

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION  
ON MONDAY, DECEMBER 19, 2016 AT 9:30 A.M.**

MEMBERS PRESENT WERE NORMAN VOYLES, BRIAN GOSS, AND DON ADAMS. DAN BASTIN, AUDITOR; DEB VERLEY, ADMINISTRATIVE ASSISTANT; AND ROD BRAY, COUNTY ATTORNEY, WERE ALSO PRESENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER

NORMAN VOYLES CALLED THE MEETING TO ORDER.

**MORGAN MONROE FOREST**

Mike Spalding, Morgan Monroe Forest, on behalf of the DNR Division of Forestry, presented a check to the Board for 15% of the net timber sale revenue from fiscal year 2016 for \$21,295.41. This money is generated from the timber harvesting program, which is internationally certified by two independent organizations, the Forest Stewardship Council and the Sustainable Forestry Initiative. A portion of the money goes toward volunteer fire departments that service the forestry when they need them.

Norman Voyles listed the following fire departments that would each be given a portion of the funds (\$819.05): A&A Township, Brooklyn, Brown Township, Green Township, Gregg Township, Harrison Township, Madison Township, Martinsville, Monroe Township, Mooresville, Morgantown, Paragon, and Washington Township. Don Adams made a motion to allow a total of \$10,647.71 to be distributed evenly among the fire departments listed. Motion seconded by Brian Goss. Motion carried 3-0.

**BID OPENING** – *Paving*

Dan Bastin opened bids and Larry Smith, Morgan County Engineer, read them as follows:

<b>Spring 2017</b>				Wallace	Wabash Valley	E&B Paving	Midwest Paving	Milestone
<b>District II</b>	Miles	Inches	Tons					
Briarhopper	2.47	1.5	2176	65.49	69.75	77.60	67.00	64.75
Bunkerhill	1.3	1.5	1164	64.71	74.65	78.45	67.00	69.95
Herbemont	2.5	1.5	2360	64.46	68.60	77.60	67.00	65.60
Wilbur	1.25	1.5	1222	64.32	73.75	76.40	67.00	69.25
Old SR 67	2.29	1.5	2438	64.92	70.60	75.55	67.00	67.50
<b>District III</b>								
Centerton	2.33	1.5	2481	61.86	71.30	75.85	67.00	64.75
Hadley	1.70	1.5	1687	65.23	79.25	75.25	67.00	65.85
Kitchen (SR144)	2.66	1.5	2511	63.83	80.25	77.15	67.00	64.50
Kitchen (Rinker)	.75	1.5	632	70.12	85.60	87.00	67.00	73.45
<b>Spring 2017 Additional</b>								
<b>District I</b>								
Godsey	3.55	1.5	3350	67.18	70.40	73.85	68.65	66.95
Blue Bluff	2.57	1.5	2737	65.33	72.45	77.30	68.65	66.95
<b>District II</b>								
Bain	3.2	1.5	3098	67.37	73.40	75.45	68.65	66.95
<b>District III</b>								
Landersdale	2.55	6	3579	73.04	109.85	No Bid	86.40	78.80
Robb Hill	3.57	1.5	3283	67.42	74.00	77.10	68.65	66.95

Mr. Smith asked for time to review the bids and report back later during the meeting. Don Adams asked what the timing is to complete the paving. Mr. Smith stated that the projects should be started anywhere from April 15<sup>th</sup> to May 31<sup>st</sup> and they have 45 days to complete each project after the start date. Mr. Adams stated that there was a problem with this earlier this year.

**MALCON** – *Medicaid Cost Allocation*

Charles Malinowski, Malcon, stated that at an earlier meeting, he distributed information regarding preparing the Medicaid Ambulance Cost Reporting for 2016. This is an additional reimbursement program on the Medicaid rates the federal government provides. They have provided this cost allocation as a mechanism to get additional money back to local providers. This additional money comes back to the General Fund and is unrestricted regarding use. Mr. Malinowski stated that the contingency fee agreement (\$9,500 per year maximum) guarantees that if the county does not get paid by Indiana Family and Social Services Administration for additional Medicaid reimbursement on ambulance charges, then the county does not owe Malcon anything. Mr. Malinowski stated that he

was confident that the county would receive significant reimbursement, although he did not know how much. Brown Township Fire Department received \$26,000 and Madison Township received approximately \$70,000. Reports are due May 31, but it has been taking at least 18 months to obtain approval from the state. Malcon will not bill until the county is paid. Don Adams made a motion to approve the contract. Motion seconded by Brian Goss. Motion carried 3-0.

### **MOBILITIE**

Scott Hoff, Mobilitie, stated that they are in the middle of a nationwide high-speed data network installation project. They are installing small cell data technology on standard utility poles of various sizes all across the county. One of the goals is to increase connectivity for rural areas. This will allow citizens who use wireless technology to migrate to 4G speed and eventually 5G speed. They have permits on file with the Morgan County Plan Commission and they also have permits in Martinsville, Mooresville, Gosport, and some other small towns. They will need a variance through the Board of Zoning Appeals in order to install the poles. Mr. Hoff asked that the Board of Commissioners review the proposed locations for approval. There are two proposed locations for the 120' poles that will have four microwave dishes at the top. Don Adams asked what coverage this will provide. Mr. Hoff stated that on flat terrain, the signal will extend out 20 miles. This is phase one of the project and will fill in some of the gaps. They are not a service provider, but there are two or three service providers that will provide access to high-speed wireless. Mr. Hoff stated that if local public safety entities (police, fire) need to install communication equipment, and if Mobilitie engineers approve, they will allow the county to mount the equipment free of charge. It will take 90 to 120 days after approval before the poles are operational. One site is on State Road 67 close to Herath Lane, and the second site is on Old State Road 67 close to Turner Road. Mr. Hoff asked that the Board of Commissioners let him know if they do not approve of the locations.

### **DEED OF DEDICATION**

Daryl Swinney, North Madison Crossing Subdivision, stated that he submitted a request to have the roads in this subdivision taken into county jurisdiction in 2015 but it was tabled. Norman Voyles stated that according to the minutes of the February 2, 2015 meeting, there were some questions regarding a maintenance bond, ADA compliance for sidewalks, and the number of vacant lots. Mr. Swinney stated that the sidewalk ramps were replaced with the new style ramps and there are 27 vacant lots out of 67 (75 vacant lots are in Section 2, which has not been developed yet). Larry Smith stated that the roads were paved two years ago and are in good shape; the sidewalks and curbs are ADA compliant. Brian Goss stated that he was not in favor of taking in roads until most of the houses are constructed. Mr. Smith stated that the roads could be accepted under the condition that Mr. Swinney obtain a maintenance bond. Mr. Swinney stated that the homeowner's association will maintain the curbs and sidewalks. Don Adams made a motion to approve the Deed of Dedication and accept the roads contingent upon Mr. Swinney providing the county with a three-year maintenance bond. Motion seconded by Brian Goss. Motion carried 3-0.

### **CERTIFICATE SALE**

Dan Bastin stated that a year ago, he and Julie Minton, Morgan County Treasurer, requested authorization for a tax certificate sale in order to get properties back on the tax rolls. These are properties that have not sold at the tax sale and the delinquent taxes and penalties have accumulated to such an amount that in some situations, it has exceeded the market value of the property. These properties are now offered in a certificate sale and the purchasers must follow several steps in order to obtain a deed for the property. One of the main differences between a certificate sale and a tax sale is that the minimum bid at the tax sale must start at the amount of the delinquent taxes and penalties plus the advertising cost; the Commissioners have an opportunity to set the minimum bid for the certificate sale. This amount was set at \$50 for the first certificate sale, which was in February. At the first sale, there were 101 parcels with a total of \$240,117 in delinquent taxes and penalties. Thirty-five properties were sold and \$9,220 was collected. This year, the property list has been reduced down to 35 parcels and the delinquent amount is \$137,558. The sale is set for February 15, 2017 at 10 am in the Lucille Sadler Room of the Morgan County Administration Building.

Rod Bray stated that the Board would need to approve "A Resolution Establishing the Intent to Conduct a Commissioners' Sale to Sell Tax Sale Certificates for Properties that are Severely Delinquent in Payment of Property Taxes" and the contract with SRI, the company that conducts the sale. SRI charges 15% of the proceeds. Don Adams made a motion to approve the resolution including Exhibit "A" establishing \$50 as the minimum bid. Motion seconded by Brian Goss. Motion carried 3-0.

Brian Goss made a motion to approve the contract with SRI for the certificate sale. Motion seconded by Don Adams. Motion carried 3-0.

Mr. Bray praised Mr. Bastin and Ms. Minton for their work in donating some of the lots listed for the first certificate sale to different entities and getting them back on the tax rolls.

### **RESOLUTION** – *Vehicle Donation*

Rob Bray stated that this "Resolution of the Board of Commissioners of Morgan County for the Transfer of Equipment to the Indiana Law Enforcement Academy" is to transfer a 2008 Ford Crown

Vic to the Indiana Law Enforcement Academy and in return the academy will contribute 2500 training hours valued at \$25 per hour. Norman Voyles noted that the county would receive \$62,500 worth of services. Sheriff Robert Downey stated that the vehicle would be used for emergency vehicle training. Don Adams made a motion to approve the resolution. Motion seconded by Brian Goss. Motion carried 3-0.

### **RESOLUTION – Road Funding**

Norman Voyles stated that the Association of Indiana Counties provided a “Resolution of Support: Funding Indiana’s Transportation Infrastructure” regarding funding for road maintenance and improvements. Don Adams made a motion to approve the resolution. Motion seconded by Brian Goss. Mr. Voyles stated that the resolution would now go to the Council for approval. Motion carried 3-0.

### **KONSOLIDATED AGREEMENT - EMA**

Donnie Warren, Morgan County EMA Director, was present to request approval of an agreement with KonSolidated to update the camera, display, and recording systems in the mobile command unit that the Sheriff’s Department uses. A \$12,485 grant through Homeland Security provided the funds for this purpose. Brian Goss made a motion to approve the agreement. Motion seconded by Don Adams. Motion carried 3-0. Mr. Warren noted that Morgan County was one of the few counties that received every state grant for which they applied.

### **APPOINTMENTS**

- *Plan Commission* – Don Adams made a motion to reappoint Melanie DePoy and Bill Rumbaugh. Motion seconded by Brian Goss. Motion carried 3-0.
- *Board of Zoning Appeals* – Brian Goss made a motion to reappoint John Chappelow. Motion seconded by Don Adams. Motion carried 3-0.
- *Library Board* – Don Adams made a motion to reappoint Judy Rumbaugh. Motion seconded by Brian Goss. Motion carried 3-0.
- *County Attorney* – Don Adams made a motion to reappoint Rod Bray. Motion seconded by Brian Goss. Motion carried 3-0.
- *Head Custodian (Courthouse) Head Custodian (Administration Building)* – Brian Goss made a motion to reappoint Bart Ewing (Courthouse) and appoint Michelle Cooley (Administration Building). Motion seconded by Don Adams. Motion carried 3-0.
- *County Engineer* – Brian Goss made a motion to reappoint Larry Smith. Motion seconded by Don Adams. Motion carried 3-0.
- *Weights and Measures* – Don Adams made a motion to reappoint Jeremy Belcher. Motion seconded by Brian Goss. Motion carried 3-0.
- *Fair Board* – Don Adams made a motion to reappoint Norman Voyles. Motion seconded by Brian Goss. Motion carried 3-0.
- *Animal Disease Coordinator* – Brian Goss made a motion to reappoint Amy Faulkenburg. Motion seconded by Don Adams. Motion carried 3-0.
- *Alcoholic Beverage Board* – Brian Goss made a motion to reappoint Jon Elkins. Motion seconded by Don Adams. Motion carried 3-0.
- *Tax Board of Appeals* – Brian Goss made a motion to reappoint Linda Bryant and Jan Stroud. Motion seconded by Don Adams. Motion carried 3-0.

### **MINUTES – 12/5/16**

Don Adams made a motion to approve the minutes of the December 5, 2016 meeting. Motion seconded by Brian Goss. Motion carried 3-0.

### **TORT CLAIM**

Brian Goss made a motion to send the Stout tort claim to the insurance company. Motion seconded by Don Adams. Motion carried 3-0.

### **DISPATCH UPDATE**

Scott Hamilton, Morgan County Dispatch Center Director, reported that there have been 24,024 911 calls and 105,998 non-emergency calls. There have been 32,817 CAD calls and 130,022 total calls.

### **HIGHWAY UPDATE**

Jimmy Waggoner, Acting Highway Superintendent, stated that crews have been preparing for winter, cutting trees, cold patching, and fighting ice.

### **SHERIFF/JAIL UPDATE**

Sheriff Robert Downey reported that the inmate population is at 321 with 2 DOC inmates, and 11 inmates on the work release program. There are not as many inmates on the jail corrections program because several projects have ended. There have been 10,963 calls for service so far this year.

### **ENGINEER UPDATE - PAVING BIDS**

Larry Smith stated that they normally require the use of State Board of Accounts Bid Form 96, but the

State Board of Accounts has not modified the form in some time. Mr. Smith modified the form to include ADA, Title VI requirements, drug testing on contracts over \$150,000, etc. There were two bidders that used the old State Board of Accounts form and Mr. Smith asked if this was acceptable. Rod Bray reviewed the information and stated that there was not a material difference and as long as the bidder signed the forms, everything was in order. Brian Goss made a motion to accept the bids that used the older form with the provision that the winner bidder agrees to sign any additional terms that are set out in the form the county provided. Motion seconded by Don Adams. Motion carried 3-0.

Mr. Smith stated that Milestone was the low bidder on four bids. With the last paving project that Milestone was awarded, there was an issue getting the work completed in a timely manner and using the materials that are specified. This caused the county to drop some of the projects because it was too late in the year to complete them. Don Adams suggested that they be put on probation and held accountable or not allowed to bid for three years. Norman Voyles stated that they have had problems with this contractor's performance in the past. Brian Goss stated he wanted the bids to remain competitive, but there was a problem a few years ago and this year; he had roads to pave in his district that didn't get paved and the tax payer holds the Commissioner responsible. Brian Goss made a motion to declare Milestone a non-responsive and non-responsible bidder and to go with the next lowest bid; if Milestone wants to submit a bid next year, a supervisor needs to appear at a Commissioners' meeting to address the Board's concerns. Motion seconded by Don Adams. Motion carried 3-0.

A concerned taxpayer was complementary to this action.

Mr. Smith stated that with the above action, Wallace Construction was the low bidder on all projects. According to Indiana Code, any projects over \$200,000 require a performance bond and payment bond to be supplied when notice to proceed is given. There are four projects (Godsey, Bain, Robb Hill, and Landersdale) that are over \$200,000. Brian Goss made a motion to award the bid to the low bidder, Wallace Construction, with the provision that they submit the performance and payment bond on all projects over \$200,000 per Indiana Code. Motion seconded by Don Adams. Motion carried 3-0.

Mr. Smith stated that he met with United Construction on Bridge #107 (Measel Road). United Consulting prepared a design in 2004 and the design needs to be updated before any work can begin. The cost for the update would be a figure not to exceed \$67,700 including right of way negotiations. The construction estimate is \$700,000. This project would not bid until August. Brian Goss stated that this is a high cost for the low traffic this bridge handles and asked if Mr. Smith could find some additional funds for this project.

#### **WEATHER ADVISORY**

Brian Goss asked that if any weather advisories were issued through EMA that the Board of Commissioners be notified so that they can respond to phone calls.

#### **ADJOURNMENT**

Don Adams made a motion to adjourn the meeting. Motion seconded by Brian Goss. Motion carried 3-0.

Morgan County Board of Commissioners

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Norman Voyles

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Brian Goss

Attest:

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Dan Bastin, Morgan Co. Auditor

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Ryan Goodwin