

Council Meeting
November 20, 2007 – 5:10 pm

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

Minutes

10/16/2007 minutes. Winsett made a motion to approve. Cochenour seconded. All in favor.

Transfers

Circuit Court – Judge Roell asked to transfer \$10,000 from Pauper Attorney to Computer Warranty, \$400 from Pauper Attorney to Travel, and \$600 from Pauper Attorney to Printing. Kress made a motion to approve all as requested. Bunner seconded. All in favor.

Drainage Board – The commissioners asked to transfer \$660 from the commissioners' budget to Legal Services for the drainage board. Ebert made a motion to approve. Bunner seconded. All in favor.

Surveyor – Surveyor Sublett asked for a transfer of \$300 from Repair of Equipment to Computer Supplies. Kroeger made a motion to approve. Ebert seconded. Approved with a vote of 6 to 1 with Winsett opposing.

Sheriff – Chief Deputy McDurmon requested a transfer of \$200 from Maintenance Contracts to Nurses. Kroeger made a motion to approve. Kress seconded. All in favor.

Election Board – Clerk Jochim requested a transfer of \$900 from Poll Workers to Equipment/Printers. Bunner made a motion to approve. Cochenour seconded. All in favor.

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EMA – EMA Director Perdue asked to transfer a total of \$280 from Assistant Director, Extra Help and EMA Advisory Meeting to EMA Meeting Allowance. Kroeger made a motion to approve. Ebert seconded. All in favor.

EMA – Perdue requested a transfer of \$400 from Extra Help to Per Diem. Cochenour made a motion to approve. Bunner seconded. All in favor.

EMA – Perdue requested a transfer of \$445.61 from Extra Help to Emergency Meals. Kroeger made a motion to approve. Bunner seconded. Approved with a vote of 6 to 1 with Winsett opposing.

Soil and Water

Mark Lubbehusen, Chairman of the Spencer County Soil and Water Conservation District (SWCD) Board of Supervisors, asked the council to consider funding the SWCD's participation in a contribution agreement with the Natural Resources Conservation Service (NRCS) for fiscal year 2008. The requested amount is \$2,566.88, which would be used to pay for extra hours for a contract employee. The additional hours will be used to provide USDA program assistance in order to bring federal conservation dollars to the people of Spencer County. In the 2009 budget, this amount will be subtracted off of the budget amount requested by the SWCD. The request was not advertised; Lubbehusen stated that he wanted to talk to the council first before submitting a formal request. Commissioner Logsdon complimented the SWCD for letting Trish Dugas assist the drainage task force and the drainage board. No vote is needed but several council members indicated that they would approve a request. Lubbehusen stated the office will have the request in for January.

Additional

County General: Commissioner/Ambulance – Jane Stout, of the Emergency Ambulance Service (EAS), stated that the ambulance service will have a deficit of approximately \$50,000 by the end of 2007. She explained that the problem traces back to 2006 when training was started for advanced life support and a deficit was carried forward. The program is up and running this year. In 2007 drugs, carrying cases for the drugs, and airway equipment was purchased. The initial purchase was at a high cost but from now on will not be as high. Spencer County EMT-Intermediates can administer eighteen different drugs, do 12 lead EKG Chest Depressions, Endotracheal Intubations, Cardiac Pacing and IO's. Stout stated that the new programs have made a difference in the care given. Spaetti asked if the \$50,000 will allow the EAS to start 2008 with a clean slate. Stout stated yes. Discussion was had on the expenses of the EAS and the contract between the county and EAS. Kress made a motion to approve the \$50,000 additional. Winsett seconded. All in favor.

Commissioners/Legal Services – The commissioners requested an additional of \$5,000 for legal services. Lueken explained that there has been additional work caused by changes in state law regarding county purchases. Also, review was needed of the Property Maintenance Ordinance and the Sex Offender Registration Fee Ordinance. Both Commissioner Logsdon and Commissioner Gogel spoke explaining why the money is needed and how they have worked to keep the bills under control. Cochenour made a motion to approve the \$5,000. Ebert seconded. All in favor.

Jail/Part Time Cook – Chief Deputy McDurmon requested an additional of \$1,100 for the part-time cook to cover vacations. Ebert made a motion to approve. Kress seconded. All in favor.

Surveyor/County Vehicle Repair – Surveyor Sublett requested \$6,914 for the repair of the vehicle transferred to him from the Sheriff's department. Kroeger made a motion to deny, recommending the commissioners look at purchasing a different vehicle. Bunner seconded. All in favor.

Auditor/Law Books – Auditor Shelton requested \$700 for Law Books. She explained that more updates were made this year than anticipated. Cochenour made a motion to approve. Ebert seconded. All in favor.

Probation User Fees Fund: Drug Program Employees Payroll – Judge Roell requested an additional of \$2,000 from the Probation User Fees Fund for the Drug Program Employee Payroll. Cochenour made a motion to approve. Bunner seconded. All in favor.

Pre-trial Diversion: Dartt requested an additional of \$500 for Social Security and \$73 for PERF. Ebert made a motion to approve both.

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Transfer for Temporary Advance Resolution 2007-16

Prosecutor Dartt requested a temporary advance of money from the Pre-trial Diversion Fund to the Community Drug Program to cover needed expenses and payroll in the amount of \$3,000. Kress made a motion to approve. Kroeger seconded. All in favor.

Luce Township Regional Sewer District

Wetherill explained the letter sent to the LTRSD asking the board to provide a time line and cost estimate for the project so the council can decide whether to continue the \$150,000 payments. LTRSD Attorney Robinson, Commonwealth Engineers Richard Lautz and Eric Parsley, and LTRSD Board Members Jim Stevenson, Grady Gordon, Ed Ingram, Wayne Bond, and Charlie McMican were present. Robinson discussed Ordinance 2002-08 and the consequences of the termination of the project. Loans have been obtained relying on payments from the county.

Robinson stated that 50% of the easements needed have been obtained. He stated that Rural Development will be sending a representative from RCap to help the county obtain easements. Kroeger asked how long Rural Development will continue to fund the project. Robinson stated that under Rural Development's current rules the project would have to be under bid by 2010. Kroeger asked what the \$150,000 will be going toward if the project is not underway for another 4 years. Robinson stated that it goes toward maintaining the office, debt repayment, and hiring a person to help obtain easements.

Robinson explained that the district will be meeting with the health department. There are homes in Richland that have lines going directly to a ditch and others that go directly into a storm sewer, and the district is expecting the health department to contact these homes to sign their easements.

Robinson reviewed a letter from Mark Davis, Technical Assistance Provider of RCap, expressing his support for the project. Robinson also reviewed a portion of the Spencer County Regional Watershed Protection Utility Feasibility Study which recommends a sewer project for the district. Robinson further explained that health and safety issues are not grandfathered in. Bunner stated that all here agree that something needs to be done, but he is interested in the steps the board has taken to insure that the majority of the community would support the project. Robinson stated that 50% of the easements are signed and he felt that if 75% of the easements get signed Rural Development will let them proceed. Robinson stated that the board understands that condemnation suits are not the answer and that the board will be meeting with the health department and RCap to pursue the rest of the easements.

Robinson stated that Rural Development has stated that additional funds could be available to cover the increase in cost. He said that if the bid comes in and the average bill will be over \$65 per month, then the board will go back to Rural Development for additional funds. Engineer Lautz stated that an average of \$65 per month is the threshold that Rural Development has used to decide the amount of money they will provide. Lautz stated that the option presented is the best option for the area. If the design was changed and the number of customers was decreased, the cost would change and you would not get the benefit of the economies of scale. Lautz further explained that another option would be to move out into the county right-of-way, with permission, to by-pass houses that have not signed easements, but that would also increase the cost.

Ebert asked the engineers about the feasibility of taking the sewer to French Island in a flood plain. Lautz stated that it is a problem anytime that you have to run a pipe for such a long distance to those 50 people, but it's being in a flood plain is not a problem. Ebert asked if it would be better to separate French Island out and have its own wetland sewer system. Lautz stated that a separate wetland would have to be created, separate from the natural wetland. He further stated that many options were examined and the current option was the most feasible for both economic and health reasons. Spaetti asked if it was possible to do the project in phases. Lautz stated that each phase would have to apply separately and each time the next phase would have to start at the back of the line.

Spaetti stated that many people are worried that if the bid comes in higher, the bill will end up being \$75 or \$80. Lautz stated that Rural Development has indicated that they will "buy down" the rate. Robinson stated that most all of the board members have stated that they will not continue with the project if it goes over \$65.

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Kroeger asked what if the counties money was not in the mix. Lautz stated the impact is about \$9 per month. Kroeger asked if Rural Development would make up that difference. Lautz stated that Rural Development has a pool of money to distribute, and if they were advised that the local commitment was taken out, then it was his opinion that they would be reluctant to make up the difference.

Winsett asked Lautz about the project in Yellow Banks and if they had over runs. Lautz stated that every project has a contingency fund of about 3 to 5%, and from what he can recall there were no overruns in Yellow Banks that exceeded the contingency fund. Winsett asked if the county owns the rights-of-way on county roads. Lueken stated that there are a lot of issues involved in that; it is hard to say. Cochenour stated that if rights-of-way are used, it could change the engineering. Lautz stated that generally that is the case.

Winsett asked what the person hired by the district would do to help obtain easements. Robinson stated that he would go door to door.

Discussion was had on the design and position of the grinder pumps. The district would like to maintain ownership of the grinder pumps in order to maintain and service the pumps.

Spaetti asked what the fee is to the home owner to get hooked up. Lautz stated there is a \$2,000 hook up fee. The cost of the grinder station, which is paid for by the district, is \$3,000 to \$5,000. Lautz stated that a hook up fee is conventional practice across the state.

Kress asked if people would have to hook up if they have a new septic system. Robinson stated that there is a state law that a home owner would get a credit on their bill if their septic system is new within 5 years.

Kroeger stated that the council began this with the belief that the Luce Township area was in need of a sewer system. He said that a sewer system in the area would make the property values go up. In good faith the council agreed to help, but at the end of 5 years if it is not viable the council wanted to be able to stop the payments. Kroeger stated that the council is now at the end of the 5 years and has to decide whether to continue. Kroeger asked what engineer would do if he was in the council's position. Lautz stated that it is his professional technical opinion that the system as presented is the best solution for the area. Ebert stated that the reason the sewers have worked in other communities is because the people were able to decide the system they wanted. Engineer Parsley stated that breaking out each community in the Luce area would make the fees for each home way too large. Lautz stated that all of the alternatives systems have been researched. Spaetti asked Lueken what the average bill is for the people in Fulda. Lueken stated that it was \$63. Lueken stated that Mariah Hill is currently at \$72, due to the cost of chemicals which were not originally anticipated.

Kroeger asked Norman Fiege what he would do in the council's position. Fiege felt that the potential risk of systems failing is low, and suggested that the council could save money by replacing the failing systems. He also stated that in the beginning the fee was to be \$1,000 and now it is \$2,000.

Wayne Bond, district board member, presented the council with a break down of the finances of the sewer project. He also presented two alternatives to the present system. The monthly bill for Project A would be \$65 to \$68 per month with a \$2,000 tap in fee. The monthly bill for Project B would be \$50 to \$53 per month with a \$2,000 tap in fee. He stated that he could have the system on line by the end of the year if he is given funding.

Bill Tinsley stated that the problem is that the current board would not listen to the community. He feels that the easements signed were obtained by intimidation. He thinks the money should be used to replace the systems that are failing.

Tammy Graham stated that the \$2,000 tap-in fee is too high and she asked what would happen if they could not pay it. Lueken stated that Rural Development does offer low interest loans to those that qualify. Robinson stated that there will be assistance available to those that need assistance through the district and the township trustee. Robinson also stated that the City of Rockport requires a \$2,000 tap in fee for people outside the city. A person in attendance asked about the fees associated with filling in the old septic tank. Lautz stated that typically it is required to be pumped out and filled with sand.

Township Trustee Pete Rapp stated that the budget for assistance in Luce Township is only \$9,000 for the year and it is not an option to depend on the trustee's office.

A person in attendance stated that the person from R-Cap intimidated the people he visited.

Tinsley suggested that since a lawsuit has been filed, the council should want to see what the judge rules on obtaining the easements.

A person in attendance asked the engineers about maintaining the grinder pumps. Robinson stated that the sewer board would be responsible for the maintenance of the pumps. The home owner would be responsible for running the pipe from the house to the pump, but the engineers have designed that to be a short distance.

Winsett stated that the problem is not the design of the system, but the way that the people have been treated.

Ed Ingram, sewer board member, stated that the customer is responsible for the electric to the pump.

Ingram also stated that no one who lives along the pipe that will be ran from Rockport to the edge of the district will be allowed to hook on. Lautz stated that it is technically possible to have homes hook on to the line, but it would not be feasible for one or two homes. Ingram stated that it is a waste to lay that much pipe through farm ground.

A person in attendance asked about the pipe to the grinder pump and the noise of the grinder when in use. Lautz stated that the pipe from the house to the pump is a standard four inch pipe; from the pump to the lift stations the pipe is smaller to keep up the velocity. Lautz also stated that grinders are very quiet and the cost of the electricity to run the pump is cents.

A person asked if the power goes out, how long will the residents be able to use the toilet. Bond stated that they hold enough that if the residents do not shower and just flush the toilet, they will have eight hours or so for a technician to fix the problem or for the power to come back on.

Spaetti thanked all of the people in attendance.

Salary Ordinance 2008

Shelton presented the council with the Salary Ordinance for 2008, listing the salaries decided on during the budget process. Ebert made a motion to approve. Kroeger seconded. All in favor.

Mileage Rate

Discussion was briefly had on the current mileage rate. Kroeger asked Bunner to resend the formula estimating the cost of driving a personal car to the council and it will be discussed further at the next meeting.

Santa Claus Water

No one was in attendance from the Santa Claus Water area. Winsett expressed concern that this could turn into another Luce Township Regional Sewer District. Kroeger and Ebert both felt confident that there will be an agreement. Commissioner Gogel stated that he is cautiously optimistic. Gogel said that they can not form a regional district until after the grant is over. Kroeger stated that they are currently waiting on a rate study. Cochenour stated that if county money is used by a district then the county council should have a representative on the board.

231 Adult Plaza

Commissioners Attorney Lueken stated that a cash bond of \$39,500 from the owners of the 231 Adult Plaza is being held in the Clerk's office. Wetherill stated that he expects an answer from the judge in approximately two months.

Kroeger made a motion to adjourn. Cochenour seconded. All in favor. The meeting was adjourned at 8:44 pm.

County Council,

President

Attest:

Cindy Shelton, Auditor

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