

Owen County Commissioners
Regular Meeting
Courthouse 60 S. Main Street Spencer, IN 47460
Friday July 11, 2008 9:00 a.m.

Present: Wiley Truesdel, Steve Redenbaugh, Steve Williamson

Guests: Donald Fleckenstein, Beverly Johns, Darrell Russell, Michael Stanley, Melvin Beeker, Chris Brown, Fred Glover, Tim Kiste

MEETING WAS OPENED WITH THE PLEDGE TO THE AMERICAN FLAG

**IN THE MATTER OF THE MINUTES OF JUNE 23, 2 EMERGENCY MEETINGS
JUNE 12, JUNE 17, AND A SPECIAL MEETING JUNE 30, 2008**

Mr. Williamson moved to approve the minutes June 23, 2008 as well as minutes of two Emergency Meetings held June 12 and June 17 regarding Flood Issues, and the Special Meeting called for June 30. Mr. Redenbaugh seconded the motion. Motion passed 3-0.

IN THE MATTER OF CLAIMS ADVERTISED FOR PAYMENT DATED JULY 11, 2008

Steve Redenbaugh moved to approve the claims dated July 11, 2008. Steve Williamson seconded the motion. Motion passed 3-0.

IN THE MATTER OF THE HIGHWAY DEPARTMENT—Speaking Darrell Russell

Mr. Russell presented an updated list of the roads on which they have been working since the flood of June 7th. Currently 12 roads are perceived by the Department to be closed. The list includes Childers Rd—Bridge 22, east of Moore Rd 705 ft is out, Cuba Rd,--1,400 ft west of Rocky Hill Bridge 30 washed out, Drunkard's Pike—culvert and washed out at Porter Cave, Goose Creek Rd—Bridge 87, 200 ft west of Big 4 washed out, Limestone Creek—washed out bridge about 3265 ft N of Hollybrook, Moore Rd—washed out, Mt. Zion Rd—culvert and bridge washed out 1,000 ft S of Graham Rd, Old Cuba Rd—Bridge 38, south of S. Cataract 6,065 ft is out, Rocky Top—North of 2160, caved in, Rocky Top Rd, hill collapsed, Smith Rd—1,935 ft south of Fidler Rd, culvert washed out, and Smith Rd.

In addition Mr. Russell stated that he will use 5 state trucks from Crawfordsville for hauling. He believes out of county operators can be paired up with local operators for more effective use of their time and talents. This will also free up our trucks for bigger jobs.

Ms. Lawson asked how much work will have to be done locally on Jordan Village. The private way was approved by the State and Wiley signed the paperwork yesterday. Ms. Lawson received an email today from the State and explained Wiley needs to give the go ahead to the construction company—the deadline for completion is July 19. Mr. Russell stated that upon conclusion of this meeting, he will meet with the contractor and Fred Glover, the USDA representative, at

Jordan Village hole to pass along the information. He cannot state, at this time, exactly how much work has to be done by our Highway Department.

Ms. Lawson announced that the price of the contract was \$53,712.50 of which we will receive a reimbursement of \$40,284.37. That is a 75/25 per cent rate of reimbursement as approved by the USDA. Chris Brown Excavating was awarded the contract.

Mr. Williamson asked Darrell Russell if he or Russell Ross could go check out Mt. Zion Road where a new sewer system is being installed. He wanted them to check out a problem and talk to Jane Miller. He also asked that when sewers are rolled off if they would first ask the landlord if it is okay.

Mr. Truesdel stated that Ms. Miller has presented a letter to them concerning Mt. Zion and asked Darrell if he had a copy of it and he replied that he does have a copy. Mr. Truesdel continued that Bill Asbury, CPI, needs to be contacted because he sized that for water flow, did a watershed survey as to how many acres flows into it and that is why it was oversized.

Mr. Williamson believes the main concern is that the drainage comes from the north and they are going to have to make a swale so the water will get down to the creek.

Beverly Johns was present to discuss the information presented to the Commissioners in writing on behalf of her mother Norma Jane Miller. Ms. Johns offered a background history of the property and what was represented to them by the contractor. She explained that there is a bridge built prior to 1946, the creek comes in, parallels the road bed and comes to the pool area and then exits the property by the bridge that was there and damaged during the flood of June 7 and 8, 2008.

She continued there is 120 feet of steel culvert laying in the hayfield at Ms. Miller's property. She commented that the discharge point is supposed to be at the same point where the bridge discharged at and if roughly 120 feet is taken out, that will change the intake point on that sewer, going up the creek bed approximately 100 feet based upon aerial representations from the county mapper. There are two field tiles that empty into the pool where the bridge was at which is the low point. The surface water from the north comes down in there. She inquired as to how the water is going to be managed and make it go upstream that far to the inlet of new culvert which is 11 feet across, enter the culvert and not cause a pond to form every time there are two or three inches of rain that comes down where the normal pool had been and take the productive crop land out of production and do damage and erosion down there.

The family's main concern is to know how it is going to be managed, for example what is going to be done with the field, who is responsible, and who is going to maintain it. Time is of the essence in case other options have to be pursued by the land owner. Ms. Johns asked what the Commissioners propose to do concerning this particular area, how big of headers will be used, and how far will they go onto the Miller land. To date, Ms. Miller has not been contacted to grant permission for anyone to go beyond the assumed right of way. Ms. Johns stated she would like to work with them and take care of it.

Mr. Truesdel asked when it was scheduled and he was told it was delivered yesterday. He was instructed to put it on hold until the information is available. Ms. Johns stated the concrete bridge is proving to be a much more difficult task to remove—it is about a foot thick on the walls

and has a one inch rebar with two or three layers in it. There was a geological marker on that bridge that has been destroyed and her understanding is that there is a \$250.00 fine but she does not know who enforces it.

Mr. Truesdel gave instructions to call Mr. Asbury to see what can be determined in the way of watershed survey---Mr. Lorenz interjected that in this particular case a copy of the letter should be shared with him and the response should be in writing to the questions which have been raised.

Mr. Williamson stated, pertaining to his conversation with Jane this morning, she wants to know how far back in the field the swale will be located. Mr. Truesdel stated that Mr. Asbury needs to meet with Ms. Miller and family members to discuss the situation.

Mr. Russell clarified that demolition could still take place but there will be no construction until further notice.

Mr. Russell continued that Brandy from Seymour District wants to have a meeting Monday at 1 p.m. with Mr. Truesdel and himself to discuss in more detail the roads in Owen County concerning what “on system” and “off system” roadways are. Basically, he stated that “on road systems” have a possibility of 100% State funding and the “off road systems” can be funded by FEMA. The meeting will be held at the Highway Department.

Mr. Redenbaugh asked if FEMA showed up yesterday or if he called and Mr. Russell replied no sir he did not. Mr. Russell stated he has the names from the meeting he attended on July 8. Rick Saunders conducted that meeting and stated they would be working together with FEMA personnel and they would be at the Highway Department yesterday, but it didn’t happen.

Mr. Redenbaugh also asked about Concord Road. Mr. Russell explained Ed Alott had purchased property several years ago. Mr. Russell examined the concern but there appears to be no quick fix. Mr. Russell will continue to work with the land owners and this issue will be addressed at a later date. Mr. Lorenz commented that at some point in time it may become a civil matter between two land owners.

IN THE MATTER OF DONALD FLECKENSTEIN—BUILDING DEPARTMENT AND HEALTH DEPARTMENT ISSUE—Speaking Donald Fleckenstein

Mr. Fleckenstein reported to the Commissioners that the Building and Health Departments had “red tagged” his home after the recent flooding took place. He stated he was present today to ask the Commissioners to rescind that particular order.

Mr. Fleckenstein continued that the reason his home was “red tagged” was because the Building Inspector stated he was following orders from the Department of Natural Resources that states “any manufactured home that has water on its floor is to be declared structurally unsound and unfit for human habitation.” He suggested to the Commissioners that the home is no longer a manufactured home, although it was about 18 years ago. Originally he had moved a double wide onto the property but it was gutted and rebuilt from scratch. The point he was making is that the home is no longer a manufactured home. Mr. Fleckenstein reviewed all the reconstruction that has taken place—new siding, added a porch, put in new floor, new roof, new siding, plumbing, wiring, etc.

Mr. Truesdel stated that Mr. Fleckenstein had been taxed as if it was a mobile home. Mr. Fleckenstein stated he had paid the required taxes each year and if it was not assessed appropriately, it was not his fault.

Mr. Lorenz stated that DNR inspectors will be in the county this coming Tuesday. Mr. Lorenz, DNR, the Building Inspector and Health Department representatives will meet with Mr. Fleckenstein to determine if he can begin to rebuild or if his home is still considered uninhabitable.

Mr. Lorenz continued that there are some 250 homes or so (Spencer and County) being looked at that will have letters issued to them in the next week or so explaining what they need to do for their particular property.

Mr. Fleckenstein further stated that while the Building Inspector was at his home, he inquired of the Inspector to look at what had been done and was assured by the Inspector that Mr. Fleckenstein had already done everything that needed to be done to begin reconstruction.

Mr. Lorenz confirmed that the meeting on Tuesday would result in a definitive answer as to what needs to be done. Mr. Fleckenstein stated the property was elevated.

IN THE MATTER OF DIANE NICHOLS—HALTOM HEIGHTS CONCERNS

Ms. Nichols was not present and will be discussed July 21.

IN THE MATTER OF LINDA BAILEY—HOME OCCUPATION AGREEMENT

Ms. Bailey was not present and it was stated this issue has been referred to Mr. Lorenz

IN THE MATTER JOE & KIM PATTISON—AGREED ENTRY

Mr. Lorenz stated they agreed to pay for the attorney fees, cost of the action and everything else and to clean up the property.

IN THE MATTER OF LITTLE SANDY COAL COMPANY—RELEASE OF BOND

Ms. Lawson stated she received information about releasing a bond and had talked to Mr. Lorenz about the release from Little Sandy Coal Company. This dates back to 1991 and refers to Pond Creek number 1 mine section 13 and 14 township 9 north range 6 west. According to Mr. Lorenz it would be difficult to prove any liability after 17 years. He will review the bond.

Mr. Williamson moved to approve the release of the Bond based upon Mr. Lorenz's review and approval. Motion passed 3-0. (Motion # 81)

IN THE MATTER OF RALPH SCHWARZ--K & R CONSTRUCTION RE: OVERSIZE LOADS

Mr. Schwarz was not present. However, Mr. Lorenz stated that he did write a letter to the customers who were complaining to Mr. Schwarz about why he was unable to move in a timelier manner.

IN THE MATTER OF JORDAN VILLAGE ROAD—Speaking Fred Glover

Mr. Glover, USDA Representative, stated that the property owner Tracey Trammel stopped them from working on the property because he said they had no right to be working there.

Mr. Glover said that from talking with the owner, he wants money and Mr. Williamson interjected that he wants \$10,000.

Mr. Glover continued that the Federal Government's agreement with the Commissioners is that they do the survey, design and pay 75% cost of the project. The County will pay 25% which may be in-kind or monetary and obtain the land rights so they can do what they have to do.

Mr. Lorenz stated that it needs to be determined where the county right of way exists, where his property lines are located, and USDA has to let him know what they need to have to work on. Ms. Lawson will have the GIS Coordinator work with Mr. Glover and then take the information to Mr. Lorenz.

IN THE MATTER OF ATTORNEY UPDATES

Mr. Lorenz presented documentation requesting the Commissioners (Grantor) grant to Spencer-Owen Community School Corporation (Grantee) an easement allowing the continued occupancy and use of the described real estate as being a part of the southeast quarter of Section 17, Township 10 North, Range 3 West in Owen County for purposes of installing and maintaining communication structures and equipment to fulfill the needs of the public school corporation. The easement shall run with the land so long as the public school corporation, or its successor, continues to exist. In the event that Grantee public school corporation ceases to exist and is not succeeded by another public school corporation this easement shall terminate.

Steve Williamson moved to approve and sign the easement request from the Commissioners (Grantor) to the Spencer Owen Community School Corporation described in detail above. Steve Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 82)

Mr. Lorenz complimented the Health and Building Departments for working through tons of problems in the recent past. He praised them for having done everything they could to keep up with the very difficult set of conditions.

Mr. Williamson commented that Jack White has done a super job too as have several people who stepped up to help in various areas.

IN THE MATTER OF COMMISSIONERS' COMMENTS

Mr. Redenbaugh asked if there were any spec changes on the bids concerning the roof. The next bids are due July 21. Mr. Lorenz said there were no spec changes but checked with vendors and they agreed that whatever problem there was since the time of the bid with the flood, etc., they will be taken care of as well as the pigeon problem. The bid does not cover cosmetic repairs that need to be made in the bathrooms in the jury room and the Judge's Chamber and in the courtroom. In the long term engineers need to take a look at ceiling etc.

Mr. Truesdel recognized Mr. Melvin Beeker who was in the audience. Mr. Beeker stated he heard on the radio that FEMA has trailers available at Camp Atterbury that will be made available for Owen and Vigo counties. Ms. Lawson stated the problem is that Owen County does not have locations for these trailers nor for people who have been displaced from their homes.

Ms. Lawson announced there is a new phone representative with whom she will be working regarding the County phone system.

Ms. Lawson will email Brian Eaton, USDA regarding land rights plans for Jordan Village road repair.

Mr. Williamson asked how many vacation days Larry Abrams has. Ms. Lawson has asked for his record but has not received it. She stated that according to the Personnel Policy no more than 15 days can be carried over. Mr. Williamson commented that the last nine days at the County Garage have been a lot smoother than it has been for a long time.

IN THE MATTER OF ADJOURNMENT

Steve Williamson moved to adjourn. Steve Redenbaugh seconded the motion. Motion passed 3-0. The meeting adjourned at 10:15 a.m.

Wiley Truesdel

Steve Williamson

Attest: _____
Angie Lawson, Auditor

Steve Redenbaugh