

Council Meeting
April 21, 2009 – 5:06 pm

The meeting was called to order by President Spaetti. Councilmen Spaetti, Ebert, Winsett, Kress, Waninger, Kroeger, Bunner, and Attorney Wetherill were present.

Minutes

3/17/2009 minutes; Bunner made a motion to approve. Winsett seconded. All in favor.

Transfers

Health Department

The Health Department requested a temporary transfer from the Tobacco Grant Fund to the Health Fund in the amount of \$69,000. Kroeger made a motion to approve. Ebert seconded. All in favor.

Additional Appropriations

County General

Full-Time Election Office Deputy – Clerk Harney discussed the need for the Election Clerk to be turned into a full-time deputy clerk. She stated that a full-time deputy could assist in other areas during off election times. Kroeger stated that he would like to see how many hours the election clerk has worked in the past. It was decided that it should be considered at budget time. Kroeger made a motion to deny the additional and reconsider the position at budget time. Bunner seconded. All in favor.

IDAC/Telephones – Previously tabled at the February 17th meeting, the \$5,000 additional is needed to pay for the service used to run license plates and other information used by the Sheriff's Department. Waninger made a motion to approve. Ebert seconded. All in favor.

Health Department

Public Health Preparedness – The Health Department requested \$10,000 to be used for Public Health Preparedness. The money is reimbursable through a grant. Kress made a motion to approve. Bunner seconded. All in favor.

Cum Bridge

Bridge Inspection – Engineer Lloyd sent a letter explaining that she mistakenly requested an amount for Bridge Inspections which was \$20,000 short of the required amount. Bridge inspections are required. Kress made a motion to approve. Waninger seconded. All in favor.

Highway Department

Contractual Services – Highway Superintendent Painter requested \$30,000 for contractual services to pay for the continued removal of the underground tanks. The money is reimbursable. Ebert made a motion to approve. Kroeger seconded. All in favor.

Luce Township Regional Sewer District

Matt Steinkamp reported that the board met with Freedom bank and agreed that the district would pay the bank \$75,000 per year of received COIT funds to pay down the debt. The board did this with the hope that the council will continue the funding. Steinkamp added that the majority of the board still feels that the current system is the correct system for the area.

Matt Bunner, President of Leadership Spencer County, reported on the results of a survey they did of the Sewer District potential users who have not signed their easements. Results are as follows:

412 users have not signed

188 users do not have contact numbers

7 numbers were disconnected

27 users were reached and agreed to answer questions

*Our records show you have not signed your property easement. Is that correct?

-27 yes

*Do you feel Luce Township needs a sewer system of some kind?

-7 yes

-7 no

-4 possibly, but not this type

-9 no answer

*Would you support a sewer system if the tap-in fee was set at \$1,000 with an average monthly rate of \$65 or lower?

- 2 yes, if not sent to Rockport
- 3 no, if sent to Rockport
- 2 maybe, if it is the right system
- 2 no answer
- 3 do not know
- 1 better pay me well for my easement

*If No, what tap-in fee and monthly rate do you feel would be more affordable?

- 4 nothing, my septic system is fine
- 2 nothing, mine is free
- 4 nothing if it goes to Rockport
- 2 yes, if everyone pays the same regardless of income or excuse
- 1 I have a lot of land
- 1 I do not own the property
- 4 refused to answer

*What steps can the Luce Regional Sewer Board take to gain your support?

- Start over and learn from mistakes
- Should not have sued me.
- 4 Should not have threatened me.
- Get rid of _____ (past & current board persons)
- Ask for my input earlier
- 2 Keep it in Luce Township
- 2 Not put a grinder in my yard
- Start over
- Fold up
- Tell me what they are going to do with my barn & the easement running through it
- Subdivision rules state utilities run behind, and they want it in front
- Contact me about my easements

Richard Wetherill, representing Freedom Bank, stated that the LTRSD board passed the resolution to pay Freedom with the COIT funds. Freedom is willing to extend the loan, but the LTRSD does not have the means to pay the loan without the COIT funds. Freedom looks to the county to secure the loan. Discussion was had on the original 2002-08 ordinance. Freedom interprets the ordinance to say that the county still has a commitment to make the payments to the district. Richard Wetherill stated that the bank wants a commitment from the council to continue the COIT payments and secure the debt and then the bank will extend the loan. Wetherill further stated that it has been discussed that the assessed value of the county is decreasing and he said a sewer would immediately address the issue.

Winsett stated that he would like to ask outside legal council to review the ordinance and give an opinion to the council. Richard Wetherill stated that there has been reliance on the ordinance by the bank. Winsett stated that he is not saying the bank is wrong, but he would like to get a second legal opinion. The council attorney, John Wetherill, voluntarily abstained last year from giving a legal opinion on the Luce Sewer issue. Ebert agreed with Winsett that the council needs a legal opinion.

Kroeger stated that it is an affront to the council for Freedom to tell the council what the intent was behind the ordinance. He said the ordinance signed may not get the council off the hook legally, but the intent was that the county was under no obligation to continue payments if after five years construction had not begun. Kroeger further stated that no one wants to see the district fail, but payments should be based on a plan and not on an agreement between the district and the bank. Kroeger said what he was hoping for was that the bank would accept a minimum payment from the district to give them more time. He reiterated that from day one there was no

question that the payments would stop if the project was not underway after five years. Kroeger stated that, personally, he would be in favor of a short term commitment, but not \$75,000 a year for twelve years.

Ed Ingram stated that the sewer board passed an ordinance in 2005 that prohibits COIT funds from being used to pay bank loans. He said he is tired of his money, as far as COIT funds are concerned, being used for this. He also stated that Rural Development funding will be lost in February. Kroeger asked Ingram how he proposed to pay the bank. Ingram stated there is no obligation to pay them with COIT funds. Kroeger said the point remains that the bank has to be paid. Ingram said nothing can move forward without the easements. Kroeger asked if he felt the engineering company took advantage of the district. Ingram said yes. Kroeger asked if the board has looked into going after them. Ingram said not yet.

Ebert stated that from now on, he feels the sewer report should be limited to five minutes and the rest should be handled at the sewer district meetings. Winsett stated again that Spencer County needs to be protected, and he made a motion to seek the advice of an outside attorney.

Kroeger stated that he would prefer to come to an agreement and make a short term commitment as long as it looks like a system is moving forward.

Bunner stated that he would love to see the whole sewer board come together, even though they do not agree on every detail, and agree on the need for a sewer and go out and sell it to the community.

Winsett re-stated his motion to seek outside legal advice on where the council stands before anything is done. Kroeger stated that no one has officially asked for money, so no legal opinion is needed until someone asks for the money. Bunner agreed that it was premature. No seconded was given. The motion died.

Matt Steinkamp said that temporary short term agreements encourage the opposition to say that they just need to delay everything for a short time more before it will dissolve. Kroeger said the board needs to do a better job of convincing the people that they will benefit from the project.

Ebert made a motion to limit the Luce Sewer report to five minutes. No seconded was given. The motion died.

Bunner made a motion to adjourn. Ebert seconded. All in favor. The meeting was adjourned at 7:30 pm.

County Council,

President

Attest:

Cindy Shelton, Auditor

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