

Board of Commissioners  
August 18, 2009 – 2:30 pm

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

Claims

Logsdon made a motion to approve claims and to have the check for claim number 12401 held until the construction is complete. Gogel seconded. All in favor.

Reassessment Contract

Assessor Arnold discussed the proposed reassessment contract with Tyler Technologies. Arnold explained the changes made due to the new legislative changes passed. Logsdon made a motion to approve. Gogel seconded. All in favor.

Minimum Square Footage Ordinance

Lueken discussed the ordinance proposed by the plan commission altering the minimum square footage requirements. The ordinance reads as follows:

ORDINANCE 2009-03  
AN ORDINANCE AMENDING THE SPENCER COUNTY ZONING ORDINANCE BY  
ALTERING THE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR  
MANUFACTURED HOMES

WHEREAS, the Spencer County Board of Commissioners adopted the Spencer County Comprehensive Plan Zoning Ordinance Subdivision Ordinance on October 1, 1967 and amended said ordinance on March 14, 2000; and

WHEREAS, the Spencer County Board of Commissioners, in order to meet the needs of county residents while taking into consideration the health, safety, morals, and general welfare of the community, desires to reduce the minimum square footage required for manufactured homes, Types A & B.

NOW THEREFORE, BE IT ORDAINED BY THE SPENCER COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

SECTION ONE. SECTION 2.1 "Definitions" shall be amended under the definition of "Manufactured Home" as follows:

"Manufactured Home. A dwelling unit fabricated in an off site manufacturing facility for installation or assembly at a building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council. Two types of manufactured homes A and B are defined as follows:

- A) Type A. A double section or single section, residential design home having more than seven-hundred (700) square feet of occupied space constructed after January 1, 1981 and placed onto a permanent foundation as provided for by IC 36-7-4-1106.
- B) Type B. Either a double or single section standard design having more than seven-hundred (700) square feet of occupied space, constructed after June 15, 1976 and placed onto a permanent foundation, not meeting all of the requirements of IC 36-7-4-1106."

SECTION TWO. SECTION 2.12(B) "Manufactured Housing Standards" of the Spencer County Comprehensive Zoning Ordinance, shall be amended as follows:

"The home shall be larger than seven-hundred (700) square feet of occupied space and meet the minimum square footage requirements for the appropriate zone;"

SECTION THREE. All other sections of the Spencer County Comprehensive Zoning Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall be in full force and effect upon passage and publication pursuant to Indiana law.

Logsdon made a motion to approve Ordinance 2009-03. Gogel seconded. All in favor.

Advertising Farm Produce Ordinance

Lueken discussed the ordinance proposed by the plan commission permitting additional sites for advertising devices pertaining to farm produce and items sold through home occupations. The ordinance reads as follows:

ORDINANCE NO. 2009-04

AN ORDINANCE AMENDING THE SPENCER COUNTY ZONING ORDINANCE BY PERMITTING ADDITIONAL SITES FOR ADVERTISING DEVICES PERTAINING TO FARM PRODUCE AND ITEMS SOLD THROUGH HOME OCCUPATIONS

WHEREAS, the Spencer County Zoning Ordinance regulates advertising devices located within the county; and

WHEREAS, the Spencer County Board of Commissioners is desirous of permitting additional sites for advertising devices for home occupation or farm produce; and

WHEREAS, the Spencer County Board of Commissioners desires deleting language from said ordinance that permits the placement of advertising devices pertaining to items crafted or growing on premises only within five hundred (500) feet from said premises.

NOW THEREFORE, BE IT ORDAINED BY THE SPENCER COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION ONE. Section 10.3(4)(A) of the Spencer County Zoning Ordinance is hereby amended to read as follows:

"Advertising devices pertaining to a home occupation or sale of farm produce not to exceed twelve (12) square feet."

SECTION TWO. All other provisions of the Spencer County Zoning Ordinance shall remain in full force and effect.

SECTION THREE. This Ordinance shall be effective immediately upon passage and publication pursuant to Indiana Law.

Commissioner Meeting 08/18/2009 cont.

Gogel made a motion to approve Ordinance 2009-04. Logsdon seconded. All in favor.

US 231 Corridor Ordinance

The plan commission recommended an amendment to the US 231 Corridor Overlay District. The ordinance had the intent of protecting the natural conditions and scenic experience of US 231. Discussion was had on the conditions placed in the ordinance. Gogel was concerned that the ordinance may be too restrictive and cause business to locate north in Dubois County. Logsdon and Lueken discussed Section Eight in which a variance can be applied for if any condition puts an undo hardship on the business. Logsdon suggested Gogel attend the next plan commission meeting to discuss his concerns. Shelton was asked to email a copy of the ordinance to LEDC to get input on the conditions. Logsdon made a motion to table the ordinance until the first meeting in October. Gogel seconded. All in favor.

Courthouse Maintenance Report

Courthouse Maintenance Supervisor Bill Glenn discussed the repairs he has made to the courthouse, including repairs to the plumbing and a/c. He said the panic doors are to be installed on Thursday and Friday. Glenn also discussed the major repairs that need to be done to the courthouse to keep it in good condition. He said the roof is in need of replacement and tuck pointing needs to be done to prevent the moisture from getting inside the walls. The commissioners discussed the grant application and other grant opportunities and agreed repairs need to be started soon.

Bid Opening – SR 62 to Long/Short Johnnytown Road

Engineer Lloyd's estimate for the SR 62 to Long/Short Johnnytown Road was \$44,300. Lueken opened and read the bids as follows:

JH Rudolph	\$38,990.00
Metzger Construction	\$48,330.00
Gohmann Asphalt	\$39,438.00

After reviewing the bids, Lloyd recommended the acceptance of the JH Rudolph bid. Rininger asked for public comment. None was offered. Gogel made a motion to award the bid to JH Rudolph in the amount of \$38,990. Logsdon seconded. All in favor.

C. Eberhardt

CR 1500N – Chester Eberhardt, a county resident who lives on CR 1500N, discussed four items that he would like to have addressed. First, he said due to the agriculture trucks, hog farm trucks, and visitors to the river bottoms the road is highly traveled and the residents are choking from the dust. He asked if the road could be chip and sealed. Second, he stated the speed limit needs to be reduced. He said there is only one very old speed limit sign on the road and it is at a 45° angle. Third, he reported that the guardrails on the bridges need to be replaced. The small concrete box culverts once had rails, but they have rusted away. He said his wife almost drove off the side of the bridge. Fourth, he asked that the ditches be cleaned. He said the road floods after a rain because the water has no place to go. Highway Superintendent Painter stated that he can get the guardrails replaced immediately, and he will address the ditches. Engineer Lloyd stated that she would start the procedure necessary for the speed limit reduction and report back to the commissioners. Logsdon explained the district road system to Eberhardt and the limited funds available for new chip and seal roads. He promised Eberhardt that the road will be added to his list of road to be under consideration, but he cannot promise the road will be chip and sealed because he does not know if funds will be available.

Road connecting CR 1500N and CR 1575N – Eberhardt also discussed the road that at one time connected CR 1500N and CR 1575N. It was stated that it had not been maintained since before the war. He said that he and his neighbors would like to have the road re-opened and maintained by the county. Lloyd said that it was removed from the road inventory and the state no longer sends the county money to maintain it. She further stated that opening the road would cost the same as putting in a new road. Eberhardt stated that 4-wheelers are the only ones who can use it and the landowners cannot block them because it was once a county road. The suggestion was made for the landowners to vacate the street, then they would be allowed to block the road off. Eberhardt said the

Commissioner Meeting 08/18/2009 cont.

landowners would prefer to have the road open and usable by all vehicles. Lloyd will research and find out why it was taken off the county's road inventory.

#### Highway Report

Triad Mining – Highway Superintendent Painter explained that in 1994 Triad Mining requested the closing of Dale Lake Road, with the understanding that they would put the road back to a chip and seal surface when the mine is closed. They are currently working on the resurfacing of the road. When the road is put back to county standards, he will recommend the re-opening of the road.

CR 700E – Painter reported that the large culvert north of I64 discussed at the prior meeting is in need of having a slip liner installed. Painter stated that the cost will be approximately \$88,000 but if the culvert fails, it will cost much more. Logsdon asked if the work would be warranted by the company doing the work. Painter will find out and get it in writing. Discussion was had on getting a competitive estimate. Painter will call other companies.

CR 1300N – Painter stated there is a portion of CR 1300N that is not maintained by the county. A landowner on the road would like to improve the road at his own expense. Discussion was had. The commissioners stated that the landowner would need to provide the county with a certificate of insurance. The landowner should also know that if it remains a county road others would be permitted to use the road. If he wants to restrict access to the road, he would need to submit a petition to vacate. Painter will discuss with the landowner.

CR 600E – Logsdon reported to Painter that much of the gravel put down for the new chip and seal on CR 600E has moved to the side of the road. Painter said the highway normally brushes the gravel back on to be pressed in the road and they have not returned to that road yet.

#### Engineer Report

Gohmann Asphalt - Engineer Lloyd reported that the letter to Gohmann was received and Don Frank called and spoke to her. He was very apologetic and promised the county will be satisfied with all of their future work.

Scour Bridge – Lloyd discussed the memo received from INDOT stating that all bridges listed in the county as “Scour Critical” have a plan of action by November, 2009. Lloyd and Painter stated that a couple of the bridges are already taken care of and they are working on a plan for the rest.

CEDIT Plan – Lloyd and the commissioners discussed moving up the roads behind the South Spencer High School from the 2010 CEDIT plan to the 2009 CEDIT plan. The roads are CR 150N, CR 312W, CR 170N, and CR 294W. Logsdon made a motion to utilize available funds to add the stated roads to the 2009 CEDIT plan. Gogel seconded. All in favor.

#### Legal Report

Sheriff Sales – Lueken and Sheriff Lindsey discussed the proposal to have SRI handle the Sheriff sales for the Sheriff's department. SRI currently handles the tax sales for the Auditor and Treasurer. To pay for the service Lindsey requested the passage of an ordinance to set the fee for the Sheriff's sale at the statutory limit of \$200. Currently the fee is set at \$125. Half of the fee would go to SRI and half would be deposited into a Sheriff Sale Fund that could then be used by the Sheriff's department after it is appropriated by the council. Lueken recommended signing the ordinance. Gogel made a motion to approve Ordinance 2009-05. Logsdon seconded. All in favor.

Broadband Grant Support Letter – Lueken explained that PSCI asked the commissioners to sign a letter in support of PSCI receiving a grant to provide broadband to Spencer County. Logsdon made a motion to sign the letter. Gogel seconded. All in favor.

Inter-local Police Protection Agreement – Lueken discussed the inter-local police protection agreement prepared by Attorney Patmore. Sheriff Lindsey stated that the county and the incorporated areas are already cooperating and he saw nothing wrong with the agreement. The commissioners would like a chance to read the agreement. Gogel made a motion to table the discussion. Logsdon seconded. All in favor. Lindsey and Lueken stated that the agreement would help the different communities with grant applications and with insurance costs.

Commissioner Meeting 08/18/2009 cont.

FEMA / Public Safety Building – Lueken discussed the letter of denial received on the Pre-Disaster Mitigation Grant. EMA Director Perdue and Lueken both stated the project could still proceed with the Hazard Mitigation Grant, but updated numbers may be needed. Rininger stated that if additional cost will be associated with getting the updated numbers, it should be presented to the council. Perdue asked if Indiana 15 could proceed with the grant if there are no additional expenses needed. Logsdon made a motion for Indiana 15 to proceed as long as there is no additional cost to the county. Gogel seconded. All in favor. Perdue stated that if additional money was needed, he would come back and request it.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 4:49 pm.

Board of Commissioners,

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President  
Attest:

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Cindy Shelton, Auditor

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