

**PERRY COUNTY BOARD OF COMMISSIONERS
MINUTES – SEPTEMBER 21, 2021**

The Perry County Board of Commissioners met at 8:00 a.m. as was duly advertised. Commissioners in attendance were President Thomas J Hauser and Gregg Jarboe. Also, in attendance were Sheriff Alan Malone and Administrator Teresa Kanneberg. No representative of the *Perry County News* was present.

The meeting opened with the Pledge of Allegiance.

PAYROLL

Payroll for the County employees was distributed on September 13, 2021 in the amount of \$149,226.71 and Comp/Overtime for Health Department in the amount of \$10,598.25. Gregg made the motion to approve the payroll, seconded by Tom. Motion carried 2-0.

MINUTES

The minutes from the July 20, 2021 meeting had been mailed to the Commissioners for their review. Gregg had a couple of changes to be made. Gregg made a motion to approve the amended minutes, seconded by Tom. Motion carried 2-0.

RIVERVIEW SOUTH INDUSTRIAL PAD UPDATE

Alvin Evans with Perry County Development Corporation came before the Commissioners stating that due to only receiving one response for the engineer for this project, it was readvertised. We had three responses received by the August 30th deadline. Alvin said two of them were middle of the qualified documents. There were some questions brought up. Alvin discussed this with Attorney Chris Goffinet because the Port Authority has the same problem with another project and Chris said per IC 5-16-11.1-4, provides that a public agency may provide the notice of the need for professional services. Section 5-16-11.1-5, provides that a public agency may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed and negotiated compensation for the public agency determined to be reasonable, as such the Indiana statute is a policy for the Commissioners and Port Authority must follow for selection. The EDA requirement of advertising is acceptable but just an add-on to the process required by Indiana statute. Therefore, per Indiana statute, selection of the qualified firm from as many firms should continue as Chris's opinion. Alvin said after talking with Lisa Gehlhausen with Indiana 15, she believes Indiana is asking for acknowledgement from the Commissioners. Indiana code 5-16-11.1-5 is Perry County's policy for selecting professional services such as engineering services. A motion from the Commissioners is sufficient to give to Indiana 15. Gregg commented that Alvin went way beyond his knowledge or experience here. Alvin said for Commissioners to select an engineer or PCDC service is based upon the confidence of the firms and doing the professional services that you are asking for. Gregg said he hadn't even read it or know about it. Alvin said they have been trying to so this for the past two months. Gregg said he doesn't know what the statute says and his comfortability level is zero at this point. It was said to put on the agenda for the October 4th meeting. Gregg made a motion to table voting, Tom seconded the motion. Motion carried 2-0.

AFFIDAVIT FOR PAYMENT - PCDC

Alvin Evans with the Perry County Development Corporation presented the Commissioners with an affidavit to authorize Old National Bank to make certain payments from a Construction Fund established by the Trust Indenture dated December 1, 2014, and the Third Supplemental Trust Indenture dated as of April 28, 2021, between the County and the Trustee. It was explained that these invoices will be paid from bond proceeds and that the projects were already approved by the Redevelopment Commission. The invoices for payment are: Exhibit A - \$1,230.00 to be paid to the Perry County Development Corporation for Project 2, Riverview Stream Mitigation RES Kentucky, LLC, Task #6, Construction Oversight. Gregg mentioned that this is all work that was previously approved by the Redevelopment Commission. Alvin said yes and we have to go through the affidavit process each time. Gregg made the motion to approve the affidavit, seconded by Tom. Motion carried 2-0.

UPDATE ON READI PROCESS

Alvin stated that we are finally finalizing an application for Indiana First Region, being accomplished at this time by REA, consulting firm working with Indiana Region 15. He said the project has been very fast paced with a lot of work being accomplished. The Perry County committee has been very active and much has been done in a short time. Katie King and Erin Emerson have been very involved in accomplishment of and supported the projects before the consultants. This should go in by the consultants late this week for a review by Indiana Economic Development Council to allow for corrections that they suggest be made prior to the September 30th due date. Alvin said they were told it's over 50 million dollars that would be earned by the projects being submitted and that's the maximum that can be received. There were several Perry County projects that were already paid for and everything else to get the 20% match. He said it was a lot of effort to do in six weeks.

APPROVAL OF LOAN BOND FOR RAIL BRIDGE PROJECT

Alvin said on the rail bridge project, it has been approved by the Redevelopment Commission. The bond itself has been sent out and Interstate Bank is the agency that is providing the loan. This loan is for two years, working construction loan during the time in which USDA funds will be spent on rebuilding the bridge at 11.7 or putting a new bridge in at 11.7. Also, the engineering work for the 11.3 one worked for the bridge at 8.7 over the Anderson River. After that construction contract is signed, EDA will match the 80% reimbursed expenses which has been beforehand. Then 80% the rest of the way until it is done, so the loan will be the 20% match. Gregg asked about the max rate for the loan. Alvin said the max originally on was three percent and this is 1.444 percent. Tom stated we got a good rate. Gregg made the motion to approve the loan, seconded by Tom. Motion carried 2-0. Alvin did comment that the bids have gone out for the bridge and are due by first week of October

AGREEMENT FOR SWITZER ROAD STREAM & WETLAND MITIGATION

Alvin said this agreement with Cash Waggoner & Associates for the Switzer Road Stream and Wetland Mitigation was approved back in April and has been long passed on getting signatures. This stream of wetland mitigation is for Switzer Road which was done on their site at Bear Creek. He said all the work has been accomplished, it just got delayed in the processes. Gregg made a motion to approve signing the document, seconded by Tom. Motion carried 2-0.

BOARD APPOINTMENTS -PERRY COUNTY HOSPITAL BOARD

Tom said according to state statute, we get a recommendation from the Hospital Board of Trustees and we haven't received that yet. He said the Commissioners received one appointment and Administrator Teresa Kanneberg said they received another one too. Gregg said they are two good ones. He also said he would like to table this because Randy is not present and it would be nice to have his opinion on it. I don't think there is a rush on this. Teresa said she reached out to Brian Herwig, CEO of PCMH, for a status and she said he asked for a delay on this appointment because they have gotten a few more applications. Gregg made the motion to table until the October 4th meeting, seconded by Tom. Motion carried 2-0.

RESOLUTION - APPROVAL OF TRANSFERRING LIEN CERTIFICATES TO CITY OF TELL CITY

Tom said he knows these properties have been on tax sale multiple times. The City of Tell City is requesting the Commissioners to consider transferring the lien certificates of the properties of John E. Haaff, Sr and Patrick L. Lamar so that the City of Tell City may follow the statutory requirements to obtain title to the properties and take the necessary steps to develop the property or otherwise dispose of it in a manner that benefits both the City and the County. The City of Tell City prepared a resolution for the Commissioners to sign. There was discussion about being no rush on getting this done. Chief Deputy Susan Harpenau said there is no time limit when this can be done but the city wants to get this as soon as possible so they can turn it around. The house would either be bulldozed down or tear it down or would sell it as is. Individuals want land to build other houses on. If the City sells the land, it would then put it back on the tax rolls. Gregg said he doesn't have a problem with this. Tom commented that there is more on the properties than what they are worth. He said the County is not in the position to do anything with these properties. Gregg made a motion to approve giving the properties to the City of Tell City, seconded by Tom. Motion carried 2-0. This will now take them off future tax sales. (See Attachment "A" R-C-21-5)

MISCELLANEOUS/PUBLIC COMMENTS

Tom reminded everyone about the ARP survey to fill and the deadline is September 29th. There also will be listening sessions on September 30th if anyone is interested. Gregg said there is a little over a hundred completely filled out, verbal responses. For the non-verbal responses, there is probably around 170. He said there are lots of multiple hits where people fill parts of it at a time.

Jail Commander, Ron Gibson, said they are not asking for any action at this time. Sheriff Malone has found a company (Future Energy Solutions) that their business basically is to come in and look at your physical plant and your lighting costs and they do a non-cost audit of the facility to see what savings potentially might be there. If we would want to go with this company, they would come in and change everything out to LEDS at no capital cost. They share the savings over a certain amount of period of time to get their money buy back. Ron said at this point, we are only asking if we are interested enough that the gentlemen who represents this are for this future energy savings company wants to come and speak to us. For us to look at and explore what the future could possibly be. As of now, they are in Montgomery, doing the same thing and the audit they did could possibly be a savings of \$250,000.00 over a 15-year period. For 15 years, the company takes care of all the physical plan of the lighting, we pay nothing. If a light breaks, they would come in and replace the light at their cost. Ron said they get 75% savings and we get 25% for 15 years. Gregg said so when you switch over to LED, your energy level (consumption) goes down and based on that calculation. They make sure this savings actually happens on your bill. Gregg said there are two keys to this, one is the upfront calculation because that is what their savings is based off of so it is not inflated and the second part is basically the terms of the contract to make sure it is all there. Tom said the advantage point is there are no upfront capital cost. It was said if we do the jail, then we need to look at the Courthouse also.

Tom said with talking about the dispatch, in giving it the time it deserves, he is proposing a special meeting for the Commissioners to discuss this. It would only be dedicated to dispatch. Tom made a motion for the special meeting to be on September 27, 2021 at 6:00 p.m., seconded by Gregg. Motion carried 2-0.

Roger Smith updated the Commissioners that he is two less on dispatchers. They are trying to use part time to cover the vacancies and that is coming out of our special services and that is going to deplete pretty quick because we are filling full shifts. He said he does have applicants but he couldn't in good faith offer a job to someone that may be leaving their current position and don't know if they are going to be able to sustain a job with us. He said he would like to know where we stand with the contract before he moves forward with the hiring process. He offered if anyone would like to be on the hiring panel to let him know. Tom said it is a widespread problem of filling positions especially in public service. Kelli Harding asked for the breakdown of cost if the County takes over dispatch. Steve Hauser said he will bring it to the special meeting.

Jim Carter came before the Commissioners saying he wanted to add something that was said at the September 2nd meeting. He said Herbie Landers came forward at that meeting concerning page 16 of the animal ordinance. Herbie feels the Health Department should have a voice in saying where the animal is to be housed if there is a dog bite. Jim said that first problem is that Dr. Brett Marsh is the state vet and not even with the Indiana Department of Health. Jim said this is very important. Jim asked the Commissioners to read IC 15-17-6-11a. This IC does not state where the quarantine should take place. He said the animal control board is to make sure the quarantine is proper and not the Health Department, they do not have time. Jim says we have 4 animal board members now and they should be more active than they are. The ordinance states what their responsibilities are. Dispatchers should be calling the board members when they get a call. If you keep messing with the ordinance, you are destroying the animal control ordinance and what it was meant to be. Tom said section 2 was taken out because it was financial and that fell on the Council. The Council at that time decided not to pursue a county option dog tax so that completely eliminated any fee structure. He said the Commissioners cannot impose a tax. State statute says the County cannot impose a fee or a tax unless the Council imposes a county option dog tax. Gregg commented that at the first meeting in October, he is hoping we will have the animal control service contract talked about at the last meeting, that we get it done and over with. He said we look at the new ordinance and does it make sense. Jim had a lot more discussion with the Commissioners on this topic. The other thing Jim brought up was getting the roof over the pens outside of the current shelter. Tom commented that was a good idea. Gregg said maybe we can get a volunteer base and bring the Commissioners a bill of what the materials are. Tom said there is money earmarked for animal control. Gregg said he would like to get the people from Harrison County to look at it with Jim and make sure they are good with it since they are going to be working with us at this point. The second thing is the drawing which Jim has already provided and the third is a list of material costs. With this, Gregg said he had no problem moving forward.

Kelly Harding brought up those important topics (controversial topics) should be put on the agenda and not under miscellaneous such as dispatch, mask mandates, and animal control and shelter. She said this is not fair to the public in case someone wants to come forward and speak or ask questions. She would like to ask if there is something on a larger scale that they be on the agenda so we know. Tom said concerning the dispatch, that is why he wanted a special meeting as not to discuss under miscellaneous. The last time it was discussed was under public comments. The mask mandate came up suddenly when the county went to orange status. Tom said we will strive to put these types of things on the agenda. Gregg also commented that nothing should be voted on under miscellaneous, it is basically for comments. They are going to change and approve the agenda at the beginning of their meetings.

Teresa questioned about posting the agenda. She generally does this one week before, but by open door law, it has to be done 2 days before the meeting. She asked if they had a preference as to add more items to the initial meeting notice. Gregg said he is okay with the way it is and if 2 days before we add topics, then we just need to republish the agenda. Teresa said she believes an agenda is not required with a meeting notice but it is posted. Gregg stated that he does like the notice and agenda to go out one week before to remind the departments if they need to add anything, then have the agenda go out again 2 days before the meeting if anything is added. He said what is added on the night of the meeting should be something that literally came up the day before. Tom said he is fine with this also. Teresa commented that the agenda is not on the website. The only requirement for sending out the notices is to the News. They send a letter to the County requesting it. All others sent out are a courtesy and she doesn't mind doing it.

It was announced that the next regular meeting of the Commissioners will be on Monday, October 4, 2021 at 6:00 p.m.

The meeting ended in open session at 9:25 a.m.

Minutes approved this 16th day of November, 2021.

Thomas J Hauser, President

Randy Kleaving

Gregg Jarboe

*Minutes prepared by:
Pamela L Goffinet, Perry County Auditor*