

**DAVISS COUNTY COMMISSIONERS  
MINUTES  
Tuesday, October 8, 2019  
Daviss County Commissioners Room, Daviss County Courthouse  
Washington, Indiana**

**The Daviss County Commissioners met Tuesday October 8, 2019 at 9:00 AM in the Commissioners Room within the Daviss County Courthouse.**

**EXECUTIVE SESSION OCTOBER 3, 2019 AT 9:00 AM**

**Roll Call.**

**Present: Michael Taylor, Vice President, Tom McCracken, Secretary.**

**Absent: Nathan Gabhart, President.**

Commissioner Michael Taylor, Vice President called the meeting to order.

Chris Coney with Veale Creek Baptist Church gave the opening prayer.

**EXECUTIVE SESSION 9/18/2019**

Grant Swartzentruber, Daviss County Attorney, stated that an executive session authorized under Indiana Code Section 5-14-1.5-6.1: was held October 8, 2019 9 AM in the Commissioners Room at the Daviss County Courthouse for discussion of strategy with respect to the following: The initiation of litigation or litigation that is either pending or has been threatened specifically in writing. **Document**

**MINUTES September 24, 2019**

Approve meeting minutes from September 24, 2019 Commissioners meeting.

**Document**

**Motion:** Approve meeting minutes for 9/18/2019, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

**DAVISS COUNTY GOVERNMENT CENTER (ANNEX) UPDATE**

Mike Schapker, Daviss County Construction Manager/Owners representative, came before the Commissioners with an update on the Government Center building project. The Stoneply work is making good progress. Currently have 70 panels identified that need to be remade. Mr. Schapker anticipates the remade Stoneply panels to be delivered quicker than the original panels were. The Stoneply panels that are being remade are the ones that had been miss measured. 12-15% of the Stoneply panels will need to be remade. Tom McCracken, Daviss County Commissioner asked about the time frame it will take to caulk the panels once the Stoneply is completely installed. Mr. Schapker stated that it would take 1-2 weeks per elevation once the panels are ready to have it caulked.

**HIGHWAY**

Michael Taylor, Daviss County Commissioner, stated there was a Daviss County Highway Department meeting this morning 10/8/2019 at 7:30 AM. Commissioners Tom McCracken and Michael Taylor were in attendance. Matters that were discussed was the Indian Rock Lake Trail in Montgomery.

**Document**

### **RTC COMMUNICATIONS UTILITY PERMIT-WAYNE SPARKS**

Wayne Sparks, with RTC came before the Commissioners regarding permission to utilize right of way. RTC has to bring fiber optics in 100N and exit Washington near Veale Creek Road near 257 and head back to Sportsman Road. **Document**

**Motion:** Approve right of way permission, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

### **900 E CLAIM VOUCHERS AND UPDATE**

Phil Cornelius, Daviess County Highway Supervisor, presented the Commissioners with two claim vouchers for 900 E Cannelburg Road Phase 3 and Phase 4. The first claim voucher is for Construction Engineering for 900 E Cannelburg Road Phase 3 for the net amount of \$1,905.44. The second claim voucher for Preliminary Engineering for Cannelburg Road Phase 4 for the net amount of \$20,778.80. Both claim vouchers were presented to Commissioners for approval with a single signature. **Document**

#### **Document**

**Motion:** Approve 900 E Cannelburg Road LPA Claim Voucher Phase 3 for \$1,905.44 and LPA Claim Voucher Phase 4 for \$20,778.80, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

### **15 STREET BRIDGE #284 EASEMENTS TO CITY**

Phil Cornelius, Daviess County Highway Department, came before the Commissioners in regards to the 15<sup>th</sup> Street Maintenance Easements at the 15<sup>th</sup> Street Bridge. The county bought four property lots for the right of way access to the 15<sup>th</sup> Street Bridge while under construction. The east of 15<sup>th</sup> St and west of 15<sup>th</sup> St was purchased to allow work access. This proposed easement is to allow a parallel strip, five feet in width, located west of, parallel with and adjacent to the entire east boundaries of Lots No.65 and No. 66 in Tranter's Addition to the City of Washington. A parallel strip, five feet in width, located east of, parallel with and adjacent to the entire west boundaries of Lots No. 67 and No. 68 in Tranter's Addition to the City of Washington. This allows the City of Washington right of ingress and egress with right of way for the street moving forward. **Document**

**Motion:** Approve 5 ft. Easements for 15<sup>th</sup> Street right of way to the City of Washington, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

### **PROJECT UPDATE**

Phil Cornelius, Daviess County Highway Supervisor, chip and seal is completed and the tiling is done for the year. There are some problems getting the paving plant going. They highway department is working on the plant currently. If the weather stays nice they will continue to pave. Tom McCracken, Daviess County Commissioner, asked if 200N is going to be chip and sealed or paved. Mr. Cornelius stated in order to maintain the road in the future they are going to chip and seal.

Phil Cornelius, Daviess County Highway Supervisor, came before the Commissioners regarding previous tabled discussion of the salt building, at some point there needs to be a decision of something to move forward with Council etc. and make a decision on this property. Mr. Cornelius stated there is currently someone interested in the old Salt building property on West Walnut Street. Mr. Cornelius is going to discuss with Grant Swartzentruber, Daviess County Attorney regarding the process of possible sale of this property.

Phil Cornelius, Daviess County Highway Supervisor, came before the Commissioners in regards to Solar Sources Bond. Solar Sources release bond No. SU15017 issued by Aspen American Insurance Company. Solar Sources delivered a replacement bond September 5, 2019. Replacement Bond No. N7002436 issued

by Indemnity National Insurance Company for \$25,000.00. This replaced Bond No. SU15017 issued by Aspen American Insurance Company for \$25,000.00. These bonds covered the Road Closure and Mine through of Co. Rd. 350 N for 2,640' east of its intersection with Co. Rd. 350 E.

**Motion:** Approve the release of bond No. SU15017 by Aspen American Insurance Company and returned, Approve Bond No. N7002436 issued by Indemnity national Insurance Company for \$25,000.00,

**Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President. Motion passed unanimously.

#### **NOTICE OF RECEIVING ANNUAL BIDS FOR 2020**

Notice that the Daviess County Commissioners will receive sealed bids for the Daviess County Highway Department for supplies, materials, and work for the maintenance of equipment, roads, and bridges for the year 2020. **Document**

#### **DNA VENDOR DDC CONTRACT-CHILD SUPPORT**

Grant Swartzentruber, Daviess County Attorney, came before the Commissioners regarding the DNA Vendor in the Child Support department of the Prosecutors office. The vendor DDC has presented a lower cost for the DNA sample collection service. Presented is the contract with DDC. In the contract with current Vendor LabCorp it states the contract can be cancelled at any time. The IV Prosecutor has signed and approved this contract and now it needs approved by Commissioners and on the record. **Document**

**Motion:** Approve contract with DDC for DNA Vendor, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **CALL WORKS 911 CONTRACT-GARY ALLISON**

Gary Allison, Daviess County Sheriff, asked for this to be tabled for now. He needs to get this before the 911 board.

**Motion:** Table, **Action:** Table, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **CODE OF ORDINANCES-AMERICAN LEGAL PUBLISHING CORP.**

Grant Swartzentruber, Daviess County Attorney, presented the Commissioners with Daviess County Code of Ordinance regarding American Legal Publishing. The purpose of using American Legal Publishing is so the public can access and view online ordinances that have passed. American Legal Publishing codifies the ordinance after it has been passed by the Commissioners and then puts this on the website for public viewing. American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code or Ordinances based on or make reference to sections of the Indiana code. Patty Ball, Daviess County Auditor, stated that this has reduced copies of the ordinances going through the Auditors office. The public being able to get this information off the website cuts down on the public needing paper copies. Mr. Swartzentruber stated that American Legal Publishing has previously and is currently used to codify and post on the website. Invoice from American Legal Publishing Corporation is for \$778.10. **Document**

**Motion:** Approve Code of Ordinance update and pay invoice to American Legal Publishing Corp. \$778.10, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **DECEMBER 10<sup>TH</sup> MEETING LOCATION**

Grant Swartzentruber, Daviess County Attorney, stated that Nathan Gabhart, Daviess County Commissioner, requested that the December 10, 2019 Commissioners meeting be held at the Shiloh

Community Building located at CR 1000 N and 900 E at 6pm. Patty Ball, Daviess County Auditor, mentioned she appreciated the heads up so the meeting is advertised properly.

**Motion:** Approve change of venue to Shiloh Community Building for Commissioners meeting Dec. 10, 2019 at 6 PM, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **APC CHANGES/RECOMMENDATIONS ON THE ZONING ORDINANCE**

Grant Swartzentruber, Daviess County Commissioner, came before the Commissioners in regards to Advisory Plan Commission (APC) suggested changes to the Daviess County Zoning Ordinance by the Advisory Plan Commission. Mr. Swartzentruber stated Shawn Gabhart, President of the APC and Daviess County Surveyor, met with Board of Zoning and Appeals (BZA) and BZA asked for some clarifications on some zoning Ordinances. The proposed changes would take away the confusion

Tom McCracken, Daviess County Commissioner, stated he would like to look into these changes further before approving them and asked for this to be tabled for today. **Document**

**Motion:** Table, **Action:** Table, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Grant Swartzentruber, Daviess County Attorney, stated the second order of business is in regards to the zoning in property surrounding Berry Plastics Industry in Odon. Berry Plastics Industry has two parcels of land and plan an expansion project and add a warehouse to the east of the current building. Currently this property is zoned agriculture A1 and they want zoning for I1 light industrial. Request zoning from A1 to I1. Berry Plastics Industry has been established at this location since 1988. Berry Plastics Industry does run 24 hour shifts and runs all of the time. **Document**

**Motion:** Approve zoning change from A1 agriculture to I1 light industrial, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **DISASTER EMERGENCY PROCLAMATION-BURN BAN**

Scott Myers, Emergency Management, presented the Commissioners with a Disaster Emergency Proclamation for Daviess County, IN. There is a county wide burn ban in response to safety concerns to the fire hazard presented by the current drought condition. This burn ban is in place for 7 days and will be reevaluated again at the end of that 7 days if the burn ban is needed to be renewed. **Document**

**Motion:** Approve the 7 day burn ban, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

#### **XSOFT CONTRACT**

Patty Ball, Daviess County Auditor, presented the Commissioners with a new software program contract. The XSoft program is with Treasure and Auditor office. Denny Eaton, Daviess County Assessor, is already using this XSoft in the Assessor office and this will make all three offices compatible. XSoft provides the County with the required DLGF (Department of Local Government Finance) "Prescribed" contract. The contract amount is \$202,400.00. The yearly maintenance fee of \$38,350.00. XSoft would go live in the Auditor's and Treasurer's Office on January 1, 2020. Ms. Ball stated the XSoft contract was presented to the Council and it was approved. **Document**

**Motion:** Approve contract with XSoft in the amount of \$202,400.00, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.,

Motion passed unanimously.

**UNITED WAY**

Patty Ball, Daviess County Auditor, stated that she and Jamie Chapman, Daviess County Recorder, are chairman for the Daviess County United Way campaign this year. There will be some activities to raise contributions and awareness of the United Way program. Ms. Ball asked approval for the county to participate in the United Way campaign.

**Motion:** Approve United Way activities, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

Michael Taylor, Daviess County Commissioner offered congratulations to Patty Ball (Daviess County Auditor) on receiving the AIC Outstanding County Auditor for 2019. Patty Ball, Daviess County Auditor stated that Daviess County won Local Government Cooperation Award 2019, Daviess County & the City of Washington for their work on the 15<sup>th</sup> Street Bridge Project. This plaque is currently hanging downstairs at the courthouse.

**PAYROLL DOCKET 9/27/2019**

**Motion:** Approve Payroll for 9/27/2019, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

**CLAIMS DOCKET 10/11/2019**

**Motion:** Approve Claim Docket 10/11/2019, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

**INFORMATION**

**ADJOURN**

**Motion:** Adjourn Meeting, **Action:** Approve, **Moved by** Tom McCracken, Secretary, **Seconded by** Michael Taylor, Vice President.

Motion passed unanimously.

Absent  
Nathan Gabhart, President

Tom McCracken  
Tom McCracken, Secretary

C. Michael Taylor  
C. Michael Taylor, Vice President

ATTEST: Patricia K. Ball  
Patricia K. Ball, Auditor of Daviess County