

COUNCIL MEETING MINUTES

APRIL 29, 2019

CALL TO ORDER

Duane called the meeting to order and asked all present to stand and recite the Pledge Of Allegiance.

ROLL CALL

Duane called Roll and all members of the Council present

MINUTES

Duane asked if any of the members had received a copy of the previous month minutes and did anyone have any additions or correction to the minutes. There being none, Duane asked for a motion to accept the minutes as presented.

Larry Kinnett made the motion to accept the minutes. Seconded by Jerry Payne.

Duane asked for a vote, all in favor, motion passed.

OLD BUSINESS

Vicki Talpas and Josh Reshey were in attendance to talk about the solar farm.

Curt Bedwell had asked for a report on it.

Fencing is \$166,700 of the assessed value and personal is \$5,723,450. Tracy had received a phone call saying that they turned in their fencing on personal and that is not the way it is to be turned in. It is supposed to be on real estate and that the way that we have it.

Josh, sent out a letter to them requesting information and have he has not received a response at this time. There is a memo of understanding that lies behind the abatement. The memo of understanding is like a contract and it lays out some of the expectations that the county has for the solar farm.

Has not been able to get on dept of energy website. They do have a local contractor that takes care of vegetation or weed control. Have been told they do have someone locally, but have not been able to find out who that is. Another issue, when they did the installation they were

supposed to advertise for bids and they were supposed to hire some locally, the language was vague. The last one if they were to sell or convey the property there were certain conditions About who the buyer could be on terms of financing and he has asked for documentation to all of his questions.

They are required to file a CF 1 by May 15, 2019 and they must file it every year. That is the one that we missed the option on last year. Josh recalls that there is an option that can be checked basically saying we want them to come in for a hearing.

Duane asked after receiving the CF 1 how many days would we have in order to respond? Is it 30 or 40 days? Josh said he was pretty sure it was thirty days. The notice would have to be made to them and a date set and have them come in for a hearing. And let us know that they have abided by the memo of understanding with their supporting documents.

Josh said he doesn't think they are not under any obligation to respond to him.

Jessi asked did the Assessor's Office or Auditor's Office. Josh said it may come to either one of us and to watch for it.

There was some discussion about the type of panel, after reviewing the Memo of Understanding, there is nothing in there that says it has to be a rotating panel or anything like that. May have be part of the negotiation, for whatever reason, it is not in the Memo of Understanding. There is no requirement about the type, there is a requirement about the nameplate capacity, I can tell that they have met their nameplate capacity requirement.

Duane asked if there was anything in there, that they had to come before the council when the first company sold off to another company? That's a condition, but not that they have to necessarily appear before the council to do that. But there are certain requirements and it is held by a trust. Josh is not quite sure about the trust. His question is what is the nature of the trust and does it need to be requirements specified in the Memo of Understanding what the assignee would be required to do. He is interested in the nature of conveyance, who controls the trust. It seems like it still the same people.

Tim Abrams said he's doesn't know if it's for every case, when a tax abatement, that might be something that we would want to put in there that if the company would happen to sell or change hands that we would the contract would be with them only and would be non-void, if they would sell out. In our agreement that we write up with the company, if we could put in there that it is non-void, if they would happen to sell out. They would have to come to us to see if we would continue to honor the abatement or if we would choose to not go forward.

Josh was not sure it could be done, but could probably done in the negation phase.

Tim said they might want to remember this, if something like this comes up again and have these requirements added in the negation phase into the abatement and as long as they are met. Josh said in the Memo of Understanding, they must also be financially able to pay the

taxes. There are financial requirements that must be met as well in the Memo of Understanding. Curt Bedwell asked about the 30-day window, if they were to submit the paperwork way before our meeting date. Josh said that is why we need to stay on top of it, and watch for the CF 1 to be filed, in case we would need to call a special meeting.

In other business, the Council has a memo from Vicki Talpas.

Vicki said that **TRACY COX** has received her Level II Certified Indiana Assessor Appraiser, and according to law she is entitled to receive \$1,000.00.

Vicki indicated she wants to take it out of Extra Hire and transfer to salary. Duane asked the members if they wanted to vote on it now or wait until next month and vote on it then.

The Council decided to go ahead and vote on it pending the paperwork being filed with the Auditor and advertised.

Nick Cullison made the motion to approve the \$1,000.00 the transfer of \$1,000.00 for Tracy Cox, pending paperwork. Larry Kinnett seconded. Duane called for a vote. All in favor, motion passed.

Duane asked Vicki if she had passed all of her tests yet and she said she had one more to take to get her Level III Certification.

CLARK COTTOM

Duane called on Clark and he said he didn't really have anything, but would give an update on the jail project. He stated that RQAW came last time and gave a presentation at the last Commissioner Meeting.

Clark invited anyone that wanted to go to tour the Posey County Jail. Clark said that we have inmates being housed in Posey County at this time. Posey County was built by RQAW and has a little bit difference approach.

The next company that is coming to the Commissioner Meeting on May 6, is Elevatus. They, Elevatus, built the Clay County Jail. And they have others under construction here in Indiana right now, but do not know in which counties. Clark said he would be glad to take them on a tour of the Clay County Jail as well.

Tim Abrams asked the following question - will the Commissioners decide what company the county is going to go with.

Duane said that the Commissioners are in the driver's seat picking the company. Duane said Bill Ames, the Commissioner that he talked to said the important thing to do, is that the Commissioners and Council need to get a committee together.

Duane said from what he has read in the paper, it sounds like the Commissioners are looking to the future and something will have to be done sometime.

It will have to be taken to bid and they will need to have specs to go by.

Clark said they seem to be close to bringing everything back to the Commissioners and the County Attorney to do something. Duane said he thinks the committee needs to be made up of citizens not just elected officials. Clark said Perry County had several from around the state and the county on their committee.

Clark said it is progressing on the Commissioners side, but they have not said anything to him in what way they might be leaning.

Clark said that Greg Marts has several funding ideas and he could have him come and talk to the Council concerning the funding ideas. It was asked if the Commissioners had chosen a company yet and Clark said no. Clark said looking about three years out for turn key if they decide to build. The Commissioners are on a fact-finding mission at this time concerning the ground and looking at options as to how to fund a new jail.

It was asked for Shelly to pass on to the Commissioners the Council's concerns about a jail committee and such. Shelly said she would pass it on.

Duane said that Bill Ames said that they had 14 people on their jail committee. Clark said he could get a list of the people that was on another counties committee.

Duane said there cannot be more than three Council members and one Commissioner on the committee (as they needed to make sure that there was not a quorum) and if the commissioners are really going forward with the jail, they need to get a committee together soon.

Logan asked when the Commissioners meet again and Shelly said it would be the May 6.

Clark asked the council if they were coming to the presentation on the 6th?

It was decided to take a trip to Posey County on Thursday, May 2nd. It was left they the Council members would get with Duane on who would be going and to let him know.

Clark said that Posey County and Greene County have new jail additions and that RQAW does a lot of additions. The following counties, Clark is aware of additions that was done to their current jail, those are Vermillion County, Greene County, Posey County, Vigo County.

Nick asked if the Commissioners were talking about an addition or a new jail. Clark said the last jail study 8 years ago by DLZ said that an addition back then was around \$12,000,000.00 and a

new jail would have been around \$15,000,000.00 at that time. It is something to seriously think about. Clark said if they decide to do an addition to the current jail, it will be a onetime fix and anything after that will have to be a new jail. Duane said the price of the ground was not figured in either one of these amounts.

Tim asked how much did Clark think that we would spend housing inmates this year. Clark said it depends on the inmate count and right now it is \$35.00 per day and the State just raised that to \$40.00 per day and each year it will go in \$5.00 increments up to \$50.00 on the three-year plan. Clark said, we will be looking at close to \$300,000.00 this year to house the inmates in other counties.

Tim said if they, the council is not happy with the engineer, they will have the option to not fund, until they are happy as to who is chosen to do the project.

Duane said it's a sad thing that we are going to spend more on housing inmates than we do on education.

Nick asked if it would be possible in a couple of weeks if they could go over and tour the Greene County Jail. Clark said would not be a problem and could probably go on the weekend.

The Council told Clark thanks for coming to the meeting.

Duane asked Shelly if she had anything else, Shelly said nothing else. Duane asked if anyone had anything else to talk about today.

Logan Pearson asked if the additional for the Clerk's Office had been advertised. Shelly said, no, that she had talked to the State Board of Accounts and it did not have to be advertised, since we could take it directly out of Court House County General. She said that she had talked to Bob and they decided which account to take it out of and there was money in there to cover it.

Duane asked about it and Tim stated it was motion last month to take it out of County General and that it was already voted on. Duane went to say that the Clerk uses any of her Clerk's Perpetuation money it has to come before the Council. Shelly concurred that yes, any funds from the Clerk's Perpetuation fund had to come before the Council to be used.

Duane asked anything else. Curt also had some updates on house and Senate Bills.

HB 1018 has to do with Parks and Recreation Boards the biggest change, effective July 1st, as to who appoints the positions to the park and lake board. The executive (Commissioners) and the fiscal (Council) appoints two members of the opposite political parties and the fifth one is

appointed by an elected official, but which elected official is not clearly defined, Duane said they are taking the Judge out of making an appointment to the park and lake board. Curt indicated maybe the County Extension Coordinator or County Extension Educator.

Duane said that the Park and Lake was built for flood control and that Soil and Water would be good to make the fifth appointment.

Duane asked Logan Pearson if he would be able to make the next meeting, he said yes, since it was on the 28th. Shelly said yes, Monday is a holiday so the meeting will be the 28th.

Tim Abrams mentioned John Elmore and his passing and that he was going to ask for a moment of silence for John. He was the Commissioners County Attorney when Tim was Co0mmissioner and that he always had his homework done when he came to a meeting. Duane said and that John had also been our County Prosecutor.

Tim said another thing he wants to bring up is **PERF** and getting another actuary done for the county.

Tim said he would like to make a motion as council to have an Actuary done by PERF for Sullivan County and get the numbers that it would take to get it going. He said he wants at least as an option with PERF for Sullivan County. He said when he votes on something, he likes to at least have an option, that's his option on the floor.

Duane asked is that with buy up years and Tim said no, start from square one and no County Elected Officials would be eligible unless they work 2,080 hours per year, which would opt the County Council out of it.

There was some discussion on five or ten years buy in, but Tim wants to start from square one.

Curt said he would like to see the five and ten as well. Tim said last time they had one done it was about \$3,000.00, that what they approved to have one done. **Nick said he would second the motion and Tim reiterated that this was his motion on the floor, Nick said again that he seconded.**

Shelly asked Tim, this is from square one and Tim said personally he wanted from square one

And cannot even begin to go back ten years, because of the number of projects in the county that we are facing. He said if you want to go back five years just for a reference point and zero.

Curt wondered what it would cost for the five and ten years. Logan suggested to go max of \$4,500.00 or stay with \$3,000.00, Tim said he would like to stick with the \$3,000.00.

Duane said going back five or ten years is not fair to the people that left their money in. He said, it's not fair to give the people who took their money out a buy back and that it is not fair to the tax payors. Tim said he agrees with that. Duane said, it has to be from today. Nick said he agreed with Duane too.

There was some discussion as to who would be eligible, such as the judges, and they have their own retirement with the State of Indiana. Curt wanted to know why there would not be any elected officials. Tim said its all about getting the numbers down to where its affordable.

Duane said Tim's motion is from square one for one actuary.

Duane asked Nick if he still seconded the motion and he said yes, he would still second Tim's motion. Dane asked if there was any more discussion.

Tim's motion is for one Actuary from PERF for Sullivan County from square one with no buy back, and with no county elected officials eligible unless they work 2,080 hours per year and to stay at \$3,000.00 cost.

Nick seconded. Duane called for a vote, all in favor, Motion passed.

Shelly asked Tim if it was more than \$3,000.00, he said for Shelly to call him and if it was \$3,500.00, he would pay the \$500.00 himself just to get it done.

Duane asked does this need to go before the Commissioners? Have Shelly tell the Commissioners this is what the Council has passed and is giving them the money and the go ahead. It was asked of Josh Reshey his thoughts. Tim said this is what the council is wanting done and are not enacting anything, they just want to see the numbers. Josh said that he is believes it is ok for them to do that.

Duane asked for a motion to adjourn.

Motion to adjourn made by Curt Bedwell and seconded by Logan Pearson.

Duane called for a vote, all in favor, Meeting adjourned.

SULLIVAN COUNTY COUNCIL

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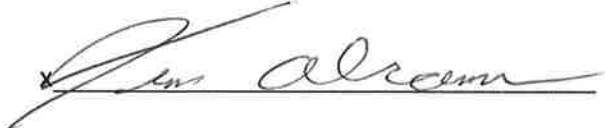
Duane Wampler

x 

Jerry Payne

x 

Larry Kinnett

x 

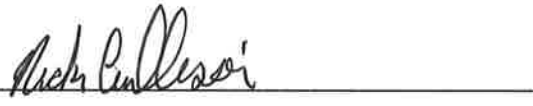
Tim Abrams

x 

Logan Pearson

x 

Curt Bedwell

x 

Nick Cullison

x 

Attest:

Shelly Hiatt Parris, Auditor

April 29, 2019