

Commissioners Meeting

October 2, 2023

Present: Mark Koors, Jeremy Pasel and Tony Blodgett

Mr Koors who welcomed everyone to the Commissioners' October 2nd meeting; he then announced Title VI forms are available for anyone who would like to fill out and turn in at the Auditor's office.

Tim Ortman led the Pledge of Allegiance to the Flag; Pastor Chris Stephens then offered a prayer.

(Meeting minutes, payroll and claims are emailed to each Commissioners, each Thursday before their Monday meeting)

Mr Pasel moved to approve the September 18th minutes, Mr Blodgett seconded and Mr Koors concurred. Mr Pasel moved to approve the claims, Mr Blodgett seconded, and Mr Koors concurred.

Mr Blodgett moved to approve Payroll for September 29th, Mr Pasel seconded and Mr Koors concurred.

Todd Houk, Highway Superintendent, gave his report: the wingwalls and abutments are scheduled to be poured this week on Bridge 236 (near Greensburg Junior High), the project is moving along. The BBE and RFP's bids have been submitted to **INDOT** for advertisement for the **2025-2028 Bridge Inspection**. Bridge maintenance continues as well as mowing, still berming and patching some roads. Mr Houk has initiated a "behind the wheel trainer" program for entry job drivers and Todd Ruble is will be the Trainer. The new Highway Garage is nearing completion and Mr Pasel asked Mr Houk to pick a date to host an open house before everything is moved over to the new garage.

Local resident Larry Muckerheide described the damage caused, on August 3rd, 2023, to a part of County Road 300 South when he was pulling a tree out on his property, then realized the roots went under the road which caused a section of the road, approximately 2' x 4', to fall in, affecting almost half of the road. He contacted the **Sheriff's Department** who in turn called Mr Houk alerting him to the damage. Mr Houk charged Mr Muckerheide \$300 for 2 loads of dirt (14 tons each) and \$147 for a load of 53's stone (14 tons) and a \$225 truck charge to repair the damage/hole. He said that's a lot of material for the hole; crews took some of materials to another area of that road which was already deteriorating. The invoice also charged overtime to pay crews called out for that repair job. Mr Muckerheide told Commissioners that Mr Houk wants him to pay for re-blacktopping a 15' x 35' section and to also be responsible for that section for 12 months. He's willing to pay for the initial road section repair, not the milling; minus the overtime pay, minus the 2nd load of dirt. **Tim Ortman, Assistant Highway Superintendent**, explained the Highway Department crews work 4 x 10-hour days; since the damage was done late Thursday afternoon, requiring the repairs to be done on a Friday, which is a non-work day so overtime was paid. Mr Ortman stated the tree fell into the road in addition to creating a hole

in road so the road had to be closed Thursday night and the tree was removed before the chip and seal repairs were completed on Friday. The blacktopping has to be done to per INDOT's road standards; a quote from **Globe** is \$5,000 to complete the re-blacktopping. Mr Houk shared the specs with Mr Muckerheide and told him he is welcome to hire whomever he wants to do the blacktopping. Mr Muckerheide state he will let a Judge decide whether the blacktopping needs to be done. Mr Houk will send a revised bill for 1 load of dirt, 1 load of stone, overtime charges and the truck charge.

Commissioners signed the **33.071 Administrative Fee; Foreclosure Sales** increase to \$200 for a praecipe filed after December 31, 2023; they had approved this for the Sheriff at their September 18th meeting. Mr Pasel moved to approve the Sheriff selling a 2018 Chevy Tahoe with approximately 129,000 miles and a 2010 Dodge Charger with 189,000 miles. Mr Blodgett seconded the motion and Mr Koors concurred. Sheriff Meyerrose told Commissioners an officer driving a 2022 White Dodge Charger, was involved in a wreck on September 8th and insurance has totaled the vehicle, paying \$35,837. He requested permission to purchase a Durango for \$41,508; using the insurance money plus the proceeds from the 2 vehicles sales- using \$5,600. Mr Pasel moved to approve the purchase, Mr Blodgett seconded and Mr Koors concurred. County Attorney Chad Smith and the Sheriff are working on the Memorandum of Understanding between the Court Services and the Sheriff's Department which will be presented at the next Commissioners' meeting.

In the past 2 weeks, **County Building Inspector Kenny Buening** completed 49 building inspections, issued 17 new building permits with plan reviews and issued 3 permit renewals. He visited a property in Letts and took pictures after receiving a nuisance complaint; he will send a letter to the property owner. He continues to close out expired building permits and/or renewing some due to unfinished work. Mr Buening shared with the Commissioners a partial list of order letters not abated which needs follow ups to complete the list.

Communications Director Erika Free previously emailed the 'scope of work' agreement with **Pathways to Healing**, to Commissioners after Mr Smith reviewed it. She met with the ARPA Committee in August to request funding for the mental health program for multiple law enforcement agencies including the County Coroner and Dispatch. In September Council approved ARPA's request to spend up to \$100,000 for this mental health program. Mr Blodgett moved to approve the scope of work agreement, Mr Pasel seconded and Mr Koors concurred.

County Attorney Chad Smith presented Ordinance 2023-23 setting the speed limit at 30 miles per hour for South County Road 150 West, beginning at West Park Road, continuing until the road intersects with South Fairway Drive and all of the South Country Club Drive at or near South County Road 150 West. Mr Pasel moved to adopt Ordinance 2023-23, M Blodgett seconded and Mr Koors concurred.

Human Resources Director Patty Hensley reported there were 4 people hired in September: 1 at the Detention Center; 1 for the Board of Health; 1 for Dispatch and 1 for the Highway Department. The Board of Health will hold a flu shot clinic for county employees on October 20th, 8:30 am to 3:30 pm in Room 141 in the Courthouse. She reminded everyone the County Offices/Departments will be closed Monday, October 9th in observance of Columbus Day.

Shannon McLeod and Diane Hart asked Commissioners if the county is still supportive/on-board for the **YMCA's** application of a \$500,000 grant from **OCRA (Office of Community and Rural Affairs)** in the Fall Round. This grant would be used towards replacing a roof on the YMCA building. The full application is due December 22, 2023. Commissioners agreed they are still on-board to be the 'pass through' entity should the YMCA be awarded that grant.

There were 2 bids submitted for clothing with the new county logo: **Baker Design Wear and Rivera Screenprinting and Embroidery**. Mr Pasel will put the bid amounts in a spreadsheet due to the wide range of types of garments and brand names for review and comparison; to be voted on at the next Commissioners' meeting. Both Baker Design and Rivera Screenprinting waived the setup fees for the new logo. There was only bid for the new logo on county vehicles was submitted by **Maulden Signs**, out of Shelbyville: \$256 + \$128 installation for a full size 4-door truck or large SUV; \$120 + \$60 installation for a mid-size vehicle and \$60+ \$30 installation for a smaller vehicles or standard cab trucks.

Commissioners reviewed 3 bids received for trimming the trees on the Courthouse grounds: **Cameron's Tree Trimming and Removal- \$11,000 - \$13,000; Arbor Management - \$8,800 and Adam's Tree Service - \$5,150**. Mr Pasel moved to go with Adam's, Mr Blodgett seconded and Mr Koors concurred.

Peine Engineering was the only one to submit a bid- \$2,485- for installing an emergency shut-off on the boilers as required by the **State Homeland Security**. Mr Blodgett moved to approve Peine's bid, Mr Pasel seconded and Mr Koors concurred.

Mr Koors announced receiving a letter from **Reedy Financial Group**, inviting the public to the annual meeting of the **Greensburg Redevelopment** meeting on October 5th at 7:00 pm at the Greensburg City Hall.

Mr Pasel moved to approve the **correction of Ordinance 2023-21** adopted at the Commissioners' September 18th meeting, Mr Blodgett seconded and Mr Koors concurred. The end of West County Road 90 North and the end of West County Road 95 North were misstated as alleys.

Mr Pasel moved to approve **Main Street Greensburg's Request for Use of Facilities-** Courthouse grounds and parking lot- for the annual **Holiday Walk on December 2nd, 2023**. Mr Blodgett seconded the motion and Mr Koors concurred.

Mr Blodgett moved to approve **Decatur County's Pride Alliance's Request for Use of Facilities-** Courthouse grounds and parking- **on June 1st, 2024**, Mr Pasel seconded and Mr Koors concurred. They will have private security and provide port-a-pots.

Mr Blodgett spoke to elected officials and Department Heads about closing April 8th for the eclipse events and all were fine with it. Mr Koors would prefer to 'trade another holiday' for closing April 8th as that's about a \$35,000 benefit. Mr Pasel says there needs to be consideration for all of the traffic expected and law enforcement needs to be out there. Mr Koors

doesn't want to add another holiday to an already generous 14 holiday schedule. Commissioners will continue this discussion as there is still time before 2024.

Greensburg-Decatur County Chamber of Commerce Director Dawn Lowe gave the EDC update for Bryan Robbins: the Fletcher Power Project agreement will be presented to County Council at their October 17th meeting; there is another similar structure waste heat project that will be presented to the County Council at their October or November regular meeting. Mr Robbins urges County officials to select key projects for the upcoming READI grant cycle. Ms Lowe said the Chamber's **Reality Check** event at the High School was a great success; tickets are now on sale on the website for the Chamber's Annual Dinner to be held on November 17th at Heritage Hills venue.

Mr Koors announced the winter storage at the Fairgrounds is available on November 4th beginning at 8:00

am.

Commissioners recessed for five minutes before holding a hearing on an individual's complaint against a township trustee.

See attached for appeal hearing.

The Commissioners next meeting will be at 8:00 am on October 16th, 2023.

With nothing else to come before the Commissioners, Mr Blodgett made the motion to recess, Mr Pasel seconded the motion and Mr Koors concurred. Meeting recessed.

**DECATUR COUNTY BOARD OF COMMISSIONERS'
DECISION ON APPEAL OF TOWNSHIP ASSISTANCE ACTION**

October 5, 2023

An Appeal by Carol Geis regarding an alleged denial of assistance from Clay Township Trustee, David Israel, having been filed on September 26, 2023 pursuant to Indiana Code 12-20-15-1 and a hearing having been held on October 2, 2023 pursuant to Indiana Code 12-20-15-3 at which Appellant, Carol Geis, was present without counsel and Clay Township Trustee, David Israel, was present without counsel, and the Decatur County Board of Commissioners having heard evidence of both parties, independent witnesses, relevant documents and the pleadings in the small claim action involving Carol Geis, 16D01-2304-SC-000096, now issues the following written decision pursuant to Indiana Code 12-20-15-6(b)(1)-(5):

FACTS AND EVIDENCE

1. Carol Geis (hereinafter "Geis") appeals an alleged denial of assistance from Clay Township Trustee, David Israel (hereinafter "Israel") for assistance in purchasing propane gas and regulators for her propane gas tank. Testimony presented indicates the requests began sometime in April, 2023 and continued until Israel's final denial on or about September 6, 2023;
2. Pursuant to Indiana Code (hereinafter "IC") 12-20-15-2, Geis's appeal must be filed not more than 15 days from the date of Israel's denial of assistance, in this case September 21, 2023. As Geis's appeal was not filed until September 26, 2023, her appeal was not timely, and her right to appeal was waived;
3. Geis's waiver notwithstanding, Commissioners heard this appeal on its merits due to the likelihood of reoccurrence by Geis;
4. Geis testified that she requested assistance from Israel for funds to purchase a propane tank, propane regulators and/or propane for her home in Clay Township;
5. Geis testified that Israel did not provide her any assistance, but that she did receive assistance from an anonymous donor via the Decatur County Community Foundation;
6. Israel testified that Geis had been seeking assistance from his office since approximately April, 2023;
7. Israel has provided Geis assistance 2-3 times in the past year for various expenses, specifically including one instance of a 2 month delinquent electric bill;
8. Israel stated that certain requests from Geis were not an allowable action for a Trustee under Indiana State Board of Accounts guidelines;
9. Clay Township has approximately 12 other individuals that has needed Trustee relief on this year;

10. Clay Township has a budget of \$4,000.00 annually for providing assistance to individuals in these situations and must be allocated accordingly;

11. Israel testified that the monies provided by the anonymous donor were a donation only accessible by a Township Trustee and would not have been accessible by Geis individually;

12. Israel testified that he did provide relief to Geis in the amount of \$200.00 with funds accessible only by a Township Trustee, held by the Community Foundation

13. Israel's testimony regarding the anonymous donor money was supported by the opinion of the Community Foundation Director;

OPINION

1. Pursuant to IC 12-20-15-4, the Commissioners have reviewed and considered all reports and documents presented by both parties;

2. Pursuant to IC 12-20-15-4(a)(2), the Commissioners find that Clay Township does not have any standing, filed standards for determining township assistance, and, therefore, their decision shall be guided by the circumstances of each case;

3. A Township Trustee is designed to provide temporary relief or assistance and each Trustee shall maintain sole discretion regarding the nature and extent of what relief may be provided;

4. Based upon the testimony and evidence presented at this Appeal Hearing, the Commissioners determined that:

a. Geis received assistance from Israel on at least one prior occasion in 2023; b. Geis received assistance from Israel regarding her request in question, and that the money used came from a different source of funds available to Israel, which the source of the money has no bearing on this analysis;

c. Geis's request for assistance was not denied by Israel, and was in fact granted; d. Although not specified in Geis's appeal, it appears she actually complains that Israel should have provided additional and/or continuing assistance;

e. Israel must serve all members of his Township and provide relief to as many residents as possible;

f. Israel's annual budget for such relief assistance is very limited and must be managed accordingly; and

g. Israel is competently managing his budget and serving all members of his Township well.

5. The Commissioners sustain the amount of assistance granted to Geis from Israel, and find his actions to be appropriate under the circumstances of this case;

6. Pursuant to IC 12-20-15-6(4), either party has the right to judicial review of this decision, and said request must be filed within thirty (30) days of the date of this decision;
7. Pursuant to IC 12-20-15-8(a), the appeal shall be made to a circuit or superior court of Decatur County; and
8. Pursuant to IC 12-20-15-7(5), Geis may have the availability of free legal counsel for the indigent.

SO DECIDED, this 5th day of October, 2023 by the Decatur County Board of Commissioners.

/s/ Chad M. Smith
Decatur County Attorney