

**Commissioners Meeting
August 15, 2017**

Present: Al Logsdon, Jim Seiler, Tom Brown, Larry Dale Kenney, Attorney Jeff Lindsey, Auditor Autumn Winkler

Meeting was called to order by President Jim Seiler at 2:00 P.M.

Minutes

No minutes were presented.

Claims

Logsdon made a motion to approve Batch #3639 and Batch #3642 as presented. Brown seconded the motion, motion was approved. Brown made a motion to approve all claims paid since the last meeting. Logsdon seconded the motion, motion was approved.

Highway Report

Kenney reported that Metzger should be starting on CR 100W, CR 100S, and CR 150 next week. When they complete those roads they will head to CR 300, but Mulzer's will have to spread about 1700 ton of rock on it first. After this, the crew will be headed north to begin on District 3 roads.

Kenney informed the board that we should be receiving RFP for bridge and RFP for the sign project. We must receive at least 3 RFP for each project or we will have to re-advertise and the highway dept. will have to reach out to any potential contractors and if nothing else request they submit a letter stating they do not wish to submit an RFP.

Kenney stated that he is looking at 3 bridges that need repair. Bridge #37 off of Eureka Rd. is in need of repair and may require a tanker car. We will have to check with DNR before doing any work and get approval, because the bridge is in a flood plain. The second bridge mentioned was Bridge #307 on CR 300N and Seiler stated that he isn't sure we should even spend any money on that bridge it just needs to be closed. Attorney Lindsey stated that we need to compile a list of roads and bridges we wish to close and determine if we plan on closing them temporarily for like a 5 year period or permanently closing them. Kenney stated that the 3rd bridge he is concerned about is Bridge #103 on CR 200W just off CR 500N. This bridge needs a lot of concrete work done underneath, which Kenney stated his crew could do. It was discussed how long this job could potentially pull the crew from other work. Kenney will try to figure hours on the job and also check into what the cost might be to contract it out.

Logsdon stated that he received a call from Nancy Graman regarding closing the road for the St. Meinrad Picnic. They are requesting the county close 4th St. to Brewery Street on September 16th at 7:00 a.m. until September 17th at 7:00 p.m. Brown made a motion to approve closing the road for the requested time. Logsdon seconded the motion, motion was approved. Auditor Winkler will send a copy of the approved minutes to Mrs. Graman.

Kay Erwin – Plan Commission

Erwin and Attorney Wetherill presented Resolution 2017-02 regarding increasing the permit fee in each category by \$50.00. The permit fee has not been raised since 1997 and the Advisory Board feels it is time to increase the fee to help compensate the expenses. Logsdon made a motion to approve Resolution 2017-02 as presented. Seiler seconded the motion, motion was approved with Brown opposed.

Erwin requested direction from the board on what to do about the ADA Plan and deficiencies. Erwin was instructed to bring a list of deficiencies to the second meeting in September to discuss a plan of action to make all necessary repairs.

Website RFP

Lindsey opened the submitted RFP's for website upgrade. There were two RFP, one from Revize and the second from Seamless Gov. Brown made a motion to table and take the RFP under advisement. Logsdon seconded the motion, motion was approved.

Legal Report

Lindsey stated that we are waiting on the appraisal from Harold Gogel for the Troy Refinery property. It is expected that we will receive that appraisal by the 1st meeting in September.

Lincoln Hills Appointment

Randy Dennison, Executive Director/CEO of Lincoln Hills Development Corporation requested the appointment of Jeffrey Hagedorn to the LHDC Board of Directors. Jim Buckles, the commissioner appointee to the LHDC has recently passed away which left a vacancy on the board. Logsdon made a motion to appoint Jeffrey Hagedorn to the LHDC Board of Directors. Brown seconded the motion, motion was approved.

WTH Agreement – Louis Berger Engineering

Auditor Winkler presented an Electronic Map Data Agreement from WTH approving access to our information to Louis Berger Engineering. This is a standard Electronic Map Data Agreement like we approve for other contractors. Logsdon made a motion to approve the map data agreement. Brown seconded the motion, motion was approved.

Old Business

Attorney Lindsey checked into the possibility of paying the Maintenance Supervisor as a contractor to refinish the floors in the courthouse and was instructed by Kent Irwin that we should compensate him with overtime that he did not qualify as a contracted labor. Brown made a motion to request an additional appropriation for overtime. Logsdon seconded the motion, motion was approved.

Dan Wilkinson – Law Enforcement Policies

Wilkinson is requesting the Board of Commissioners implement a policy regarding background checks on law enforcement officers and a more stringent nepotism policy. In 2015, Wilkinson implemented a policy in his office that he would not accept any reports or prosecute any cases from law enforcement officers that did not meet a certain criteria on background checks. This policy was put in place when Wilkinson was notified there was an issue with the Sheriff's son and previous charges. The Sheriff's son worked as a jailer until the end of 2014 when he was moved to a Field Officer position in Community Corrections. Wilkinson felt there was an issue with him being a Field Officer and addressed this with the Community Corrections Advisory Board who then implemented the same policy as the Prosecutor. McDurmon was then moved to a part-time position on the road in the Sheriff's Dept. Wilkinson stated this continued to be an issue with his office and when meeting with the Sheriff was told that they were considering putting him in a full time deputy position and Wilkinson informed them he would not change his policy. Wilkinson stated he feels there are 3 big issues with McDurmon and not meeting a certain criteria on background checks. First, Wilkinson feels that in a criminal case if McDurmon is ever placed on the stand, a defense attorney would interrogate and question the creditability of statements from McDurmon due to his past charges. Second, he feels that it conveys a message that it's small town politics and things like this don't matter. Third, he feels there are liability issues with sending McDurmon on calls when it is known there are issues with him. Since the issue has not been resolved Wilkinson decided to bring his request to the board in hopes they would help him establish some standards.

The board has read the requested policy and asked Wilkinson if there is a statute regarding this policy, do they even have the authority to implement something such as this for law enforcement. Wilkinson stated that he is not aware of any statute, but as the governing body he feels that they have the authority to implement this standard and take action if the policy is not being enforced. Brown stated that the Governor recently had it changed where the box on applications questioning if you had ever been convicted of a felony be removed, does that apply to all branches of government. Wilkinson stated that he had that same question and checked into that and what he found is that it only applies to positions directly under the Governor. Brown stated he would be seeing Attorney General Curtis Hill soon and would be asking him that question. Wilkinson stated that he also spoke with someone from Indiana State Police and they felt that McDurmon would probably be disqualified for ISP, because they focus not only on convictions but on charges filed. Wilkinson stated that this issue has to be addressed. Logsdon stated that he felt we needed to check with Kent Irwin who is one of best in the state on personnel issues. When Irwin comes down to meet with us on the personnel policy there also needs to be a meeting to discuss this issue. Attorney Lindsey stated that this policy would be for new incoming employees not current and Wilkinson stated yes, but we still need to address this issue. Attorney Lindsey asked Wilkinson what other counties in the state have implemented this type of policy? Wilkinson stated he was unaware and didn't know what situations other counties had been faced with. Attorney Lindsey then asked, isn't it correct that you are trying to implement a policy that is over and above what is required by Indiana Law and are not prosecuting cases just because McDurmon is involved? McDurmon was lawfully hired, graduated at the top of his class at the academy, is doing his job, and has met all legal standards required

to be a law enforcement officer. Brown asked Wilkinson if the board disagreed with him on implementing this policy would he change his policy and he stated no he would continue with his policy, because he is still faced with the possibility of having an investigator interrogated for his convictions. Attorney Lindsey stated that we need to set a specific date to meet with Kent Irwin regarding the personnel policy and will discuss this issue also at that time. Lindsey stated the dates that Irwin provided that he was available to meet and the board determined they would schedule a meeting with him on October 3rd. The plan is to not take action until this is discussed with Irwin.

Stephanie Melton - EMA

Melton came to request the road closing for the Owensboro Air Show again this year. The air show is September 22nd-24th. Melton stated that SR 161 would need to be closed on September 22nd from 6:45 a.m. to 9:30 a.m. A public hearing was scheduled for September 5th for the road closure.

New Business

Brown will speak with the council about setting up a meeting of the new joint insurance committee.

Brown requested the board unanimously approve a resolution condemning KKK, Neo-Nazi, white supremacy, and any form of racism in Spencer County. Attorney Lindsey will draft a resolution.

There were 5 applicants for the Veteran Service Officer position. The board will review the applications and narrow down to which ones they wish to interview. The plan is to appoint someone at the meeting on September 5th.

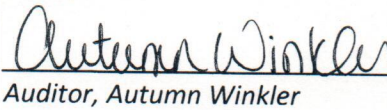
Auditor Winkler stated that Mark Phillips from Reo Bethel is requesting permission to hold See You At the Pole on the courthouse lawn again. The scheduled date is September 26th at 7:30 p.m. Logsdon made a motion to approve the use of the courthouse lawn for See You At the Pole. Brown seconded the motion, motion was approved.

Logsdon made a motion to adjourn. Brown seconded the motion, motion approved.
Meeting was adjourned at 4:00 P.M.



President

Attest:



Auditor, Autumn Winkler

