

Hancock County Board of Commissioner's Meeting

June 18, 2019

Commissioners met in regular session. Those present were Board of Commissioner's President John Jessup, Vice President Brad Armstrong and Commissioner Marc Huber. County Attorney Scott Benkie, Auditor Debra Carnes and Deputy Auditor Trish George were present.

Hancock County Board of Commissioner's meeting began at 8:01 am. Commissioner Jessup called to order the June 18, 2019 Hancock County Commissioners Board meeting.

Highway

- Gary Pool (Highway Engineer) presented for signature contract from INDOT DES #1702756. The State is willing to pay up to \$200K of engineering cost for Segment B of 600 West. Commissioner Huber made a motion to accept the contract from INDOT DES #1702756 for up to \$200K for Segment B of 600 West. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**
- Gary would like to get the County Farm road sent to bid, but waiting on RQAW.
- Flooding 4.9 inches over average rainfall. 1998 was last time it rained this much
- 8 pages of roads to patch
- Can we set ourselves up to buy at auction. Gary would like the option to buy needed items from auction and save the county money.
- Delleca driveway issues, the drive needs to be moved. Gary looking into this.
- TORQ claim filed on two tires with Shelby County
- Highway is out paving (out every weekend) and trying to get caught up.

Claims & Payroll

Commissioner Huber made a motion to approve claims and payroll as presented. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

Commissioner Minutes

Commissioner Huber made a motion to approve Commissioners' Minutes for 6/4/19 as presented. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

Ordinance 2019-6E for Real Property Endorsement Fee

- Commissioner Armstrong introduced Ordinance 2019-6E an Ordinance of the Board of Commissioners of Hancock County, Indiana for Real Property Endorsement Fee. Basically this will allow a \$10 fee for each legal description of parcel contained in a deed effective July 1, 2019.
- Commissioner Armstrong made a motion to suspend the rules and allow for passage on day of introduction for Ordinance 2019-6E. Commissioner Huber seconded the motion. **Motion carried 3-0.**

- Commissioner Armstrong made a motion to adopt Ordinance 2019-6E. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Maintenance

Dean Mullins (Maintenance) presented Commissioners with a proposal for work on the Memorial Building steps. Commissioner Huber made a motion to accept the proposal from Vales Concrete to repair the Memorial Building lower 7 steps not to exceed \$2,850 to be paid out of Building Maintenance. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

Weed/Mowing

Commissioner Huber received a call from a farmer who received a letter from Dean Folkening (Weed/Mowing) regarding Canadian thistle. Due to recent rainy condition, this has made it unable to trim as usual. Commissioners agreed that Commissioner Huber would talk to Dean Folkening to call rather than send a warning letter due to the recent rainy conditions.

Cumberland New TIF Area

Randy Sorrell (HEDC Director) came before Board of Commissioners to discuss the new TIF area in Cumberland. Commissioner Armstrong thought it was a compromise he could live with. Commissioner Jessup said he could settle on it. Commissioner Huber is tired of settling he would like the TIF area to go to 700 West; who are we representing here. Randy said this will go back to the RDC and the Planning Committee.

Hancock Regional Hospital PUD Ordinance Preliminary Plat/ Rezone SR 234/CR 200 W & Rezone CR 200 S/CR 500 W

- Mike Dale (Director Planning Department) introduced Ron Pritzke (Attorney) for Hancock Regional Hospital PUD. Mr. Pritzke notified Commissioners Hancock Regional Hospital and McDonald's have reached email and verbal agreements; but they are waiting for legal documents from McDonald's. Mr. Pritzke asked for a continuance till July 16th. Commissioners agreed to a continuance.
- Mike Dale (Director Planning Department) discussed the rezone of Lennar Homes SR 234. Mike said at the last Planning Commission there was an advertised public hearing on rezoning 21 residential lots and two undeveloped parcels that currently have commercial neighborhood zoning. It was advertised to rezone the single family lots from CN to R1 and to rezone the area to the south as agricultural. After deliberation the Planning Commission could not decide on a recommendation so they forwarded no recommendation. Mike introduced Ms. Napier, daughter of one homeowner (adjacent to 2355 W SR 234) would like to see the property go from commercial to residential zoning. Mike said there is another property owner who would like to keep the property commercial zoning. Commissioner Huber clarified this comes from problems with getting loans for residential on commercial zoned land. Commissioner Armstrong clarified the zoning was changed in 2007 and on the north side of the road the outer ones stayed R1

and the middle ones become CN; seems odd in a blanket rezone. Commissioner Armstrong said it feels like the right thing to do to get the zoning more in line with the current usage.

- Commissioner Armstrong introduced Ordinance 2019-6F. Commissioner Armstrong made a motion to adopt Ordinance 2019-6F. Commissioner Huber seconded. Commissioner Jessup asked if there was any comments/discussion.
- Cindy King who lives at 2121 W SR 234, said my husband has lived there 29 years and Skip back there has lived there since the house was built in the 70's in his house. We just found out 7-8 weeks ago that it was zoned CN. We were not aware of this. Mike verified advertised public notice was done, but no individual notice was given. Commissioner Armstrong addressed this was a mass rezone before their existence. It was advertised, but it is unlikely anyone would watch for this. As we have had issues arise, we initiated rezoning. She preferred CN zoning, along with her husband and Skip.
- Commissioner Armstrong would like each owner sent a certified letter regarding changing their zoning from CN to R1 at no charge. Commissioners agreed to send letters.
- **Commissioner Armstrong withdrew motion to adopt Ordinance 2019-6F.**
- Mike Dale (Director Planning Department) discussed the rezone of Copperstone PUD. Mike said Lennore Homes who represents the Copperstone PUD project is here this morning, as a follow-up to the Planning Commission's favorable recommendation. The Commission voted 5 yes, 3 against with 1 absent with a condition for a traffic study submitted by the developer to the county highway department for the platting. Mike introduced Ron Pritzke (Attorney) representing Lennore Homes would like to annex 97 acres to the town of New Palestine. There is a scheduled hearing to discuss this tonight. Ty Rinehart (Engineer) discussed details of Copperstone. Jim Ronson (New Palestine Council) notified Commissioners they have met all architectural standards and they have New Palestine Council approval.
- Commissioner Huber introduced Ordinance 2019-6F the PUD for the Copperstone Addition. Commissioner Huber made a motion to adopt Ordinance 2019-6F as presented for the Copperstone Addition. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

Replat Bodkin Family Minor Sub Dedication of ROW 35' Half ROW (from 30')

Steve Cooper requested replat for 35' Half ROW. Commissioner Huber made a motion to accept 35' Half ROW on the replat of the Bodkin's family minor sub. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

Life/Disability Insurance Carriers (One America/RE Sutton)

Brian Case (One America) & Trevor Stephens (RE Sutton) as requested sent termination paperwork to the County Attorney for approval and then sent it to Alliant Standard. Brian and Trevor presented three applications for Commissioners signature. Commissioner Huber verified Scott Benkie (County Attorney) reviewed these applications. Scott Benkie clarified

yes he reviewed the applications. Commissioners signed off on Employers Subscription Agreement, Employee Assistance Program Form and Administrative Election Form.

Modify Erosion Control Fee for Minor Subs/Metes & Bounds Houses Log Jam Removal at Nameless Creek

- Susan Bodkin (Surveyor) requested to reduce fees for erosion control in minor subdivisions.
- Commissioner Huber introduced Resolution 2019-6-4 to designate drainage erosion and settlement control fees, which is a reduction, minor subdivisions and/or acreage parcels (as defined by metes and bounds) will go from \$250 to \$100. Commissioner Huber made a motion to adopt Resolution 2019-6-4. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**
- Susan notified Commissioners of a log jam/possibly more on Nameless Creek and requested permission to remove the log jams. Commissioner Armstrong made a motion to allow the Surveyor to remove possible log jams on Phyllis and Frank Edwards on 600 E (Nameless Creek). Commissioner Huber seconded the motion. **Motion carried 3-0.**

NASA Request

Tim Retherford (NASA) requested to utilize the old CASA office who relocated. Tim requested if the room is available could NASA have this room. Commissioner Huber said he received several calls interested in utilizing the old CASA office, if Zoe's place didn't want it. Commissioner Huber will look more into this to see if the room could be shared. Tim would like to move out of the kitchenette area. Also, Tim notified Commissioners there is a leak in his area and Dean Mullins (Maintenance) is aware.

Natural Gas Savings Agreement

Michael Fahrbach (Constellation) presented a Natural Gas Savings Agreement to the Commissioners for signature. Commissioner Armstrong made a motion to enter into the Natural Gas Savings Agreement with Constellation as amended and authorize John Jessup, President of Board of Commissioners to sign off pending legal review. Commissioner Huber seconded the motion. **Motion carried 3-0.**

RQAW Update

Dustin Fry (RQAW) updated Commissioners with jail design and estimates. Garmong has prepared estimates and Dustin prepared a summary spreadsheet for Commissioners to review. The total project is within \$250,000 of the SDS estimate considering we added 5,600 sq ft of design estimate. We have met with the jail committee focusing on discussions with Gregg Guerrettaz and Lisa Lee on the financing timeline and we have a follow-up meeting scheduled. Working with Garmong on cost-savings plans and implementing plans to save more and gain additional scope. Finalizing bid documents on the county road with Gary and hope to have out this week and the bids would be on the 16th or 30th. Commissioner Armstrong said the 16th is better and your end is the hold up. Dustin replied we are finalizing

it, we still have not received comments back from INDOT; yes there is stuff held up on our end but we are waiting on other authorities. Garmong has their contract, they just have to run by their legal.

MOU (Utilities for Jail)

Gregg Morelock (City Attorney) presented for discussion on the MOU for new jail. Gregg said some changes from the previous drafts; I would say my misunderstanding; it was a misunderstanding as to where the city was committing to run the utilities; and as originally presented; the language was that it would come up to 50' of the building and then we would advertise or go to bid for the last 50' as an alternate in an effort to have some economy of scale for the county and we thought it would be cheaper to do it that way. Mike (here) said it was not his discussions with John that it was to run to the edge of County Farm road. The change, originally we thought you were going to plat the 20 acres that the jail was going on and that's what the connection and availability fees are based on. I have to admit when I sit through the planning commission I don't look at those plats unless there is a problem. Now you have platted 3 blocks all 36.65 acres, so that would mean the availability fee would be on that full amount. So those were our two increases, I spoke with Scott this morning and he asked that we attach a schedule of charges so you would know what those connection fees are. But to do that, for the connection fees, we need to know the size of the pipes for the connection, because our rate structure is if it is a 5/8" or 1" or 4" it is so much and so maybe you have that information and if you don't, we just need that from RQAW so that we can put that attachment (Exhibitor) together.

Scott Benkie (County Attorney) added there was discussion on other changes. Gregg said ah yes right in terms of language; #1 where I talk about installation or construction; we were going to add to the litany of things we will provide. Scott just clarify. Gregg continued installation, that we were going to install, create, design everything up to, but the key change was the connection point. We are still happy to bid the rest as an alternate if you would like and include that in the agreement.

Gregg said what else Scott. Scott said strike the prepay language. Gregg said well I know you asked that, but unfortunately our Ordinance doesn't allow that. You have to pay availability fees at the time the MOU is done. The connection fees can be paid, by the builder when they pull the permit, but the availability fees have to be paid at the time of the agreement. What are those fees, I know we did a calculation. Commissioner Jessup said I can say from the Board; the discussion is over; there will be no MOU. We like the way it was written before. We need to know what the fees are and we can't prepay for it. We need to go to our proposed site. I know that's what I asked for; I know that's not what you agreed to; I liked the way it was written cause you had it the way I wanted so I thought we made some movement towards where we need to be; if its back to be off the road, then I don't see any agreement. I don't think anyone on this board will agree to that not after the road we have

been down. Mike (City Utilities) that's the same we do on any development is take them to the edge of the property owners land. Commissioner Armstrong said I believe in the discussion John presented to this board; since we were forced out of town, against our will as a measure of good faith that to participate in the jail where we house many of the criminals from Greenfield; that Greenfield would participate a little bit in this project beyond a normal developer. I thought we were going down that road, but you are offering nothing extra; we are just the same as anyone else building a building after we were kicked out trying to build on to our campus. I don't know what has changed, perhaps John didn't understand what you were explaining to him. I apologize if that is not what you wanted convey, but that is what we were under the impression of. Commissioner Jessup added the proposed agreement we were given outlined what it was I was asking, if we are back to that then there will be no agreement. Gregg said so let me ask this question; you don't have to answer it; if we were and this is a big if; I have to go through the Board of Works, the Mayor's office and we have hoops to jump through; which is why my email to Scott said there was some internal stuff we have to discuss; but given his call this morning we didn't want to put this off this morning any longer than we had too. If and a big if, if we can get it to within 50' of the building then your availability fees are going to be based on your entire acreage and they are paid up front is that going to be a deal killer from your perspective if we can agree on where the line is run to. Commissioner Huber well I don't like none of it, so I think it is ridiculous, especially to make us prepay, we are a government entity, we all share the space in the this county and we always talk about lets work together and the cooperation, the spirit of working together and I understand you want your fees paid but I think for a government entity you could probably give a little leeway to have that paid at a later date than like any other developer coming in. Once again, that's what is aggravating about this is we are under the gun. I don't know if you realize that or not; we had a plan design, you throw us out and now we are under the gun. We are behind the eight ball and you guys want to play games like this, it is repulsive to every taxpayer in this county that you guys are doing this. We want a number, we want to know exactly what your plans are; we don't want hide and seek. None of this stuff left up for interpretation. It needs to be in black & white; it needs to be 4 paragraphs and it needs to say exactly what you are doing; exactly what we are going to write the check for. It's disappointing we can't get that from city hall. Mike (City Utilities) I can give you the numbers. Commissioner Huber then why don't we have them, we have asked for them. Mike said if you allow me to give them to you right now; the water is \$1,300 per acre and the sewer is \$1,900 per acre. It was estimated 20 acre; but your plat shows 36 acres; all we need is what the parcel is going to be; that is what the ordinance is; we have to go by what our ordinance is and to speak on the utilities; the utilities are funded by the utility rate pairs; not by the citizens of Greenfield; which happens to be in Hancock County; the utilities have to pay those cost; the cost to bring that water/sewer exceeds what your fees are going to pay; they are paying more and above what would be normal. Gregg suggested only charging for

the 20 acres and not the undeveloped land. Gregg asked when do you think the availability fees should be paid. Commissioner Huber said it would be nice if when we take occupancy. Commissioner Armstrong said as a government entity we are not allowed to pay fees in advance.

Gregg said he is taking back; #1 utilities will be run within 50' of building. #2 we will talk about the availability fees being paid when the water/sewer infrastructure is installed and accepted. #3 the connection fees get paid when a building permit is pulled and RQAW will get pipe sizes to tell you what the connection fees will be and then we will put that in an addendum. We will make the language change about installation. Commissioner Jessup said we don't want a schedule or copy of your Ordinance. Gregg added I don't want to be critical, but 36 acres got platted and availability fees are based on acreage. Commissioner Armstrong said so it looks like \$117,280 and \$64,000 if we did the 20 acres. Gregg said we just need to get the pipe connection size. Dustin (RQAW) we are working on the size, I have heard two different sizes (depending on civil versus plumber). Commissioner Armstrong said let me put it to you this way; this is real important we need a size now, now, cause this is a big problem and we aren't having a bunch of meetings to figure this out This is real close to going off the rails now and it needs to be right. Gregg said I will get a draft back to Scott; I will relay this back to the Mayor and Mike and I'll get back to you that we will make X, Y, Z changes along with the numbers once we get the size of the connections and then build the availability fees at both levels so you can see what difference and dollar amount is and you can decide what you want to do. Scott asked is this ok? Commissioner Armstrong answered yes. Commissioner Jessup said this cannot wait till July 16, we will have to have a special meeting. Gregg thank you, thank you.

Vacation Question

An employee asked Commissioner Armstrong if they stopped working for county and come back, could they use previous time employed at County so she could have more vacation. I vaguely remember a department had trouble getting people to coming back to work. Commissioner Jessup said he thought they talked about that as an incentive. Debra Carnes (Auditor) said she would have Mary McCoy (Human Resources) look into this.

ROW Question

Adam Kinder approached and asked Commissioner Huber a question. He lives at Bridge 50, 500 N & 600 E. There is two bridges there and they are getting ready to redo them. So the issue I have is the amount of ROW being taken in his front yard. Engineers said this was a preliminary drawing, I tried to be patient, but the final drawing they are taking out vinyl fence, trees, bushes and I realize this has to be done. The project has decreased, but not in ROW which I don't understand. Commissioner Huber said I will have to talk to Gary

(Engineer) about the logic. I don't have an answer, I will have to talk to Gary. Commissioner Huber took Adam's phone number to get back to him.

Hancock County Commissioners

Commissioner John Jessup, President

Commissioner Brad Armstrong, Vice-President

Commissioner Marc Huber

Attest: _____
Debra Carnes
Hancock County Auditor