

Board of Commissioners
December 29, 2009 – 8:45 am

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Minutes

11/30/2009 minutes; Gogel and Rininger both requested minor additions to the minutes. Gogel made a motion to approve with the noted additions. Logsdon seconded. All in favor.

12/15/2009 executive session; Logsdon made a motion to approve. Gogel seconded. All in favor.

12/15/2009 minutes; Logsdon made a request to change the wording with a statement made. Gogel seconded. All in favor.

Employee Benefit Trust

Auditor Shelton stated that upon review of the Summary Plan Description of the Benefit Trust she discovered that the trustees needed to be updated. Currently the trustees are listed as Chris Leiberling, Martha K. Pennington, Dan Rininger and Christine Zimmerman. Shelton requested the trustees be changed to Dan Rininger, Thomas A. Logsdon, David Gogel, and Tammie Roth. Logsdon made a motion to change the trustees. Gogel seconded. All in favor.

Budget Order

Discussion was had on the county Budget Order. Shelton reported the only thing delaying the issuance of the budget order from the state is the loan closing of Ohio Township. Shelton will be contacting the state again to see if the order can be issued without the loan being closed.

Claims

Logsdon made a motion to approve the final claims of 2009. Gogel seconded. All in favor.

2010 Appointments

President	Rininger	AL	DG	ALL
Vice President	Logsdon	DG	AL	ALL
Attorney	Lueken	AL	DG	ALL
Health Board	Jeannie Gruber, MD	AL	DG	ALL
	Lloyd P. McGinnis, MD	AL	DG	ALL
CH Custodian	Ruthie Selzer	DG	AL	ALL
CH Maintenance Super.	Bill Glenn	AL	DG	ALL
Veterans Service	Richard Lawson	AL	DG	ALL
Highway Super	Charles Painter	DG	AL	ALL
Asst Superintendent				
Foremen	Louie Burch	DG	AL	ALL
	Kirby Baum	DG	AL	ALL
Chip & Seal Foreman	Max Talbott	DG	AL	ALL
Cum Bridge Foreman	Charles Lee	DG	AL	ALL
Office Manager	Cindy Painter	DG	AL	ALL
Road Clerk	Kay Erwin	DG	AL	ALL
Building Commissioner	Jerry Bender	AL	DG	ALL
Asst. Bldg Inspector	Phil Brown	AL	DG	ALL
EMA Advisory Board	Gogel	AL	DG	ALL
Indiana Region 15	Logsdon	DG	AL	ALL
Child Protective Svcs	Gogel	AL	DG	ALL
LEDC	Rininger	AL	DG	ALL
Joint appt w/ Council	John Wesner	DG	AL	ALL
Redevelopment Comm	Tom Vaal	AL	DG	ALL
	David Dougan	AL	DG	ALL
	Michael Schriefer	AL	DG	ALL
	David Waninger	AL	DG	ALL
Advisory Plan	Logsdon	DG	AL	ALL
Citizen Member	Nathan Helms	AL	DG	ALL
Citizen Member	Robert A. Reinke	AL	DG	ALL

Advisory Plan – Logsdon commended Rex Winchell for 12 years of service on the Advisory Plan Commission, but noted that board needs representation from the northern end of the county. Logsdon made a motion to appoint Robert A. Reinke to the commission to represent the northern end of the county. Gogel seconded. All in favor.

Board of Zoning Appeals	Jerry Embry	AL	DR	2-1
	Neil Collignon	AL	DR	2-1
	Jim Boyd	AL	DG	ALL

Board of Zoning Appeals – Prior to the appointment to the Board of Zoning Appeals, Gogel asked if the board was “anti-tourism”. He stated that at the last meeting, a zoning request was made for a campsite and it was voted down without any attempt to work out disagreements with the neighboring property owners. Lueken stated he was present at the meeting and offered to serve as facilitator to find common ground. It will be re-addressed. Logsdon stated he felt the board was not “anti-tourism” but was concerned with security at the neighboring school. Logsdon made a motion to re-appoint Jerry Embry and Neil Collignon. Rininger seconded. The motion passed with a vote of two to one, with Gogel opposing. Lueken stated the minutes did not reflect the past

Commissioners Meeting 12/29/2009 cont.

appointment of Jim Boyd to the board and asked the commissioners to appoint him for the remainder of his term. Logsdon made a motion to appoint Jim Boyd for the remainder of his term. Gogel seconded. All in favor.

Solid Waste Board	All 3 Commissioners			
Incorp Town Bd Mem.	Fred Weber	AL	DG	ALL
American Disabilities	Logsdon	DG	AL	ALL
Interlocal Board	Gogel	AL	DG	ALL
Hearing Impaired	Kermitt Lindsey, Jr.	DG	AL	ALL
ABC Board	Tom Fleischmann	AL	DG	ALL
Tourism Commission	Mary Jeanne Schumacher	AL	DG	ALL
	Gay Ann Harney	AL	DG	ALL
PTABOA (annual)	Jerry Schue	AL	DG	ALL
	Ron Magnus	AL	DG	ALL
SC Public Defend Coun.	Warren Byerly	AL	DG	ALL
Mariah Hill RSD	tabled	DG	AL	ALL
SC Animal Control Board (4 year term)				
Dale	Curtis Conley	DG	AL	ALL
Commissioner (annual)	Gogel	AL	DG	ALL
SC Humane Society	Joy Zook	DG	AL	ALL
Rural At-Large	Susan Waterman	DG	AL	ALL
Roberts Rules of Order (modified)		DG	AL	ALL
Meeting Dates and Time				
1st Tue @ 8:45 am & 3rd Tues @ 2:30 pm	same	DG	AL	ALL

Meeting Dates for 2010

The following meeting dates were suggested. Some dates were changed from the normal first and third Tuesday due to conflicts in scheduling.

Tuesday, January 05, 2010
 Tuesday, January 19, 2010
Monday, February 01, 2010
 Tuesday, February 16, 2010
 Tuesday, March 02, 2010
Tuesday, March 23, 2010
 Tuesday, April 06, 2010
Monday, April 19, 2010
Monday, May 03, 2010
 Tuesday, May 18, 2010
 Tuesday, June 01, 2010
Monday, June 14, 2010
 Tuesday, July 06, 2010

Tuesday, July 20, 2010
 Tuesday, August 03, 2010
 Tuesday, August 17, 2010
 Tuesday, September 07, 2010
 Tuesday, September 21, 2010
 Tuesday, October 05, 2010
 Tuesday, October 19, 2010
Monday, November 01, 2010
 Tuesday, November 16, 2010
 Tuesday, December 07, 2010
 Tuesday, December 21, 2010
 Wednesday, December 29, 2010

Gogel made a motion to accept the suggested dates. Logsdon seconded. All in favor.

Conflict of Interest Disclosure Statement

Kenneth R. Schaaf requested the commissioners sign a Conflict of Interest Disclosure Statement he filed stating that he is a part-time employee of a contractor being used by the Lincoln Heritage Public Library. Schaaf is also on the Lincoln Heritage Public Library Board. Gogel made a motion to sign the statement. Logsdon seconded. All in favor.

Indiana Department of Homeland Security District 10 MOU

EMA Director Perdue asked the commissioners to sign the following agreement between Indiana Department of Homeland Security District 10 and Spencer County:

MEMORANDUM OF UNDERSTANDING

This agreement is made and entered into by and between the Indiana Department of Homeland Security District 10 and the Spencer County Commissioners.

Whereas, Indiana Code 10-14-3-7 declares it the policy of the state to authorize and provide coordination of activities relating to disaster prevention, preparedness, response, and recovery.

Whereas, the parties recognize the vulnerability of the people and communities located within District 10 to damage, injury, and loss of life and property resulting from disasters and/or civil emergencies and recognize that disasters and/or civil emergencies may present equipment, manpower, and facility requirements beyond the capacity of the District.

The parties here do mutually desire to reach an understanding that will result in making all available emergency personnel and response equipment owned by Spencer County available to the Indiana District 10 for use during an emergency response.

Now, therefore, it is mutually agreed between the parties as follows:

1. Spencer County Commissioners agree that it will permit to the extent of its ability and upon the request of the Indiana Homeland Security District 10, the use of its available emergency personnel and response equipment to Indiana Homeland Security District 10 within six (6) hours of the request and for the time period being requested.
2. The parties shall review this agreement at least annually. Modifications shall be made upon mutual written agreement of the parties. Either party may terminate this agreement upon written notice to the other party.

The parties having read and understood the foregoing terms of this agreement do by their respective signatures dated below hereby agree to the terms thereof.

Logsdon made a motion to sign the MOU. Gogel seconded. Discussion was had on the providing of insurance on the equipment when being used in other counties. Perdue stated each county is expected to provide their own insurance on the equipment they own. Lueken will speak to the county insurance agent to make sure the county is covered. Discussion was had on the time period being requested. Perdue stated that anytime the equipment is needed in the home county it would be returned. The motion passed, all in favor.

Fuel Bids

Highway Superintendent Painter recommended awarding the fuel bid to Superior Ag because the county can get a firm price without having to commit to an exact number of gallons for the whole year. Shawn Harris of Superior Ag stated they would be willing to give firm pricing for a portion of the gallons the county estimates it will need. Harris requested one person be appointed to make the decision because prices change so quickly. Logsdon expressed concern over the amount of revenue coming into the county. Discussion was had. Logsdon made a motion to award the fuel contract to Superior Ag. Gogel seconded. All in favor. Painter requested Cindy Painter be appointed point person. Logsdon made the motion. Gogel seconded. All in favor.

Logsdon asked for Cindy Painter to work with the other departments using fuel at the highway and report back with an estimate for the coming year.

Workman's Compensation Insurance

Two proposals were presented for consideration for the workman's compensation insurance. The current provider, Bituminous from The Dale State Agency, and IPEP from Business and Insurance Solutions. The quote from Bituminous was \$87,917 and the quote from IPEP was \$72,601. Painter stated the county used IPEP previously and they had a much better response time and they provided scheduled safety meetings for free. Gogel made a motion to sign with IPEP for \$72,601. Logsdon seconded. All in favor.

Highway Report

Railroad Crossing CR 350E – Painter reported he spoke with Mike Day at INDOT regarding the dead end of CR 350E. Day said the plan does not call for CR 350E to be made into a cul de sac. A guardrail will be installed and it can be moved if needed.

Commissioner Meeting 12/29/2009 cont.

Surveyor Truck – Painter presented the bill for the truck that was transferred to the Surveyor.

Rickleman Property

Solid Waste Director Steinkamp and property owner Joseph Rickleman were present to discuss Rickleman's property and the on-going violation of the Property Maintenance Ordinance.

Logsdon stated he spoke to the Harper's and they are willing to drop their complaint against Rickleman if they can re-install the fence over the alley and Rickleman uses the drive to the west of the property to access his property. Steinkamp stated that would bring the property into compliance because it could not be seen. Rickleman said he could not use the drive to the west because it is a private drive. Discussion was had on whether the drive is a platted road or a vacated road. Lueken will research. Rickleman stated he would not agree to allow the fence to be re-installed.

Logsdon told Rickleman his property is in violation of the Property Maintenance Ordinance because there are more than five cubic feet of material on the property. Steinkamp stated the county could order the property to be cleaned up and then the bill would be sent to Rickleman along with the fine. Lueken read the definitions set out in the ordinance. Rickleman maintained that there is no junk on his property. Steinkamp offered to go to the property with Rickleman and point out the violations. Lueken suggested Steinkamp also document the visit with pictures. Logsdon asked Steinkamp to visit the property with Rickleman and report back.

Tuck-pointing Quotes

Maintenance Supervisor Glenn presented three quotes obtained to complete the courthouse tuck-pointing project.

Empire Contractors, Inc.	\$29,450.
Veeck Masonry, Inc.	\$49,060.
N.M. Bunge, Inc.	\$34,615.

Glenn stated all three are good and experienced contractors. Logsdon made a motion to hire Empire Contractors for the tuck-pointing project. Gogel seconded. All in favor.

Legal Report

Report – Lueken furnished the commissioners with a list of issues and projects he has researched or worked on in the last month.

AIC Conference – Lueken asked for permission to attend the AIC Legislative Conference. Logsdon made a motion to allow. Gogel seconded. All in favor.

231 Adult Plaza Litigation – The Adult Plaza filed a Petition to Transfer to the Indiana Supreme Court and a response is needed. Currently an outstanding balance of approximately \$12,000 is owed to Attorney Bergthold. Lueken asked the commissioners to request an additional of \$25,000 from the Riverboat Fund. Gogel stated a joint meeting with the council is needed. Lueken said the petition to transfer is the only change since the last joint meeting and a response needs to be filed by January 14th. Logsdon made a motion to request \$20,000 from the Riverboat Fund. Gogel seconded. All in favor.

FMLA Revisions – Lueken stated he reviewed the proposed FMLA policy drafted by Waggoner, Irwin, Scheele & Associates. Lueken recommended the commissioners adopt the policy. Logsdon said if the policy needs to be added to or changed, it could be done at any time. Logsdon made a motion to adopt FMLA policy. Gogel seconded. All in favor. Logsdon suggested a copy of the FMLA policy be sent to the insurance committee for review.

Advisory Plan Commission Ordinances

Billboard Requirements – The advisory plan commission requested the passage of an ordinance amending the zoning ordinance to establish size and spatial requirements for billboards. Logsdon made a motion to pass Ordinance 2009-07. Gogel seconded. All in favor. A copy of the ordinance is available for review in the Auditor's Office.

US 231 Corridor Overlay District – The advisory plan commission requested the passage of an ordinance amending the zoning ordinance to create the US 231 Corridor Overlay District. Logsdon made a motion to adopt Ordinance 2009-08. Rininger seconded. The motion passed with a vote of two to one, with Gogel opposing.

Commissioner Meeting 12/31/2009 cont.

Community Development Block Grant – Disaster Recovery

Logsdon discussed the submission of two projects to Indiana Office of Community and Rural Affairs for a Community Development Block Grant for Disaster Recovery. The grant requires a grant administrator and the county must advertise for quotes for the position. Logsdon requested quotes from four different grant administrators.

Luce Sewer Board – Ed Ingram

Lueken stated he received a copy of the bi-laws of the Luce Township Regional Sewer District from Attorney Jeff Lindsey. The bi-laws dictate how the board is to conduct their business. They do not address or control the actions of the appointing bodies. Lueken stated the Indiana Codes regarding regional sewer boards does not address the removal of an appointment and there have been no court decisions made in the area. Lindsey also told Lueken that Ingram would not be able to direct LTRSD funds be used to pay legal fees to defend his position unless the majority of the board voted to do so.

Logsdon asked when the board elects their officers. Lueken stated they are elected annually at the beginning of each year.

Gogel stated he does not agree with Ingram but he can see nothing being gained from his removal. Rininger said if Ingram wants to work against the board, he should do it as an individual, not as a board member. Gogel said the bottom line is obtaining easements.

Logsdon asked when the first meeting and the election of the officers would be held. Lueken said January 12th. Logsdon made a motion to table the issue until the January 19th meeting. Gogel seconded. All in favor.

Gogel made a motion to adjourn. Logsdon seconded. All in favor. The meeting was adjourned at 12:05 pm.

Board of Commissioners,

President
Attest:

Cindy Shelton, Auditor

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