

Owen County Commissioners
Regular Meeting
Courthouse 60 S. Main Street Spencer, IN 47460
Monday October 6, 2008 9:00 a.m.

Present: Wiley Truesdel, Steve Redenbaugh, Steve Williamson

Guests: John Newlin, Darrell Russell, Jo Ann Ligon, Larry Brock, Brent Williams, Jerry W. Rhude, Michael Richardson, Bill Maegerlein, Darin Crum, Cris Lunsford, Jack White

MEETING WAS OPENED WITH THE PLEDGE TO THE AMERICAN FLAG

IN THE MATTER OF THE MINUTES OF SEPTEMBER 15, 2008

Mr. Williamson moved to approve the minutes of September 15, 2008. Mr. Redenbaugh seconded the motion. Motion passed 3-0.

IN THE MATTER OF CLAIMS ADVERTISED FOR PAYMENT DATED OCTOBER 6, 2008

Steve Williamson moved to approve the claims dated October 6, 2008. Steve Redenbaugh seconded the motion. Motion passed 3-0.

IN THE MATTER OF THE HIGHWAY DEPARTMENT UPDATE & SIGNATURES ON SERVICES RENDERED—Speaking Darrell Russell

Mr. Russell handed to each Commissioner Highway updates. He stated that work on Dillon Road would begin today.

Approximately October 16, the lab analysis from Geo Tech for the Jordan Village Hole will be completed and then the estimates can be done for the design and repair of the roadway.

Phase 2 of the bridge inspections by Clark Dietz will start October 29.

The FEMA update included that 129 PWs turned in and 62 approved, 67 either working, being checked, or waiting approval.

The department is going to begin skip patching places where the flood tore off the blacktop, i.e. Lake Hollybrook, Cuba Road, etc.

Mr. Russell informed the Commissioners that in the near future he will be discussing issues concerning Bridge 49 on Sycamore Road. He reported that a couple of semi trucks “got into it” and he called American Bridge and Timber and they estimated \$4,959.81 for materials. AB & T only sells materials. He currently has an estimate to fix the bridge. He informed the commissioners that the insurance company of the trucking firm will take care of repairing the

bridge. Mr. Russell has one estimate for repairs and he will obtain a second for the Commissioners to review.

Ms. Lawson had 3 invoices for services rendered that needed to be signed. Two were from Strouse Farm and Trucking for \$7,830.00 for Mt. Zion road, and \$2,500.00 for Rocky Top road. The other was from Jay Swalley Excavating for a total of \$21,370.

Mr. Redenbaugh asked Darrell if John Strouse had contacted him about damage to Rocky Top Road and Mr. Russell replied he had not been informed of any damage to Rocky Top. Mr. Redenbaugh suggested before the bill is paid that Mr. Strouse be contacted and asked if there can be some adjustment made because of the gouges in the road and perhaps the road will not be as good as it was before the flood. The \$2,500.00 invoice will be held till questions have been answered.

Mr. Williamson moved to sign the invoice for work done on Mt. Zion Road in the amount of \$2,500 by John Strouse Farm and Trucking. Mr. Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 117)

Mr. Redenbaugh moved to pay the Jay Swalley Excavating invoice for Mt. Zion Road in the amount of \$21,370. Mr. Williamson seconded the motion. Motion passed 3-0. (Motion # 118)

IN THE MATTER OF A REQUEST FOR PLANTING—Speaking Terre Elkins

Ms. Elkins was not present but a copy of an email to Ms. Lawson had been provided to the members. In the letter she stated she is a Camden descendent and had family living in the Owen area since the late 1700s with the last relative passing away in the late 1990s. In honor of the family, she requested permission to plant a small pine tree on the courthouse lawn. Her great-grandfather was in the Civil War (Indiana Calvary and marched with “Sherman to the Sea”.

Mr. Truesdel stated that the plan should be rejected due to the fact that trees already planted messed up the sidewalks.

IN THE MATTER OF THE AMERICAN LEGION—Speaking Stanley Sims

Mr. Sims was not present.

IN THE MATTER OF AN ARMORY REQUEST—Speaking Darin Crum

Mr. Crum requested permission to move the Coroner’s office to the Armory. He was instructed to put a plan in writing as to what he believes will be required.

IN THE MATTER OF THE IT CONTRACT—Speaking Bill Maegerlein

IT is now referred to as AME. There was discussion concerning the computer system for the county. The lease will cost \$110,000 per year for 4 years. There is a program in place for 25% of the oldest (slowest) computers to be rotated out per year. The IT committee

Mr. Redenbaugh moved to sign the contract with AME beginning in 2009 for \$110,000 per year for four years. Mr. Williamson seconded the motion.

Mr. Lorenz suggested that on page 7 of 10, # 30-e—the following be stricken “Lessee waives any and all rights to notice and to judicial hearing with respect to the repossession of the equipment by lessor in the event of a default hereunder by lessee. Lessee hereby waives any right to demand a jury trial with respect to any action or proceeding instituted by the Lessor or the lessee in connection with this lease”. A sentence will be added—“Lessor will provide written notice”. All parties agreed to the suggestion.

The vote was taken and passed 3-0. (Motion # 119)

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

Little Sandy Coal Company—Mr. Lorenz introduced Resolution 2008-36 which is a Release of Bond for Little Sandy Coal Company. There are no further requirements on the part of the County and he advised it would be appropriate to sign the Resolution.

Mr. Williamson moved to approve Resolution 2008-36 which is a resolution stating that Little Sandy Coal Company has filed its request with the Indiana Department of Natural Resources, the Division of Reclamation, for release of its performance bond under permit no. S00260, commonly known as Pond Creek #1 Mine, originally approved on August 12, 1991, involving 120.10 acres located in Sections 13 and 14, Township 9 North Range 6 West in the total sum of \$30,000 and the Commissioners hereby grant the request for release of bond subject to the final authority of the Department of Natural Resources, Division of Reclamation. Mr. Redenbaugh seconded the motion. Motion passed 3-0. (Motion # 120)

Mr. Lorenz informed the Commissioners that Gregory Terrell and Perry White asked permission to cut firewood on property owned by the County, specifically parcel 60-11-36-200-060.000-027. He recommended they sign a Hold Harmless Agreement, if approved by the commissioners, allowing them to remove certain debris and tree tops that resulting from previous logging upon the real estate. There would be no additional trees cut or harmed.

Steve Williamson moved to sign the Hold Harmless Agreement allowing Gregory Terrell and Perry White to remove certain debris and tree tops that have resulted from previous logging upon the property on Hancock School Road parcel #60-11-36-200-060-.000-027 owned by the County. Motion passed 3-0. (Motion # 121)

AFTER THE MEETING, FURTHER INVESTIGATION DETERMINED THAT THE COUNTY DID NOT OWN THE PROPERTY #60-11-36-200-060.000-027 AND THE HOLD HARMLESS AGREEMENT BECAME NULL AND VOID. THE PROPERTY IS OWNED BY THE OWEN COUNTY CONSERVATION, NOT THE OC BOARD OF COMMISSIONERS.

Mr. Lorenz stated that he reviewed the agreement previously submitted by EMS between EMS and Ivy Tech Community College concerning their science program for Emergency Medical Service Technicians and it meets with his approval. It is ok to sign be signed by the EMS Director.

AT & T Collection Company issue with non-existent telephone through Sheriff's Department—
Mr. Redenbaugh turned it over to an AT & T representative but there have been no return calls to either Mr. Redenbaugh or Mr. Lorenz.

IN THE MATTER OF AN EMS UPDATE—Speaking Cris Lunsford

Mr. Lunsford reported he had received a letter from FEMA stating they had been approved for \$5,000. The State hired 4 people to review what had been done and believes the entire \$15,000 paid out for overtime could possibly be reimbursed. Mr. Lunsford will complete the paperwork for the \$5,000 and then re-apply for the \$10,000. When the money is received, Mr. Lunsford will approach the Council and request that the money be appropriated back into his line item for overtime.

Mr. Lunsford explained that the 89 Ford Ambulance will be taken to Van Wert, Ohio to begin the remount process.

IN THE MATTER OF AN ARMORY REQUEST—Speaking Jack White

Mr. White wanted to discuss whether Rebuild Owen County Committee out of county/state volunteers can stay in the Armory while they are working in this county for flood survivors. There would be no more than 20 people at a time. Each group would have a person in charge. A county employee will have to work with the ROCC to open and close the facility. The question was asked if there would be liability issues because the county insurance company was not happy with the general concept of allowing the public into the building. Ms. Lawson stated to inform the ROCC that they will have to check the liability issue before any decision can be made.

IN THE MATTER OF COMMISSIONERS' COMMENTS

Mr. Redenbaugh reported the clock is working, the chime motor which was sent to Purdue was reported back to be fine and suggested that the electricity be checked. Dennis Burden will check to see if there is power to the chime motor.

Mr. Redenbaugh inquired about the part-time janitor position and it was reported she began working this morning.

Mr. Redenbaugh reported that Stanley is supposed to give an update on the roof project. They are working in the middle of the dome and will be moving to the west side.

Mr. Redenbaugh also reported that all 3 air conditioning units in the courthouse are now working for the first time in 4 years. The last bill was \$4,408. We have been working on one AC for the last year.

Ms. Lawson informed the members that once the bill for the air conditioning work is paid, the line item for building and structure will be very little so if there is any more that needs to be done before the end of this year, the Council will have to hear the request to provide funding.

Mr. Redenbaugh also reported the repair of the roof on the Extension Office building has been completed but they have to wait till it rains to determine if the leaking has been corrected.

Mr. Redenbaugh referenced a letter from attorney John Fuhs concerning a request to take Park Hill Estates into the county highway system at the request of Linda K. Winders. When Mr. Winders was alive, he maintained that road as a courtesy to the various homeowners in Park Hill Estates. Mr. Lorenz advised that in order to take a road into the local system, conditions must be met so that all roads coming into the system will meet the same requirements. There was no action taken today concerning this issue

Mr. Redenbaugh stated the Armory needs to be cleaned—there is trash, etc. Ms. Lawson was curious as to why it was so dirty—only one person is supposed to be in there and there is only one key. She also informed them that the electric bill has increased from about \$1,700 to \$ 3,300 since the Armory was transferred to the Commissioners.

Mr. Truesdel stated he believes the contract for the clock should not be renewed. Before signing a contract for 2009, this will be investigated.

Mr. Lorenz requests he be allowed to purchase Think Map license for his computer so he will be able to interface with the GIS administrator. Mr. Redenbaugh stated there are several Think Map licenses not being use and he could just take one of those.

The Commissioners recessed into Executive Session for Highway Superintendent Interviews at 10:15 a.m.

The meeting was reconvened and each commissioner will decide on two applicants to have return for a second interview. Their choices are to be to Angie by Wednesday.

IN THE MATTER OF ADJOURNMENT

Mr. Redenbaugh moved to adjourn the meeting. Mr. Truesdel seconded the motion. Mr. Williamson had left earlier in the day and did not return to the reconvened meeting. Motion passed 2-0.

Wiley Truesdel

Steve Williamson

Attest: _____
Angie Lawson, Auditor

Steve Redenbaugh