

**Commissioners Meeting**  
**September 8, 2020 8:00 a m**

**Present: Rick Nobbe, Mark Koors and Jerome Buening**

The September 8<sup>th</sup>, 2020, Decatur County Commissioners meeting was relocated to the Emergency Operations Center at 315 S Ireland St to accommodate a larger audience for today's meeting. Mr Nobbe called the meeting in session; he then announced there are Title VI forms available in the Auditor's office for anyone who would like to fill out and turn in at the Auditor's office.

Commissioners reviewed the August 17<sup>th</sup> meeting minutes; Mr Nobbe asked the last name of petitioners requesting an alley and street vacation in the town of Letts be added and a sidewalk is to be added on the south side of the new Detention Center for released inmates when leaving the building. Mr Buening moved to approve the minutes as amended, Mr Koors seconded and Mr Nobbe concurred.

Mr Koors moved to approve both the accounts payable and payroll claims as presented, Mr Buening seconded and Mr Nobbe concurred.

**Mark Mohr, Highway Superintendent**, told Commissioners the structure on County Road 650 is now open; abutments have been poured for a bridge on Southwest 60, south of County Road 1000 South and beams should be set by the end of this month; damaged structure in the town of Adams will be demolished today and should be replaced in 7 – 10 days. Commissioners agreed that advisory signs- "Slow, Railroad Crossing" should be posted before railroad crossing since it is on top of a hill, near Germantown. Mr Mohr asked Commissioners who should he call about the Highway Department's phone system- it has crashed and is so old, parts are not available. Commissioners are working on an agreement through Philip Jones with Integration Partners for the Courthouse phone system; will check to see if the Highway Department can be included in the agreement.

**Area Plan Director Krista Duvall** presented 3 ordinances for the Commissioners to approve or deny: **Decatur County Ordinance 2019-21-** petitioner Lester Gurley requests to rezone 2 acres from A1 to A2 so he can sell as a buildable lot. Mr Buening moved to approve Decatur County Ordinance 2019-21, Mr Koors seconded and Mr Nobbe concurred. **Decatur County Ordinance 2020-8-** petitioner Tyler Moody requesting to rezone 2.99 acres from A1 to A2 for the construction of a single-family detached dwelling. This property is owned by Ed Hodson. Mr Koors moved to approve Decatur County Ordinance 2020-8, Mr Buening seconded and Mr Nobbe concurred. **Decatur County Ordinance 2020-9-** petitioners Ryan and Brandi Hart requesting to rezone 2.99 acres from A1 to A2 for the construction of a single-family detached dwelling. Mr Buening moved to approve Decatur County Ordinance 2020-9, Mr Koors seconded and Mr Nobbe concurred.

In the three weeks since the August 17<sup>th</sup> Commissioners meeting, **Building Inspector Kenny Buening** has completed 86 inspections; issued 25 new building permits and red tagged a room addition- needed a building permit and owner has since gotten one. He received a complaint regarding vehicle accumulation and trash; he will take pictures and draft a letter to send to the property owner. He shared pictures showing the property owner is making progress on cleaning up his property in Clarksburg; Court hearing is set regarding the condition of a property on County Road 1000 South. **County Attorney Ken Bass** has sent a letter to **Laura Falp, Creswood Mobile Park Owner**, giving her 30 days to respond; if she doesn't respond, Mr Bass will pursue litigation against her.

Mr Bass has not gotten any response from an appraiser he contacted to appraise the **Rattan Enterprises** property in Westport; so he has left a message for **Hardebeck Appraisers** in Batesville to contact him.

Mr Bass shared a memorandum he sent to the Commissioners regarding drainage control. One of Rush County's public drains does come into northern Decatur County; all other drains in our county are private drains. Any disputes concerning drains have to go before the **Area Plan Commission**, who then works with our **County Surveyor** who renders an opinion/response. The **APC** has jurisdiction over drains, not the County Commissioners.

Mr Buening didn't have any new updates on selling the Jail PODS.

Mr Buening moved to approve **Decatur County Ordinance 2020-9**, Mr Koors seconded the motion and Mr Nobbe concurred. This ordinance allows law enforcement officers, victims of domestic violence, as well as

Court Judges to request access to their home addresses be restricted on the county's public website and also in the county's public records. This ordinance is was written per statute.

President Trump has given employers an option to not withhold federal income taxes (FICA) from employees' paychecks beginning September 1<sup>st</sup> to December 31, 2020. This is a 'deferral' on those income taxes and will be required to be paid to the IRS by April 30, 2021. It may be a hardship for employees to have those deferred taxes plus having the current taxes withheld from their paychecks. Mr Koors made a motion to 'opt out' of deferring (not withhold) federal income taxes from Decatur County government employees' paychecks. Mr Buening seconded the motion and Mr Nobbe concurred. Mr Nobbe stated if they would defer/not withhold federal income taxes and an employee did not repay those deferred taxes, the County would be responsible for repaying those deferred taxes.

A committee has been working on updating County Ordinances relating to the current **2016 Comprehensive Plan**. There are 24 articles involved, but only 5 major changes which will repeal the old ordinances and put the new ones in place. **Article 2** is 28 pages covering grammar, spelling and definitions; **Article 3** is general standards, physical and environmental requirements, setbacks for accessory buildings- no living quarters... **Article 3.16** covers created lots which a primary and secondary site for a septic system has to be shown on a survey; **Article 9** states one site for a septic system, which Mr Buening believes there needs to be some clarity between those articles. **Area Plan Commission President Paul Stone** cited a 'presby septic system' is accepted by the Board of Health Sanitarian; navigating the placement of a septic system and reciprocal and non-reciprocal setbacks may hamper a property owner's rights for his property; **Article 10** sets out conditional uses of residential home occupations and may have a 'up to 5 years special exemption'; **Article 12** addresses the zoning definitions for Industry 1 and Industry 2 that are too restrictive, so by adding a third class- a middle ground class- helps those in-between businesses. Commissioners may decide to vote on these today or table for a future vote or they may table these article-ordinances for future discussions. Mr Stone doesn't want to another year to rehash opposing opinions as everyone who has worked on these articles for hundreds of hours; we're in this too far not to move forward and make these decisions. Mr Nobbe would like more discussion and set October 19<sup>th</sup> as the latest to approve/adopt these articles/ordinances.

Ms Duvall presented Decatur County Ordinance 2019-8, petitioners BEX Farms requesting to rezone 93.7 acres from A-1 to I-2. She stated this ordinance relates only to zoning, not whether we have a landfill expansion. Mr Nobbe opened the floor to anyone present wishing to state their viewpoint as it relates to zoning in 2-5 minutes. Several people spoke to I-2 restrictions and residents' health, the stench of the current landfill, pollution, contamination. Mr Buening moved to take a vote on Decatur County Ordinance 2019-8 and Mr Koors seconded the motion. Mr Koors voted 'yes' on Decatur County Ordinance 2019-8 and Mr Buening voted 'yes'. Mr Nobbe voted 'no'. Motion passes 2 -1.

Commissioners voted for Derick Hudson for the **2020 Board of Direction Election for the Decatur County Rural Water Corp.**

Three companies, **Hountz-** \$3,400; **Johannigman Excavating-** \$3,978; **Bruns & Gutzwiller-** \$7,500, submitted quotes to add 75 to 85 feet of sidewalk to the south side of the Detention which will allow released inmates to access the parking without using the front lobby. (Johannigman's quote included backfill and reseeding the area) Mr Koors moved to approve **Johannigman Excavating** to put the sidewalk in. Mr Buening said he would vote yes if this project qualifies to be reimbursed by the **CARES Act**. Mr Koors amended his motion to approve Johannigman putting the sidewalk in if this project qualifies for the CARES Act reimbursement. Mr Buening seconded the amended motion and Mr Nobbe concurred.

Quotes to expand the parking lot behind the Court Services Building: excavate a 135' x 135' area and put 53's gravel down have been received from **Scott Best Excavating-** \$16,090 and **Hygrade-** \$15,500. Mr Buening moved to approve the low bid submitted by **Hygrade**, Mr Koors seconded the motion and Mr Nobbe concurred.

Only one bid, \$1,390, has been submitted to spray weeds and the crabgrass at the new Detention Center; a separate bid of \$4,250 was to aerate and reseed. Mr Koors wants to look at the construction contract because the County shouldn't have to pay for the 'initial lawn'.

With nothing else to come before the Commissioners, Mr Koors moved to recess, Mr Buening seconded and Mr Nobbe concurred. Meeting recessed.

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Attest: \_\_\_\_\_

Date: \_\_\_\_\_