

Board of Commissioners  
September 21, 2010 – 2:30 pm

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

Public Hearing to Vacate

Representing Petitioners Luther L. Harper, Marcella Harper, and Deborah L. Kennedy, Attorney Patmore presented the proof of publication and the notification for the public hearing requesting the vacation of an alley between Mariah Hill Lots 51, 54, 59, and 62 on the West and Mariah Hill Lots 52, 53, 60, and 61 on the East. Patmore stated the alley is unimproved, is not needed for ingress and egress, is not used for utilities, and is not used as a public road.

Joseph Rickelman stated his opposition. He said the alley is needed for utilities. Lueken stated the street that is platted to the West of Lots 51, 54, 59, and 62 is public access. Patmore stated the county could reserve the right to use the land for utilities if necessary.

Further discussion was had.

Lueken stated the action to take is for the commissioners to decide on the outcome – to vacate or not, then if the alley is to be vacated, what conditions should be put on the vacation.

Logsdon made a motion to vacate the alley between Mariah Hill Lots 51, 54, 59, and 62 on the West and Mariah Hill Lots 52, 53, 60, and 61 on the East, with the reservation of using the alley in the future to bury utilities if necessary. Gogel seconded. All in favor.

Public Hearing – United Energy Clean Up Grant

Thomas Mosley of Indiana 15 discussed the application for a grant to clean up the brownfield United Energy (Troy Refinery) property. The grant is for \$200,000 with a 20% match. The match can be in labor and materials. Spencer County can request a hardship waiver for the match. The application is due October 15. The county is under no obligation to accept the grant if it is awarded. Mickey Toler asked if soil analyzes have been done on the property. Mosley said yes, in the Phase II stage. Logsdon explained that the county would not have been able to proceed with the hearing without completing Phase I and II.

No other public comments were made.

Polling Places

Clerk Harney asked for approval of the polling locations for the general election. Gogel made a motion to approve. Logsdon seconded. All in favor.

Holiday and Payday Schedule for 2011

Clerk Harney stated the date of the General Election is a legal holiday in the state of Indiana. After a brief discussion, Logsdon made a motion to approve the holiday and payday schedule for 2011 as presented at the prior meeting. Gogel seconded. All in favor.

Paranormal Group

Tom Lavery of Night Owl Ghost Hunters requested permission to investigate paranormal activity in the courthouse. A county deputy is part of the investigation group. Logsdon made a motion to allow the investigation as long as the county deputy was present. No second, the motion dies.

Burn Ban

EMA Director Perdue requested the burn ban be continued but revised to allow campfires in Lincoln State Park under the park's restrictions. Discussion was had on liability. Logsdon made a motion to continue the burn ban as stated below for seven days with Perdue having permission to extend another seven days if necessary.

Whereas, Spencer County, Indiana is immediately threatened by a natural disaster- specifically county wide drought conditions, and;

Whereas, as of September 7, 2010, we find our county to be at risk of widespread fire hazards because of the ongoing drought conditions and;

Whereas, a county-wide burn ban affecting certain activities is an appropriate public safety response to the fire hazards presented by the current drought conditions;

Now, therefore, we, the Spencer County Board of Commissioners, declare, pursuant to the provisions of IC 10-14-3-29, that a state of emergency exists in the county and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the county for the exercise of all necessary emergency authority for protection of the lives and property of the people of Spencer County.

We also declare that, effective immediately, the following activities are prohibited in Spencer County:

1. campfires and other recreational fires, ***unless enclosed in a fire ring with dimensions of 23 inches in diameter X 6 inches high or larger;***
2. open burning of any kind using conventional fuel such as wood, or other combustible matter, with the exception of grills fueled by charcoal briquettes or propane;
3. the burning of debris, such as timber or vegetation, including such debris that results from building construction activities and/or wind storm debris; and
4. the use of burn barrels for any open burning at residential structures.

Charcoal from permitted grills shall not be removed from the grills until the charcoal has been thoroughly extinguished.

In addition, we strongly encourage our residents to attend public displays of fireworks and limit their personal use of fireworks to those that do not leave the ground, and that they refrain from using aerial firework devices.

Reference is hereby made to all appropriate laws, statutes, ordinances and resolutions, and particularly to Section 10-14-3-29 of the Indiana Code.

All public offices and employees of Spencer County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations, and directives whether state and local.

All residents are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and disaster services forces in executing emergency operations plans, and to obey and comply with the lawful directions of properly identified officers.

All operating forces will direct their communications and requests for assistance and operations directly to the Emergency Operations Center.

This burn ban shall be in force for 7 days unless rescinded by the Spencer County Commissioners and may be extended 7 days if necessary.

In witness, whereof, we have hereunto set our hand this 21<sup>st</sup> day of September, 2010.

Gogel seconded. All in favor.

Tamera Graham, representing the Grandview Fire Department, asked if the county imposed a penalty for violations to the burn ban. Fire departments have visited the same property four times to extinguish fires and two times were during the burn ban. Lueken stated violation of a burn ban was a Class B Misdemeanor.

Triad Mining

Lueken presented Resolution 2010-12 to release a road bond posted by Triad Mining. Logsdon made a motion to approve Resolution 2010-12. Gogel seconded. All in favor.

LEDC Update

LEDC Director Tom Utter discussed the Center for Coal Technology Research Convention that was held in Rockport. The convention was attended by people from all over the world.

Inmate Medical

Discussion was had on the proposal from CRS for health insurance coverage for jail inmates. The commissioner asked Chief Deputy McDurmon to have CRS draw up a contract for the next meeting. McDurmon will forward the contract to Lueken prior to the meeting for review.

Highway Report

Stone, Gravel, and Bituminous Report – Superintendent Painter discussed the Stone, Gravel and Bituminous budget and the distribution between the districts.

Kreilein Farm – Painter discussed a request to have the county start maintaining a county road that is not currently on the county inventory. Currently there is a gated fence blocking the road but the owner allows the adjacent owners and farmers to open the gate and cross. Gogel and Painter will talk with the landowners involved.

CR 300E – A landowner requested the replacement of a bridge on CR 300E. The bridge is on a dead-end road and landowners have no other access. If the bridge was replaced an emergency run-around would have to be built.

Relinquishment Agreement – INDOT has offered a relinquishment agreement for portions of SR 245. Painter will research.

Johnnys town Road Bridge – Painter reported the bridge on Johnnys town Road should be completed within the next two weeks.

Sub-consultant Agreement

Bernardin Lockmueller and Associates, Inc. requested the approval of a Sub-consultant Agreement in the bridge inspections to allow a sub-contractor to handle a portion of the inspections. Logsdon made a motion to approve. Gogel seconded. All in favor.

LTRSD – Sub-recipient Agreement

LTRSD Attorney Lindsey presented a Sub-recipient Agreement between Spencer County and LTRSD for review. Lindsey asked to be on the agenda again to discuss. Project bid opening will be October 14.

St. Meinrad Water

Gogel stated St. Meinrad Water will know the outcome of their grant application on September 24.

Legislative Platform

Logsdon presented copies of the proposed legislative platforms for the Indiana Association of Cities and Towns (IACT) and the Association of Indiana Counties (AIC).

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 4:44 pm.

Board of Commissioners,

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President  
Attest:

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Cindy Shelton, Auditor

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