

FRANKLIN COUNTY COMMISSIONERS MEETING
APRIL 25, 2017 – 10:00 A.M.
COMMISSIONERS/COUNCIL MEETING ROOM, #203

The Franklin County Commissioners met in regular meeting on April 25, 2017, at 10:00 a.m. in the Commissioners/Council Meeting Room. Those present were Tom Wilson, Tom Linkel, Eric Roberts, Carol Westerman and Karla Bauman, Auditor.

Open - The meeting was called to order and the pledge of allegiance led by Tom Wilson.

Eric Roberts moved to move out of regular meeting to Drainage Board meeting, seconded by Tom Linkel, all in favor. The following drainage discussion took place.

Grant Reeves – Reservoir Road – removal of obstruction from private drain – there is a procedure for the county drainage board to follow. The drainage Board in this case can only remove the obstruction. However, the obstruction is a full pipe. The county has limited authority under the act. The County could establish a public drain. Hopeful that some solution could be worked out. Prescriptive easement had to be in place when the pipe was put in over the Erfman property. A judge would determine the prescriptive easement rights. We will need property owner cooperation.

Tom Wilson – the county's responsibility is with removing the obstruction only.

Nathan Meyer – The County has no authority to offer or provide a solution, only to remove the obstruction. The best solution, with agreement, the county would grade the property properly, leave the existing 12 inch pipe there, but there is minimum amount there. It still may not drain to Jones liking. Mr. Erfman paid and installed that pipe. Somebody would have to pay for that and it wouldn't be the county. Draining the property and lowering the pipe and decide who is going to pay for the lowering of the pipe.

Lance Bruns – Not sure why he received a notice of this hearing. Nathan stated that a small portion of his property would drain to this pipe. Everybody who it shows drains to this pipe got a letter.

John Estridge – The original petition is missing. A hand written petition was given to Steve Brack, former auditor. Handwritten note from Steve Brack that he did receive the written petition. Grant – we need to revisit the prior decision.

Jim Alberts, professional engineer, had a question – what exactly is the path moving forward and would like to see a resolution.

Jerry Erfman – this drainage issue only happens once or twice a year with a monsoon. “Degree of Damage” question to Grant Reeves. Undue harm to the property. “Creating a creek” where one does not exist.

Eric Roberts – remove a small amount of dirt, gentle slope to allow water to flow thru there. ~~According to county engineer and surveyor it will lay wet. Nathan, yes it will lay wet during~~ those times of heavy rain. As the water drains it will become dry again. Put driveway in at his own expense and put that in at the request of Mr. Jones. Mr. Jones said Eckerle installed it wrong. Installed according to county. I will allow the 2 foot tile to run thru my property.

Tom Wilson – agree that it will fix it but it goes beyond our scope of authority.

Tom Linkel – Open Swale as damaging property – Grant – it would have to be challenged.

Don Jones – the water is backing up onto my property, a lot of property owner’s water in the area drains onto my property. I just want the water to keep on flowing. The water flow stops and backs up from Erfman’s property. Right now when it rains it is a flood plain. It is a swamp. A ditch would be improving the property, not damaging it. We had proceedings here the fall of 2012, it was left that it needed to be determined how much each property owner would pay for it. The pipe needs to be lowered.

Grant – difference between watercourse and a drain.

Alberts – this is where the water has always drained – Linkel - agreed

Eric- it is a natural waterway, the pipe in the ground is for agricultural not residential

Alberts – not sure what the original design was for the 12 inch pipe, need a clear path from one pipe to the next. Steady gradual decline. It would not hold water like a pond. A 24inch buried pipe would be good, but a swale would also solve the problem. Removing the dirt.

Tom Linkel – his opinion is his idea of fixing it is installing a 24 inch pipe. But we can’t do that. Remove the dirt to create the swale (county) who is responsible for lowering the pipe. Nathan – that is Mr. Erfman’s personal property (the pipe). Shared expense of all property owners.

Motion by Tom Linkel, put a proposed swale from Reservoir Road thru Mr. Erfman’s property and lowering the pipe at least 6 to 8 inches, - no second

More discussion –Lance Bruns –I disagree (.118 acres within the area of the 13 acres in the area)

Jerry Erfman – were going to court – You are going to not only damage my property but you also want me to pay for it.

Joann May – complained about a shed on Erfman’s property that the water drains onto her property.

Tom Linkel – on that my motion stands, - Tom Wilson, seconded his motion. Tom Linkel said his earlier Motion died for lack of second.

Nathan – What are you asking me to remove?

Erfman – What is the obstruction?

Eric Roberts – Don would you help pay for another 12 inch pipe – Don Jones – No, the water does not just come from my property only. Linkel - It will cost the county money.

Motion - Tom Linkel – I move that we go to Reservoir Road and fix the drainage issue with our Highway Dept. and resources and that we lower the pipe under driveway 6 to 8 inches and a natural fall from one pipe to the other and that we seed and straw mat it. No cost to local property owners, seconded by Eric Roberts, all in favor.

Grant Reeves – We need a motion about the obstruction. Linkel – I move that there is an obstruction and that it is not intentional, seconded by Eric Roberts, all in favor.

Jerry Erfman -- I am ok with Mr. Linkel's proposal.

Keep track of our expenses if it is necessary to recover only the costs. Eric Roberts estimate pay from General Improvement Drain Fund.

Betty Lecher – Why are all the taxpayers paying for this?

NEXT DRAINAGE BOARD ISSUE:

Bill William Messerschmidt – Drainage (Horseshoe Bend & Pine Rd.) – We have a petition that all of the neighbors have signed. When the neighbor moved in he put a double wide and there was natural drainage but it isn't there anymore. Most of the neighbors' property stays under water. He has completely rerouted the water. Need the county to take a look at it. I am not against what he is doing I just want it done right. Block one possible two natural waterways.

Motion – Eric Roberts acknowledges Mr. Messerschmidt petition and that Nathan go out, Linkel seconds, all in favor.

Drainage Board Meeting closed

Regular meeting reopened: - APC and unified code

Grant Reeves – adopt a zoning ordinance – a municipality can participate in planning process if they adopt the zoning code in its entirety. What happened in this case is that the participating municipalities did have their own needs, initial adoption in entirety and then the municipalities asked for 17 changes. Came back before the county and the changes were made to the actual zoning code, Mt. Carmel, Brookville Oldenburg can operate with changes. Different requirements between town and county needs – example dogs barking and number of yard sales allowed. Tom Wilson asked “do they have to go with the county comprehensive

plan”?”The towns basically passed a comprehensive plan to get grants. Recording of Plan –That is their issue. The statute says it should be on file with the recorder.

Veronica Voelker – Mobile Home Permit Ordinance 2017-08 to establish a non-reverting treasurer fund. We have many mortgage companies wanting the complete list of taxpayers. Other counties are charging a fee for this – \$500 for a complete electronic file and \$200 for delinquent property tax sales. All fees collected and receipted into this fund will pay for the fees incurred by SRI for tax property sales. Mobile Home Permits – Veronica will be back next week as further research is needed on the language used in the ordinance – “Public Defender Non-Reverting Fund”. Eric Roberts - put exact fund number to be used in the revised Ordinance.

Minutes – Motion to approve, Tom Linkel, seconded by Eric Roberts, all in favor.

Claims – Motion to approve claims by Tom Linkel, seconded by Eric Roberts, all in favor.

Payroll – Motion to approve payroll by Tom Linkel, seconded by Eric Roberts, all in favor.

Clerk report – Tom Wilson acknowledges receipt of Clerk’s March report, seconded by Tom Linkel, all in favor

Ted Cooley – FC Engineer – Updates: Contract to sign Enneking Pressure Cleaning for Award of Bid from last meeting. No motion just signing of the contract. There are two plans for the Sixth Street Bridge project – Plan A- close the bridge (5 to 6 weeks); Plan B - leave the bridge open for vehicle traffic (10 weeks)

Motion - Motion to go with Plan B on Sixth street project for INDOT by Tom Linkel, seconded by Eric Roberts, all in favor.

INDOT – Letter of Understanding (Closure of US 52): All damages need to be documented. Motion to sign Letter of Understanding by Tom Linkel, seconded by Tom Wilson, all in favor.

Mobilcomm Maintenance Agreement – E-911: Motion to sign Mobilcomm Maintenance Agreement for E-911 by Eric Roberts, seconded by Tom Linkel, all in favor.

Mobilcomm Maintenance Agreement – Sheriff’s Dept: Motion to sign Mobilcomm Maintenance Agreement for Sheriff’s Dept. by Eric Roberts, seconded by Tom Linkel, all in favor.

Internal Control Report – Karla Bauman: Internal Control Committee met on Thursday, April 13, 2017. The following details were discussed. The purpose of reporting this to the Commissioners is for the official recording of those meetings for the Indiana State Board of Accounts.

We reviewed the various departments to ensure that the employees have been trained and whether or not written plans had been submitted detailing the internal controls implemented.

Two offices have not submitted written plans, however, it was also noted that a written plan did not need to be submitted by any law or local policy and that the written plan was only a recommendation.

Becky Oglesby expressed her concerns with the Court system exempting its employees from the personnel handbook. Discussion was had that this committee nor the County has any governing authority over the court employees, but that the Court as a separate branch of government does. It was expressed by Neysa Raible that the employees of the Court serve at their pleasure.

Discussion was had about the \$100 material discrepancy. Was the loss to be reported to SBOA just to be about actual cash loss (money) or if errors in reporting that result in loss should also be reported. Any loss of \$100 or more in office supplies should be reported as well. Questions were raised as to who is in control of reporting and maintaining the office inventory. Discussion was had about the improper spending of approximately \$12,000 in the Law Enforcement fund that that was collected monthly by the Clerk and receipted in county funds incorrectly. The proper fund for accounting of this money was not set up and the claims for spending were not properly filed. Becky Oglesby expressed that she did not want the County to have to pay for this mistake and that the Auditor should just look forward not back. No solutions were offered on how to pay for the claims that will be filed by the local or state law enforcement agencies when they file their claims for the money that was collected and held on their behalf. There is no money there to pay it.

There was a discussion in regards to the recent audits in particular about the bid process and duties of the Auditor. After some discussion on the County receiving bids and quotes and what process should take place, it is the recommendation of the Internal Control Committee that the Board of Commissioners establish a written policy in regards to processing Bids and Quotes.

County Inventory – There was a discussion on the importance of maintaining an accurate County inventory list. Equipment valued under \$5,000 should have a white sticker and inventory over \$5,000 should have a green sticker. It was also discussed that elected officials or employees who are using their own equipment should also have a properly identifiable sticker on the items and a list maintained. That way when an elected official or employee leaves, the items being removed are properly tracked and nobody can be accused of removing county property from the premises.

The one item that should have been discussed at this meeting in light of what was discussed at the last commissioner's meeting, was the deliberate sabotage of office equipment and deletions of government documents from the computer system in the Recorder's office. No sticker placed on the equipment is going to stop an elected official or employee from intentionally behaving in a spiteful manner. It took three IT Vendors and eight working days to get back up and running fully. The deleted government documents were not recovered. This is

a major internal control weakness. I did report the situation in the Recorder's office to both law enforcement and the Indiana SBOA. Any weakness in internal controls with safeguarding government documents and government equipment needs to be addressed immediately. All government offices need to know the law governing government preservation of records and the proper process for shredding them according to the record retention schedules. Also, that records must be maintained showing what records were destroyed. This is another internal control weakness that needs to be addressed soon before any more government documents are permanently lost. With today's technology, everything can be scanned and maintained electronically prior to destroying the paper document.

Now in regards to the recent audit and findings:

Changes have been implemented with the Claims and Payroll processing. In fact, many department heads are probably getting frustrated with us with claims being held for a lack of appropriation or transfer of funds. All payroll vouchers are now being signed and verified to correctness.

The E & H bridge invoice is the same invoice that was used as far back as 2011 and I would imagine long before that as well.

County Form 115 (Bidders Record) is no longer in use Per The County Bulletin, October, 2014. Not sure why that form was mentioned in the most recent Audit.

The Sick Leave Policy is something that was in place in prior years. Not sure why that was not carried over when the new handbook was done. This has now been fixed.

The insufficient controls to ensure that wages are paid according to the salary ordinance are in place. We are presently operating in non-compliance with our current salary ordinance. Timesheets and Employee Service Records are being maintained by each office, with copies to the Auditor.

Most of the issues in the report deal with the Auditor's office and we will fix those processes.

Roof Damage & Repair: Eric Roberts discussed the current roof damage and options. There will be no further insurance proceeds received. There is no other option but to replace the roof. Eckstein Roofing will do the work on this project. Roof Replacement will cost \$10,134; Roof Repair will be \$3,100 and Roof Spikes will cost \$2,700.

Motion: Tom Linkel moved to go ahead with the Roof Repairs and Bird Proofing as presented by Eric Roberts in the total sum of \$15,934, seconded by Eric Roberts, all in favor.

Payroll – Motion to approve payroll by Tom Linkel, seconded by Eric Roberts, all in favor.

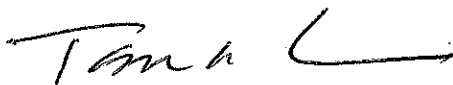
Adjourn: Motion to adjourn by Tom Wilson, seconded by Tom Linkel, all in favor.

Others Present: Ted Cooley, Ruth Riehle, Mark Simmermeyer, Betty Lecher, Mildred I. Simmermeyer, Nathan Meyer, Perry Knox (Durham), James Sprague, Sara Duffy, Donnie Jones, Carolyn Erfman, Jerome Erfman, Veronica Voelker, Wayne Monroe, William Messerschmidt, Tim George, Jim Alberts, Joan May, Jesse Barton, Sharon Halcomb, Karis Troyer, Marty Hon

Minutes from April 24, 2017 accepted.

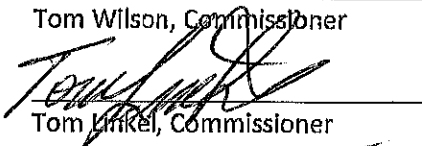
Aye

Nay



Tom Wilson, Commissioner

Tom Wilson, Commissioner



Tom Linkel, Commissioner

Tom Linkel, Commissioner



Eric Roberts, Commissioner

Eric Roberts, Commissioner

Attested By: Karla J. Bauman
Karla J. Bauman, Auditor