

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS JUNE 26, 2017

The Rush County Board of Commissioners met in regular session Monday, June 16, 2017 with Commissioners Paul Wilkinson, Mark Bacon, Bruce Levi, Jodi Harr, Auditor and Leigh Morning County Attorney, in attendance.

Chairman Paul Wilkinson called the meeting to order at 9:00 a.m. with the Pledge to the flag.

Minutes from the June 12, 2017 regular meeting were approved on a motion by Bruce Levi and seconded by Mark Bacon. Motion carried.

Minutes from the June 19, 2017 Executive Session were approved on a motion by Mark Bacon and seconded by Bruce Levi. Motion carried

Minutes from the June 22, 2017 special meeting with the Rush County Council were approved on a motion by Mark Bacon and seconded by Bruce Levi. Motion carried.

CLAIMS

Auditor, Jodi Harr, presented the biweekly claims docket for June 26, 2017 in the amount of \$408,137.04. Bruce Levi moved to approve the claims. Mark Bacon seconded the motion. Motion carried. The amount was much higher than normal due to paying twice a year claims, making the Stellar support payment to the City of Rushville and summer highway expenses.

Payroll ending June 30, 2017 in the amount of \$177,445.78 was presented. Auditor Jodi Harr noted that she was not certifying two and half hours of pay for each of the two circuit court employees due to statutory requirements of the Rush County Employee Personnel Policy page 21, Section 3.14 Emergency Closing guidelines. County Attorney Leigh Morning noted that the personnel handbook only allows employees to be paid if the courthouse is closed by the county commissioners. The department head took it upon themselves to close their office. Bruce Levi made the motion to approve with the exception of the two and a half hours for each of the circuit court employees. He did note the employees may use personal or vacation hours if they have any available. Mark Bacon seconded. Motion carried. Department head will notify the auditor's office by noon as to whether the employees wish to use personal or vacation time. A letter was signed for each of the two employees and department head involved stating that no disciplinary action will be taken.

TREASURER

Cindra Humphrey, County Treasurer, presented a Letter of Authorization from Thomson Reuters for the Commissioners giving permission for an upgrade to the county's current property tax computer system. The cost is a maximum of \$1,200. The purpose for the update is to allow for daily update of credit card payments. After a transfer within the treasurer budget,

she has the funds to pay for it. Bruce Levi made the motion to approve the contract. Mark Bacon seconded. Motion carried.

AREA PLAN COMMISSION

APC Director Gregg Duke requested the commissioners sign a letter of engagement between the Rush County Area Board of Zoning Appeals and Attorney Stephen R. Snyder. Snyder would serve as co-counsel with Attorney Grant Reeves regarding the judicial review of the West Fork Wind, LLC f/k/a Whitewater Win, LLC. The Board of Zoning did give a favorable recommendation to the commissioners to sign this agreement. Duke will transfer already budgeted funds within his current budget to pay for these services. County Attorney Leigh Morning has reviewed this agreement. Mark Bacon made the motion to approve the agreement. Bruce Levi seconded. Motion carried.

Duke presented a proposed change to the Rush County Zoning Ordinance which was given a favorable recommendation by the Rush County Area Plan Commission on June 14, 2017. The amendment reads *“Repeal Commonly referred to as Chicken Ordinance which regulates chickens in primarily residential districts in Rush County including the Fowl Scorecard as listed in attachments labeled “CHICKEN ORDINANCE” and “APPENDIX E”.* *This repeal does not affect language within agricultural zoned districts 7.7, 7.8, 7.9, and 7.10. General Provisions For Agricultural Zones listed in 7.11.3.5 (h) shall revert to the following:.....”* Duke also provided a time line of what has happened with the chicken ordinance since 2014, cited state code, a copy of the chicken ordinance and a copy of the fowl score card. He stated before a new chicken ordinance can be adopted, the old one must be repealed. Commissioner Bruce Levi asked how this change will affect Schedule E. He believes the score card pertains to all zones. Citizen David Hiner commented there are two Schedule E’s. The second one was adopted by the commissioners in 2013. He asked for clarification that the only Schedule E being eliminated by the commissioners is the one pertaining to fowls. Craig Trent commented the original Schedule E was in place and an amendment was done in 2014. Mark Bacon made the motion to rescind the chicken ordinance removing Appendix E that pertains to fowls. This motion died for a lack of a second.

Hiner then presented a copy of the zoning ordinance showing Appendix E pertains to all categories. He would like clarification that only the fowl score card is being removed. Trent reiterated they only want clarification. Hiner replied that everyone in the room knows the intent of the change to the ordinance; however, someone not here may interpret it another way. Duke noted that he has been entrusted to interpret rules and regulations of the zoning ordinance. He has researched Appendix E and will do more research if necessary.

Mark Bacon made a motion to go with the recommendation of the Area Plan Commission as stated above. Paul Wilkinson seconded. Bacon and Wilkinson voted Aye. Levi voted Nay. Motion carried.

COURTHOUSE STUDY

Judge David Northam as an employee and a tax payer publicly thanked the commissioners for signing the contract with KRM Architecture to do the courthouse study.

RECORDER

Recorder Kevin Spilman requested permission from the commissioners to sign Bulk Rate contracts as per Indiana Code 36-2-7-10.1. This would enable him to do this without coming to the commissioners each time he gets a request from someone such as a title company. County Attorney Leigh Morning has reviewed the request and does not see a problem. Mark Bacon made the motion to allow the County Recorder to sign bulk rate purchase agreements for the Recorder's office. Bruce Levi seconded. Motion carried.

The same Indiana Code allows a county to charge \$.10 per page or the commissioners can adopt an ordinance to charge up to \$.20 per page. Bruce Levi made the motion to charge \$.10 per page. Mark Bacon seconded. Motion carried.

SHERIFF

Sheriff Jim Cowan reported on the sheriff and jail statistics. There are currently 66 inmates housed at the jail. It was 77 last Friday.

NEW JAIL PROJECT

Ron Jarman introduced Dennis Livingston from Creek Run LLC Environmental Engineering. Livingston updated the commissioners on the contamination issues at the new jail location. Creek Run is proposing to continue soil examinations to determine how far the contamination is and what needs to happen to close the project. They have not come across anything that they have not seen in other projects in the past. The estimated total cost to complete the project including monitoring, soil excavation and disposal, quarterly monitoring, and completion of the process with IDEM is \$129,030. The current time frame for the IDEM process is one to three years. This does not mean that the building cannot be started.

A contract was presented to the commissioners with Creek Run LLC in the amount of \$17,765 for Investigation/Delineation of Contaminant Plume. Mark Bacon made the motion to sign the contract. Bruce Levi seconded. Motion carried.

HEALTH, DENTAL AND VISION INSURANCE

Brady Claxton and Josh Estelle from PCE were present to request the commissioners sign a Business Associate Agreement with True Scripts. True Scripts will be the pharmacy administrator for the county employee health insurance. The employee and the county will experience cost savings by switching to True Scripts. Mark Bacon made the motion to approve the Business Associate Agreement to be effective August 1, 2017. Bruce Levi seconded. Motion carried.

Claxton then presented a request to appoint UMR/United Healthcare as the Third Party Administrator for the county employee health insurance. The county will be able to get the most provider discounts with this choice. The county would be able to continue the higher benefit level if an employee goes to Rush Memorial Hospital. The health insurance committee did make this recommendation to the commissioners. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

