

Jennings County Commissioners Meeting
Government Annex Building, Commissioners Meeting Room
August 13, 2020 6:30 pm

All Commissioners were present. Matt Sporleder led the Pledge of Allegiance.

Marie Shepherd, Area Plan, presented a rezoning request from Independent Bible Baptist Church. The property is at 2570 W 300 N, 3165 N State Hwy, West CR 300 N and North State Hwy 7 and 2630 W CR 300 N. They would like to rezone 22.056 acres to institutional, 2.7616 acres to residential single family to bring it into compliance. One recommendation that was passed through Essential Services as well as Area Plan Commission and at the request of Quinn Ford that if the structure at 3165 N State Hwy 7 stops being used as an office it will revert back to residential single family. Marie reported there has been no opposition to it and none at the meeting. Bob Willhite made the motion to approve this including the recommendations. Dave Lane seconded. Motion passed unanimously.

Marie also is asking for a wall to be built in the Area Plan Office that has 2 glass windows and a countertop on each side. This will be covered 100% under the CARES Act due to COVID reasons and safety issues. She said the estimated cost would be less than \$5,000.00 but no quotes have been gotten yet. Matt asked why the County Maintenance is not going to build the wall? Marie reported that this is due to time and would tie the maintenance men up for some time as well. Bob made the motion to approve. Dave seconded. Motion passed unanimously.

Dan Brookbank, Veterans Officer, reported that there will be a shortfall in the transportation stipend fund. During the budget meeting it was brought up that there is approximately \$9,000.00 budgeted for this year and he also pointed out that there was an additional \$1,000.00 that was contributed from the local Lions Club. This was a one-time donation and the Lions Club indicated there wouldn't be any additional funding. That leaves roughly \$10,000.00 and they are forecasting roughly \$12,000.00 total requirement. That leaves a shortfall of \$2,000.00. This was mentioned during the budget meeting. He would like to see if there is something to make up the shortfall rather than rely on county funds for 2021 and 2022. He also wanted to point out that they were about \$7,000.00 short during 2019 and the Commissioners made that money up. He would prefer not to have to do that again. He contacted the Community Foundation and spoke with them about a potential grant and they said there was some money available. They sent him a packet of guidelines and an application. They stated they support human service organizations, programs for children/youth and senior citizens. The transportation fund that the Veterans use is mostly senior veterans in the county. On the other hand they pointed out that they don't fund operating budgets except for limited experimental for demonstrative periods. Therefore they may not qualify for a grant application. He is still willing to put it in but he just wants to make sure he is authorized to do this. That is why he is at the meeting to ask for authorization or if he should pursue other avenues. Matt said he wanted to commend Dan for what he is trying to do. He also said he is willing to try this even though he knows there is a possibility of denial. Matt said they would try to find the \$2,000.00 somewhere just like in the past if Dan can't find it. Ben Nigliazzo, a taxpayer that was present said that he would donate \$1,000.00 if the Commissioners would match it.

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Sheriff Kenny Freeman said the Sheriff's Department would match it. Matt thanked Ben and Sheriff Freeman for their donations. Bob made the motion to allow Dan to proceed with the grant. Dave seconded. Motion passed unanimously.

Dan asked if there are any limitations on what he may be able to do, other grants, etc. Matt said he would like for Dan to get information on each one and bring them to the Commissioners to look over.

Ellie Bright, Attorney, said the Commissioners need to decide with the ongoing lawsuit of Clerk vs. Auditor about how the attorney fees are going to be paid. Ellie's concern is the attorney fees are accumulating. She said the county needs to make a decision if they are paying both attorney fees or if they are setting aside a certain amount for both. Both attorneys are present and she has told them that this is not a platform to come make their case on whether the attorney fees should be paid. She also said there were things posted on social media today about coming to protest. She said that she has spoke with the State Board of Accounts and they said basically that is within the discretion of the county. She said it is very unfortunate that the county is in this situation and that they taxpayers may be expending funds. The attorney fees total approximately \$20,000.00 (total of both) at this time. Matt said he would like to hear some comments from taxpayers.

Ben Nigliazzo said he felt that a very honorable group just presented that they needed help with finances (Veterans) and that was an amount that was difficult to say yes to from the County level. He feels that the county should not pay for any kind of civil action suits. He said that should be regulated through the guidance of the Commissioners. He said the \$2,000.00 was difficult for the County and it makes no sense to spend \$20,000.00 for 2 employees of the county, under the Commissioners, that are fighting. He is 100% opposition for the county putting any money toward the lawsuit.

Mark Dove (who is also attorney representing the Clerk) said he agrees with Ben 100%. This is not something that the county should put any amount towards. He said if the county decided to pay these fees he would be one of the attorneys getting paid and he is against it. He said it is not authorized by the state law in any way. Ellie said that the Council would have to appropriate the money if it is approved. He reported that Clerk Amy Thompson has not asked the county to pay her attorney fees, she has paid everything herself so far. He said bottom line is one office holder doesn't have the authority to tell another office holder how to run their office. He said it is not right to use taxpayer's money for this. He said if they are determined to make a gift of taxpayer money, which he as a taxpayer don't think they should, wait until the case is over and see who, in court, turns out to be right. He said he is urging not to pay either. He said Amy Thompson started the law suit, she has paid for it and it will be going to court next week. Ellie asked Mark, didn't he request that if the county decides to pay Tessia's that they should also pay Amy's? Mark said he did but that Amy said she doesn't want the taxpayers to pay. Amy said if they do pay for hers she wants it put back into the Clerk/Election budget for expenses as they are running in the red right now.

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Next Ed Hannon, Tessia's attorney spoke. He said he is not here to argue the case as they are doing that in court. He is of the opinion that this shouldn't be going to court as Tessia didn't do anything to bring this lawsuit on or bring the fees upon herself. She is defending herself for doing her job. She was doing her job and trying to implement a process that gets the county into the modern age in record keeping. This was approved by the Commissioners, training was set up and the only person who did not attend was Amy Thompson, Clerk. He said Amy has said that she will not do what has been asked for her by both the Commissioners and by Tessia, as the fiscal officer of the county, the one who has the most to lose if the numbers/accounting goes bad. Matt interrupted and said he does not want the attorneys to be arguing the case. Ed's point is that Tessia did not bring this on and she is incurring fees. He said if this had been brought to the Commissioners before a lawsuit was filed no fees would have been occurred. She is a victim. She is being sued, not as an individual, but as a public officer elected to do her job. He feels the attorney fees should be discussed at court and possibly have the judge decide. He said he feels it is wrong for a person in a public office to be sued for doing her job and not being reimbursed by the taxpayers who elected her, particularly where the situation where she is being sued by another officer who has elected to do it on her own, without first coming to the Commissioners to talk about trying to get things resolved.

Mark followed up saying that Ed had stated the Commissioner's authorized this and each one gave Mark a deposition and said each of them said they didn't understand exactly what it was that was going to happen. She wanted this software to help her office and, in fact, the gentleman from the software company said that this would help a lot of the offices but mostly the Auditor and the Treasurer. An argument ensued between Ed and Mark. Matt and Ellie both interjected. Ed said Mark misrepresented what the deposition testimony was, that 2 of the Commissioners said that they expected every office of this county to use the system that Tessia recommended and was approved.

Matt said he feels part of the blame is on the Commissioners, part on the Council, part on Tessia and part on Amy. He said he is not a technical person and when Tessia asked for the program she assured him it was a pretty good thing to do and other counties were doing it and it was going to make her job easier and it was basically moving the county away from the massive amount of paper that we have in the basement. This program was to make it easier when State Board of Accounts asked for something. He said Tessia is only trying to do her job, the same thing for Amy. He is not saying either one of them are wrong, they both have valid points and because the Commissioners were unable to determine if one person is correct and the other incorrect, the only choice is for it to go to court and let the judge determine. With that being said, he also agrees with the fact that at this point the attorney fees are tabled and see what the judge says. Ben Nigliazzo asked about putting a cap on the attorney fees. Discussion was held on this. Bob made the motion to table until the judge makes a decision. Dave seconded. Motion passed unanimously.

Nicci Lucas, HR, requested for a part time weekend position for JC Animal Control to be filled. This is already budgeted. Bob made the motion. Dave seconded. Motion passed unanimously.

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Nicci also has a request from the Extension Dept who has a vacancy for Program Assistant. This was approved and appropriated for earlier this year. It is fully funded. They are still finishing up the fair awards, etc. Bob made the motion. Dave seconded. Motion passed unanimously.

She also has a travel request from Jerry Shepherd, there was a meeting he found out about after the last Commissioners Meeting and he is submitting his paperwork now. There was no cost incurred other than travel. Bob made the motion to approve. Dave seconded. Motion passed unanimously.

Nicci said she was in front of the Commissioners 2 weeks ago to talk about the FLSA testing that she did for the new software timekeeping system. That was tabled at that time and she was to send it to the department heads. There were some corrections made. There is concern that 1st Deputies and part time employees are labeled as hourly-excluded, meaning they will not be considered for OT/Comp time. Discussion was held on this. Bob made the motion to allow the 1st Deputies to accrue comp time. Dave seconded. Motion passed unanimously.

The Jail Committee consisting of Mike Gerth, Sheriff Freeman, Ellie Bright, Bob Ellis and Howard Malcomb were present, Greg Wilds is also on the committee but not present at the time. Mike and Sheriff Freeman spoke on the HVAC. The Committee has had different opinions on which system is best for the jail. In the July meeting they decided that the next step is SPECs be done on the heating and air and then bid it out. The majority didn't want the SPECs to be done by someone who is also going to bid on it. Matt said the first step should be to do a request for proposal for design for the HVAC. He said that Kurt with Johnson/Melloh had already gone down that road and had a design drawn up. He understands that there is 2 different views, one that the guy that designed it is going to be bidding on it and also that Kurt is so far ahead of the game that if the county asks anyone else we're moving backwards as they would have to do the bid process, etc. This has to be done this year and it is already August. Matt asked if the Jail Committee is prepared to use Kurt's design plan or to start over with requests for proposals for the design process. Sheriff Freeman spoke and said that the inmates are his responsibility. He said that in order for a decision to be made you first need a decision matrix. The matrix includes cost, energy efficiency, return on investment, how long it will take to pay for itself and will there be money left for other projects in the jail and do we need to finance that. The committee agreed this does not need to be financed. He said Kurt has not designed this. He said he would charge \$68,000.00 to design it and he was told no. If he has started he is on his own without approval. There was another contractor who put together a like-item replacement of what is there. He went through blueprints, etc. There was suppose to be 2 boiler systems, there is only 1 boiler now. In that proposal it is included that 2 boilers are put in. They will be more efficient than the current one. In addition, all the heat pumps will be replaced (26 heat pumps). They will save 40-50% of the current energy used. He compared this to how much geothermal would save. It would save about 50% but the cost is \$500,000.00 more with geothermal. He then checked the return on investment in years, the like-to-like replacement would pay for itself in 18 years; the geothermal would take 25.8 years. He feels that the like-to-like system is better. He said every year they shut down the cooling tower in the fall and

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empty it. There have been times when they needed to cool down in November and you can't because it is turned off and it takes a week to bring up. The system was designed to be on all the time, all year long. There is a control system that they did away with after the first year the jail was built. The like-to-like cost also includes putting that system back in place that runs the heat pump, cooling tower and the boilers. This would allow different temperatures in different areas as needed. Mike Gerth said the committee just wants to see the process get started. Nothing is happening. Sheriff Freeman said he thinks the geothermal is a waste of money. He is all for replacing what they have and having a control system that makes it work correctly. He said he thinks the replacement is more cost saving. Discussion was held on the 2 different options. Matt said the next step would be to find someone to do Request for Proposal. Sheriff Freeman said he doesn't want to be part of that, he has wasted enough time on this. He said he will put his own boiler in out of Commissary and the Commissioners can figure it out next year. He said this has been going on since January, the committee was formed 3 months later and now it's August and nothing has been done. Matt said he doesn't want Sheriff Freeman to put a boiler in. Sheriff Freeman left the meeting. Ellie said the next step is to have specs drawn up by someone who is not going to bid on the project. Ellie said they first need to determine whether the Commissioners want to employ someone to write Request for Proposal and then go from there. In the meantime, Greg Wilds, maintenance, came in. Matt asked Greg's opinion. He said he understood that even if they go with Geothermal, a small boiler would be installed as a backup. That is still an option. Johnson-Melloh recommended this. Greg said he doesn't know if a like-to-like system can give both heating and air at the same time. He said the facts are that Geothermal would do both. Test well drilling for the geothermal (26 heat pumps) was discussed. Howard Malcomb said the back-up boiler should be put in as a backup now. Greg said if they are going to do the boilers as the main system it would take a larger boiler than what would be put in for backup to the Geothermal. Test wells are approximately \$5,000.00-10,000.00. Greg said he will get on this tomorrow. Matt said he will look for someone to draw up the paperwork for the Request for Proposal. Bob made the motion to proceed with the geothermal test wells. Dave seconded. Motion passed unanimously.

Mary Kilgore, Recorder, gave her resignation letter from the Visitor and Recreation Commission. She is also asking for an ordinance that supports the Recorder's Office to require parcel numbers and prior recording number of the document on a deed. Matt asked if this could be tabled and addressed at the next meeting as Ellie had stepped out of the meeting. Ellie then came back in the meeting. Discussion was held. Ellie asked Mary if her office is willing to help someone find this information if needed. Mary said they will help those that will need it. Bob made the motion to adopt the ordinance. Dave seconded. Motion passed unanimously.

Zach Walker was at the meeting after his request of County Right of Way was tabled at the last meeting. Ellie talked to Zach, Dave Lane (as a taxpayer) and REMC. Zach had asked REMC to put up utility poles so that the residents of the road he lives on has better service. He met with opposition by Dave and other

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adjacent property owners. Zach felt that if the County authorizes the right of way then the property owners don't have to consent. Ellie spoke with 2 individuals at REMC and they both told her they will not help 1 REMC member to take off another REMC member. If everyone isn't in agreement to work for the benefit of the co-op then they won't do it. She also said that even if Jennings County consented to use the right of way there is some trees and/or property that would have to be disturbed on individual's property and it would still need property owner consent. She said if there isn't the consent of all the property owners then it still won't happen even if the county consents. Zach said he has done some work since last meeting. He offered to pay out of his own pocket for restitution. He said there is State Statute that says that the county can establish easement. He understands that REMC is not willing at this point but may in the future. He is asking for the Commissioners to establish a county road right-of-way. He said the ditches and grass mowed along that field are mowed by the county tax money. Ellie said this would be Prescriptive Easement or Easement by Necessity. There was much discussion between Zach and Dave. Bob made the motion to not allow the easement. Dave was unable to vote. Motion passed unanimously.

Next was a letter from the AmVets asking for a donation from the county. It is stating the donation would stay locally. Matt said he recommends that they do an advertisement with them that says something like Jennings County Cares About Our Veterans. Floyd Bowman from the audience said he is afraid if this is approved then other groups would be there asking for donations and the county is having issues with the budget. He said he would donate \$20.00 and pass the hat for other donations. Dan Brookbank, Veteran Officer, agreed. The hat was passed and \$230.00 was collected.

Tessia said the Commissioners need to give their recommendations on Budget Form 144. Bob made the motion to approve a 2% raise if the council can fund it. Dave seconded. Motion passed unanimously.

Good Samaritan wants to use the gravel portion of the fairgrounds parking lot on several dates (10 times between now and December 16), Saturdays 9-1 and Wednesday 3-7 distributing food. Jim from the Highway Dept said there are no conflicts on the dates. Randy Shepherd asked about issues with cars and the school buses on Wednesdays. Matt said this will be addressed. Bob and Dave agreed. Matt made it unanimous.

Bob made the motion to approve prior minutes, Dave seconded. Motion passed unanimously.
Bob made the motion to sign payroll and claims. Dave seconded. Motion passed unanimously.

Pam Petry from the Health Dept said there has been some grant funding for Covid 19 and a letter of intent was sent in due to the deadline. This is not an obligation but saves a spot if it is approved. This is for a testing site to be in Jennings County. This would be open to other county residents and that is how all of the testing sites are. Bob made the motion to move forward with this. Dave seconded. Motion

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passed unanimously.

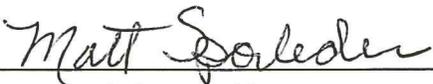
Pam also reported that Jennings County has had 242 positive tests, 12 deaths. She is afraid things will escalate in this area with the flu season coming, schools going back, etc.

Matt reported that there is a recent vacancy to the Tourism Board and asked if anyone is interested.

Bob made the motion to adjourn. Dave seconded. Motion passed unanimously.



Tessia Salsman, Auditor



Matt Sporleder, President



Bob Willhite, Vice President



Dave Lane