

MIAMI COUNTY COMMISSIONERS
25 N BROADWAY
PERU, IN 46970
August 19, 2019

Commissioner Hunt called the regular meeting of the Board of Commissioners to order. All Commissioners are present.

JUDGES

Judge Spahr, Judge Banina and Judge Grund all came before the board to discuss the issue of the elevator. Judge Spahr explained that it has been almost 1 year to the day that the elevator initially broke down and it has been almost every day since. Last week, Judge Spahr had an elderly attorney stranded on the 3rd floor and while helping her down the stairs she told Judge Spahr not having a working elevator is a lawsuit waiting to happen. Judge Spahr that it is time for the board to replace the elevator and not continue to band-aid, with regular progress reports and a timetable relayed to the departments. Commissioner West stated the board is doing what they can and cannot move any faster on the process. Commissioner West went on to note the county entered into an agreement with an engineering company to look at the elevator. Judge Banina stated accommodations would need made for the 2nd and 3rd floor offices during the construction. Commissioner Musselman explained that the county spend \$60,000.00 in 2018 to fix the elevator and it has been down at least 60 times since. He is just as frustrated with the elevator continually breaking down. Judge Grund explained that there are legal time constraints for some cases and if they cannot conduct court, it could create bigger issues. He has had people carrying others up and down the steps just to get to court. Attorney Downs noted that the board has not formerly signed any agreement as they are still working through language and details to finalize the agreement to have engineering services for the elevator. Judge Spahr requested communication when the contract is signed and a timeline so that arrangements for all offices can be made. Commissioner Musselman stated that it could be up to a year to get a new elevator installed. Commissioner Musselman further noted that the board is extremely dissatisfied with Thyssenkrupp not just with the down time of the elevator, but the response time as well. Commissioner Hunt explained the county has a 5-year contract with Thyssenkrupp. Attorney Downs advised the board that Thyssenkrupp potentially breached their contract due to the slow response time and if the county can get out of the contract, they can utilize a new elevator company and possibly repair the existing elevator until a new elevator can be installed

MCEDA

Jim Tidd, MCEDA came before the board to request approval for a determination of adverse effect of the former base operations building (building 14). Mr. Tidd explained that on February 25, 2019, the board recognized the need to demolish building 14 due to safety concerns. This came after Colonel Shaw sent a letter to MCEDA requesting something be done with the building due to FOD (foreign object debris) coming from the building, creating an issue with the runway. MCEDA applied for a block grant through USDA to demolish the building. When SHPO (State Historic Preservation Office) reviewed the application, they denied the request because it could be a historical building. Mr. Tidd stated that during the base realignment, the building was cleared of historical value. MCEDA challenged the ruling, but SHPO advised they reserve the right to change their mind. Because of these circumstances, the board would need to pass the determination of adverse effect of the former base operations building to allow MCEDA to move forward with demolition. Mr. Tidd noted that they are required to complete a mitigation plan, which could include putting pictures of the building in the air museum or potentially placing a placard at the site. Commissioner West made a motion to approve the determination of adverse effect of the former base operations building (building 14). Commissioner Musselman 2nd the motion and it passed 3-0.

MINUTES

Commissioner West made a motion to approve the 8/5/19 minutes. Commissioner Musselman 2nd the motion and it passed 3-0.

PAYROLL

Commissioner West made a motion to approve payroll. Commissioner Musselman 2nd the motion and it passed 3-0.

CLAIMS

Commissioner West made a motion to approve claims. Commissioner Musselman 2nd the motion and it passed 3-0.

NOISE COMPLAINT

Shelly Hudson came before the board to file a noise complaint against her neighbor. Ms. Hudson stated she has called the Sheriff's Department on a few occasions to address the issue, but was told the Sheriff's Department could not do anything because there is not currently a noise ordinance for the county. Ms. Hudson requested the board consider passing a noise ordinance to help protect citizens within the county. County Attorney Steve Downs will do research and draft an ordinance for the board to review at their next meeting.

DRAINAGE/DITCH ISSUE

Linda Flinn came before the board to request the county dig a ditch on either side of the road from her property on 200 N. Ms. Flinn explained that the field across from her home drains onto her property, creating issues. Ms. Flinn has asked the farmer who owns the land across from her property several times to fix the problem with no relief. Ms. Flinn stated that if the county could dig a ditch on each side of her road she would have additional drainage work and it would move the water away from her property. The board will speak to the Surveyor and Highway Superintendent to see if there is anything, they could do to help with the flooding.

COURTHOUSE REPAIRS

The board received a quote for \$1,024.56 to replace the locks on the inmate-holding cell on the 3rd floor. Commissioner Musselman made a motion to approve the quote for \$1,024.56 to replace the locks on the inmate-holding cell. Commissioner West 2nd the motion and it passed 3-0.

The board received a quote for \$11,430.00 for repairs to plaster in different areas of the Courthouse. Commissioner Musselman made a motion to approve the quote for \$11,430.00 for repairs to plaster in different areas of the Courthouse. Commissioner West 2nd the motion and it passed 3-0.

WAIVER OF TAXES

The board received a request from City of Peru to waive taxes of \$7,920.72 on properties in the blighted program. Auditor Brown explained the process used to be the Auditor, Assessor and Treasurer would agree to waive the taxes. It was then submitted to the DLGF for final approval. Effective July 1, 2019, the process changed in that instead of the DLGF offering final approval, it is now the responsibility of the Board of Commissioners. Commissioner West made a motion to approve the waiver of taxes of \$7,920.72 on property for City of Peru for their blighted program. Commissioner Musselman 2nd the motion and it passed 3-0.

COURTHOUSE SECURITY TRAINING

The board received a request to send Paul Daugherty to a conference for Courthouse Security Officers. Registration fee for the class is \$335.00. Commissioner Musselman made a motion to approve the request for Paul Daugherty to attend conference and pay for the registration fee of \$335.00 from their budget. Commissioner West 2nd the motion and it passed 3-0.

CHAMBER OF COMMERCE

The board received a request from Miami County Chamber of Commerce to continue their gold membership for \$600.00 for 2020. The membership offers several advertising/recognition opportunities for Miami County Government and comes at a value of \$5,150.00. Commissioner Musselman made a motion to approve the request from the Miami County Chamber of Commerce to continue the gold membership for \$600.00 for 2020. Commissioner West 2nd the motion and it passed 3-0.

KEY/BADGE/CREDIT CARD REQUEST

The board received a request from Auditor Brown to assign a 24 hr. badge, office key and credit card for her new Chief Deputy, Brandy Rayn. Commissioner West made a motion to approve the request to issue a 24 hr. badge access, office key and credit card for Brandy Rayn. Commissioner Musselman 2nd the motion and it passed 3-0.

IDEM

The board received notification of approval for an SSOA Administrative Amendment Permit from IDEM for Trail Wagons Corp.

MUSEUM

Brenda Weaver provided an update to the board on the repairs at the Museum. Currently, they are working to fix the leak in the front that runs to the back of the building. In addition, there was a power surge in a prior storm, which took out the internet. That has since been fixed, but they are still working to get the alarm system repaired.

HIGHWAY

Kerry Worl, Highway Superintendent came to update the board on some of the issues at the new building. The contractors are working on the repairs.

Superintendent Worl explained that he had a seasonal mower that he wanted to move to a full-time driver position. The Auditors Office notified him that any employee who has completed 60 days of work and then transitions to a full-time position are not required to go through another probationary period and all benefits start immediately. Superintendent Worl wanted to put the employee on a probationary period because he just got his CDL, did not start in that position and wants to see the employee performs their duties. Auditor Brown stated that the policy changed in February 19, 2015 and the part-time or seasonal employees who have worked 60 days do not go through another probationary period. Auditor Brown explained that if Superintendent Worl wanted to do an internal probationary period based on his work performance he could do that, but the policy does not require the employee to go through another probation period and have 10% of his earnings withheld. Janice Hughes, Bookkeeper noted that the employee has worked 53 days. Auditor Brown stated in this case, he would work 7 days with 10% withholding and transition to full-time with no further withholding necessary.

Commissioner Musselman advised Superintendent Worl of a complaint on 1100 S from people detouring. Commissioner Musselman is not sure if the Highway can put up any signs to help reduce the traffic. Superintendent Worl stated that they could put up a sign, but that does not mean drivers will adhere to it without some further enforcement.

Ken Einselen, Highway Engineer presented an ordinance to restrict vehicles weighing in excess of 26,000 pounds on Eel Cemetery Road between US 31 and US 24, which amends Ordinance 10-21-98A. Commissioner West made a motion to approve Ordinance 8-19-19, changing the weight restriction to 26,000 pounds, amending ordinance 10-21-97A. Commissioner Musselman 2nd the motion and it passed 3-0.

Engineer Einselen presented an ordinance establishing a stop sign for eastbound traffic control at the intersection at American Parkway and Mexico Road. Engineer Einselen explained that there was a traffic review and it warranted a stop sign. Commissioner West made a motion to approve Ordinance 8-9-19B, placing a stop sign at the intersection at American Parkway and Mexico Road. Commissioner Musselman 2nd the motion and it passed 3-0.

Engineer Einselen provided an update on the paving at Eagle's Pointe. Residents have been notified of parking restrictions and milling started last week. E & B was not able to work over the weekend due to the weather, but paving will start this week.

Engineer Einselen stated that he would bring change order #3 regarding deck drains for the Kelly Avenue Bridge to the next meeting. In addition, there was mill scale found when cleaning and painting, which would bring additional cost to the county, but should be offset with an additional funding request to INDOT.

PART-TIME REQUEST

Auditor Brown stated that during the Budget Committee meetings last week. The Committee received a request from the courts for a part-time Bailiff for the remainder of 2019. The part-time employee would help with the issue of the courts being short staffed when covering vacations and employees are out sick and while an employee is out on maternity leave in a few months. The courts also request the position transition into full-time in 2020. Commissioner West made a motion that to support of hiring a part-time employee for the remainder of 2019. Commissioner Musselman 2nd the motion and it passed 3-0. The request will now go before the Council for final approval.

ANNEX CAMERA

Commissioner Hunt stated that while performing work on the Sally Port roof, the contractor damaged one of the cameras. The quote to replace the camera is \$540.00. Commissioner Hunt would like to talk to Jim Deniston to see where the camera faces and if it is necessary to replace and then discuss at the next meeting.

CHEM SEARCH

The board received a quote for water treatment for the boilers at the Courthouse, which would help to reduce internal issues with the equipment. The board would like Attorney Downs to review the information and then make a decision at their next meeting. Commissioner West would like to see a monthly or quarterly report if they decide to move forward with Chem Search.

FAIR HOUSING ORDINANCE

Attorney Downs stated that he received communication regarding the grant application for Peru Utilities for their wastewater grant project. The grant requires the county to be a pass-through agent and with that, the county must adopt a Fair Housing Ordinance. The board would like Attorney Downs to prepare the ordinance to review at their next meeting.

TOWN OF CONVERSE ANIMAL CONTROL

Attorney Downs stated that he received the proposal from the Town of Converse regarding animal control services. The proposal stated the Town of Converse would compensate the county \$50.00 for each capture. Commissioner West stated that there were some clarifications needed on the agreement. The board requested Attorney Downs would work on the agreement and bring it back to the board.

AMERESCO

Attorney Downs reviewed the agreement with the board and discussed questions that arose with his communications with Ameresco regarding the \$40,000.00 agreement. Attorney Downs has a few questions and will continue to review the agreement and work with Ameresco. Attorney Downs also wants to discuss the elevator project with Ameresco and if it should be included in the current agreement or if it should have a separate agreement.

PUBLIC COMMENT

Sandy Chittum, County Council stated that she is a representative on the Health Board and at the most recent meeting; Nurse Nichols noted that there was mold in the walls of the office. Ms. Chittum noted she found a company who will come in and take samples off the walls, test the mold and then offer a solution. Each sample would cost \$5.00 each. Commissioner Musselman made a motion to approve the testing of \$5.00 per sample. Commissioner West 2nd the motion and it passed 3-0.

ADJOURN

Commissioner West made a motion to adjourn. Commissioner Musselman 2nd the motion and it passed 3-0.

Adjourned

MIAMI COUNTY BOARD OF COMMISSIONERS

_____, **Chairman**

Alan Hunt

_____, **Vice Chairman**
Larry West

_____, **Member**
Keith Musselman

Attest: _____, **Auditor**
Mary Brown