

## Randolph County Commissioners

October 6, 2014

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, William Terrell and Gary Girtton. Also present was Randolph County Auditor Mary Ann Lenkensdorfer, Sheriff Ken Hendrickson and County Attorney Meeks Cockerill. Jay Harris was the Council representative.

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Pledge of Allegiance

Michael Wickersham, President presided over the meeting.

### Highway department -opening of bids for bridge #305, right of way bridge #145

Meeks Cockerill opened the bids for bridge #305 in Winchester on South Street. The bids received are from CHA, Beam, Longest & Neff and USI Consultants Inc. There are no bid amounts on the documents they are the request for proposals. Danny Love stated he will return with the recommendation. Love brought in five right-of-ways for bridge 145 and all of them are ok. William Terrell made a motion to approve the President to sign the five right-of-ways for parcels relating to bridge #145. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

### Mayor Steve Croyle -Winchester easement acquisition offer

Mayor Croyle stated the City of Winchester is in the planning and development process of the Greenville corridor. This project will run from the Fidler Pavilion east to the entrance of Wal-Mart. It will include storm sewers, road work, curbing and sidewalks. It will also look at the egress of foot, bike and wheelchair traffic. We are going to address some drainage issues along that portion of properties. After the engineers came up with the concept we understood we needed additional right-of-way. The right-of-way we are seeking is owned by the county. We had the properties appraised by an individual contractor Matt Napote from Richmond. Napote used the INDOT standards to appraise the properties. The right-of-way we are seeking is on the Family and Opportunities Center parcel and the EMS parcel. The appraisals for those two properties came to \$3,050. The city is asking the county to waive that fee and grant these right-of-ways to the city so we can move forward with this project. We are going to put a center turn lane in from the Fidler Pavilion past the entrance to the hospital. On both sides of the street it will have the green space, five foot sidewalks and curbs. We have notified the owners of the properties with the appraisal values from Mr. Napote and are beginning to get responses back. This is the first of three phases. This project does maintain the integrity of the residential neighborhood that it goes through. William Terrell asked what is the value on the short span of road between the pavilion and the hospital. Is there that much traffic going in the pavilion and hospital to justify a three lane road? Mayor Croyle said what we have learned is there are 5000 vehicles that go through there. Anytime you make a left handed turn if you are prone to looking at your phone and not paying attention that a car has stop in front of you, it is potentially a situation for an accident. We are trying to avoid that with this safety measure. When you get closer to US 27 we will be flaring the road again for a left turn lane, a thru lane and a right turn lane. Gary Girtton made a motion to grant the two right-of-ways requested to Winchester without cost. William Terrell seconded the motion. All aye votes cast. Motion carried.

### Ryan Prinkey- 3<sup>rd</sup> reading of Ordinance 2014-15 ordinance for the vacation of railroad, street and alley New Pitsburg tabled from September 2<sup>nd</sup>

Gary Girtton made a motion to adopt ordinance 2014-15 on the 3<sup>rd</sup> reading by title only. Michael Wickersham seconded the motion. 2 aye votes cast. 1 nay vote cast by William Terrell. Motion carried.  
ORDINANCE NUMBER 2014-15

AN ORDINANCE OF RANDOLPH COUNTY, INDIANA,  
FOR THE VACATION OF A RAILROAD, STREET AND ALLEY, SAID STREET  
AND ALLEY LOCATED IN THE TOWN OF NEW PITTSBURG, INDIANA  
AND PROVIDING FOR THE RESERVATION OF UTILITY RIGHTS AND  
PROVIDING FOR THE ABANDONMENT OF THE VACATED PORTION TO  
THE ADJOINING LANDOWNERS

BE IT ORDAINED BY THE COMMISSIONERS OF RANDOLPH COUNTY, INDIANA,

Section 1. The following railroad, street and alley located in the Town of New Pitsburg, Indiana be and the same is hereby vacated as a public right-of-way:

### RAILROAD

A portion of an unused rail road beginning at the northwest corner of Lot Numbered 51 in the Town of new Pitsburg, Randolph County, Indiana, running thence southeast 242.51 feet; running thence west 40 feet; running thence northwest 242.51 feet; running thence northeast 40 feet to the place of beginning.

### STREET

A portion of First Street beginning at the northwest corner of Lot Numbered 56 in the Town of New Pitsburg, Randolph County, Indiana, running thence southwest 40 feet; running thence northwest 92.50 feet; running thence

southwest 40 feet to the northeast corner of Lot Numbered 51 in the Town of New Pittsburg, Randolph County, Indiana, running thence southeast 331.46 feet; running thence 20.07 feet east; running thence northeast 61.72 feet; running thence northwest 247.25 feet to the place of beginning.

#### ALLEY

Alley beginning at the southwest corner of Lot 59 in the Town of New Pittsburg, Randolph County, Indiana, running thence northeast 196.13 feet; running thence southeast 16 feet; running thence southwest 196.13 feet; running thence northeast 16 feet to the place of beginning.

Said railroad containing 0.16 acres, more or less.

Said street and alley containing 0.61 acres, more or less.

Section 2. The County of Randolph, Indiana, retains the right to maintain, operate, repair or replace, by itself or by any licensee or a holder of a franchise from the county, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now, located in the street and alley vacated by this ordinance.

Section 3. It is hereby declared by the Commissioners of Randolph Indiana, that this proceeding and vacation is now final and conclusive upon all persons, that the above described real estate as vacated be and the same is hereby vacated and abandoned as a public right-of-way.

Section 4. The following described portion of the vacated alley is vacated and abandoned to the adjoining property owners, Terry E. Miller and Dennis E. Miller, equal tenants in common, to-wit:

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#### Section 5.

\_\_\_\_\_ is hereby ordered and directed to furnish a copy of this ordinance to the Recorder of Randolph County, Indiana, for recording and to furnish a copy of this ordinance to the Auditor of Randolph County, Indiana, all as required by I.C. 36-7-3-12.

Section 6. This ordinance shall be in force and effect from and after its adoption.

#### Hiriam Messersmith- county issues

Hiriam Messersmith stated there are issues going on in the county and I wanted more information. Did the canoeing that Clyde Shaffer was trying to get done on the river, did it pass? Michael Wickersham said that was through the Economic Development plan and nothing has been done on it. Messersmith said the DNR said the fish is not safe to eat out of the river and our wells are getting polluted now. Wickersham said that is way down the list, so I wouldn't be concerned about that. Messersmith stated people are getting upset because you guys refer to this as a farming community. There are other people here other than just farmers. We need to get more factories in here. The thing Shaffer was trying to get passed with the training of people doesn't work. You can't get a job that fast. I have a lot of different training. Wickersham said you might need to take that up with the Economic Development office and Bruce Hosier. Messersmith stated the manure they want to bring into Randolph County and store it on top of ground, clay soil absorbs the moisture and goes on down in the ground. We are starting to have well problems in Randolph County. Wickersham said the satellite manure storage is being looked at by the Area Planning commission. Wickersham said the water control and purity of water and manure runoff all falls under the Department of Environmental Management. We don't have any authority over that nor do we have the funds to enforce any authority over it.

#### Laura Martin Clerk- precinct approval, request of DOC funds

Laura Marin stated she needs approval of the polling precincts. They have not changed from last time. William Terrell made a motion to approve the 2014 proposed precinct voting places. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Martin stated when she went to the annual budget hearing Council approved the budget. The scanning people that I have are part-time and the payroll has been paid out of the DOC funds previously. The

amount that I was allotted from the DOC fund will run out in February, 2015. There is enough left in the DOC fund to fund the scanning through 2015. Council suggested that I request those funds of \$16,395 from the DOC fund. William Terrell made the motion to approve \$16,395 from the DOC fund to pay for part-time help to continue scanning documents in the Clerk's office. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Perfection Group – timeline for RFP's**

Rob Vollrath stated he has a timeline for the request for proposals. We are going to start legal advertising in November. Jake Donham gave me dates of November, 24<sup>th</sup>, 25<sup>th</sup> that would work for site survey for us and other people to be taken around the buildings. The preview meeting is the November 12th and December 19th the proposals are to be turned in. William Terrell made a motion to approve timeline as presented for the RFP's. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Mel Botkin-Proposed animal shelter name change tabled from September 2<sup>nd</sup>**

Michael Wickersham said Mel Botkin is not here. There has been a proposal to change the name of the animal shelter. We have a contract with a third party provider and named the Randolph County Animal Shelter. I don't think we can change it without discussing that with Dr. Hendrickson. Meeks Cockerill stated I don't know why you would want to change the name because it's a private business. The contract comes up this year. Wickersham said we will have to talk to him anyway about the contract. Gary Girtton made a motion to address the name change for the animal shelter with Dr. Hendrickson. William Terrell seconded the motion. All aye votes cast. Motion carried. Wickersham said we have a contract expiring in December with Dr. Hendrickson. I left him a message but he hasn't returned my call. I will pursue that conversation with him.

**Chris Shaneyfelt- EMA vehicle purchase**

Chris Shaneyfelt stated I am providing you with three quotes from dealers across Indiana that provides fleet services for government vehicles. In the budget hearing with the Council, they took the vehicle line item out of county general and put it into cum cap. They approved a purchase of a vehicle up to \$29,000. William Terrell asked if that included insurance and everything on it. Shaneyfelt said the insurance is separate from all of that. I got with the Sheriff on the fleet distributors they use. The Chevy is \$30,000 and cannot get it any lower. The price doesn't take in any consideration we trade-in the current vehicle. The vehicle I have now is a 2004 GMC Yukon just under 138,000 miles. It is beginning to have nickel and dime issues. Last year the Council increased my vehicle maintenance budget from \$1500 to \$4000. From the time they approved it, I have spent over \$1700 in vehicle maintenance. The differential is going out and the vendor who does my maintenance said that is about a \$2000 repair for a rebuild. I have talked with Kevin Slick and he recommended with the trailer's I pull, it needs to be a ¾ ton truck. Wickersham asked if fleet dealers offered used vehicles. Shaneyfelt said I would assume so. The prices are probably the same. I have only looked online. The Dodge Ram is \$1000 under the 29,000. It's a 4-wheel drive on the floor. We could probably upgrade for \$200 and put the 4-wheel on the dash. I actually like the Chevy the best. The Commissioners wanted Chris to visit the auto dealers and bring back a recommendation that would include the trade-in value in the price.

**Kay Straley, Lynn Town Clerk- wind farm money proposal**

Kay Straley, Town Clerk and Judy Mullin President of Town Council stated they wanted to let the Commissioners know they were having problems with their water company. The rates were increased at the first of this year by 20% on the base rate only. You might be hearing this from other small towns. Our major problem is with our water company, because we still have the same problems of decreased population and lower assessed value. We are just keeping our heads above water in the general account. We have one guy for our water and streets. Straley said we still have heating bills, gas, electric, liability and workmen's compensation insurance and maintenance on vehicles. Our water company took out a loan in 1980 and put a considerably new infrastructure in the town. It was for 40 years and it will be paid off in 2020. Our sewage plant was built in 1979. A loan was taken out for 40 years. It will be paid off in 2018. In 1997 we built a water treatment plant for rust removal and received a grant. We had to pay it back and that was a \$149,000 loan. There are 47 vacate houses that have been foreclosed or are for sale. We have 15 lots in the last five years that have been bought and torn down. We receive no revenue from an empty house. The only thing we can collect is sewage. There are some houses that have been sold at tax certificate sales and our liens were wiped off. In 1997 we bought a new system to read meters. The town bought 580 meters and there are 288 meters that do not work now. IDEM recommends that you put new meters in every 10 years and that you do not estimate someone's water meter longer than 3 months at a time. The State Board of Accounts said we could take some of our sewage money to help pay for some of our meters. We have had a catastrophe at our sewage plant. All the money we had saved in our depreciation fund is being used for repairs. We have 100,000 gallon tank that is being emptied and repaired and is \$30,000 - \$40,000 for the repair. I know there is wind mill money coming in and we have never come and ask for money. Gary Girtton has come to our town meetings and this is the first year we are drawing our economic development money and did receive an extra \$10,000. I am going to the Council meeting tomorrow to tell them if we could get some of the money for these meters and the computer program and software is \$107,000. We would like to have funding for all of it but if we could just get a portion we would be very appreciative. If you see fit to give us a portion we would put that as a down payment and then we would lease the rest. Michael Wickersham stated the infrastructure is about \$107,000 from the edit money as an interest free loan. Straley was in agreement to get 10 year \$10,000 in advance. William Terrell would like some of the wind farm money to be used instead of tying up all the

edit funds for 10 years. Straley stated either way she would like some from wind farm budget or economic development. We also did an ADA study. Basically we have promised edit money to do some ADA accessible sidewalks. Commissioners advised that they would be talking about this at the joint meeting with Council on October 14<sup>th</sup>.

**Barbara Sha Cox – road issues and budget**

Mrs. Cox stated we have a critical problem in our county. How many miles are affected by the wind farm construction? Danny Love said around 30-35 miles. Mrs. Cox asks how many bridges are in that area that could have damage. Love said several but I don't have the exact number. Mrs. Cox stated what prompted me to come today is a week ago Saturday I was out trying to paint the sign holder for my 100 year old farm award. I waited until 4 PM and went out. The dust was so terrible I was running back and forth, there were tomato trucks and wind farm trucks. The wind farm construction truck stopped but couldn't help. Who is going to be responsible for keeping the dust down on those roads? I belong to the joint asthma coalition and we have had 105 emergency asthma visits since 2012 in this county. There are 11 counties that had issues, only one county is worse in this State for air and asthma and that is Marion County, and then there are 11 counties right below it.

I have done research on road drop offs. I found that a four inch drop off with 45 degree slope is very dangerous. We have 19-20 inch drop offs at a 100% slope. I know you are tired of hearing from me and I am tired of being here. I tell you there are lives at stake. You say you are going to leave the roads this way until next year. There was a vehicle that went off the road on 400 south. I know when we get into winter weather and nothing has been done with the school buses, farm equipment and grain trucks being on the road, what provisions are you going to use to protect the people of Randolph County. I am here because I am hoping if one thing I say can wake one person up and do something about it so somebody isn't killed. I am very upset that this has been allowed to go on.

Cox read from the Umbaugh report and asked Commissioners about the part that says these financial statements are not designed for those who are not informed about such matters. Does that mean the taxpayers are not informed? Wickersham said that means for that particular report we trusted the Auditor's office to provide the information. Mrs. Cox said I am a taxpayer and my tax assessment went up over \$60,000. I know that is not your fault that is coming from trending in Indianapolis. That is why I wanted to look at this report. On page 24 and 27 the highway expenses are up. Do I understand that the wind farm is going to pay this? Will everything the wind farm has torn up be paid by them? Wickersham said the wind farm has committed to put the roads back better or the same condition prior to the construction. Meeks Cockerill stated they have a contractual obligation to do that and they bonded for that. Wickersham said we are in the construction phase and we went into it knowing there would be dust, there would be gravel and there would be the rebuilding of the roads to handle the construction. If there are unsafe conditions out there the wind farm has a responsibility to make it safe within 12-24 hours. Wickersham stated we could argue all day long on whether it is safe or not safe. Meeks Cockerill said we have an inspector and if there are any unsafe conditions that inspector should know about it. You can talk to the highway superintendent and tell him where these areas are. Cox said she has talked to the highway department. Meeks Cockerill said with the dust they are under contractual obligation, we put dust control measures in the contract. The inspector needs to know and address it with the wind company. Cox said that is the problem. The highway department said it's the wind farm and the wind farm says it the highway department. Danny Love stated they have doubled the calcium and put water on the roads. Cox said well it's not working. I am looking at the line item for the highway department on 2013. There are supplies for the departments. Are you aware of those lines? Wickersham said that line was adjusted after the report came out. If I recall the meeting we had there was a recommendation to reduce the line by half a million dollars.

Mrs. Cox stated she has a question on the fees. Has anyone thought about raising the fees? Wickersham said we talked to the building commissioner on raising fees. The health department raised their fees over the last 2 years. The wind farm has paid \$372,000 in building permits and improvement permits has help the county cash flow. Cox asked when the wind farm company leaves who takes care of the roads. Wickersham stated White construction will hire a company to take care of the roads at no cost to the county. They will continue the upkeep until we release them.

**Bruce Hosier-REDC director**

Bruce Hosier stated I have projects update on the warehouse building in Lynn. We had two appraisals from certified appraisers. Basically the information is in front of you and a letter of intent submitted to purchase the building for \$158,000. This is the average of the 2 appraisals. The letter indicated it would be purchased as is. The companies currently in there are Hart Trucking and Hauser Warehousing. They have been under contract since March, 2013. Meeks stated he would like permission to advertise to accept the offer. There is some statutory provisions that we have to follow. One being you can't accept less than the average of the two appraisals. Then we have to put notices in the newspaper. I do have the paper work ready. Gary Gitton stated he would like to see the higher appraisal. Meeks stated you can't take less than the average of the two. There would be different steps to take to achieve that. Wickersham said Hauser Warehousing will have an expense of \$1500 which is half of the appraisal.

William Terrell made the motion to allow Meeks Cockerill to advertise for no less than \$158,000. Gary Gitton seconded the motion. All aye votes cast. Motion carried.

Hosier stated he has had discussion with Jimmy Wyman about the Central Manufacturing building in Parker City. We would like to have permission to allow site access to the building to do a Phase 1 inspection. This is important to help us insure any reuse of that building. This would be no cost to the

county because we have a grant. We have had interest in the building. My hope is to try and capture the back taxes from that property for the county. Cockerill said this is a statutory requirement and we have done that for the Carson Laser building. William Terrell made a motion to allow the President to sign the agreement for the site access to Central Manufacturing building in Parker City. Gary Girtton seconded the motion. All aye votes cast motion carried.

Michael Wickersham stated in regards to the Silvertowne Call Center. On September 2<sup>nd</sup> we forgave the forgivable loan for the Drive Thru 32 based on the information they provided. I was to request information from Silvertowne and David Hendrickson has provided a letter. Wickersham read the letter. It reads- I am providing you the additional information as it relates to Silvertowne forgivable loan. Hendrickson talked about his long commitment and they moved the call center from Scottsdale, Arizona to Winchester. This resulted in an investment of telecommunication equipment plus hiring and training of people. We employ approximately 110 employees with the majority residing in Randolph County. Silvertowne remits an average of \$3700 per month in county income tax in 2013 paid \$45,405.56 for the year. We paid \$43,000 in property tax. The call center did add additional staff at the Union City Pike location in addition to the call center, to support their shipping and fulfillment areas. The call center has made improvements in our melting facility and shipping department over the last 2 years. Currently Silvertowne is in the initial phase of considering moving their state of the art tv studio from Franklin, Tennessee to Winchester. Outside of Silvertowne the family owns and operates several other entities and has paid an additional \$64,500 in property tax. Hendrickson has given us this letter in support of forgiving the loan to the call center which the incentive committee at the Economic Development has recommended that we call a portion of the loan back. Wickersham said I went on record September 2<sup>nd</sup>, saying I thought it should be forgiven as well. Gary Girtton asked what is the amount to be forgiven. Wickersham said the audit firm and the recommendation of the incentive committee is for Silvertowne to pay back \$23,130 to the forgivable loan program. Again, on September 2<sup>nd</sup>, my position was not to ask that it be paid back and the whole \$90,000 should be forgiven. William Terrell made a motion to forgive Silvertowne obligation to the county. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Regular Claims \$919,546.11**

William Terrell made a motion to approve the regular claims of \$919,546.11. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Payroll Claims \$189,754.43**

Gary Girtton made a motion to approve the regular claims of \$189,754.43 as presented. William Terrell seconded the motion. All aye votes cast. Motion carried.

**Form 17T - tax refund \$644.86**

Gary Girtton made a motion to approve Form 17T tax refund in the amount of \$644.86 as presented.

William Terrell seconded the motion. All aye votes cast. Motion carried.

**Clerk's monthly report**

William Terrell made a motion to approve the Clerk's monthly report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Comp time report**

Gary Girtton stated in general comp time looks like it is coming down in most areas.

**Nuisance abatement complaint 1492 N 500 E Union City (town of Harrisville)**

The building commissioner has recommended sending an abatement letter to 1492 N 500 E Union City in the town of Harrisville. William Terrell made the motion to pursue this nuisance complaint. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Claim for locatoin of utilities for the Journey Home**

Mary Ann Lenkendorf stated she brought this claim to the Commissioners for some clarification in our office. This claim is to locate utilities and typically send the bill to Fred Hoffman since it is paid from his line item. When it was brought in we thought it was something for the county but found out it was actually for the Journey Home because they were putting landscaping out. Cockerill said it is their bill. Michael Wickersham said the history has been if they want the county to pay for something extra they would need to come and make a presentation and request us to do so but not just do it then send us the bill. Lenkendorf said the bill is for \$185.00. Girtton agreed that was what is in the agreement unless something major needs attention.

**Edit revision- Life Stream**

Michael Wickersham said at the budget workshop on last Tuesday, the Council reviewed our budget. Last year we had \$1403 for Lifestream and the Council has reduced it to \$100 for 2015. We are now in a situation where we have promised Life Stream \$14,403. We had budgeted \$1403 and revised our edit plan to provide a \$13,000 payment. I recommend that we take the additional out of the edit plan. Gary Girtton made the motion to amend the edit plan for \$1,303 in addition to what was already committed for Lifestream. William Terrell seconded the motion. All aye votes cast. Motion carried.

**For review-**

Commissioners reviewed the following item with no action being required.

Soil & Water minutes

**Other Business-**

Michael Wickersham stated he had been in contact with Venus Bronze Work and they are scheduled to have the rigging here on Tuesday, October 14<sup>th</sup>, weather permitting. Mayor Croyle has been notified and has been asked for assistance if the street needs to be closed.

I also have received a notice from IDEM regarding the CAFO approval of construction at Timmerman Farms.

Sugar Shack Slue (a ditch) has been officially approved as September 11, 2014.

Gary Girtton, Jake Donham and Randy Abel are doing the building inspections. Gary Girtton said we have not looked at the jail and the RCFFO building. We are hoping to compile our notes and have a report to the Commissioners by the end of the calendar year.

Jake Donham said the sealing and striping is done in the parking lots. I am waiting on jail roof report to come back. The scan was done and they found minimal water under the roof. We only have one leak on the courthouse roof. I have been in contact with the roofers.

Citizen Comments

Jim Nunez, President of WCCPC wanted to thank the County for their help with the Mardi Gras. We appreciate everything the County does.

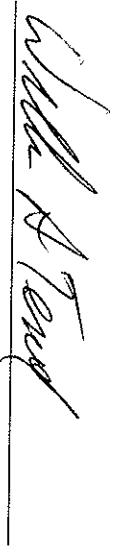
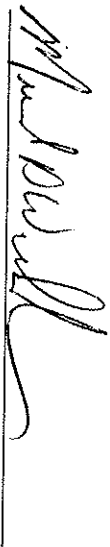
Owen Griffith-Union City asked is anything being done with the Spartanburg School? Everyone agreed that nothing had been done. Griffith also asked in the expansion of Greenville Ave has any thought been given to the access road to the assisted living. Meeks said they have discussed it and it is a difficult situation.

Adjournment

William Terrell made a motion to adjourn. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Reviewed and signed this 3<sup>rd</sup> day of November, 2014.

RANDOLPH COUNTY COMMISSIONERS



ATTEST:   
Mary Ann Lenkendorf, Auditor of Randolph County