

**PERRY COUNTY BOARD OF COMMISSIONERS
MINUTES – FEBRUARY 7, 2022**

The Perry County Board of Commissioners met at 6:00 p.m. as was duly advertised. All commissioners President Thomas J Hauser, Randy Kleaving and Gregg Jarboe were in attendance. In attendance were County Administrator, Teresa Kanneberg and County Attorney, Chris Goffinet. Sheriff Alan Malone was also present. A *News Representative* was not in attendance.

The meeting opened with the Pledge of Allegiance.

AGENDA

Tom said he had some items to add to the agenda. They are:

1. Payroll benefit claims
2. Approve surplus of Detention Center dishwasher
3. Ordinance for PTABOA board.
4. Need to remove Personnel Policy Changes

Gregg made the motion to approve the agenda with the amendments, seconded by Randy. Motion carried 3-0.

PAYROLL CLAIM

Randy made the motion to approve the payroll docket in the amount of \$150,287.94 for the January 31, 2022 payroll for all employees and a missed pay of an employee on February 1, 2022 in the amount of \$1,666.80. Gregg seconded the motion. Motion carried 3-0.

CLAIMS

Gregg made the motion to approve the claims dated February 7, 2022 in the amount of \$465,480.79 and \$262.34 for County General, \$67,689.57 for County Highway, and Advances in the amount of \$1,443.99, \$55,734.80, \$375,848.00 and \$507.81 for a total of \$966,967.30. Randy made the second. Motion carried 3-0.

PAYROLL BENEFIT CLAIMS

Randy made the motion to approve the payroll benefit claims in the amount of \$317,690.71, seconded by Gregg. Motion carried 3-0.

MINUTES

The minutes of October 18, 2021, November 10, 2021, November 16, 2021, December 2, 2021, December 21, 2021 and December 29, 2021 were mailed to the Commissioners for their review. There were changes sent to Auditor Pam Goffinet and the changes were made before these were printed. Gregg made the motion to approve all the minutes except for November 10th and December 29th, seconded by Randy. Motion carried 3-0. Randy made the motion to approve the minutes of November 10th and December 29th, seconded by Tom. Motion carried 2-0 with Gregg abstaining.

APPLICATION TO CUT RIGHT OF WAY – ALONG OLD SR 237 BETWEEN MOZART ROAD AND BOUNDARY WAY

Highway Superintendent Steve Howell came before the Commissioners with an application to cut right of way along Old SR 237 between Mozart Road and Boundary Way by Lochmueller Group. He said there will be a waterline replacement of a new 8” water main from an old 6” water main project for the Tell City Water Department. The proposed main will be west and parallel with Old SR 237 (primarily in the grass). Approximately 8 replacement service lines will be directionally drilled across Old SR 237. Randy made the motion to approve the application, seconded by Gregg. Motion carried 3-0.

ORDINANCE – ESTABLISHING STOP SIGNS ON OLD STATE ROAD 37

County Attorney Chris Goffinet presented an ordinance establishing stop signs on Old SR 37 near Perry Central School to the Commissioners. Chris said that Steve Howell, Highway Superintendent, contacted him about the ordinance for stop signs at two places around Perry Central School. One would be the intersection of French Ridge Road and Old SR 37, this shall be designated a three way stop and the other one is the intersection of Old SR 37 and the two ingress and egress roads leading from Perry

Central School property, this shall be designated a two way stop. Chris said the highway superintendent is directed to install the stop signs and motorists are required to stop by law. Tom mentioned that this has been the plan for a while for safety reasons around the school.

Gregg said somebody came to them from Derby about speed bumps. Gregg asked with the speeding, is there any possibility putting stop signs somewhere there or rumble strips. Steve said this is in Rome. He said there is already a stop sign there. They could put rumble strips down.

Randy said since there is no parking along SR 37 at the school, it has made it better around the ballgames. Gregg made the motion to approve the ordinance, seconded by Randy. Motion carried 3-0. (See Attachment "A" O-C-22-2)

ORDINANCE – ACCEPTING A DEDICATION OF CERTAIN RIGHT OF WAY

Attorney Goffinet said that JK Forever Homes, LLC and the Highlands Subdivision Home Association have requested that they be able to dedicate certain easements and rights-of-way located within the Highlands Subdivision as public roadways. This would put the roads in the county system. Chris said there is an ordinance in the county where the roads have to comply with the county standards. He said they have asked at this point that not all the roads be taken over but just the ones listed in the ordinance that are Annandale Way, Glengarry Court, Aberdeen Way and the entrance area from Old SR 37 to Tartan Way. The others will be asked later when completed. Chris said that Steve Howell went out and looked at the roads. Steve said they all looked like they are up to standard. They are in good shape and just paved this summer. He said he didn't see any reason why not to take them over. Gregg said he assumed there is documentation or testing that shows the roads were done to standard. Steve said they just went and looked at them. They looked at them before they were paved and had the required basin, subsurface and drainage all there with curbs and guttering. Chris said the process is if you choose to do this, I have an ordinance accepting these roads into the county road system. He said he also prepared a right-of-way dedication which is a document that will be recorded in the Recorder's office that will be signed by you where they dedicate the platted rights of way to the county for public purposes. Tom said this puts the roads on the inventory list and we will get paid from the state on these. Randy made the motion to approve the ordinance and the certain right of way, seconded by Gregg. Motion carried 3-0. The Commissioners thanked JK Forever Homes for investing in Perry County for housing. (See Attachment "B" 0-C-22-1)

ORDINANCE – ESTABLISHING PTABOA (Property Tax Assessment Board of Appeals)

Attorney Chris Goffinet said he and Assessor Mendy Lassaline were discussing the PTABOA, which under Indiana law can be either a five member or a three-member board as determined by the Commissioners. He said the statute lays out who appoints whom, the Commissioners appoint some and the Council appoint some of the members. If a three-member board, the Commissioners appoint two members and one member by the Council. Chris said Assessor Mendy Lassaline is present if anyone has questions as to why she thinks this is necessary. Chris said he is not making a recommendation; he is simply providing the ordinance. The proposed ordinance was sent out to the Commissioners to review prior to the meeting.

Gregg asked Mendy if there is a reason why we are going from five members to three members. Are we not getting any applicants? Mendy stated that we never had five members per state statute. It was always assumed she was one of the five and at some point, that changed. She said there were three voting members and one non-voting member because of the way it says about the level II or level III status. Unless that has changed, there are not any other individuals other than in her office. Gregg said he didn't have a problem with that. He was just wondering about the three or five members. Gregg asked Teresa how many applicants we have gotten for this board. Administrator Teresa Kanneberg said one so far. Gregg said he is sure the current members will apply. They are Tony Hollinden and Martha Dupre. Tony is the Council appointment. Mendy said if you have five members, the Commissioners appoint three and the Council appoint two members. Gregg asked Chris if we set it at five members and only have three because we don't have people to apply, is this in violation. Chris said no as long as everyone shows up. A majority is a quorum, so they have to be there and a majority has to approve. So, three would have to be a unanimous vote and you couldn't have anyone gone. Gregg said even though you only had three, the quorum would still be three because you have two vacancies. Chris said correct. Randy said if we go down to three,

there would only be three voting members. So, the quorum would be two. Chris said correct. Gregg said there is one week yet for letters to be turned in. Mendy commented that the appointments are scheduled for the next meeting. They have to be turned in by February 14th. Gregg said he doesn't have a problem, if we can get people to apply is the big thing. Mendy said we need people that are knowledgeable in real estate values. Chris said the only qualifications are that you have to be 18 years of age and knowledgeable in real estate. They want you to have level II or level III certified appraisers on there in certain numbers but we don't have any in the county, so we have always struggled with that. He said the Council and Commissioners have the legal right to waive that requirement if there are not any available. Gregg asked if they could table this until we see how many people apply. He said if we can have five, let's have five if we have got qualified people. If not, we will shove the number down at the meeting before we make the appointments. Randy said he thinks a little different on this. He would rather have three. Then if you get five people apply, you pick out the best ones. Randy said in so many boards, it is hard to get a quorum anymore. Mendy said these meetings are during the day and all day long. It could be one or two days according to the number of appeals.

Randy made a motion to move the board to a three-member board. Gregg said to Tom he could second it. Tom asked what the options were to table. Gregg to see if we have people to apply. Chris stated the law reads you are supposed to appoint annually and has discovered this has not been done. He said the statute says who are appointed are to serve until their successor is appointed so they are legally able to operate. So, we don't have to appoint the next meeting, we can wait another meeting. Gregg asked if Mendy had a set of appeals coming up. Mendy said those are done from last year and then once the form 11's go out, then there will be another 45 days. Tom said he chooses not to second the motion. Gregg made the motion to table until the next meeting, seconded by Tom. Motion carried 2-0 with Randy abstaining. (See Attachment "C" 0-C-22-3)

ANIMAL WELFARE, CONTROL & EDUCATION BOARD APPOINTMENT

Randy said there were some questions on the ordinance. Chris stated that the way the appointments were is that the Commissioners are the appointing body for a certain number and then Tell City and Cannelton appoint members also. Some of the members are at large and some are from an animal welfare organization. He said those organizations that qualify are allowed to make recommendations but the ultimate decision on who is picked is the Commissioners choice. When their term is up, the ordinance says that the position is supposed to be filled 30 days before it actually expires. Then like most ordinances do, the sitting members term will continue until his or her successor is actually appointed. Chris if for some reason it wasn't done 30 days before, and done sometime after the term expired, they would just serve on until they were either reappointed or a new person was put in place. There is one open spot for animal welfare organization. Chris said the person currently serving there will serve until the new person is chosen. Randy asked Teresa if we have one spot and two candidates. Gregg was talking with Tonya Rankin and she is a member of the Humane Society and also said she is a candidate if they are voting on it tonight because she put her letter in a month before tonight. Gregg said there are three candidates. Teresa informed them that she had letter of interest from Shannon Sturgeon and a letter from the board in support of Shannon, Jim Carter with a letter of support from the Humane Society and Tonya Rankin. Tonya said she would step aside and let Jim have it. Randy made the motion to appoint Shannon, seconded by Tom. Motion carried 2-1 with Gregg voting against.

2022 TITLE VI PLAN AND GOALS & ACCOMPLISHMENTS

Teresa said that Title VI Implementation Plan is a part of Perry County's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under the Title VI of the Civil Rights Act of 1964, Code of Federal Regulations, and related anti-discrimination statutes and regulations. As a recipient of federal funds, Perry County must conform to Title VI and all related statutes, regulations, and directives which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency. Teresa then went over the accomplishments of 2021 and the goals for 2022 for the county. Gregg told Teresa this is a lot of work and he appreciates it. He asked about the subrecipient review, does this apply when we give grants as with the ARP committee. Do we have to put something in the contract we sign with them or the language we do at the end. Chris said probably.

Teresa said with the regulations, there would have to be something. Gregg said we need to keep this in the back of our minds when we do the templates and stuff. Gregg made the motion to approve the Title VI Implementation Plan for 2022 and the goals & accomplishments report, seconded by Randy and he thanked Teresa. Motion carried 3-0.

APPROVAL TO SURPLUS DISHWASHER AT THE DETENTION CENTER

Sheriff Alan Malone asked the Commissioners to declare the old 2014 dishwasher at the Detention Center that is sitting in the garage as surplus so he can get rid of it. He said it is no good anymore and they had to get a new one. Gregg said it is nice chunk of stainless steel. Do you get anything for that anymore? Alan said he is willing to look and see. Whatever we get will give back to the county. Gregg made the motion to declare it surplus, seconded by Randy. Motion carried 3-0.

MISCELLANEOUS

Tonya Rankin came before the board and said that what happened before with the animal board was blatant. She doesn't think the Commissioners have anything in mind of changing the welfare of the animals of Perry County. She said she is not saying the animal board is not doing what they can but it would help to have a new set of eyes, ears and a new perspective. She doesn't think they considered that. She said her phone is shut off from now on and is going to give out the Commissioners numbers and the boards numbers for abused and neglected animals.

Jim Carter said he sent out a letter to the Commissioners and County Attorney and wanted to make sure they received it. He informed the Commissioners that he had no problem with Shannon Sturgeon's, appointment to the Animal Control Board. He said he is protesting not the ability of the person but the eligibility is what is in question. Jim said if they don't do things properly, what else is not being done properly. He also said he disagrees with Chris, County Attorney. This was not done legally and it is based on the timelines. He said this is in the document he gave them. When there is a blatant time statement in an ordinance, the Commissioners and the Animal Control Board should know. Jim said he gave them suggestions on how to solve this. One is to table this appointment temporarily and the second is to create two new positions. Town of Troy to have an at-large appointment and the Commissioners to have one of them represented. This would give seven members on the board. Jim thinks this is very reasonable. There are 116 members of the Humane Society and only one qualified candidate in the timeline as stated in the ordinance. He said there are lots of people upset about this. He said if you don't follow this ordinance, what else are you not following.

Chris said Jim's position is not correct. He said he is only advising the Commissioners. Tom said the eligibility was followed legally. If Town of Troy wants to petition them, then we can look in to amending the ordinance. Chris also stated that the Commissioners do not have to appoint the candidate recommended. Tom stated again that they did appoint legally according to counsel.

Herbie Landers came before the Commissioners to let them know that proposals are being worked on for the new animal shelter. He said the board will review them at their meeting on February 18th and then present to the Commissioners. Gregg said the Commissioners next meeting is on February 15th. He asked if the board could meet on the 14th. Someone asked Herbie what Fix-a-Stray is. He said they spay, neuter and get rabies shots for cats and dogs. They raise their own money. If they have money, they will help. They have helped over 358 cats in the past two years.

Becky Thorn asked who are they to call when there is an animal issue. Gregg said the protocol for calling in animals is to call dispatch. Tom said it is set to coordinate with dispatch for lack of confusion. Gregg said the officer on call will decide about the animal. Tom said dispatch will contact the appropriate people to go out. Gregg said the ones at dispatch know what to do. He said the number of cads they do is important for documentation. Becky also asked how the person looking into the shelter acquired a set of keys. Gregg said he gave them to her, actually Harrison County Animal Control. He said he did this because they have dog huts and we are going to have food there. They can go in there to get what they need for that animal. Tom stated we needed Commissioner action for that. Gregg said since we are subcontracted with them, he thought it was okay.

Jim stated he is withdrawing his plan for the shelter and is in favor of Shelby from Harrison County plan.

Teresa announced that the next regular meeting of the County Commissioners would be Tuesday, February 15, 2022 at 9:00 a.m.

The meeting ended in open session at 6:55 p.m.

Minutes approved this 4th day of April, 2022.

Thomas J Hauser
President

Randy Kleaving

Gregg Jarboe

*Minutes prepared by:
Pamela L Goffinet, Perry County Auditor*