

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS MARCH 6, 2017

The Rush County Board of Commissioners met in regular session Monday, March 6, 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 of the regular meeting on February 21, 2017 were approved on a motion by Mark Bacon. Bruce Levi seconded the motion. Motion carried.

CLAIMS

Auditor Jodi Harr presented the biweekly claims docket for March 6, 2017 in the amount of \$191,496.67. A claim was submitted in the amount of \$837.69 by the jail for ambulance service to Rush Memorial Hospital for transportation of an inmate from Rush Memorial to St. Vincent Hospital in Indianapolis. The question was asked since we already fund the ambulance at Rush Memorial, why are we being charged for a transport? Mark Bacon moved to approve the claims for March 6, 2017 in the amount of \$190,658.98 which excludes the claim for ambulance by Rush Memorial. Bruce Levi seconded the motion. Motion carried. Sheriff Cowan will investigate the ambulance claim.

Payroll ending March 10, 2017 in the amount of \$173,565.08 was approved on a motion by Mark Bacon and seconded by Bruce Levi. Motion carried.

DRUG COURT

Rush County Prosecutor, Phil Caviness, requested permission for himself, Phil Morgan, Brian Barrett and other members of the Drug Court to travel to Washington DC for Drug Court training. The Rush County Travel Policy requires any travel resulting in more than \$250.00 to be prior approved by the commissioners. The Prosecutor employees' expenses will be paid from their Deferral Fund. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

AREA PLAN COMMISSION

Gregg Duke, Area Plan Director, notified those in attendance of Open Access Training to be held on Tuesday, March 28, 2017 at 6:00 p.m. in the Assembly Room.

Mr. Duke also expressed his opinion on buildings being built for agriculture purposes. Even though the buildings do not require building permits, the land owner is still required to come into the area plan office to make sure the building is in compliance with the zoning ordinance.

In a final matter, Verlin Custer has filed a claim with the Auditor's office requesting the county refund him \$622.67 for expenses incurred by him in applying for a special exception to the county zoning ordinance. He states the county made an error in requiring him to apply for

this special exception since the county ordinance did not have jurisdiction in the drilling and production of oil and natural gas. Gregg stated that his letter to Mr. Custer dated February 16, 2017 states Rush County does not exercise jurisdiction concerning crude petroleum and natural gas *production* within Rush County. The local goal is not to control the production but the land owner must still go before the Area Plan Commission to determine if any other exceptions apply per our local ordinance regarding the development of the project. Fees were due and a hearing was held. He does not feel the refund is due to Mr. Custer. Mark Bacon tends to agree with Gregg as long as the county attorney is in agreeance. County Attorney Leigh Morning noted that a hearing was held by the zoning board to locally determine if any additional exceptions were needed. She also noted that at the time of the hearing, it was part of our local zoning ordinance. Gregg will notify Mr. Custer.

HIGHWAY

Jerry Sitton, County Highway Superintendent, presented a correction to his 2016 annual report to the commissioners. He also presented his monthly report for February 2017. Commissioner Levi commented he would like to see some painting done to the covered bridges when time and money allows.

Since the highway department has been a drop off location for used tires, the trailer is already half full.

HEALTH INSURANCE

Jerry Sitton, representing the Health Insurance Committee, requested the commissioners sign an exclusive agent of record letter recognizing Josh Estelle/Pfenninger, Claxton & Estelle Insurance/Keystone Insurers Group as Rush County's agent of record. Commissioner Levi asked if the commissioners want to get quotes from other agents or sign this letter for one new agent. Commissioner Wilkinson would like other quotes but wants to have them by July 1, 2017. We owe it to the employees to get the best option.

The commissioners requested the health insurance committee meet and bring back to the commissioners their recommendation at the next commissioner meeting.

ELECTION EQUIPMENT

Angie Buckley, Rush County Clerk, presented the 2017 Infinity Voting System Annual Maintenance Agreement for the commissioners approval. The amount is \$12,000.00 and it is already budgeted for 2017. Commissioner Wilkinson recognizes the importance of election accuracy. This last election shows how unsure voters can be regarding the election process. Mark Bacon made the motion to sign. Bruce Levi seconded. Motion carried.

NEW JAIL PROJECT

Ron Jarman presented a contract with T. R. Arnold & Associates Inc. for them to do the inspection on the two fiber huts waiting to be shipped to Rush County from Iowa and North Carolina. The shelters must have the state of Indiana sticker on them showing they passed inspection by a licensed inspector prior to being brought into the state of Indiana. Ron is trying

to work around this with state and will only use the services of T. R. Arnold & Associates if absolutely necessary. Commissioners Wilkinson asked what recourse does the county have if the shelters do not meet state inspection requirements. County Attorney Leigh Morning will have to check the shelter contracts. The amount is based on a fee schedule and the necessary travel expenses for the company to do the inspections. Hopefully, they have inspectors in Iowa and North Carolina to do the inspections. Commissioner Wilkinson asked if they can approve the inspection on only one shelter. Jarman stated yes. Mark Bacon clarified that we do not know the exact costs. Ron asked if there is a dollar amount the commissioners are comfortable approving. He estimated it may take approximately three hours to do the inspection plus travel expenses. Commissioner Levi would like a dollar amount before approving the contract. Ron will check and come back before the commissioners.

CARTHAGE LIBRARY BOARD

The Carthage Library Board has requested the county commissioners to appoint James Neal to the Henry Henley Public Library Board for a four year term ending January 31, 2021. Leigh has reviewed this. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

SHERIFF

Sheriff Jim Cowan gave an update on staff training and department statistics. There are currently 57 inmates housed at the jail. Four Correction Officers are set for jail school next week. Courthouse security made seven arrests last week.

HEALTH DEPARTMENT

The Health Board requests the commissioners to sign the appointments recently made to their board. Carol Yager was appointed to replace Dr. Craig Fenimore through December 31, 2017. With the official resignation of Dr. Jamie Morgan, Bruce Levi highly recommends and made a motion to appoint Kendra Steible to fill Dr. Morgan's term through December 31, 2017. Mark Bacon seconded. Motion carried.

BZA APPOINTMENTS - Nextera

The commissioners continued the discussion from the February 21, 2017 meeting regarding BZA appointments for wind projects. Regarding the Nextera project, Bruce Levi made the motion to appoint Marvin Cole to keep continuity and consistency regarding the Nextera wind issue. County Attorney Leigh Morning noted the purpose of consistency is to have the same people hearing the issue and knowing the history. Marvin Cole was never appointed by the Commissioners as an alternative for wind issues. Legally there is no conflict or need for an alternate because Lois Hatfield is no longer on the board. After much discussion regarding Marvin Cole being an alternate in the past, it was determined that he was the alternate as appointed by the Rush County Council for Phil Shanahan. Linda Ashwill and Jim Wainwright questioned and asked for clarity because the commissioners at an earlier meeting in 2017 appointed Steve Cain to be the alternate for all wind issues. Commissioner Wilkinson

asked if the commissioners wanted to retain Steve Cain as the alternate or keep Ben Wicker since he is the appointment for 2017. Morning recommended to have Steve Cain for judicial review purposes and Ben Wicker for all new wind issues. Mark Bacon saw no reason to replace Ben Wicker. He does agree in keeping Steve Cain for wind issues. The original motion made by Commissioner Levi today died for a lack of a second. Mark Bacon made a motion for Ben Wicker to stay on the board for all new wind issues and Steve Cain to be the alternate for judicial review. Motion died for lack of second. Commissioner Levi wants a score card record of the commissioner appointment history to the BZA. Commissioner Wilkinson stated Cain is his recommendation because he sat on the board for both wind issues. Commissioner Levi commented due to all of the litigation we have going on, continuity is very important. Linda Ashwill, administrative assistant in the APC office, provided a list of appointments for the commissioners to review. Marvin Cole was appointed as the alternate for Craig Trent for wind issues at the January 6, 2017 meeting. Steve Cain was appointed as the alternate for all wind issues for Ben Wicker. Leigh Morning reminded the commissioners that at their last meeting that Marvin Cole was the alternate for Craig Trent on APEX issues. Marvin Cole did not sit on the board for APEX issues, only for Nextera.

Bruce Levi made the motion for a recess in order for County Attorney Leigh Morning and Linda Ashwill to write a score card for appointments.

11:00 a.m. meeting reconvened

Commissioner Wilkinson commented that if we are working for continuity, we need to one, keep Steve Cain involved for judicial reviews and two, appoint Steve Cain for APEX for Craig Trent and Steve Cain for Ben Wicker for Nextera. He then asked if anyone had any other options.

Mark Bacon made the motion to replace Craig Trent on the APEX wind issues only, with Steve Cain and Steve Cain to replace Ben Wicker on Nextera wind issues. Commissioner Levi again asked for clarification on if Marvin Cole was the council's appointment. He is not clear enough to make a second to Bacon's motion. Mark commented that Steve Cain is the only alternate who has been there for both APEX and Nextera. Levi still stands by Marvin Cole having experience that he likes. Motion died for a lack of a second.

Commissioner Wilkinson again commented we need to clarify who is replacing who. An audience participant asked why the commissioners have to replace Ben Wicker. She stated he is the commissioner appointment and it seems like you will always be replacing someone. Wilkinson explained it is due to the litigation the county is involved in.

Commissioner Levi made the motion for Marvin Cole to replace Craig Trent on the APEX wind issues and for Steve Cain to replace Ben Wicker on all wind issues. Paul Wilkinson seconded. Mark Bacon voted no. Motion carried.

BZA APPOINTMENTS -MILCO DAIRY

County Attorney advised there is a judicial review pending regarding the MILCO Dairy issue. Paul Wilkinson asked if it would be prudent to have Steve Cain as the alternate. Leigh stated that yes it would be best for him to replace Ben Wicker. APC board member Tom Monka stated Steve Cain replaced Lois Hatfield for this issue because Lois was ill. He also asked if there would be a conflict of issue with Ben Wicker due to his job. Commissioner Bacon noted that Ben has taken another position with his employer. Jim Wainwright commented he believes Wicker spoke in favor of MILCO during their public hearing.

Commissioner Bacon made a statement on Ben's behalf. Ben did stand in favor of the MILCO project; however, if we are going to replace Ben because of this, we also need to replace Craig Trent on wind issues. We have got to get a way to increase dollars in Rush County. The county is in a bad financial situation. We have denied wind and dairy projects. We have got to do something for this county. Monka clarified he is not accusing Wicker of anything. He agrees we have to get to get a solid board in place and quit bickering. Commissioner Wilkinson stated we need to come to a decision so the APC and BZA board can move forward.

Bruce Levi made the motion to place Steve Cain on the BZA Board for judicial review items related to MILCO Dairy only replacing Ben Wicker. Mark Bacon seconded. Motion carried.

COURTHOUSE

Discussion was again held regarding the courthouse roof repairs quoted by Wellman Brothers. There is money budgeted in the cum cap budget for courthouse repairs. Bruce Levi made a motion to proceed with having both sides repaired at an estimated cost of \$41,338.00. He will contact Wellman Brothers to get a full quote. Mark Bacon seconded. Motion carried.

COUNTY EMS COMMUNICATION SYSTEM

Nick White representing the County Fire Chiefs Association presented the commissioners a set of parameters established by the Fire Chief's Association regarding county wide communication systems. Mark Bacon made the motion to use these parameters and request quotes. Bruce Levi seconded. Motion carried.

COUNTY AMBULANCE SERVICE STUDY

Commissioner Levi updated on the status of the county ambulance study. The commissioners would like an independent study done of our county wide ambulance services. Don Watson at the State Fire Marshall Office gave him some statistics but does not know of a company that does independent studies. Counties our size are generally covered by three to four ambulances with ours being at ten. Becky Puckett of Anderson Township EMS asked why the commissioners are doing the study. Levi responded it is the financial responsibility of the commissioners to do this for the tax payers. Puckett asked that if a local committee is formed to please include Anderson Township EMS as a participant on the committee.

COURTHOUSE RENOVATION

Leigh Morning informed the commissioners that Judge Northam would like an update on the progress of having a study of the courthouse renovations completed. The last quote presented by the Judge was \$75,000.00. He would like an answer by noon on Wednesday, March 7, 2017. Commissioner Wilkinson noted that the commissioners have done some of the repairs listed on the list provided by the Judge. The commissioners have approached state legislators to approve additional county funding. At this time, Wilkinson does not feel the funds are available to do this study. Leigh has spoken with Judge Hill and encouraged him to contact the state legislators to help get additional funding for courthouse security. Wilkinson finished by saying the commissioners are not ready to employ the services of a contractor to do the study. The commissioners will talk to Judge Northam.

JAIL PROJECT

RE: Jail Bids – Mark Bacon made the motion to reject jail construction bids except for the 911 tower. Bruce Levi seconded. Motion carried.

Commissioner Bruce Levi wanted to talk about the financing of the new jail and if the county can afford it. He feels like we are spending a lot of dollars that the county cannot afford. He is also getting a lot of negative feedback from the community. He asked if we could incorporate the Rush Shelby Building and save the fiber hut.

Sheriff Jim Cowan noted there are ways to save money. The jail committee has already found approximately \$1.25 million to cut. If you start from scratch, you have to look at what that would cost.

Commissioner Mark Bacon feels like do a redesign of the project would be a large expense. He asked if the Rush Shelby Building could be made the administrative portion of the new jail. He does not see anywhere else to save money on the actual jail. Commissioner Levi agrees to not change the jail portion of the project but asked if we can change the administrative area. He also noted the old jail must be torn down for parking due to Rushville City zoning requirements. Levi commended Sheriff Cowan, Ron Jarman and Commissioner for all of the work they have done and are doing on this project to get what Rush County needs with what we can afford.

County Attorney Leigh Morning explained the income tax increase the commissioners and council are trying to get approved at the state house. This would cover newly found expenses at the Pavey building and also the courthouse security issues. Levi suggested that Morning prepare a press release explaining the proposed increase in the income tax and what its uses will be.

Tom Monka asked if it would be cheaper to build the jail outside of the city limits. Commissioner Wilkinson commented they do not know the answer to that question.

An audience member asked do we need all that is proposed in the new jail and could these things be done as renovations at a later time. Commissioner Wilkinson stated we need more inmate space in the new jail. There are things being included now that are not required

but will be required in the future. Commissioner Wilkinson also commented the commissioners want the safety of jail staff and inmates to be the priority. Commissioner Levi noted the commissioners and jail committee are looking at past jail studies to gather information. He also commented there are situations at the jail that make Rush County wide open for law suits by inmates. Sheriff Cowan noted that Shelby County was recently sued by an inmate and had to pay for the lawsuit but was ordered by the courts to build a new jail. He also noted that local law enforcement has around 500 warrants waiting to be served in addition to the state requiring the local jail to house any level six felons instead of sending them to the state prison. All counties are experiencing this problem. If we have additional space, there are options to charge other counties for housing their inmates.

Tax payer Linda Shanahan noted the new jail started at \$14 million. What has made it double in cost? Commissioner Wilkinson commented the \$14 million was for the jail structure only. It did not include staffing or site prep such as moving the fiber huts, 911 tower, city zoning issues and bids came in higher than expected. It was noted that Rushville City did save us approximately \$1.3 million; however, they would not allow a metal building. Sheriff Cowan noted that the original cost did not include a dispatch center. Commissioner Bacon added the Community Corrections area will be moved to the new jail which will free up space on the third floor of the courthouse. He also noted the county is understaffed now based on the state rules for number of correction officers per number of inmates.

Mark English asked why the county did not consider the Rush/Shelby building from the beginning. Commissioner Levi stated it was looked at in the beginning of the project. Commissioner Bacon noted the county would be required to get new permits from the city if the current plans are changed.

Commissioner Wilkinson noted Rush County has not done any projects except for schools over the last forty years. No one wants the expense but we have to have progress.

The question was asked if any of the work can be done local business. Mark Bacon responded that the committee is trying to use local business when possible. Custer Electric is the only local business who has met the bid requirements so far. Bonds are an expense that some vendors are not willing to pay.

Finally, the commissioners asked the public to please call the commissioners with any questions or comments.

MISC

- EMS reports for January 2017 were received by Anderson Twp., February 2017 from Raleigh Fire Dept and Anderson Twp.
- APC will hear a subdivision request for R. Hugh & Betty Ann Grandison on 3/8/17. The county is an adjoining land owner.
- Mark Bacon presented the banner which has all 92 county courthouses on it. It was paid for by donations from the county commissioners and county council members.

The next Commissioner's meeting will be held on Monday, March 20 at 9:00a.m.

Mark Bacon moved to adjourn. Bruce Levi seconded the motion. Motion carried.

/s/Paul Wilkinson
Paul Wilkinson Chairman

/s/ Mark Bacon
Mark Bacon

/s/Bruce Levi
Bruce Levi

ATTEST:

/s/Cathy Pratt
Cathy Pratt, Deputy Auditor