seconded by Mr. Curry. Carried 3-0.

He next presented a Grant Application request for the Emergency Management Annual Funding match from IDHS in the amount of \$18390 that go toward his salary and benefits. A motion to approve the EMA Grant was made by Mr. Lowe; seconded by Mr. Curry. Carried 3-0. Ms. Reeves requested permission to re-do the Grant Application as it still listed prior auditor and more information is needed for reporting purposes. Motion made by Mr. Burton, seconded Mr. Lowe. Carried 3-0.

EMS Director Cris Lunsford also presented a Single Source Letter for Stryker Power Load Cot and Power Load System. Mr. Bryan reviewed both IC 5-22-10-13 and IC 5-22-10-3 again. A motion to approve the amount of \$120354.68 was made by Mr. Curry; seconded by Mr. Lowe. Also, Mr. Burton requested for a signature page to be given. Carried 3-0. Mr. Lunsford also related the purchase of the Ambulance was still pending a final agreement as the company refused to honor its agreement originally made.

Highway Superintendent Greg Melton began with asking for an extended resolution for a four-day work week through November 14th and for 2023. Mr. Bryan will draft a copy for the next meeting. He next related that they had received and placed county highway stickers on the EMA truck they had received. Fender Excavating has started Otterbein Church Rd repairs. Hauser Road is still pending and Nannes Excavating equipment is broke down Mr. Burton and Mr. Melton will follow-up. CLR will begin work in October on Franklin Road and Wasatch Lake Bridges with a three-month timeline pending weather. Beech Church Road has been declared an emergency per IC3-1-12-9 being a danger to the community and had been discussed with Mr. Burton and Mr. Lowe were in agreement. Two quotes were received from Fender Excavating and CLR.

Mr. Bryan opened and read each quote. Fender Excavating-\$35000 and CLR-\$42580.41. Mr. Melton felt that both bidders knew the scope of work for the culvert and deck replacement. A motion to approve Fender Excavating \$35000 was made by Mr. Lowe; seconded by Mr. Curry. Carried 3-0. He is working on Bridge Plans for Sandhill Road. Next were Speed Limit Ordinances presented for 2022-018 Hardscrabble Road-35MPH and 2022-019 Braysville Road-35MPH. Both motions were made and approved by Mr. Lowe; seconded by Mr. Curry and carried 3-0. Bridge Inspection discussion will be on the next agenda. ARPA Funds were discussed and the appropriation request to be made to council for \$500000.

Pat Conder had presented a request for a road closure at Culross and Lingle Road. The template that had been submitted was incomplete and needed to be re-submitted with signatures from the property owners and more specific information. He was also to meet with Mr. Melton for further review.

Building Department Suzanne Simmerman related that she and Inspector Smeltzer had done interviews for the Inspector position. At this time, they are requesting that Sandra Mosier be appointed. A motion was made by Mr. Curry; seconded by Mr. Lowe. Carried 3-0. The position for the remainder of 2022 is 28/hrs week and will become full-time in 2023.

Blackwood Solution/BWS Real Estate Holdings LLC Parcel #60-10-34-400-600.000-027 Rezone Request Hearing began with a review from the April 4, 2022 meeting and the application was tabled for 90 days pending storm water test results, IDEM approval, clarification on the area to be used, fence, business hours, odor of wood materials, paving within thirty days, shredding procedure only (no grinding), retention of rain water, hard surface area and runoff, fire/stockpile dry materials, operations plan, reporting and testing requirements, power poles versus railroad ties, leaching concerns into water ways, liability, and hazardous materials were all discussed with Attorney Mike Carmin, Vet Environmental and BWS Real Estate Applicant. A report had not been received with earlier results requested and was to be forwarded to them again. Recommended contingencies can be added, was noted by Mr. Bryan.

Public-Victor Vaillette had two concerns. Karst Areas Rivers and Streams are extremely vulnerable with product. He read from an IDEM letter relating that they will make a decision once the application is complete changing the zone, not what VET said they were happy with them. Also was the approval to industrial and a lot of opposition at the April 4th hearing when it was then tabled for 90 days, and the opportunity to come back again. If this isn't proof of a potential calamity contaminating the waters with the continued shredding and not being forth coming with information. It would be insane to give them the go ahead. Members agreed concern for the liability (not one cent) and who takes care of monitoring it; IDEM, Health Department; more issues to be determined.

Public-Pam Rogers-She began by providing a copy of the OC Subdivision Control Ordinance Page 11 regarding the rezone to heavy industrial status. She stated that if they were to sell tomorrow; any of the uses listed could happen. Page will be attached for permanent record. Extremely concerned! The current plan says they do not encourage heavy industrial next to commercial. She feels proper notice was not given to the public. Other information given was for sampling done two years ago, acknowledged in business for two years, conditional permit was given by IDEM due to the current business being done, Company changed names-was INC.-now LLC, bond not correctly executed, and this information was resubmitted to IDEM last night. Just another jeopardy to this county as was the Gosport clean-up. Owner stated the county has no regulatory authority over them; only IDEM. Members agreed they are missing a couple of links including emails with test results, so it was agreed to table for thirty days until the October 17th Meeting and legal notice given to re-discuss. The motion made by Mr. Burton; seconded by Mr. Curry. Carried 3-0.

No elected officials or department head comments were made.

Public Comment-

Ernie Dufault provided a letter of concern regarding the future of the Cunot Community Center. Letter attached for permanent record. Other public members along with Barron Barnett helped summarize the situation and the Legal Suit that is pending. Who owns the building and who has control over the center and its activities is to be determined. They are asking members to reach out and help any way they can to save it. Mr. Dufault also asked that commissioner Mr. Lowe to be given a copy of the County Comprehensive Plan. Lastly was Ms. Rogers asking for her Packet that had been given to the Commissioners be read. Mr. Bryan noted she had the opportunity to speak at the BWS Public Hearing. Mr. Burton acknowledged the Comments were given to the auditor and accepted in the permanent record. Ms. Rogers noted that she is required to send notice to the auditor prior to the meeting, and she had done both and was in agreement that they had been accepted.

No additional Attorney or Auditor comments were made.

Mr. Burton made note of Council President Polly Chesser 's comment about not being able to speak during a meeting was not true. No record or YouTube and is questioning her statement.

A motion to adjourn the meeting was made by Mr. Curry; seconded by Mr. Lowe. Carried 3-0.