

Board of Commissioners
March 17, 2009 – 2:30 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Vacation of Alley

Lueken stated that he never received an order from Attorney Patmore regarding the vacation of the alley previously discussed on February 17th. Patmore presented Lueken with an order for his review.

Landowner Kevin Tounget questioned what roads would be vacated and if the road to his house would remain a county road. After Patmore explained what alley and road would be vacated, Tounget agreed with the vacation.

Lueken stated that he would like time to review the ordinance presented by Patmore. Patmore stated that the commissioners could close the public hearing so the landowners would not feel obligated to attend. Logsdon made a motion to close the public hearing. Gogel seconded. All in favor. The vacation will be revisited at the next meeting.

Sheriff Vehicles

Sheriff Lindsey discussed the state bid available for the county to purchase sheriff vehicles. Both Coburn Ford and Conner Ford were asked for quotes on two vehicles. Conner Ford submitted the lowest quote. Logsdon made a motion to grant permission for Lindsey to purchase two vehicles from Conner Ford for \$20,950 each. Gogel seconded. All in favor.

Lamar Conservancy Appointment

Gogel made a motion to appoint Jan Stein to the Lamar Conservancy Board. Logsdon seconded. All in favor.

State Election Division Mandate

The commissioners discussed a letter from Secretary of State Todd Rokita stating that the county will have to start taking over the funding for the SVRS (State Voter Registration System) equipment. The county is required by the state to use the equipment.

Highway Report

Bridge on SR 245 – Superintendent Painter reported that he attended a preconstruction meeting for the new bridge north of Santa Claus on SR 245. Crider and Crider received the bid. Construction will begin in a

couple weeks and the road will be closed starting in September for 40 to 45 days, depending on the weather. The unofficial detour for the project will be CR 1675 to CR 550 East.

Santa Claus Water Project – Discussion was had on the Santa Claus Water Project and the cutting of CR 800. Painter stated that the contractor will be responsible for directing, slowing, and re-routing traffic. Logsdon expressed concern regarding county liability. Lueken stated that he will check the contracts and make sure that the county is covered. Logsdon asked for him to find out before work begins. Engineer Lloyd stated that she and Painter approved the plans but she does not remember any discussion about liability.

Bid Opening – Bridge #256

Lloyd stated that the engineer's estimate for Bridge #256 on CR 550 East was \$64,377. Lueken opened and read the bids as follows:

Kirby Youngblood Farms, Inc.	\$46,281.00
Durcholz Excavating and Construction, Co.	\$53,642.00
Quality Craft Construction	\$54,856.96
D-Lite Excavation	\$52,742.66

Lueken expressed concern over a bid bond for Quality Craft Construction. Lueken stated that it was sufficiently compliant, but it should be brought to their attention for future bids.

Lloyd reviewed the bid packets and recommended that Kirby Youngblood Farms, Inc be awarded the project. Logsdon made a motion to award the contract to Kirby Youngblood Farms, Inc. at a bid price of \$46,281. Gogel seconded. All in favor.

Legal Report

SB 423 – Lueken reported that SB 423, which involves coal gasification, passed and will be presented to the Governor for his signature. Rininger stated that LEDC did a tremendous amount of work to get this bill passed.

HB 1336 – Lueken further reported that HB 1336 which limits the county liability with regard to off road vehicles on county roads, passed in the house and has been assigned to a committee in the senate.

Engineer Report

Old SR 231 – Lloyd reported that INDOT sent another purchase order for the payment the county will receive for the future take-over of old SR 231. The purchase order still did not have the correct wording and she has asked for it to be corrected.

American Recovery & Reinvestment Act (Stimulus Package)

Lloyd reported that \$86,144,093 is available for Cities, Towns, and Counties with a population under 200,000. The money will be given out on a first come, first serve basis with applications being submitted starting March 16, 2009. The money must be obligated by March, 2010 and projects must be completed by February, 2012. Discussion was had on the requirements for the projects to be submitted. Road projects submitted must be for roads that are “on-system”, classified by the state as “Rural Major Collectors” or above. Lloyd said safety projects, such as sign upgrades can also be considered. A maximum of \$3 million in projects will be considered per county, city, or town. Lloyd and Painter made their recommendations and after discussion was had, the following prioritized list will be submitted to INDOT for consideration:

1. Old SR 245 – from 66 to SR 70 – estimated cost \$334,758
2. Old SR 45 – from SR 161 to Rockport – estimated cost \$524,845
3. Fulda Shortcut – from SR 545 to SR 62 – estimated cost \$312,270
4. CR 800E – from SR 66 to SR 70 – estimated cost \$172,689
5. CR 1250N / CR 1200N – from SR 231 to SR 245 – estimated cost \$651,934
6. CR 200S Phase I – from SR 161 to CR 600W – estimated cost \$293,395
7. CR 300E / CR 1625N – from new SR 231 to SR 162 – estimated cost \$221,112
8. Huffman Mill – from SR 545 to Perry County – estimated cost \$227,413
9. CR 200S Phase II – from CR 600W to CR 850W – estimated cost \$190,220

Commissioner Meeting 03/17/2009 cont.

Logsdon made a motion to have Lloyd submit the above list of projects, with an estimated total of \$2,928,636. Gogel seconded. All in favor. Logsdon thanked Lloyd and Painter for all of their fast work this week.

Logsdon asked if the state stimulus plan is still alive. Lueken said yes; it passed the house and will be coming up soon in the senate.

Luce Township Regional Sewer District

Ed Ingram, the commissioners' appointment to the LTRSD Board, was present to discuss the Luce Sewer Project. Rininger asked for Ingram's opinion of the sewer project. Ingram stated that there is a need for a sewer, but not the current plan; it is too expensive. He said they need to drop this project and start doing it in smaller pieces. He said the state has now loosened up the regulations on smaller projects. Rininger stated that he read that Ingram said he would never connect to a sewer. Ingram stated that he has not signed his easement. Rininger said that the problem with the prior person the commissioners' appointed was that they did not represent the commissioners, and he was not sure if Ingram was representing the commissioners. Ingram stated that the district has come to a standstill on obtaining easements.

Logsdon asked Ingram why people have not signed. Ingram said a survey is being done, but the answers have varied. Some say they will never sign.

Discussion was had on easement requirements and how many are needed to obtain the Rural Development funding.

Logsdon asked if the board was currently divided in half. Ingram said yes. Logsdon asked if it can be worked through. Ingram said he did not know. Ingram said that the letter from Rural Development said that any changes in the project must be approved by them. Discussion was had on de-obligating funds. Ingram said that Dan Devault from Rural Development said that the deadline for the funding is February, 2010.

Terry Davis, the City of Rockport's appointment to the board, stated that there has been an effort to train wreck the project from within the board. He said people will not call and say they want to sign their easements when there is a board member soliciting people to ask for their easement back. Michael Schulte of Freedom Bank asked Ingram what other board members have not signed their easement. Ingram stated that three members have not signed. Schulte stated that the first thing a board member should do when appointed is to sign their easement. Ingram said he is not happy with the project and he will not sign. He said he has repeatedly asked for the board to consider a Fulda type project. Auditor Shelton stated that easements would be needed even if a Fulda type system was done. Lueken stated that in Fulda the easements gave the landowner more leeway with where it will be located. Schulte stated that there is a clause in the LTRSD easement which states they will work with the landowner on the location.

Logsdon asked how the board is divided. Davis said there are 5 board members who are for the current project and 4 against it.

Jacqui Duncan stated that the Chamber of Commerce study said that the current project was still the most efficient way to take care of the waste in the Luce area. Schulte stated that no other project has been presented. Ingram stated that LTRSD Board Member Wayne Bond has been working with Algae Wheel.

Gogel asked Ingram if he wants to see a sewer system in Luce Township. Ingram said he would like to see a system in Richland and a system in Hatfield. The problem he has with the current project is taking the waste to Rockport. Gene Steinkamp, an LEDC Board member, stated that LEDC has been in touch with the Algae Wheel people and if they came into the area they would still like to see a combined Luce project which would take the waste to Rockport for treatment.

Gogel asked Davis if the majority of the board was looking for a system. Davis said yes, the majority of the board wants a system.

Logsdon stated that Ingram and Davis are both saying that they want the best for Luce Township but they are not working together. He wondered what would happen if they both truly would look at what was best for Luce Township.

Ingram stated that Rural Development will not wait. He said the district will lose the funding. Davis said the majority of the board still sees the current system as the best system. Gogel stated that if the district

loses the Rural Development funding, it will be the next generation before something else will be made available. Schulte stated that the de-obligation of the funding gives the funding to the next district. Gogel said Rural Development will work with the district; they want to see it happen.

Rininger asked Ingram if he felt he had been effective on the board. Ingram said yes, because he has fought for an alternative system. Logsdon stated that the commissioners were asked if they were satisfied with Ingram's performance. He said the commissioners cannot tell Ingram what to do on the board but they can ask that you do what is best for Luce Township. Logsdon asked Ingram to go to the meetings and get the best system for Luce Township.

Lueken stated that there are 120 steps that must be covered. Logsdon said Dan Devault could lead the board through those steps. Rininger stated that a decision still must be made on what system is to be used.

Logsdon recommended that Ingram come back to the commissioners meeting once a month and give an update on how the board is trying to overcome the conflicts. He said Davis is also welcome to come.

Gogel stated that the board needs to sit down with their banker and make arrangements for repayment. Schulte stated that as a representative of the bank, he would be willing to meet with LTRSD.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 5:08 pm.

Board of Commissioners,

President
Attest:

Cindy Shelton, Auditor

=====