

Council Meeting  
March 16, 2010 – 5:30 pm

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

Minutes

02/16/2010 minutes; Ebert made a motion to approve. Bunner seconded. All in favor.

SR 245 Resolution

Mike Johannes, representing the Town of Santa Claus and the Tourism Commission, presented the council with a copy of Resolution 2010-04 passed by the Town of Santa Claus. The resolution asked INDOT to

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find an alternative to closing SR 245 during the construction of a new road. Johannes said the businesses and the residents along SR 245 are concerned about the amount of road being closed and the length of time it will be closed. Commissioner Logsdon suggested the contractor build a run-around that would enable traffic on the road. With the current plan, emergency vehicles do not have a way of quickly reaching Lincoln Trail Elementary School.

Johannes said the Tourism Commission passed a similar resolution and he would like the council to also show their support. Since the council will not be meeting until next month and the resolution is needed as quickly as possible, Kroeger made a motion to affirm and express the council's support of the last paragraph of the resolution passed by the Town of Santa Claus that reads as follows:

Now, therefore, be it resolved, by the Town Council of The Town of Santa Claus, Indiana, on behalf of its citizens and businesses, that it implores the Indiana Department of Transportation to take all necessary means to prevent the closure of Indiana State Road 245 as planned, or, if such is not possible, to reduce such closure to the shortest extent and time period possible in the circumstances, in order to prevent or alleviate damage to the health, safety and welfare of the Town and Spencer County citizens and damage to the economic interests of the Town, County and State of Indiana and its citizens.

Ebert seconded. All in favor.

#### Santa Claus Water

Johannes reported Santa Claus Water project is near completion and should be producing water in May.

#### Additional Appropriation

##### County General

Circuit Court/Psychiatric Services – Judge Dartt requested \$10,000 for Psychiatric Services. He said the county has two cases currently with an insanity defense and the county is required to pay for the evaluations. Dartt said he will check with the state to see if the evaluations are eligible for reimbursement as experts. Ebert made a motion to approve \$10,000 with the condition Dartt checks on the possibility of it being reimbursed. Kress seconded. All in favor.

##### Community Corrections Income

Drug Testing – Community Corrections Director Weber requested \$10,000 of the Community Corrections Income be appropriated to pay for Drug Testing. The income fund receives money from offenders. Waninger made a motion to approve the \$10,000. Winsett seconded. All in favor.

##### Riverboat

231 Plaza Litigation – Attorney Lueken, representing the commissioners, requested \$2,000 for attorney fees associated with the 231 Plaza Litigation. Lueken discussed the latest favorable option from the court and stated the Plaza has 90 days to make their final appeal to the US Supreme Court. Winsett made a motion to approve. Kress seconded. All in favor.

##### Hava Voting Funds

Clerk Harney requested the appropriation of \$4,000 received from the HAVA grant to pay MicroVote. Bunner made a motion to approve. Waninger seconded. All in favor.

##### EMA/Haz-Mat

EMA Director Perdue requested the appropriation of \$3,597 in the Haz-Mat Fund to pay for supplies. Ebert made a motion to approve. Kroeger seconded. All in favor.

##### County Drug Free

Natalie Bolin, Coordinator for the Spencer County Substance Abuse Council, requested \$23,086.05 for distribution by the Substance Abuse Council. Winsett made a motion to approve. Bunner seconded. All in favor.

#### Transfer

##### Election Board

Harney requested a transfer of \$1,800 from Election Coding to Election Supplies. Kroeger made a motion to approve. Kress seconded. All in favor.

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#### Highway

Superintendent Painter requested a transfer of \$7,100 from Equipment Operators to Unemployment Benefits. Kroeger made a motion to approve. Kress seconded. All in favor.

Painter reported the county roads had a rough winter. The freeze and thaw was the worst on the roads since 1978. The county has already used 75% of the rock budget for the year.

#### E911 Surcharge

Shelton requested the transfer of \$25,917 from IDACS Coordinator to Senior Dispatcher. Kroeger made a motion to approve. Bunner seconded. All in favor.

#### E911/Jail Dispatchers

Shelton requested two dispatchers be transferred out of the E911 budget and put in the Jail budget due to the dwindling E911 funds. The current balance in the E911 budget is \$2,215. After a brief discussion, the council requested Shelton advertise a loan from County General to the E911 Fund to cover the current expenses. The council also requested the Sheriff address the council at the next meeting and present a plan for how to handle the shortfall of E911 funds.

#### Emergency Radio Communication

Scott Meadors, of the Carter Township Fire District, discussed upgrades that will need to be done to the emergency radio system in the county. He and Commissioner Gogel are on a Communication Committee set up to address the issue.

#### Luce Township Sewer

Attorney Jeff Lindsey, Lisa Gehlhausen of Indiana 15, and Dean Rogers of Umbaugh and Associates addressed the council regarding the Luce Township Regional Sewer District project. Lindsey stated that to make the best application for the OCRA Grant the district must show they have the financing of the project in place. He said if the county were to re-instate payments to the district from COIT as stated in the original 2002-08 ordinance, it would buy down the rate to make the project affordable.

Lisa Gehlhausen stated \$85 million is available for 82 counties in the state due to the disasters experienced by Indiana in the last year. This is a 60% grant with a cap of \$9 million. In addition the State Revolving Fund is loaning funds at a 2.31% interest rate. The district was able to qualify for the grant because 53% of the residents are low to moderate income. Gehlhausen reported that she requested letters at the public hearing held on March 9, and she received twice as many letters in favor of the system than letters opposed. Ebert asked Gehlhausen what the chances are of receiving the grant. Gehlhausen said she cannot make a guarantee but the timing is right. Lindsey stated there is support for this project from the state and IDEM wants it to be done. Spaetti asked when a decision would be made as to whether the grant will be awarded. Gehlhausen said the county should know by May.

Winsett stated this is a once in a lifetime opportunity to receive \$9 million, but the resolution Lindsey presented needs to state more plainly that if the OCRA grant is not awarded, the county will be completely de-obligated.

Kroeger asked Wetherill if the council can make a commitment to contribute to the district without a public hearing. Wetherill said no public hearing is necessary because they would just be re-affirming the prior ordinance. Kroeger asked if the grant could be obtained without the county commitment. Gehlhausen said she was unsure, but it would increase the monthly rate. Rogers said it would make a significant difference.

Kroeger stated the council considers the 2002-08 ordinance to be invalid. He said he would like to see what the impact would be if the county contributed \$100,000 per year instead of \$150,000.

Bunner asked how long the council is going to wait before they make the right decision and work to develop the area. If the assessed value is increased it will benefit the county with increased property taxes. Kroeger agreed; he said the effect of a good infrastructure on an area is overlooked much of the time. Kroeger also stated he does not want the county to make any more of a commitment than is absolutely necessary and he would support spending as much as the county can afford to spend.

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Kress asked how many more easements have been signed. Lindsey said there has been a significant increase.

Ebert stated he has seen the positive effect a sewer system has on a community with Lamar, Fulda, Evanston, and Mariah Hill.

Kroeger said he is still uncomfortable with the language in the resolution that refers to the 2002-08 ordinance. Lindsey said the ordinance states that the project had to be abandoned or no longer pursued; if it was no longer being pursued the district would not be at the meeting. Kroeger said the project has looked hopeless many times.

Gehlhausen stated after this grant period, the maximum amount available would be \$600,000. If the county wants sewers in Luce Township, now is the time.

Ellen Sarver stated she is a long-time resident of Luce Township. She said the district is on the verge of an opportunity that may not come again. She said she originally thought the system was too expensive, but this is a now or never opportunity. The county needs to make it financially feasible for the residents.

Dan Kincaid stated the Town of Richland is part of the district and cannot be de-obligated from the project. He agreed this is a once in a lifetime opportunity. He said contractors are looking to build in the area if the infrastructure is in place.

Mike Robinson, Superintendent of the South Spencer School Corporation, discussed the trend of the declining number of students in the Luce Elementary School area. He said with no infrastructure in place there will be no new homes. Luce Elementary is a four star school and it is worth saving.

Jim Boyer, South Spencer School Board Member, stated he has lived in Luce Township for 69 years and he is 100% for the sewer. He is proud of the renovation done and the school is producing quality students. He said the value of property in the area is dropping and new housing is non-existent. He said the number of abandoned houses are increasing. The area needs a sewer system and the sooner the better.

John Wood, LTRSD Board President, stated the district needs all the backing it can get for this grant opportunity, and asked the council to support the resolution. Spaetti asked Wood if the \$65 per month bill will happen if the grant is awarded. Wood said yes. Roger agreed. Wood said the hope is that the bids will come in lower which will lower all the estimates. Kroeger said the Santa Claus Water project came in \$1 million under estimate.

Discussion was had on the numbers provided by Umbaugh and Associates and the changes from the original numbers. Lindsey stated the re-engineering accounts for some of the difference. Wood said incremental increases were also made to account for cost increases over the last ten years. Ebert stated the other area systems have experienced a need for additional chemicals. Lindsey said money was added to account for the needed chemicals. Ebert said the interest rates are currently lower than they have been in 40 years.

Spaetti said he can remember when Richland and Hatfield had businesses and they will not be back without an infrastructure. He said this would not be a new commitment by the county, and without it the grant could be in jeopardy. Kroeger agreed, but said he wished the council had time to go over the numbers more thoroughly.

Discussion was had on the timing of the payments.

Spaetti asked Wood if there will be tap-on fees. Wood said there will be no tap-on fees for the residents. He said future tap-on fees will be discussed.

Ed Ingram, LTRSD board member, said he was unaware of the resolution being brought before the council, because it was not discussed at the LTRSD meeting. Other board members present disagreed. Ingram discussed a town in Illinois that put in a sewer system but continued to decline. He also said the State Revolving Fund wants to help with the current problem; they are not planning for future growth. He said the balloon payment at the end of the 20 year loan will be a major problem because the system will deteriorate. He stated that since the district received permission to use county rights-of-way, people have stopped signing their easements. He asked if the district plans to sue these residents to force them to hook on later.

Norman Feige stated the district has failed three times to obtain a grant, this will make four.

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Allen Stephens stated he would love to see sewers in Luce Township, but there are still many questions. Homeowners are still responsible for filling in their septic systems and it could cost as much as \$3,500. The district recently voted to pay Don Schulte to do appraisals at \$65 per parcel and some properties have as many as six or seven parcels. He disagreed with earlier statements that there are no new homes in Luce Township and he named several new homeowners.

Spaetti stated the Township Trustees are available to help homeowners with the expenses of a new system.

David Hemmer, South Spencer School Board Member, stated the area needs to grow before kids are going to be willing to stay and raise their own families in the area.

Ebert thanked Lisa Gehlhausen for the work she has done to help get sewer systems throughout the county.

Discussion was had on the wording of the resolution. Wetherill stated the resolution actually puts the county on better footing, because if the OCRA grant is not awarded and construction does not start than the county has no obligation. Kroeger stated he wants to make sure that if the project is not completed the county is not stuck paying the liabilities and costs incurred by LTRSD. Gehlhausen stated the sub-recipient agreement will take care of all those concerns.

Wetherill and Lindsey discussed various additional statements that can be added on to the end of the Resolution.

Margie Bantle, a homeowner in Luce Township, stated she has a septic system that is 60 years old and she is in desperate need of a sewer system.

Winsett stated everyone agrees that a system is needed; the agreement just needs to be clear that the county will not have any obligation if the grant is not obtained.

Alan Stephens discussed the validity of some of the easements. He feels some of the easements are not valid because of the way in which they were notarized.

Wetherill and Lindsey suggest the addition of the following statement: "In the event the above mentioned OCRA grant is not obtained, any financial commitment to which the county may be obligated pursuant to Ordinance 2002-08 is hereby null and void."

Kroeger made a motion to sign Resolution 2010-05 with the added language, because he strongly believes it is the best thing for Luce Township and Spencer County and will benefit everyone. Ebert seconded, saying he has seen nothing but good come from having a sewer in an area. All in favor.

Kress made a motion to adjourn. Winsett seconded. All in favor. The meeting was adjourned at 8:15 pm.

County Council,

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President

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Attest:

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Cindy Shelton, Auditor

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