

## Randolph County Commissioners

February 18, 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 Lenkendorf, Sheriff Ken Hendrickson and County Attorney Meeks Cockerill.

\*\*\*\*\*

Pledge of Allegiance

Michael Wickersham, President presided over the meeting.

### Jeffrey Nemeth, -EDP Renewables-amendment to Economic Development agreement and road access agreement

Jeffrey Nemeth, EDP Renewables had originally provided a map of the project boundaries in which we would be locating the turbines. Based off of the FAA, determinations came back with lesser area than expected. We had to find alternate locations. Over all there is one turbine located outside the original project boundary. We are asking that this area be included since the land was already leased. That land owner has approximately 170 acres between two and three properties. It is approximately 1200 feet outside the original boundary and is a small redraw. The total acres are well over 30,000 acres for this project. This would be a very small percentage. Michael Wickersham asked for an amended map. William Terrell asked if there are any windmills west of Indian Trail Road. Nemeth stated we do have a lot of land west of Indian Trail Road that is leased for the project boundary. We are taking in to consideration the wildlife concerns, so we are staying farther east of Indian Trail. William Terrell made a motion to adopt the Resolution 2014-05 amendment to the Economic Development Agreement with Headwaters Wind Farm LLC. Gary Girtton seconded the motion. 3 aye votes cast. Motion carried. Ed Thornburg Surveyor stated he has the tree cutting agreement. EDPR is going to enter into legal drain right of way to cut or clear the trees along a ditch so they can't fall on transmission lines. William Terrell made a motion to approve the agreement with Headwaters Drainage Ditch Encroachment Consent to be signed by the President of Commissioners on behalf of the Commissioners and Drainage Board. Gary Girtton seconded. All aye votes cast. Motion carried.

The next agreement is the Transmission Tree Removal giving permission for EDPR to cut down any trees that are necessary for our easements. EDPR has a 200 foot easement, 100 feet on each side of the centerline easement. Due to the most part the height of the trees we are going to go back around 75 feet depending on the size of the trees. There are guidelines that we have to go by to clear the trees, based on the size of the transmission line. William Terrell made a motion to approve the Transmission Route Tree Removal Agreement for Headwaters Wind Farm LLC. Gary Girtton seconded. All aye votes cast. Motion carried.

### Mayor Steve Croyle, E911 agreement

Michael Wickersham read the additional services that would be provided between the county's E911 system and the City of Winchester as negotiated through an interlocal agreement. This agreement sets out what the county is required by law to give services to the City of Winchester. Also, it sets out enhanced communication services that the County can offer to the City of Winchester such as monitor the alarms at the waste water treatment plant, operate and test tornado sirens and emergency warning systems for Winchester; operate and runs the Code Red system; upon Winchester purchasing and installing appropriate computers systems and programs to operate the fire hydrant dispatch which service shall include dispatching to the Winchester Fire Department the location of the nearest fire hydrant to a fire; receive all administrative calls prior to 8:00 a.m. and after 5:00 p.m. on weekdays and all day on weekends; receive all burglary, holdup and panic alarms within Winchester; direct informal communications via Spillman; operate message center regarding extra patrol needs attempts to locate and all other miscellaneous communication otherwise handle by the Winchester Police Department; Dispatch Winchester Police officers to all non-emergency call and provide assistance to those officers as directed by those officers; provide officers safety checks as in the same manner as is for the Randolph County Sheriff's department and as stated in the policy of the Randolph County Jail; record computer aided entries when received via 911, email, telephone radio or in person; and perform license and registration checks. In return, the City of Winchester has agreed to pay the county for those services the amount of \$56,383.61 for this year and in 2015 there will be a levy transfer. The intent is to get ahead by transferring levy to cover the expenses for years coming. William Terrell and Michael Wickersham stated they appreciated the Mayor stepping up and negotiating a settlement to help fund 911. William Terrell made a motion to approve the President to sign the 911 Agreement on behalf of the Commissioners. Gary Girtton seconded the motion. All aye vote cast. Motion carried.

### CeAnn Bales, YMCA director-Camp Yale property

CeAnn Bales, director read a statement to the Commissioners. The YMCA would like to share the news that we have agreed to purchase the asset from Camp Yale. The county has a reverting interest in real estate should the property ever cease to be used as a youth outdoor educational facility. Bales stated the YMCA doesn't intend to let that happen. She feels that Camp Yale and the YMCA have the same mission and we have exciting plans to grow Camp Yale. Part of the purchase price is the note to the

county will be repaid in full. William Terrell asked how the property can be sold if it is still in the counties hands. Meeks Cockerill explains that Camp Yale owns it now and if at any time it is not used as specified then it reverts back to the County. The County only has a reversionary interest in the property. The Y is planning to pay off all outstanding debt. Camp Yale will deed it to the YMCA with the reversionary clause. The closing date will be as soon as the conformations of the debts are paid.

**Bev Fields, Assessor- revised agreement**

Bev Fields stated six weeks ago we had a contract that DLGF prescribed and received approved of the contract. We sent it to the DLGF but in the meantime DLGF had amended one of the paragraphs. They now require one of the answers that Chuck Ward gave to be expanded upon with more information. I am here with the new contract to be signed again. William Terrell made a motion to approve and authorize the signing of the revised contract with DLGF and the Assessor's office. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Highway department- snow removal contracts & bridge inspections**

Michael Wickersham stated we have two contracts for Emergency snow removal for the 2013-2014 year. One is with Randolph County Farms Inc. and the other with Steve Henchon of Henchon Salvage. These snow removal contracts are for when we need additional services. Randolph Farms contract is for 3 different pieces of equipment. Henchon contract is for the use of a pay loader. William Terrell made a motion to approve both contracts for the emergency snow removal from Randolph Farms, Inc. and Henchon Salvage. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

The other item is a Randolph County Indiana Bridge Inventory Road & Safety inspection phase 1-2013. Michael Wickersham is not sure what this document is for, without the highway department being here. William Terrell suggests we table this until the next meeting.

**Deb Preston, Recorder- office shelving**

Debbie Preston stated she has talked to William Terrell about needing more shelves in her office. This was supposed to be done during the renovation. I have a quote from Jack Hinky Construction for \$3500. William Terrell recommended that it be done. Mary Ann Lenkendorf stated it could be paid out of cum cap. William Terrell made a motion to approve the expenditure of \$3500 for Jack Hinky Construction from cum cap for more shelving to the Recorder's office. Gary Girtton seconded the motion. All aye votes cast. Motion carried. William Terrell made a motion for the President to sign the expenditure. Gary Girtton seconded. All aye votes cast. Motion carried.

**Meeks Cockerill- Memorandum of Exempt Employees**

Meeks Cockerill presented a Commissioner memorandum for approval of compensatory time for exempt employees. There is conflicting language in what was approved in the handbook and discussed in the meeting. This memorandum is to confirm the exempt employees will accumulate compensatory time until the time that the Committee gives a recommendation. William Terrell made a motion to approve the memorandum for exempt employees. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Ken Hendrickson, Randolph County Sheriff**

Hendrickson stated he had a problem with the sewer line cracking last Friday. We have three different areas that have cracks. We are going to have to replace and repair about 60 feet and will need approximately \$5,000 to pay for the repairs. We also are trying to resolve a problem with a leak in a hot water line. He would like to take this from cum cap and will take this to Council at their next meeting. William Terrell made a motion to allow Ken Hendrickson the request of \$5000 from cum cap for the repair of the sewer line and water leak at the jail. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Regular Claims \$401,726.33 and Payroll Claims \$202,201.20**

William Terrell made a motion to approve regular claims \$401,726.33 and payroll claims \$202,201.20 Gary Girtton seconded the motion. All aye votes cast. Motion carried

**Minutes of Executive meeting January 27, 2014 and February 4, 2014**

William Terrell made a motion to approve minutes for Executive meetings for January 27 and February 4, 2014. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Edit Claim- Ivy Tech Community college \$2,600.00- Advanced Manufacturing Initiative**

William Terrell made a motion to approve the Edit claim for \$2,600.00 for the Advanced Manufacturing Initiative. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Beumer & Associates OCRA 4<sup>th</sup> Quarter report for Revolving loan fund**

Michael Wickersham stated there are nine loans that are being reported. Some loans have been forgiven, since they have met the terms of the loan. We are being asked to certify this report. William Terrell made a motion to approve that the Commissioner President can sign the report that it is correct. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Union City Help Center had a semi-annual report that needed to be approved. Commissioners wanted to table the report until Greg Beumer could be in attendance to answer questions.

**17TC Refund form for approval**

Mary Ann Lenkendorf stated her office had a property tax refund that required Commissioners approval before sending to DLGF. The amount of refund was \$20,47. William Terrell made a motion to approve signing the 17TC Refund Form. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Treasurer's monthly report**

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

**Treasurer's monthly Edit reports**

William Terrell made a motion to approve the Treasurer's monthly Edit reports. Gary Girton seconded the motion. All aye votes cast. Motion carried

**Nuisance Ordinance 2014-06 3<sup>rd</sup> reading**

William Terrell made a motion to adopt the Ordinance 2014-06 Nuisance Ordinance after the third reading. Gary Girton seconded the motion. All aye votes cast. Motion carried. Ordinance 2014-06 was adopted.

ORDINANCE 2014-06

AN ORDINANCE TO ESTABLISH A NUISANCE  
AND NUISANCE ABATEMENT POLICY

WHEREAS, Randolph County has determined that it is in the interest of the public safety of the residents of Randolph County, Indiana, to specify certain conditions as nuisances.

NOW THEREFORE BE IT ORDAINED by the Randolph County Board of Commissioners that:

1. DEFINITIONS.

NUISANCE. Public Nuisance

UNFIT FOR FURTHER USE. In a dangerous condition; having defective or missing parts, or in such a condition as to be unfit for further use.

2. COMMON LAW NUISANCES.

In addition to what is declared in this Ordinance to be a public nuisance, those offenses which are known to the common laws as public nuisances may be treated as such and proceeded against as is provided in this Ordinance or in acceptance with any provision of law.

3. CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within Randolph County, Indiana, to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or stacks adjoining road. Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public roads or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with a peaceful enjoyment by owners or occupants of adjacent property because it may be combustible; may attract and propagate vermin, rodents, or insects; or may blow rubbish onto any road or property of another.

(C) Trees and shrubbery obstructing roads and walkways. The growing and maintenance of trees with less than 14 feet of clearance over roads or less than 8 feet over walkways; or the growing and maintenance of shrubbery in excess of 20 feet from the point where the right of way of any road intersects with the right of way of another road. No shrubs shall be planted between the right of way of any road and the property line within a 20-foot radius from the point where the right of way of any road intersects with the right of way of another road.

(D) Any building that has been damaged by fire or other casualty to such an extent that, following such fire or other casualty, it ceased to be occupied, and such building has remained unoccupied for a period of 6 months from the date of such fire or casualty; or such building has been unoccupied for a period of 1 year, creating an attractive nuisance.

4. ABATEMENT PROCEDURE.

(A) The President of the Randolph County Board of Commissioners is authorized and empowered to notify, in writing, the owner, or the agent of such owner, of any lot, place or area within Randolph County, to abate any nuisance on his/her property. Such notice shall be served by a law enforcement officer of Randolph County, or sent by certified mail, return receipt requested, addressed to owner or agent of said owner, at his/her last known address, as shown by the tax records of Randolph County, Indiana.

(B) On the failure, neglect or refusal of any owner or agent so notified to abate said nuisance located on such property, or on the roads or walkways abutting those areas within 5 days after receiving the written notice provided for in paragraph A above, or within 14 days after the date of such notice, in the event the same is returned by the U. S. Postal Service because of its inability to make delivery, or the failure of the owner to accept the notice provided the notice was properly addressed to the last known address of such owner or agent as shown on the

tax records of Randolph County, Indiana, the Randolph County Board of Commissioners are authorized and empowered to remove the nuisance, or hire the same to be done.

(C) When the Randolph County Board of Commissioners has effected the removal of such nuisance, and has not been paid the actual costs thereof, such costs shall be charged to the owner of such property on the next regular tax bill forwarded by Randolph County to such owner. This charge shall be due and payable by the owner at the time of payment of the tax bill.

(D) If the landowner fails to remove the nuisance within the time prescribed, and the Randolph County Board of Commissioners has had the nuisance abated, the President of the Randolph County Board of Commissioners must make a certified statement of the actual cost incurred by Randolph County for the removal of the nuisance. The statement must be delivered to the property owner by a law enforcement officer of Randolph County, or by certified mail,

return receipt requested, and the owner shall pay the amount to the Treasurer of Randolph County. If the landowner fails to pay the amount within 10 days after receiving the statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Randolph County, Indiana. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected, and shall be disbursed to the general fund of Randolph County.

(E) At any time after the Randolph County Board of Commissioners has determined that a nuisance exists, it may seek, and be granted, in any court of competent jurisdiction, injunctive relief to enforce this Ordinance and may place a lien on the property of any landowner for the costs and penalties for the abatement of any nuisance.

#### 5. NUISANCE CREATED BY OTHERS.

For the purpose of this Ordinance, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that nuisances be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or occupant is responsible; or by persons for whose conduct the owner or occupant is not responsible, but should have been aware of, by the exercise of reasonable care.

#### 6. PENALTY.

Whoever violates any provision of this Ordinance shall be fined not more than \$2,500.00 for each offense. Each day's continued violation shall constitute a separate offense.

#### 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

#### **For Review:**

Commissioners reviewed the following with no action being required.  
Soil & Water minutes

William Terrell thanked the Soil & Water Conservation for donating trees at the 4-H grounds.

Michael Wickersham stated there have been exceptions brought to him by two departments concerning use of comp time in the handbooks. Michael Wickersham thought an executive session needed to be established to address these concerns. Commissioners set a date for February 25, 2014 at 10:00 a.m. for executive session. Note: The executive session was not held due to the criteria to hold an executive meeting was not allowed in Indiana Code.

#### **Citizen Comments**

Jim Wallace, Winchester wanted to know who is responsible for the money being spent out of the Economic Development for prospective businesses. Michael Wickersham stated the Economic Development fund is dispersed under the responsibility of the Commissioners. This is done by a recommendation coming from the Economic Development Board. The Economic Development Board is in charge of checking on the compliance of the loan.

Bruce Hosier-RECD director stated that RECD has revised some of the programs for better accountability and oversight. We are planning to report about project on a quarterly basis to the RECD Board but also to the Commissioners. We want to have a good process in place and we take our role very seriously.

John Reece, Lynn asked if there is a time limit on the loans to be forgiven and how long do you have to keep the employees. Michael Wickersham stated it depends on the project and the details are presented to the Economic Development Board. Reece stated that there had been some question as to why Greg Beumer had brought some projects to Commissioners in a short amount of time and the loan was forgiven. He wondered how the jobs could have been retained in order to forgive the loan. Reece was curious about the criteria. Wickersham stated there is different criteria to these projects that is not all job related.

#### **Adjournment**

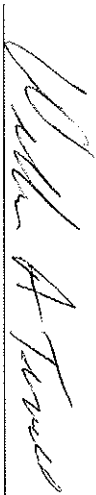
William Terrell made a motion to adjourn. Gary Girtton seconded the motion. All aye votes cast. Motion

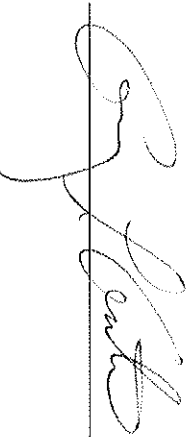
carried.

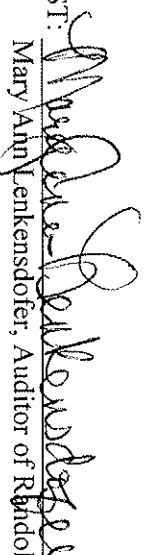
Reviewed and signed this 17<sup>th</sup> day of March, 2014.

RANDOLPH COUNTY COMMISSIONERS

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

ATTEST:   
Mary Ann Jenkendorf, Auditor of Randolph County