

The Shelby County Commissioners met on Monday May 8, 2023, at 8:00 a.m., present were Commissioners Nigh, Parker, Abel, County Attorney and County Auditor.

MINUTES:

Motion to approve May 1, 2023, minutes was made by Nigh, seconded by Abel, approved 3-0.

PUBLIC HEARING / JUDY NEWKIRK/VACATE ALLEY:

At this time the Commissioner's opened the floor for anyone wanting to speak in favor or oppose the vacation on the alley located behind the residence located at 8887 S 600 W, Edinburgh. No one spoke. Motion to approve the vacation of the alley located behind the residence at 8887 S 600 W, Edinburgh pending the review of the Ordinance was made by Nigh, seconded by Abel, approved 3-0.

HEALTH DIRECTOR / APPOINTMENT TO HEALTH BOARD:

Robert Lewis is requesting the Commissioners to replace a board member that is stepping down. Dr. Batton will be stepping down and we are asking you to replace him with Shelley Snyder. This is a 2-year term. Motion to approve was made by Nigh, seconded by Abel, approved 3-0.

HEALTH DIRECTOR/ MOSQUITO SPRAYING CONTRACT:

Robert presented the Commissioner's with the 2023 Mosquito Spraying Contract in the amount of \$23,000.00. Motion to approve was made by Nigh, seconded by Abel, approved 3-0.

SAM DEIWERT/ FOLLOW UP ON REVIEW OF LAND USE ORDINANCE:

Sam Deiwert wanted to talk to the Commissioners regarding the proposed Heritage Aggregates application. Mr. Deiwert would like to see the public have a chance to review the options and have questions answered. Mr. Deiwert is asking the Commissioners to take this under advisement and review the options. No action was taken.

PLAN COMMISSION/ REZONES:

TITUS: Request to rezone 3 acres from A1 to RE located east of and adjoining 4439 W 950 N, Fountaintown. This was heard at the April 25, 2023, meeting and voted 7-0 to present to the Commissioners. Motion to approve Ordinance 2023-13 was made by Abel, seconded by Nigh, approved 3-0.

HERITAGE AGGREGATES: Request to rezone 243.04 acres from A1 & R1 to HI located north of CR 1200 S, south of Old SR 252 and east of CR 100 W and west of State Road 9. This was heard at the April 25, 2023, meeting and voted on 7-0 to present the three Ordinances to the Commissioners for them to choose from and approve. Desiree presented the Commissioners with 3 Ordinances. 1. Aggregates agreed with the setbacks. 2. Increase the setbacks. 3. Compromise.

At this time Chad Roots with Heritage Aggregates spoke about the petitions. This land is for materials only, no buildings will be built. Roots feels that a question-and-answer session for the public has already been done thru the process that started in November of 2022. They have already agreed to the setbacks, they have done the water study and have talked with the different landowners. Roots is requesting the Commissioners vote on the Ordinance. Commissioner Nigh advised they have made a lot of concessions to their request. John Schmidt with Heritage Aggregates spoke about how proud they are of the way they leave their properties. Schmidt advised most of the land after use is used for water usage. This will be over the next 50 years or so and Mr. Deiwert is correct, things can happen, Heritage Aggregates could not be in business

by then, but this application and stipulations will continue with the land, so whomever would purchase this will still have to abide by the Ordinance and rules. Commissioner Abel advised he had two issues, the placement of the Asphalt Plant and the stockpile in conjunction with the berms, Abel advised these things were talked about and feels the 3rd proposed Ordinance is the best one. Motion to approve the 3 proposed Ordinance 2023-14 was made by Abel, seconded by Nigh, approved 3-0.

TRANSFER STATION AGREEMENT:

Jordan Caldwell with Caldwells, Incorporated presented the Commissioners with the Transfer Station Agreement. Commissioner Abel asked who was responsible for the utilities. Caldwell advised he was flexible and is willing to pay for the utilities. Abel asked about the fee schedule. We don't have a fee schedule and you don't have to present one to us for 180 days and questions the increase up to 45% without any County approval. Caldwell advised how it is written today is I must use the current fees and then in 180 days he would present a new schedule. Abel was still concerned, and Caldwell asked what Jason he thought would be reasonable. Caldwell advised this is the same verbiage as the old contract with Caldwell. Commissioner Parker asked what the city has signed, and Caldwell advised they have signed a Professional Service Agreement, because they are going to start bringing their trash in. Motion to approve the contract with two changes. 1. 20% increase instead of 45% 2. Utilities will be paid by Caldwells was made by Nigh, seconded by Abel, approved 3-0.

SHERIFF:

Sheriff Koch read the Proclamation making the week of May 14, 2023, thru May 20, 2023, National Police Officer Week. Koch advised they will hold their Fallen Police Officer Memorial Day on Sunday May 21, 2023, at the F.O.P. Motion to approve the Proclamation was made by Nigh, seconded by Abel, approved 3-0.

HIGHWAY:

Anderson advised they are just paving between rain. Nigh advised bridge #28 approaches have been paved and they are only waiting on the guardrail. This was information only, no action needed.

CLAIMS:

Payroll – Motion to approve payroll was made by Nigh, seconded by Abel, approved 3-0.

Tax Refund- Motion to approve a tax refund in the amount of \$594.48 was made by Nigh, seconded by Abel, approved 3-0.

TRANSFER / ADDITIONALS:

N/A

MISCELLANEOUS:

HUMAN RESOURCE:

Donna advised the SCUFFY drive is over, and the Counties contribution will be \$9,224.00. This was information only, no action needed.

CHRIS KING/ HIGHWAY UPDATE:

Chris advised they have filed an application with the BZA to increase the size of the sign that will go out at the Highway Facility. Motion to approve the application was made by Nigh, seconded by Abel, approved 3-0.

There being no further business to come before the board. A motion to adjourn was made by Abel, seconded by Nigh, approved 3-0.

AYE:

NAYE:

ATTEST:

AMY L. GLACKMAN

SHELBY COUNTY AUDITOR