

MINUTES OF THE CLINTON COUNTY COMMISSIONERS

September 15, 2020

9:00 A.M.

The Clinton County Commissioners met for a regular meeting on September 15, 2020 at 9:00 a.m. at the Clinton County Courthouse, 125 Courthouse Square, Frankfort, IN 46041.

Commissioner Josh Uits called the meeting to order with the following members shown to be present or absent:

PRESENT

Josh Uits
Steve Woods
Jordan Brewer

ABSENT

Others in attendance were Commissioner Assistant Jerri Sexton, Ron Gasho, Kevin Myers, Chris Overman, Jeff Chynoweth, Alan Dunn, Jada Ray, Rhea Harris, Clark Beard, Matt Stidham, Rodney Wann, Brett Barton, Greg Miller, Liz Stitzel, Beth Keeney, Ken Hartman, Britt Ostler, Dana Myers, Rich Kelly, Ashley Kelly, and others shown to be present in the minutes. Commissioner's Assistant Jerri Sexton recorded the minutes.

IN THE MATTER OF THE PLEDGE OF ALLEGIANCE

Commissioner Uits led the pledge of allegiance.

IN THE MATTER OF PUBLIC COMMENT

Mr. Huffer was here to follow up regarding the neighboring property's trash and debris. Commissioner Uits stated he hasn't heard anything new on the issue.

IN THE MATTER OF HARDY HILLS

Kostas Poulakidas from Taft Law spoke in regards to the Hardy Hills Solar Project Agreement. He stated that there is a 100% tax abatement for the first 8 years and a 75% for the last two years in exchange the county would receive 100 % of the taxes associated with the project after 10 years. The county would also receive an economic development payment of approximately 3.1 million dollars. If there is additional investment that Hardy Hills makes over 200 million dollars they would make an additional \$155,000 payment to the county. They are also contributing \$15,000 to the EMS project.

Kostas stated that in regards to the Assessment Methodology that in the state of Indiana there is not a defined assessment methodology for this type of project. Where there is no guidance by the state or by statute the counties can adopt an ordinance that specifies what the process is.

Alan Dunn stated that because we were in uncharted territory and had no guidance from the state, they relied heavily on the Assessors office to come up with this Assessment Methodology. He wanted to publicly recognize Dana, Jada and Brian Thomas for their efforts in coming up with this methodology. We are already becoming a leader in the state that other counties are looking at to deal with this issue.

Alan stated that this is a 200 million dollar investment in Clinton County, which is larger than the Con-Agra investment which was 150 million and adds 67 million assessed value to the county's tax base which is a very big deal. He stated the land on which the project sits is not abatable, which means they are still going to pay over two million dollars in taxes over that ten year period that is not being paid now. These funds can be used in any part of the county's budget. In year eleven the project will pay over one million dollars a year in property taxes. Over the course of the 35 year expected life of the project, the project receives a 11 million dollar accumulative tax abatement. They are going to pay a net of 30 million dollars to the county in property taxes. These are taxes that have to be paid anyway but now we have a new payer to pay them and that means the rest of the taxpayers in the county don't have to pay that 30 million dollars.

Commissioner Brewer motioned to approve the Project Agreement and Resolution, Commissioner Woods seconded the motion. Motion carried 3-0.

Commissioner Woods motioned to approve the Ordinance approving Assessment Methodology, Commissioner Brewer seconded. Motion carried 3-0.

Tom Little explained what the Road Use Agreement and the Decommissioning Agreements are: Road Use Agreement is while the project is being installed, it's the protection of and repair of any damage that may occur to our roads with a 2 year warranty. The Decommissioning Agreement is when the project comes to an end

there is going to be a bond in place of 125% of the project cost. This protects the county from being left with abandoned solar fields and the cost of removing solar panels.

Commissioner Woods motioned to approve the Road Use Agreement, Commissioner Brewer seconded. Motion carried 3-0.

Commissioner Brewer motioned to approve the Decommissioning Agreement, Commissioner Woods seconded. Motion carried 3-0.

IN THE MATTER OF SPEED STUDY

Mo Morrison suggested to the Commissioners to have a speed reduction to 30 mph on 180 E. The Commissioner agreed to do a speed study on 180 E.

IN THE MATTER OF FIRE EYE NON-DISCLOSURE AGREEMENT

Rhea Harris presented the Commissioners with the Fire Eye Non-Disclosure Agreement. The Commissioners agreed to sign the agreement. Rhea requested that the Commissioners allow her to use the Commissioners meeting room for voting purposes for the month of October. Commissioner Woods motioned to allow her to use the Commissioners meeting room, Commissioner Brewer seconded the motion. Motion carried 3-0.

The deadline for requesting an absentee ballot is October 22nd.

IN THE MATTER OF CLINTON COUNTY TRAINING FACILITY

Matt Stidham stated that they would like to build a training facility for Clinton County. The project would be about \$170,000, and would be built on Clinton County's property at the EMA site. This facility would allow Firefighters, Law Enforcement, and EMS to train locally. This is a 2 phase project, the first phase is about \$70,000 and the second phase approximately \$100,000. Excel Tool out of Kirklin would be fabricating the containers.

Commissioner Brewer asked if they would have to hire or bring outside people in for the training. Matt stated the goal was to train our people to do the training and keep everything as local as possible. Alan Dunn asked how much he planned on asking for funding from the County Council and City and what the split would be. Matt stated that he planned on asking \$40,000 from each and he is also going to townships to ask for some of the funding. He has also written a grant to the state of Indiana. The Commissioners agree that it is a positive thing for the community and he has their support.

IN THE MATTER OF VACATION OF ALLEY IN SCIRCLEVILLE

Kevin Steinke is interested in purchasing a property that has an alleyway that he would like to vacate in Scircleville. Tom Little explained the process. Liz Stitzel stated that there should not be any issue with vacating the alley.

IN THE MATTER OF HIGHWAY UPDATE

Kevin Myers presented to the Commissioners with Supplemental Agreements for Bridge #36. Commissioner Brewer motioned to approve Supplemental Agreement #1 regarding the appraisal process and appraisal cost for Bridge #36 on CR 950 W., Commissioner Woods seconded the motion. Motion carried 3-0. He asked the Commissioners to sign the Appraisal Fee Estimate Sheets.

Kevin stated that they started chip sealing Tuesday. Michigantown Road was sealed and will be fog sealed in a couple weeks before being striped. Chip sealing should finish up this week. The CCMG project on 800 N should begin probably next week. They hope to start the ditch/tile work on Kelly Road after harvest.

IN THE MATTER OF AREA PLAN

Liz Stitzel stated they have been receiving complaints on the property at Jefferson School. This has been an ongoing enforcement issue. She recommended a first lien. Commissioner Woods stated that the demolition line item would be zero for year 2021. Liz stated that there were a couple projects that they have pushed back. Commissioner Uitts stated to go forward with the first lien for the property at Jefferson School.

There is a mowing complaint in the Agricultural district almost to 1300 E on 28. The complaint is that at least partially due to overgrown vegetation there is a population of skunks that is visiting neighbors. Commissioners agree to have it mowed.

IN THE MATTER OF OLD BUSINESS

Commissioner Woods motioned to Approve the Pay App #4 for J.G. Case Construction, Commissioner Brewer seconded. Motion carried 3-0.

IN THE MATTER OF NEW BUSINESS

Commissioner Uitts stated that after Discussing the Tax Deferral Program with the Auditor and Alan Dunn they will not participate in the program. His understanding of this program is it would defer certain payroll tax for employees until after the first of the year then would double to make up for it.

Commissioner Woods motioned to sign the Declaration of Fiscal Body for Colfax-Perry Library, Commissioner Brewer seconded. Motion carried 3-0.

Commissioner Uitts stated that we have a couple areas on the sidewalk that aren't level that occurs after time and have contacted Acculevel to have them repaired. Commissioner Brewer motioned to approve Acculevel Contract to repair sidewalks, Commissioner Woods seconded. Motion carried 3-0.

Commissioner Uitts stated that the county briefly entered into a contract with ADP for time keeping services. Their services were not compatible with the county government so the county cancelled their agreement with them and ADP has billed the county for \$13,000. The Commissioners do not feel that they should pay this amount and his recommendation is for County Attorney, Tom Little to reach out to them to negotiate that down. Commissioners agreed.

Regarding the Federal Inmate Agreement-The Sheriff feels he can enter into the agreement on behalf of the Sheriff, Commissioner Uitts stated they are not necessarily opposed to the agreement but have questions about it. He stated that any kind of contract or agreement that gets entered into for Clinton County should statutorily come through the Board of Commissioners. The Sheriff is already holding Federal Inmates at the county jail. Rich Kelly states that the agreement spells out the amount of reimbursement to the county and medical care. He stated that the agreement can be terminated at any time with no obligation to give notice. He feels he is obligated to provide income for the county. The state reimburses at \$37.50/month per inmate and the Federal Government agreement reimburses \$68.00/month per inmate, and it fiscally makes a lot of sense.

Commissioner Uitts stated that the agreement states local or county government and that the Board of Commissioners sign a lot of agreements/contracts for the Sheriff Department. Sheriff Kelly stated he would be glad to have a discussion about it with them and send the contract to the county attorney.

Commissioner Uitts asked if these inmates would fall under our health care provider or a different one. Sheriff Kelly stated that they would fall under our healthcare plan with complete reimbursement. Commissioner Woods asked if that reimbursement was built in to the \$68.00. Ashley Kelly stated it is not and the Federal Inmates see the same nurse as our regular inmates. For any outside medical care the bill gets sent directly to the US Marshals. It does not change our current medical contract.

Commissioner Woods asked how many they were allowed to hold. Sheriff Kelly stated before the pretrial release they were holding an average of 165-175 and now is down to 85-110. If they did not hold the Department of Corrections inmates the population would probably be down to 70. The facility has 220 beds and the population is staying at 180-190 on a busy weekend and with the pretrial release it stays at 175-180. The Department of Corrections have quit coming to get inmates due to COVID-19. He estimates that 30-40 counties in Indiana are holding Federal Inmates. He would like to add 2 people per shift. There was a lengthy discussion on the budget and staffing.

Alan Dunn stated that the new positions would be funded from the newly created cash inflow. They will keep this money separate from county general so if the program goes away then those positions will go away and it doesn't impact the county general fund and the baseline amount of jailors. Alan had discussed phasing in these employees over time to be sure the program would continue and re-evaluate later. He stated if we were at the 45-50 count that the net positive after expenses would be \$600,000. Ashley Rich stated that any time there is a transfer there is an additional \$27.00 per hour plus mileage reimbursement.

Commissioner Brewer stated that the agreement is really a contract by definition. It has an offer, acceptance and consideration. It is the Commissioners responsibility to authorize claims against the county, receive bids and contracts and to control and maintain the jail. It is the Sheriff's responsibility to take care of the county jail. Commissioner Brewer stated he is open minded to the agreement but feels it needs to come before the Board to make that decision. He asked if we need to purchase any vehicles for the transports. Sheriff Kelly stated no, they only needed vehicles for the merrit deputies. Commissioner Brewer asked what type of inmates we receive and are they kept with the other inmates or segregated based on their crimes. Sheriff Kelly stated they are mixed with the other inmates and separated with like-crime inmates.

Commissioner Uitts would like Tom to look into who should be signing the agreement because it looks like the Commissioners should sign it and he wants to make sure it is done correctly. Sheriff Kelly stated that there is not an agreement signed with the Department of Corrections and he will have his counsel contact Mr. Little in regards to who should sign the agreement and to answer some of these questions.

IN THE MATTER OF DEPARTMENT HEAD REPORTS

Chris Overman stated that they purchased a new mower for \$10,499 and it will be delivered today. Commissioner Brewer motioned to approve purchase of mower, Commissioner Woods seconded. Motion carried 3-0.

Chris proposed a modest increase in the monthly rent for residents at Parkview Home beginning January 1, 2021. The increase would be approximately \$25 per month respectively. This would also generate over \$7,500 additional funding annually to cover continued rising costs in food, fuel, utilities, and all other expenses associated with daily operations. Commissioner Woods motioned to approve rent increase, Commissioner Brewer seconded. Motion carried 3-0.

Greg Miller stated that they had their first meeting with Arkor, and asked them to put together some preliminary design plans for the new EMS station. They are doing soil samples out there now. Closing agreement will be October 9, 2020.

Rodney Wann reported that he worked with Tim and they had an opportunity to put in for an IT grant through the CARES Act.

IN THE MATTER OF COMMISSIONER REPORTS

Commissioner Uitts reported that Carol Price had reached out to him about setting up a table to allow employees to come and hear information about donating to United Way. They are looking to raise \$444,000 this year. They help support different programs in the community.

Commissioner Uitts recognized Britt Ostler's birthday today.

Commissioner Woods reported that we need to pursue hiring a part-time person or cleaning service for our Custodian's days off and there is still money in the budget for this.

IN THE MATTER OF CLAIMS

Commissioner Brewer motioned to approve the following claims as submitted, Commissioner Woods seconded. Motion carried 3-0.

Friday claims dated August 21, 2020 in the amount of \$7,346.61
Friday claims dated August 28, 2020 in the amount of \$19,042.36
Friday claims dated September 4, 2020 in the amount of \$26,395.30
Friday claims dated September 11, 2020 in the amount of \$7,478.43
Bi-weekly claims dated September 1, 2020 in the amount of \$304,758.92
Bi-weekly claims dated September 15, 2020 in the amount of \$276,062.12
Court claims dated September 1, 2020 in the amount of \$22,530.54
Court claims dated September 15, 2020 in the amount of \$12,476.04
EMA claims dated August 28, 2020 in the amount of \$152.29

IN THE MATTER OF PAYROLL

Commissioner Woods motioned to approve the payroll as submitted, Commissioner Brewer seconded. Motion carried 3-0.


Payroll dated August 14, 2020 in the amount of \$384,428.54
Payroll dated August 28, 2020 in the amount of \$395,104.55
EMS payroll dated July 31, 2020 in the amount of \$2,352.32

IN THE MATTER OF COMMISSIONER MINUTES


Commissioner Brewer motioned to approve regular meeting minutes dated August 17, 2020, seconded by Commissioner Woods. Motion carried 3-0.

Without any further business to come before the Board of Commissioners, Commissioner Woods motioned to adjourn the meeting, seconded by Commissioner Brewer at 10:55 a.m.

THE BOARD OF COMMISSIONERS OF CLINTON COUNTY



Josh Uitts, President



Steve Woods



Jordan Brewer

ATTEST:



Britt Ostler, Auditor

