

Council Meeting
March 18, 2008 – 5:01 pm

The meeting was called to order by President Spaetti, Councilmen Spaetti, Bunner, Ebert, Kroeger, Kress, Cochenour, Winsett, and Attorney Wetherill were present.

Animal Control

Curtis Conley, a member of the Spencer County Animal Control Board, discussed the proposed plan for the Animal Control Building and the proposed budget. The building will cost approximately \$100,000 if built completely by contractors. The design allows for about half of the cost to be covered with volunteer labor. The build will take longer but it will be cheaper. The annual budget will be \$42,500.

Spaetti asked if any of the incorporated towns have pledged any money toward the building or budget. Conley stated that the board has not talked to them yet, but he feels that most will be willing to contribute because they have in the past.

Kress asked about the transport costs to Evansville. Conley explained that the euthanized animals will still need to be taken to Evansville to be incinerated.

Discussion was had on how to pay for the budget and on what the incorporated towns and Rockport currently do with animals. Kroeger explained that the dog tax has been done away with, so the county does not have that as a source of funds for the project. Kroeger complimented the Animal Control Board for cutting costs. He then suggested that the board meet with the town councils in the county and come up with an equitable plan for funding and then also present a fee revenue plan. Conley said he will take the suggestions back to the board.

Minutes

02/19/2008 minutes. After Winsett requested a change under the EMA Grant, Ebert made a motion to approve the minutes as amended. Winsett seconded. All in favor.

Additional

County General –

Council Legal Service – Ebert made a motion to approve \$5,000 for council legal services. Kress seconded. All in favor.

Jail Maintenance Supervisor – Sheriff Lindsey requested an additional of \$11,500 to pay a contracted jail maintenance supervisor. The supervisor works 15 hours a week for \$20 per hour. Discussion was had on what the duties of the supervisor should be. Ebert made a motion to approve \$5,000 and then if more is needed Lindsey will need to make another request. Cochenour seconded. All in favor.

Clerk Voting Machines and Printers – John Rudisill explained the request for additional voting machines and printers and the voting districts in which they are needed. Spaetti asked how long the machines will last. Rudisill stated the machines are warranted for life and are virtually indestructible. Discussion was had on if they should be paid for out of Rainy Day instead of County General. Kroeger made a motion to deny the request and have it re-advertised for Rainy Day. Ebert seconded. All in favor.

Rainy Day –

Surveyor Printer – Sublett requested \$1,600 for a printer discussed last month. Wetherill stated that to have the money come out of Rainy Day the council needs to pass an amendment to the Rainy Day fund allowing for the fund to be used when any alternate fund would create an undue burden on any county department. Cochenour made a motion to pass Ordinance 2008-06. Bunner seconded. All in favor. Ebert made a motion to approve the \$1,600 for the printer. Kress seconded. All in favor.

General Drain Maintenance –

Hoople Drain Beaver Trapper – Sublett requested \$500 to pay a beaver trapper. Cochenour stated that he had a neighbor who would trap for free. Sublett stated that the season is now over. No motion was made.

Law Enforcement Fund –

Dartt, who was unable to attend due to a trial, requested \$11,182 for digital cameras for the Sheriff's department and tasers for the Rockport City Police. Sheriff Lindsey explained that they requested digital cameras to replace the old cameras for the deputies. Ebert questioned why the tasers were for the Rockport City Police and not the other police departments. Kroeger made a motion to approve \$7,000 for the cameras for the Sheriff's

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department. He stated he would like Dartt to give more information about the tasers. Kress seconded. All in favor.

Cum Cap Development –

Commissioner Rininger explained the commissioners' requested \$2,900 for crane rental to remove two donated towers from the Newburgh Dam. The company bringing the towers down is doing the work in exchange for the smaller of the two towers. Cochenour made a motion to approve the \$2,900. Ebert seconded. All in favor.

Transfers

Pre-trial Diversion –

Dartt requested a decrease in Utilities and an increase in Miscellaneous in the amount of \$350. Kroeger made a motion to approve. Cochenour seconded. All in favor.

E911 –

Sheriff Lindsey requested a decrease in repair of equipment and an increase in equipment in the amount of \$34. Kroeger made a motion to approve. Bunner seconded. All in favor.

Legislative Changes

Kroeger discussed the legislative changes made recently. Kroeger stated that going forward everyone will need to tighten their belts, but the good news is that the new laws do account for growth. He also discussed that a plan is being worked on with the County Assessor on how to handle the work done by the Township Assessors, since as of July 1st the township position will be eliminated.

Phil Schmidt

Kroeger made a motion acknowledging Phil Schmidt for his superior service to the community and to have Wetherill draft a letter from the council thanking him for his years of service to the county. Cochenour seconded. All in favor.

Property Maintenance Ordinance

Debbie Steinkamp, at the request of the commissioners, spoke to the council about the proposed Property Maintenance Ordinance. Steinkamp explained that since there is a chance the money would have to be spent by the county if the ordinance is passed, the commissioners felt it was important to keep the council informed.

Steinkamp explained that the ordinance was created to address when residents call to report or ask for assistance with someone else's property that has an abundance of trash or is overgrown. Spaetti asked if it is basically for people who have a complaint about their neighbor. Steinkamp stated they would call solid waste to make a complaint, and then it would be inspected by the Health Department, Solid Waste or a Law Enforcement Officer. If the inspector agreed that a violation has been committed then a Notice of Violation Letter would be sent explaining the violation and how long they have to correct it. The violator will have a chance to appear before a "hearing authority", which will be the commissioners.

Ebert asked what kind of problems the ordinance will address. Steinkamp explained it addresses junk, trash, trash bags, abandoned vehicles, and tall weeds. Ebert stated that community organizations have always taken care of these problems themselves. Steinkamp stated that it is these organizations that want the ordinance to help them deal with situations in which a person refuses help and enforcement is needed. Steinkamp gave an example of a person who called who owns a nice home in the country and has a neighbor who is bringing in truck loads of junk and dumping them on their property. This home owner has no way to force this person clean up the junk and keep their property value from dropping.

Steinkamp stated that there will be a public meeting on the ordinance at the Chrisney Community Center on April 3rd at 6:30.

Bunner stated that unfortunately the people who may have the problem do not necessarily have the means to correct the problem. Steinkamp stated that if they are willing to cooperate, help will be given.

Kress questioned the 18 inch high limitation on grass or weeds, because fescue is used as a cover crop. Steinkamp stated that the ordinance does not apply to agricultural crops.

Bunner asked how it affects the county fiscally. Commissioner Attorney Lueken stated that when he went through the ordinance he made changes in order to keep legal fees to a minimum. Steinkamp stated that the

only time the ordinance could cost the county any money would be if a person refuses to comply, then a contractor would be hired for the clean up. The property owner would then be billed and given a period of time to pay the bill. If it goes unpaid it will be added to their taxes. Steinkamp further explained that the Solid Waste District included \$1,000 to be used as seed money to get the program started. Also since the ordinance only addresses grass and trash, the cost of clean up will be low. Spaetti asked about junk vehicles. Steinkamp stated that they are handled by the Sheriff's department, but there are people who will come get junk vehicles for free for the scrap metal.

Commissioner Rininger discussed the ordinance and how it was a joint effort from many departments to put the ordinance together. Bunner stated he feels it is important that the county find out if the public would support the ordinance and he is glad a public meeting is being held. Steinkamp restated that the ordinance is only for the times in which enforcement is needed. She also said that similar ordinances are in most of the surrounding counties.

Luce Sewer

Spaetti stated that the councils' appointee, Christian Decker, had a meeting and could not come to the council meeting. Spaetti asked the councilmen who attended the last sewer meeting to tell about the meeting. Winsett stated that all of the lawsuits have been dropped and that he was pleased with the way the meeting went. Cochenour stated that it will cost the sewer district money to drop the suits but they knew it was what the public wanted. Winsett stated that it will be two to four weeks before the USI facilitators can really get started. The sewer district's attorney Robinson stated that the facilitators and some board members have visited other sewer sites in the county to gather information. Sewer board member Ingram stated that Decker took one of the facilitators to Fulda and Mariah Hill, plus the facilitator is studying other systems and will be showing the board what options are available. In addition, the facilitator wants to have public meetings.

Kroeger stated that it sounds like the board is on the right track and he commends the board.

Spaetti asked Ingram if the board would be able to make the payment due to Freedom if the first payment from the county is postponed. Discussion was had on the balance of the loan, interest due and the balance of the sewer board's account. The interest payment would be approximately \$40,000.

Ingram stated that the board voted to formally stop all engineering work until further notice.

Spaetti asked Ingram if it was the intent of the board to pay the interest and renew the loan. Ingram stated that he cannot speak for the board but the interest will be due no matter what.

Winsett stated that the fact remains that the board has spent \$1.5 million and no dirt has been turned. He does not want to see any more money wasted. The money was held in regard to the Santa Claus Water Project and it worked to get things done. The council needs to see improvement.

Robinson stated that he would like to see the council continue the funding because he is concerned it sends the wrong message to the public. The problem is getting the easements in and they will be needed regardless of the system chosen.

Discussion was had on putting the payments toward principal on the loan.

Kroeger stated that the motion he is going to make is not intended to threaten anyone. He said the council wants their investment to pay dividends in the future and the only way that will happen is if the community comes up with a strategic plan. The motion is intended to encourage a new plan which starts out \$800,000 in the hole. Then the council has to make a decision on whether to fund that plan. Kroeger said, "I make a motion for Spencer County to postpone the first of the two 2008 annual COIT payments made pursuant to Ordinance 2002-08 to Luce Township Regional Sewer District until such time as it becomes clear to the council that the LTRSD sewer project has made sufficient progress toward the county's continued financial support. This motion is not intended to imply that the 2008 payments or any subsequent payments will not be made; only that it is incumbent upon the LTRSD to present the council sufficient evidence over the next few months that acceptable progress is being made." Winsett seconded.

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Spaetti asked Wetherill if he saw any problem with the motion. Wetherill stated that he saw no problem. Kroeger stated that his motion can be changed by any subsequent motion. Wetherill pointed out the motion did not say that the council will not make the payment.

Mike Schulte, of Freedom Bank, stated that the district has not abandoned the project; they are actively pursuing it. They have done everything the council has asked of them. Kroeger stated that they still have not presented a clear plan. Kroeger stated that the council wants to see the district get sewers. Schulte stated that now they will not be able to get the easements. Bunner stated that everyone needs to wait and see the outcome of the facilitation. Spaetti publicly thanked the Chamber of Commerce again for paying for the facilitation.

Spaetti called for a vote on the motion. All in favor.

Spaetti stated that he would like to see the board pay some down on the balance of the loan. Schulte stated that Freedom Bank made the loan as a good faith effort to get something good for this community. Robinson stated that he appreciates the councils' efforts and his main concern is that they not get in default with Freedom Bank. Ebert restated that the council and the township are in this together, and he has stated his position in the past. Kroeger stated that looking forward, the debt owed to Freedom has to be part of the new plan. Robinson stated that Rural Development has been told that the plan may be reworked and the district will need approximately \$1.8 million more and they were told it was not a problem. Robinson feels confident Rural Development will work with the district, but they are still going to need the easements. Winsett stated that the council is not trying to bully anyone; they just want to see progress.

Spaetti thanked all those that came in.

Ebert made a motion to adjourn. Bunner seconded. All in favor. The meeting was adjourned at 7:41 pm.

County Council,

President

Attest:

Cindy Shelton, Auditor
