

**REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS November 13, 2017**

The Rush County Board of Commissioners met in regular session Monday, November 13, 2017 with Commissioners Paul Wilkinson, Mark Bacon, Bruce Levi, Jodi Harr, Auditor, and Leigh Morning, County Attorney, in attendance.

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

Minutes of the October 30, 2017 regular meeting were approved with a motion from Mark Bacon and seconded by Bruce Levi. Motion carried.

Minutes of the Special Meeting held on November 9, 2017 were approved on a motion by Bruce Levi and seconded by Mark Bacon. Motion carried

**CLAIMS**

Auditor, Jodi Harr, presented the biweekly claims docket for November 13, 2017 in the amount of \$553,413.99. Bruce Levi moved to approve the claims. Mark Bacon seconded the motion. Motion carried.

Payroll ending November 17, 2017 in the amount of \$175,162.89 was presented. Mark Bacon made the motion to approve. Bruce Levi seconded. Motion carried.

**AREA PLAN COMMISSION**

Gregg Duke, Area Plan Director, presented a Certificate of Adoption from the Area Plan Commission with a favorable recommendation to make the following changes to the Rush County Zoning Ordinance concerning Permitted uses and Special Exceptions in A-3 and A-4 districts:

- *Remove from page 110, A-3 Permitted Uses item number "28, Wind Farm", Renumber following items "28. Manure Digesters", "29. Waste-to-Energy Converters", and "30. Any New Technology Using Agriculture By-Products."*
- *Add to page 110, A-3 Special Exceptions item number "30. Mobile Home".*
- *Add to page 110, A-3 Special Exceptions item number "31. Livestock on less than 10 acres (other than CAFO & CFO)".*
- *Add to page 110, A-3 Special Exceptions item number "32. Wireless Telecommunication Facilities".*
- *Add to page 110, A-3 Special Exceptions item number "33. Warehousing & Storage Services".*
- *Remove from page 112, A-4 Permitted Uses item number "26. Wind Farm". Renumber following items "26. Manure Digesters", "27. Waste-to-Energy Converters", and "28. Any New technology Using Agriculture By-Products".*

Commissioner Bacon asked if the purpose of these changes are to only clean up discrepancies in the ordinance. Duke commented yes and proceeded to show the commissioners the actual

zoning book and exactly where the confusion currently lies. Commissioner Levi asked County Attorney Leigh Morning if the commissioners had made an agreement with West Fork Wind to not change the current zoning ordinance. Morning stated no they did not. The agreement was that the commissioners would consult with West Fork Wind prior to making any changes. She has done that and their concern is that these changes will disallow WECS developments in the A-3 zones in Rush County. Duke reminded the commissioners that these changes are not changing anything to do with WECS developments. He also stated the county should be allowed to change their ordinance but he is not the legal counsel for the commissioners. Commissioner Wilkinson stated to Morning that if they approve the above requested change to the county zoning ordinance they are not in violation of the agreement because they did consult them. Morning stated that is correct. Commissioner Levi noted there is always a likely hood of a lawsuit and asked how important it is that the commissioners approve these changes today. Duke responded with his own question of how is the area plan office to operate on a day to day basis if they worry about a lawsuit every time a decision is made. He reminded the commissioners that they have a legal obligation to continue to conduct the business of the county. If they wait to make a decision, the Area Plan Commission has to start over at a later time. Morning advised the commissioners can approve only part of the request and remove the wind farm portion. Levi asked if the contract reads wind farm or WECS. Morning said it refers to WECS projects. Levi again stated he is not putting the county under this liability by changing the zoning ordinance. Commissioner Bacon asked if ten years down the road, does these changes prohibit us from ever getting wind farms. Duke commented no. Wind Farms are defined in the WECS ordinance. Mark Bacon made the motion to approve the favorable recommendation made by the Area Plan Commission as it is presented. Levi asked how long the commissioners have to act after the request is made to them. Morning stated ninety days. If nothing is done by the commissioners, the changes automatically become effective. Commissioner Wilkinson noted that he does not enjoy lawsuits but he also does not like an outside agency telling the commissioners what to do. He thinks this is a step in the right direction to start cleaning up the current zoning ordinance and the commissioners did consult West Fork Wind. He seconded Bacon's motion. Bacon and Wilkinson voted Aye. Levi voted Nay. Motion carried.

### **PROSECUTOR STOP GRANT**

Prosecutor Phil Caviness was present to ask the commissioners to approve the federal Grant Agreement for the Prosecutor STOP grant. It is a reimbursement grant that has been approved by the state. The Prosecutor's office will be responsible for filing all reports and claims for reimbursement. Mark Bacon made the motion to approve the grant agreement. Bruce Levi seconded. Motion carried.

### **ELECTION – CLERK**

Clerk Angela Buckley request the commissioners adopt Ordinance 2017-5 Establishing New Precinct Lines for Rushville Annexation on 16<sup>th</sup> Street. There are currently no residential properties in this annexation but it is anticipated there will be in the future. Bruce Levi made

the motion to approve the request and sign Ordinance 2017-5. Mark Bacon seconded. Motion carried.

### **COURTHOUSE CHRISTMAS**

Surveyor Marvin Rees requested permission to hold the Courthouse employee Christmas lunch on Tuesday, December 12 and for the courthouse to be closed from noon until 1:30 so that all employees may attend. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

### **EXTENTION OFFICE**

Gracie Marlatt invited the commissioners to attend the Indiana Youth Institute-Bridges out of Poverty Café on Tuesday, November 14, 2017.

### **RIDE RUSH TRANSPORTATION**

Wanda Henderson requested the commissioners to sign the third quarter report for INDOT. County Attorney Leigh Morning has reviewed. Bruce Levi made the motion to sign the report. Mark Bacon seconded. Motion carried. Henderson said she is aware of an organization who is willing to provide Thanksgiving Dinners to anyone in need. She requested the commissioners let her know if they know of someone who would like one.

### **COUNTY EMPLOYEE HEALTH INSURANCE**

Auditor Jodi Harr requested for approval and signature of three documents for the county employees health insurance dialysis coverage through Regional Care, Inc. They are the Business Associate Agreement, Administrative Service Agreement, and Administrative Service Agreement Exhibit A. Attorney Leigh Morning has reviewed all three documents. Mark Bacon made the motion to sign and approve all three documents. Bruce Levi seconded. Motion carried.

### **EMS REPORT**

The commissioners received and reviewed the October, 2017 EMS Run Report from Carthage Volunteer Fire Department.

### **SHERIFF**

Sheriff Jim Cowan presented the sheriff and jail departmental reports. There are currently fifty five inmates housed at the jail. He also reported they are working on a transition program for inmates getting close to their release from jail date in order for them to transition back into civilian life. Some of the areas the inmates need assistance in are housing, groceries, alcohol/drug rehabilitation and job placements.

### **HIGHWAY**

Highway Superintendent Jerry Sitton asked permission of the commissioners to advertise for the replacement of Bridge # 170 on 450 E over North Branch Clifty Creek. He is requesting

the bids to be opened on December 11, 2017 at 9 a.m. Bruce Levi made the motion to approve the advertising of the project. Mark Bacon seconded. Motion carried.

Sitton also reported that Floyd Crim & Sons would like to roll over their 2017 bid prices for asphalt to 2018. Mark Bacon made the motion to approve. Bruce Levi seconded. Motion carried.

He presented the highway department October monthly report.

Sitton requested the three commissioners sign a letter of to request federal funding for Bridge 94 and Bridge 63. The letters must be submitted by November 22, 2017 at 4 p.m. Bruce Levi made the motion to sign both of these letters. Mark Bacon seconded. Motion carried.

### **EMS CONTRACTS**

County Attorney Leigh Morning asked for clarification on the extension of the EMS contracts approved at the commissioners October 30, 2017 meeting. The motion was for six month extension; however it also said there would be a sixty day notice given no later than May 14, 2018. Mark Bacon made the motion to extend the contracts to July 14, 2018. Bruce Levi seconded. Motion carried.

### **2018 APPOINTMENTS**

The commissioners requested a notice be placed on the county website requesting anyone interested in any of the appointments to submit a letter to the county auditor. The commissioners will begin making appointments at their November 27, 2017 meeting.

### **NEW JAIL PROJECT**

The commissioners will hold a special meeting on Monday, November 20, 2017 at 2:00 p.m. in the assembly room to review recommendations of the jail bids.

### **2018 CALENDAR**

It was noted the county council requested a joint meeting on April 11, 2018 to start discussing 2019 budgets.

### **CONFLICT OF INTEREST ORDINANCE**

County Attorney Leigh Morning presented Ordinance 2017-4 Establishing and Adopting a Conflict of Interest Policy. The ordinance established guidelines and limits on the acceptance by elected officials of gratuity or gifts below three hundred dollars per day. Mark Bacon made the motion to approve the ordinance. Bruce Levi seconded. Motion carried.

The next regular Commissioner's meeting will be held on Monday, November 27, 2017 at 9:00a.m.

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

---

Paul Wilkinson Chairman

---

Mark Bacon

---

Bruce Levi

ATTEST:

---

Jodi Harr, Auditor