

**REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS DECEMBER 9, 2019**

The Rush County Board of Commissioners met in regular session Monday, December 9, 2019 with Commissioners Mark Bacon, Paul Wilkinson and Bruce Levi. Auditor Jodi Harr and County Attorney Leigh Morning were in attendance.

Commissioner Mark Bacon called the meeting to order at 9:00 a.m. with the Pledge to the American Flag.

Minutes of the November 21, 2019 regular meeting were approved on a motion by Paul Wilkinson and seconded by Bruce Levi. All were in favor. Motion carried.

**CLAIMS**

Auditor, Jodi Harr presented the biweekly claims docket for December 9, 2019 in the amount of \$161,395.34. Mark Bacon asked if there were any questions. There were none. Paul Wilkinson made the motion to approve the claims as presented. Bruce Levi seconded. Motion carried.

Payroll ending December 13, 2019 in the amount of \$232,591.74 was presented. The second half of county employee longevity was paid on this payroll. Bruce Levi made the motion to approve payroll. Paul Wilkinson seconded. Motion carried.

**JAIL CONSTRUCTION**

Payment Requisition # 48 in the amount of \$673,646.06 for jail construction claims was presented for approval. Paul Wilkinson made the motion to approve payment requisition #48 as presented. Bruce Levi seconded. Motion carried.

Construction Manager John Painter presented two change orders for commissioner approval:

- Change Order # 1650-003 to Stanley Convergent Security Solutions for an additional \$1,111.00 to reprogram the PLC program and modify the touch screen to provide screen alarm capabilities through the dayroom and recreational area paging speakers. This was a requested change by the sheriff. Paul Wilkinson made the motion to approve Change Order 1650-003. Bruce Levi seconded. All were in favor. Motion carried.
- Change Order # 0950-001 to Blakely Corporation for an additional \$3,178.00. This was a code compliance issue with the plumbing in the men's and women's restrooms. The commissioners ask if this code was in effect at the time of the jail design and the answer was yes. Wilkinson and Bacon both commented this is another example of project architect DLZ should have known the codes. Paul Wilkinson made the motion to approve Change Order 0950-001 with the request that County Attorney Leigh Morning send a letter to DLZ requesting they pay for this change. Bruce Levi seconded. All were in favor. Motion carried.

## **PROSECUTOR**

Prosecutor Phil Caviness requested permission to change the job description for his legal assistant. He has added responsibilities to her position. The additional pay will be paid from his Infraction Deferral Fund 2503. He has talked to HR. HR Director Tony Personett explained that once the job description is changed, he will send it to our professional consultant for their review. He noted that just because a job description is changed does not mean the position will get additional pay. The commissioners agreed to have the changes sent to the professional consultant before deciding on a pay category change.

Caviness then requested permission to allow IVD Attorney Laura Holt to be the attorney for the STOP Grant. Paul Wilkinson made the motion to post the position to be filled with a qualified candidate. Bruce Levi seconded. Motion carried.

## **COMMUNITY CORRECTIONS**

Rush County Community Corrections Director Ashley Stevens reported the Indiana State Opioid Grant has been approved. It is a federal grant. She requested permission to hire a full time person to administer the pre-trial diversion program. Paul Wilkinson made the motion to approve advertising of the position to fill with a qualified person. Bruce Levi seconded. Motion carried.

## **VETERAN SERVICE OFFICE**

Rush County Veteran Service Officer Dannon Todd presented the commissioners with his annual report. He asked the commissioners who is responsible for taking care of the Scroll of Honor on the first floor of the courthouse. He has had people report corrections and additions to him. The commissioners requested he give them a contact person of someone qualified to make the changes and a list of changes. Wilkinson asked if Todd had enough resources to provide the services needed in Rush County. Todd stated that he does.

## **HEALTH**

Julia Apple requested permission for the health department to have some of the old furniture from the jail. Commissioners asked her to work that out with the Sheriff.

## **AREA PLAN COMMISSION**

Area Plan Director Gregg Duke presented the amendment to the zoning ordinance regarding Section 6.4 Alternate Energy Systems. He noted the APC did not act on the recommendation of the commissioners for banning all wind turbine activity. On December 4, 2019, the Area Plan Commission gave a favorable recommendation to the amended Section 6.4 Alternate Energy Systems in the Rush County Zoning Ordinance. A public hearing was held on August 14, 2019 along with several other meetings of the Area Plan Commission to discuss the changes. Paul Wilkinson made the motion to approve Alternate Energy Systems (AES) Certificate of Adoption (APC 2019-32) to amend Section 6.4 of the official zoning ordinance text of Rush County. Bruce Levi seconded. All were in favor. Motion carried.

Kenny Aulbach was present to discuss his concern with subdivisions and special exceptions. He went through the APC and BZA to subdivide and get the special exception to build a home. He has a pending sale of the property. Now he has learned that the lot needs to be scored and another special exception to build the house. He believes all of these approvals need to be done at the same time rather than after the lots are sold especially since he made it clear what he was subdividing the property for. Duke replied that when Aulbach went to the BZA, he went for variance to the lot size not a special exception. Duke believes the only resolution is to get rid of the scoring requirements. The APC is in the middle of this discussion. He will do whatever the ordinance tells him to do. APC member Tom Monka noted that this is an example of why they are rewriting the ordinance. The commissioners agreed to let the APC continue to work on this and for the APC to get a recommendation to the commissioners as soon as possible.

### **ANNUAL BIDS**

At 9:30 the annual bids for the sheriff and highway department were opened.

- SHERIFF FUEL BID for up to 35,000 gallons. Harvest Land Coop was the only bid at \$2.186 per gallon, fixed price for 87 E10. Paul Wilkinson made the motion to accept the bid from Harvest Land Coop. Bruce Levi seconded. All were in favor. Motion carried.
- HIGHWAY BIDS
  - FUEL One bid was received Harvest Land Coop. Bruce Levi made the motion to accept the bid. Paul Wilkinson seconded. All were in favor. Motion carried.
  - CRUSHED GRAVEL Bids were received from Shelby Materials, CGS and Irving Materials. Paul Wilkinson made the motion to accept all bids to be used based on geographic location. Bruce Levi seconded. All were in favor. Motion carried.
  - CRUSHED STONE Bids were received from Rush Co Stone, Derbyshire and St. Paul Stone. Bruce Levi made the motion to accept all bids to be used based on geographic location. Paul Wilkinson seconded. All were in favor. Motion carried.
  - LIQUID ASPHALT Bids were received from Asphalt Materials, Marathon and Terry Industries. Bruce Levi made the motion to accept the bid from Asphalt Materials. Paul Wilkinson seconded. All were in favor. Motion carried.
  - HOT MIX BRIDGE DECKS 6 BRIDGES Bids were received from Crims and Dave O'mara. Paul Wilkinson made the motion to accept the bid from Crims. Bruce Levi seconded. All were in favor. Motion carried.

**(INSERT BID SPREADSHEET)**

### **SHERIFF**

Sheriff Allan Rice gave the department update. The night vision scopes and helmets have been delivered. They will be distributed to deputies once training is complete. The 800 MHz radios will be distributed this week. He is in the process of posting the new positions approved at the 2020 budget hearings. They are two full time female correction officers, two part time cooks and a courthouse security officer. The positions will start January 20, 2020.

The county auto insurance totaled the 2019 charger. The amount reimbursed is enough to purchase a 2020 Charger. Rice requested permission to purchase the vehicle by the end of 2019 so that he can use the money received by the insurance company. He would also like permission to go ahead and purchase a 2020 Durango that is due to be replaced in 2020. Wilkinson asked if Rice had considered replacing his Charger with a used vehicle. Rice stated no since the insurance refunded us the full price of a new Charger. Councilman Marvin Hedrick commented the council has discussed concerns about the auto insurance increasing due to the number of claims we had in 2019; however, insurance has reimbursed for the cost of a new vehicle. Wilkinson made the motion to allow the purchase of a 2020 Charger and a 2020 Durango. Bruce Levi seconded. All were in favor. Motion carried.

## **HIGHWAY**

Highway Superintendent Jerry Sitton had the following business for the commissioners:

- Letter of Support to INDOT for the Cherry Street extension project. The extension will connect Cherry Street with county road 200 N. The project is no cost to the county. It is an INDOT and City of Rushville project. The court has not ruled on the eminent domain case filed by the City of Rushville. The letter of support is for Phase 3 assuming the court grants the property right of way transfer. This phase will be done with 2025 federal money. Levi ask if this letter can be used against the property owner in court. Morning stated no that this is only a letter support of the project. Levi is not agreeable until the eminent domain issue is resolved. He is not supportive of eminent domain and taking a man's property. Wilkinson commented that this is the county being agreeable to the expansion of Cherry Street. He said the county has to be supportive of city growth within the county. Wilkson is not endorsing eminent domain but he does support this project. Wilkinson made the motion to sign the letter of support of the Cherry Street expansion project Phase 3. Mark Bacon seconded. Wilkinson and Bacon were in favor. Levi voted no. Motion carried.
- Contract between INDOT and Rush County to replace Bridge #127 on 900 west to buy right of way in the amount of \$22,480.00. Bruce Levi made the motion to approve the contract. Wilkinson seconded. All were in favor. Motion carried. Sitton noted the project cost increased by an estimated \$1,000,000 due to environmental cost at the bridge over Little Blue River. He has reapplied for additional funding from INDOT.
- Contract between Rush County and Dave O'Mara for the paving project approved in the Community Crossing Grant. The amount of the contract is \$1,137,611.20. The contract was awarded at the last commissioner meeting. Bruce Levi made the motion to approve the contract. Paul Wilkinson seconded. All were in favor. Motion carried.
- Form SMIC 639 INDOT Report of Contract Final Inspection and Recommendation for Acceptance of the Carthage Pike Project was presented for approval. It is the county saying this project is done and acceptable. Paul Wilkinson made the motion to accept the completed Carthage Pike project. Bruce Levi seconded. All were in favor. Motion carried.
- Bridge #27 on 1100 North is open to traffic.

- Bridge #164 on 300 South has a new weight limit of five ton.
- Presented the November highway financial report.

**APPOINTMENTS**

Auditor Harr presented all of the Letters of Interest for 2020 appointments that she has received. The commissioners will make their appointments at their December 19 meeting.

**COUNTY COUNCIL**

Councilman Marvin Hedrick reported that he did a walkthrough of the new jail and attended the last jail construction meeting. He encouraged the commissioners to not sign off on the finished project any time soon.

The council approved a full time courthouse security officer in the 2020 budget. They would like for the commissioners to seriously consider going down to one public entrance at the courthouse. The commissioners agree that is one of the future goals.

The commissioners will meet in a joint session with the county council on Wednesday, December 11, 2019.

Bruce Levi made the motion to adjourn. Paul Wilkinson seconded. All were in favor. Motion carried.

/Mark Bacon/  
Mark Bacon, Chairman

/Paul Wilkinson/  
Paul Wilkinson

/Bruce Levi/  
Bruce Levi

ATTEST:

/Jodi Harr/  
Jodi Harr, Auditor