

Owen County Commissioners
Regular Meeting
Courthouse 60 S. Main Street Spencer, IN 47460
Monday July 21, 2008 9:00 a.m.

Present: Wiley Truesdel, Steve Redenbaugh, Steve Williamson

Guests: Melvin L. Beeker, Mike Stanley, Mark Rogers, Matt Davis, Beverly Johns, Pamela Keith, Chester H. Richardson III, Jon Stantz, Bonnie Tinsley, Cris Lunsford, William Birkle, Lowell Simpson

MEETING WAS OPENED WITH THE PLEDGE TO THE AMERICAN FLAG

IN THE MATTER OF THE MINUTES OF JUNE 11, 2008

Mr. Williamson moved to approve the minutes July 11, 2008. Mr. Redenbaugh seconded the motion. Motion passed 3-0.

IN THE MATTER OF CLAIMS ADVERTISED FOR PAYMENT DATED JULY 21, 2008

Steve Williamson moved to approve the claims dated July 21, 2008. Steve Redenbaugh seconded the motion. Motion passed 3-0.

IN THE MATTER OF THE HIGHWAY DEPARTMENT

No one was present from the Highway Department today. Mr. Truesdel stated that Larry was going to come but he was on White Springs Road pumping water.

Mr. Williamson asked if anyone had heard that if you put a sewer in where a bridge was, FEMA would not pay. He had been given this information by workers in Clay County. Mr. Truesdel stated that FEMA had been out to the highway garage last Thursday or Friday and were well pleased with the records.

Mr. Williamson asked if we had all the contracts on all the work being done. Ms. Lawson stated there were no contracts other than what the Commissioners approved in their last meeting.

Mr. Truesdel said there are none. Ms. Lawson thought there were some. She continued that FEMA has been out there and they will want to see contracts as well as the State Board of Accounts. There are contracts for the 3 bridges. Ms. Lawson asked about contracts for road work being done. Mr. Truesdel thought there would be.

Mr. Redenbaugh thought that some who had done work, Strauss, Wally, Dubois, Keith, did not have contracts for FEMA. Mr. Lorenz stated there is contract for the landfill. Mr. Redenbaugh was concerned that if they don't have contracts for the work, there will be no reimbursement from FEMA.

Mr. Williamson asked if there should be two bids on contracts. Mr. Lorenz stated that the Emergency Provision in the State of Indiana provides that there should have been “quotes”, which Ms. Lawson has for emergency repairs, etc., and then documented in the record from whom or where the quotes were sought and that is sufficient.

Mr. Lorenz explained that when the person submits the billing, the critical matter is to identify how many man hours were involved, materials, invoices, the whole thing in detail otherwise there will be a nightmare of problems. The paperwork has to be good from the very beginning.

Ms. Lawson also explained the in-kind work needs to be documented too because that counts towards the 25% of the County’s portion. Ms. Lawson continued that FEMA even wanted to know what was in the dumpsters, what the tonnage was, where they were taken and who took them. That is how detailed the information is to be.

Mr. Redenbaugh asked if quotes count as contracts. Mr. Lorenz answered no, that was the means by which contracts were solicited.

IN THE MATTER OF BRIDGE ISSUES AND ROAD UPDATES

Mr. Truesdel believes there are still 12 roads closed. That was the last report given to him.

Concerning the Tracy Trammel (Jordan Village) situation, Mr. Lorenz reported that the engineering design failed because they couldn’t get back to where they thought they could. The project has to be expanded so they have taken themselves off the project and will start all over again.

Mr. Lorenz continued that this calls to attention the conduct of vendors when they come to the Commissioners it has to be determined that the contractors understand the total project whether it is an emergency or not. The projects need to start and finish without having to start two or three times.

IN THE MATTER OF THE CONTRACT FOR SERVICE ON LANDFILL REMOVAL

Mr. Redenbaugh moved to approve the contract with Andy Naanes for services rendered in the removal of trash and debris from the Owen County Landfill. Mr. Williamson seconded the motion. Motion passed 3-0. (Motion # 83)

IN THE MATTER OF DIANE NICHOLS—HALTOM HEIGHTS CONCERNS

Ms. Nichols was not present.

Mr. Redenbaugh asked if the land rights on Dillman Road had been taken care of so they can go up there and work. This was discussed last time and someone was going to check to make sure they had the land rights. Ms. Lawson commented she asked the highway department last week and was told Darrell was working on that. She suggested they get it in writing to avoid any other problems when they get to the worksite.

IN THE MATTER OF THE COMMUNITY FOUNDATION AND ROCC—Speaking Mark Rogers

Mr. Rogers provided the Commissioners with an update on the Long Term Disaster Recovery Committee which has been formed. The Committee was formed with advice of FEMA and the National Volunteer Group to take care of issues that still remain from the June 7 flooding. The committee renamed itself the Rebuild Owen County Committee, The ROCC which is how it will be referred to in the future. There are basically 2 phases. Phase 1 consists of helping families through trained volunteer case managers. They will help each family prepare a recovery plan to get back to pre-flood conditions. Fundraising and donations will be solicited for help with materials, etc. The ROCC does not anticipate giving monetary assistance. Phase 2 will primarily include mitigating issues such as finding housing for people not in harm's way. It is important to determine how we can be better prepared for future disasters with one of the issues providing low income housing for displaced families.

Mr. Rogers stated that the Committee has asked that they obtain an endorsement from the local municipalities, in principal, for the work The ROCC will be doing. He has met with Gosport and will be meeting with the Town of Spencer.

He stated that Jack White will be the representative of the County on the Steering Committee. He provided handouts to the Commissioners which included the Mission Statement, a list of volunteers who have been helping and a list of the Steering Committee chairs with descriptions of the respective committees.

The Steering Committee is searching for a "home". Several buildings are being considered and the Armory is among them. He asked if the Commissioners had any interest in allowing The ROCC to pursue the temporary use of the building for 18 to 24 months.

Mr. Lorenz stated that allowing up to 24 months might hinder the County from moving into the building. He recommended the Commissioners endorse the operations of The ROCC as there are a number of persons who need the services and it will actually assist government because it will help in situations that the County is unable to do.

Mr. Williamson moved to endorse the purpose and work of the Rebuild Owen County Committee. Mr. Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 84)

IN THE MATTER OF A PROPOSAL FOR THE COUNTY HOME—Speaking C. Edward Siscoe

Mr. Siscoe was not present.

Each Commissioner had a copy of the proposal. Mr. Lorenz reminded the Commissioners that some time ago when they had requested bid packets, the main building had been evaluated at \$50,000 and 10 acres of land they wanted to sell had been valued at \$60,000. Including another building and the mound system, the total was \$187,000.

According to the written proposal, Mr. Siscoe offered \$100,000 for the buildings and 65 acres of land. From the written proposal Mr. Siscoe stated he would like to breed ball pythons mutations of high market value.

Mr. Truesdel expressed they would pass on this, and Mr. Williamson asked if they didn't need to require at least the appraised amount. The Commissioners were not interested in presenting a counter offer at this time.

Mr. Redenbaugh asked if they were interested in doing something with it and Mr. Truesdel stated there are too many other problems at this time.

IN THE MATTER OF THE HERITAGE & CULTURAL CENTER COMMUNITY PICNIC—Speaking Bonnie Tinsley

Ms. Tinsley explained to the Commissioners that in connection with the discussion about the County Home she, too, had been asked by several parties who have expressed an interest in the County Home complex, how to go about making offers. Mr. Lorenz stated that anyone interested could make a bid at any time. However, he continued that the Commissioners would then review and if the bid is sufficient to cause interest they would then advertise to see if anyone else has an interest in the property. Bid packets are available.

Ms. Tinsley would like permission to use the County Home on Saturday August 23, 2008 for a community picnic from 11 a.m. to 4 p.m. The original date of June 14 had been approved but was cancelled because of the flood. The event will be open to the public.

Mr. Williamson moved to approve the use of the County Home by the Owen County Preservations, Inc. and Owen County Heritage and Culture Center, Inc. on Saturday August 23, 2008 for a community picnic from 11 a.m. to 4 p.m. Mr. Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 85)

IN THE MATTER OF REASSESSMENT CONTRACTS

Ms. Lawson presented one bid which had been given to her by Mr. Anderson. Because there was just one bid, the Commissioners tabled this issue till the next meeting.

IN THE MATTER OF ATTORNEY UPDATES—Speaking County Attorney Richard Lorenz

Linda Bailey and Home Occupation Agreement—Mr. Lorenz stated she requested permission for her home occupation as it had been approved before. The issue has been completed.

Little Sandy Coal Company—He will issue a release document to the Company with authorization of Commissioners.

Mr. Redenbaugh moved to have Mr. Lorenz issue a release document to the Little Sandy Coal Company releasing a Bond over ten years old. Mr. Williamson seconded the motion. Motion passed 3-0. (Motion # 86)

Roofing Bids—three re-bids were received:

Mr. Truesdel opened and read the bids for roofing as follows:

Royalty Roofing, Indianapolis--\$67,303.00

Building Associates—Bloomington--\$62,900.00
Pells Roofing—Terre Haute--\$68,073.00

Mr. Lorenz advised that all bids were in proper form. Mr. Redenbaugh asked who would check the finished project. Mr. Lorenz stated that at this time there was no particular County person named to check the completed project.

Mr. Redenbaugh moved to approve the bid of Building Associates in the amount of \$62,900.00 for Courthouse roof repair. Mr. Williamson seconded the motion. Motion passed 3-0. (Motion # 87)

Signatures on Grant Semi Annual Report

Steve Williamson moved to have President Wiley Truesdel sign the Subrecipient Semi-Annual Report for the Owen County (Cataract Lake) CF-03-112 Grant. Mr. Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 88)

Mr. Lorenz reported that types of buildings and structures that were damaged during the flood disaster have been categorized into various classifications. Letters will be mailed next week to those property owners explaining how to go about rehabilitation of those structures. He has spoken with DNR and some assessments may have to be done again.

He forewarned the Commissioners that he has two months of work that had not been included in his fees. He has been doing considerable work with the Health and Building Departments. The next application will be including fees.

Mr. Lorenz also reported there is some misunderstanding about the fact that the Commissioners and the boards that operate for the County have power to change restrictive covenants. This is a continuous confusion both internally with the Plan Commission and with landowners. The covenants put in by a developer cannot be changed or superseded by the Commissioners.

Mr. Lorenz informed the Commissioners that 22 properties have been cleaned up—motor vehicles, trash, debris with most done by consent. There were 4 who went to court and they have agreed to pay the cost and expenses associated with court.

IN THE MATTER OF THE AUDITOR’S COMMENTS—Speaking Angie Lawson

Ms. Lawson handed the Commissioners an article from Indiana News 92 written by AIC Deputy Legislative Director Andrew Berger. The title of the article is “What Lies on the Road Ahead?” Referring to the article, Ms. Lawson commented that 70% of all public road miles and 12,732 bridges are maintained by county government. Some candidates, both Federal and State, are talking about cutting or reducing the gas tax in a way that will give motorists a break on the high gas prices. If that is done, that will greatly impact the amount of money returned to the counties for their highway departments to fund county road upkeep and improvements.

With the high price of gasoline and consumers cutting back on their driving, the source of funding for highways is decreasing. Ms. Lawson recommended that when speaking with legislators or those who may wish to cut or decrease the gas tax, please remind them that it will be and already has cut back on the ability of highway departments to fund highway repairs.

Ms. Lawson discussed with the Commissioners several invoices she has that need to be paid. In speaking with the Sheriff, it was clarified that some of those will be paid by the Sheriff's budget.

IN THE MATTER OF MT. ZION ROAD SITUATION

Ms. Lawson asked Mr. Truesdel to comment on the Mt. Zion Road situation discussed at the last meeting. Mr. Truesdel reported he believed the land owner is satisfied with the way the tile drains are going to go in, the proposal was made Friday. He asked Ms. Johns if that was correct and she stated the family came to an oral agreement on the way it will be handled.

Mr. Truesdel asked Mr. Williamson why he wasn't there and Mr. Williamson stated he had not been informed to be there. Mr. Williamson stated that Fred Grover designed it. Ms. Johns commented that Mr. Grover basically confirmed the drop box should take care of the problem, and the family will monitor that.

IN THE MATTER OF A SHERIFF'S REPORT—Speaking Sheriff Richardson

In response to a remark posed earlier by Ms. Lawson to the Commissioners about emergency repairs and having enough money to pay for them, Sheriff Richardson wanted it clarified at what point in time does he need to request permission from the Commissioners to deal with emergency repair at the jail. Mr. Truesdel stated the Sheriff can always call him to explain the emergency and they will work together to solve the problem.

IN THE MATTER OF AN EMS UPDATE—Speaking Cris Lunsford

Mr. Lunsford informed the Commissioners that one of their ambulances was involved in an accident last week. Someone who had stopped in the right hand lane decided not to wait and pulled out into the side of the ambulance. The ambulance is drivable and an accident report has been filed.

Mr. Redenbaugh asked about the need for three way stop signs at Marion and Chestnut. Mr. Lunsford believed that a stop sign at Chestnut might be ok. He recommended the Highway department check the necessity for stop signs on those roads.

IN THE MATTER OF COMMISSIONERS' COMMENTS

Mr. Redenbaugh asked the other two Commissioners if they are wanting or ready to begin plans for the Armory. Someone has contacted Mr. Redenbaugh several times. The next time this person calls, Mr. Redenbaugh will tell him to ask to be placed on the Commissioners' agenda.

Mr. Redenbaugh had read in the paper that the Town had advertised for a Building Inspector. Mr. Lorenz explained that the Town was in need of immediate help and to ask the County to do all of the work was overwhelming. Mr. Lorenz is preparing an Inter Local Agreement.

Mr. Redenbaugh also asked about the possibility of sharing an engineer with Monroe County. He will pursue the discussion.

Also, he stated Graves is interested in the maintenance contract for the jail for 2009. When Sheriff Richardson was asked his opinion he stated it depends on what contract was being discussed—plumbing, heating/cooling, electrical, etc.

Ms. Lawson stated that State Board of Accounts has informed her that the 911 Fund cannot be used to pay for road signs. She stated that the Council will have to appropriate approximately \$3,500 from some other fund to reimburse the 911 Fund for which money has already been used for road signs this year.

IN THE MATTER OF COMMENTS FROM LOWELL SIMPSON

He stated he had a problem with the fact that the Highway Superintendent took a vacation during the emergency attributed to the recent flooding. Mr. Truesdel stated that was correct. Mr. Simpson wanted to know if Rocky Top was an emergency. Mr. Truesdel considered the work on that road necessary. Another comment Mr. Simpson made was that fuel was furnished for an independent contractor. Mr. Truesdel stated it was documented at this point with one of them.

Mr. Simpson asked who the Road Superintendent is and Mr. Truesdel stated he is Larry Abrams.

Mr. Williamson asked if Larry had a conflict of interest in running a dozer or excavator at the Rocky Top location. The question went unanswered. Ms. Lawson stated a Conflict of Interest Form that has been given to Larry to file at the Clerk's office.

Mr. Redenbaugh stated there were 3 quotes, no contracts, and he does not know which was used but none had been signed and he has no idea which one was chosen or if any of the vendors were chosen.

Mr. Lorenz suggested that within the next 10 days the Highway Superintendent document the contracts with whom the Highway is dealing.

Mr. Williamson commented it was his understanding that changes were made at the Highway Department. Mr. Truesdel stated that Russell is not the assistant. Mr. Truesdel stated that Mike McCullough could be—whoever he made the assistant. Larry Abrams has the authority to name the assistant.

According to Mr. Williamson, the Highway Department is right back to square one with the problems. Mr. Truesdel commented he couldn't answer that.

Mr. Redenbaugh shared concerns that there are problems at the garage. He suggested they may not be in this predicament if the Commissioners had required the Highway Department to have a plan which he requested 3 or 3 ½ years ago when they hired Larry. There didn't seem to be any interest in mandating that a plan be produced. He wants the Highway to have a Plan by September 1. He listed some ideas that he thinks should get a plan going—have daily assignments for the workers and let them report back what was accomplished for that day and what needs to be completed the next day. He stated the threats and swearing at employees needs to stop. There is no place for that in the workplace. Three years ago he discussed this with Larry but evidently it hasn't stopped.

In Mr. Redenbaugh's estimation, Larry quit. Then it was reported he was on vacation. His question was "How could an employee take the worst possible time in the history of the County and take a vacation." He doesn't understand how someone could take a vacation under the circumstances and care about his job.

Mr. Redenbaugh is adamant that contracts be signed appropriately and in the correct time frame. If he does not have an emergency road plan by September 1 as to who is going to work overtime and who will do what, he stated he will be making a motion to correct the situation.

Mr. Williamson stated that in other words Mr. Redenbaugh will move to dismiss Larry Abrams as Superintendent and he agreed with that 100%.

Mr. Simpson asked who the engineer was on the Mt. Zion Road project and when Mr. Truesdel asked Ms. Johns, she stated the gentleman who was at their house was Scott Brown and believed he had to do with the drainage issue. She did not recall that any name had been mentioned as the engineer. She recalled at the previous Commissioners' meeting a Bill Asbury was supposed to meet with them, but he was on vacation and Scott was the one present.

IN THE MATTER OF ADJOURNMENT

Steve Williamson moved to adjourn. Steve Redenbaugh seconded the motion. Motion passed 3-0. The meeting adjourned at 10:40 a.m.

Wiley Truesdel

Steve Williamson

Attest: _____
Angie Lawson, Auditor

Steve Redenbaugh