

**MINUTES
FOUNTAIN COUNTY COMMISSIONERS
OCTOBER 7, 2019
8:30 A.M.**

**The following Fountain County Commissioners were present at the meeting:
Craig Stalter, Don Hesler and Tim Shumaker.**

PUBLIC COMMENT - None

Seth Miller – concerning private lane

He was not in attendance, but the commissioners will be looking further into his concern of this private lane getting maintained by the highway dept.

DECLARE 4-H WEEK

4-H is the youth development program of our nation's Cooperative Extension System. Learn more about how 4-H youth development programs help America's youth gain valuable academic, leadership, and life skills and create opportunities for youth to take on challenging responsibilities in community service projects and more.

A motion was made by Tim Shumaker and seconded by Don Hesler to declare it 4-H week Oct 6-12, 2019. Vote: 3-0

MINUTES

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the minutes of the September 16, 2019 meeting as presented. Vote: 3-0

CLAIMS #1 - 208, Monthly Claims & Payroll Claims

A motion was made by Don Hesler and seconded by Tim Shumaker to approve the Claims. Vote: 3-0

Report of Collections - as submitted:

Ambulance, Clerk, Health Dept., Recorder, Prosecutor, Sheriff

Review & Acknowledge Treasurer's Bank Reconciliation and Monthly Comparison Report of Funds

A motion was made by Don Hesler and seconded by Tim Shumaker to acknowledge the Treasurer's Bank Reconciliation for Sept. 30, 2019 and Monthly Comparison Report of Funds. Vote: 3-0

Covered Bridges – Henry Schmidt, Chairman of the Historical Society along with Carol Freese spoke to the commissioners on the need to stabilize the Cade's Mill Bridge before winter. Mr. Collum estimated that it would take around \$15,000 to do so. They have raised the money through private donations and would like the Commissioner's approval to begin the work.

They asked if the County Highway department would come out and remove the brush and fallen tree around the bridge so that work can be done. Jason Lewis agreed to get to it in the next couple of weeks.

A motion was made by Tim Shumaker and seconded by Don Hesler to allow the work to begin on stabilizing the Cade's Mill Covered Bridge, with the donations from private donors. Vote: 3-0

DEPARTMENT HEAD REPORTS

County Highway - Jason Lewis

The county highway department has been busy removing brush and putting up new signs around the bridges that have been mandated by the State. They also will be working on a bridge that has had a couple big tree limbs fall on it. He will be turning it into the insurance.

Emergency Management - Joe Whitaker

A couple of the grants that he had applied for were recently approved:

Indiana Dept. of Homeland Security Grant Program**County Public Information reader board - \$13,006.00****County Public Information 2- reader boards and Warning Grant - \$32,612**

One for a reader board for the County Highway and 2 more reader boards for whoever needs them. He also got grant funding for Code Red for the next few years. Over 12,000 in Fountain County have signed up for it already.

He is still waiting to hear about the grant for the Body Scan for the new Jail and a grant for the Ambulance Department.

Congratulations was made to Joe Whitaker for being awarded the Outstanding County ADA Coordinator and EMA Director of the year by the AIC.

Ambulance - Garth Kagels

The phone/internet system needs to be upgraded out at the med shed. They lose connection often and it causes a major problem. He called to see how much it would be to connect in with the Jail. It will be more expensive but would have a much better connection. Right now he is paying \$185.00 and it would go up to \$389.00 a month. They are tied into the State EMS System, which is required, and with the connection going in and out, it doesn't report properly. Veedersburg is having issues as well.

Health Department - Erich Haley

Tim inquired about the burned house in Stone Bluff. It will be going to court based on the Unsafe Building Law. The county will be able to have the house removed and put a lien on their taxes for the amount.

They have also condemned a house on 140. There were squatters living on the premises and it was up to code.

Cemetery Commission - Jasper Fogelman

According to the Assessor's office there is not an easement recorded. Jasper has a survey from 1955 that supposedly shows an easement but it was never recorded. The County Attorney does not believe that the commissioners have any say whether or not they have a survey done since the commission is separate from the county. Don Hesler will talk to the Sheriff about the rights of Jasper being on this property.

Judge - Stephanie Campbell

Gabriel was Tradecraft was in on Saturday to determine the damage of the ceiling in the hallway by the circuit court offices. He will not be able to start on the project until December. They need to decide a way to fix the walls and ceiling so that it doesn't damage the murals in any way.

Transfers - County General IV-D

\$50.00 From 1000-0381-33600 Repair & Maintenance
To 1000-0381-22000 Office Supplies

A motion was made by Don Hesler and seconded by Tim Shumaker to approve the \$50.00 transfer.

Vote: 3-0

Sheriff/Jail - Terry Holt**Permission to donate excess inventory of hairbrushes & toothbrushes to Hope Springs Safe House.**

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the donation.

Vote: 3-0

SpyCare Service Agreement - \$2,950 yrly for 3 years

The SpyGlass Group LLC did an Audit in 2018 to evaluate and eliminate excess phone lines, etc. This would monitor phone bills monthly with access to login by users to stay on top of their billings. NO DECISION WAS MADE

Hall Electric - 5 year Lease Agreement (Sept. 1, 2019 – August 31, 2024)
Monthly rent @ \$1,580

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the 5-year Lease Agreement. Vote: 3-0

2nd Reading

Ordinance 2019-8

**AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS
 ESTABLISHING A REGULATED DRAIN CONNECTION
 PERMIT, PROCEDURE, AND FEE**

A motion was made by Don Hesler and seconded by Tim Shumaker to approve Ordinance 2019-8. Vote: 3-0

Ordinance 2019-9

**AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS
 APPROVING THE ALCOHOL AND DRUG SERVICES PROGRAM**

A motion was made by Tim Shumaker and seconded by Don Hesler to approve Ordinance 2019-9. Vote: 3-0

Ordinance 2019-10

**AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS
 ESTABLISHING THE COUNTY USER FEE FUND (NON-REVERTING)**

A motion was made by Don Hesler and seconded by Tim Shumaker to approve Ordinance 2019-10. Vote: 3-0

Ordinance 2019-11

**An Ordinance Establishing a Fountain County Sheriff's Office Prisoner
 Processing Fee \$25**

A motion was made by Tim Shumaker and seconded by Don Hesler to approve the Ordinances. Vote: 3-0

1st Reading ZONING Ordinance

PLAN COMMISSION – Zoning Ordinance 2019 - 13

The County Attorney presented the Commissioners with a favorable certification of amending the current land zoning ordinance, on behalf of the Advisory Plan Commission.

**THE NEXT MEETING WILL BE MONDAY,
 OCTOBER 21, 2019 6:30 P.M.**


 Attest-Brenda Hardy


 Craig Stalter


 Don Hesler


 Tim Shumaker

ORDINANCE 2019-8

AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS
 ESTABLISHING A REGULATED DRAIN CONNECTION
 PERMIT, PROCEDURE, AND FEE

WHEREAS, pursuant to Indiana Code § 36-9-27-15, each regulated rain in Fountain County is under the jurisdiction of the Fountain County Drainage Board;

AND WHEREAS, pursuant to Indiana Code § 36-9-27-17, permission to outlet or connect into a regulated drain requires the County Surveyors review;

AND WHEREAS, the Fountain County Commissioners have found that requiring a Drainage Permit prior to connection to a regulated drain will best serve the interests of the Fountain County citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS, that Ordinance Number 2019-8 is hereby enacted and it shall read as follows:

Connecting to a Regulated Drain

(A) Petition for Attachment.

1. Before connecting to a regulated drain, the landowner must Submit the Petition for Attachment form provided by the Fountain County Drainage Board.
2. The Petition for Attachment must be completed in its entirety and include a non-refundable fee of \$150.00 to defray administrative costs.
3. The Petition for Attachment must be submitted to the Fountain County Drainage Board

(B) Review by Surveyor.

1. Upon receipt of the Petition for Attachment, the County Surveyor shall contact the Petitioner to collect additional information related to the Petition.
2. If the County Surveyor determines that the regulated drain is adequate to handle the additional flow of water, if any, that would result from the connection, and that no harmful pollution is likely to result from the connection, the County Surveyor will grant the request and forward the Petition with approval to the Fountain County Drainage Board.
3. If the County Surveyor determines that the regulated drain is not adequate to handle the additional flow of water resulting from the connection without being reconstructed, the county surveyor will deny the request, and the request may not be granted until the regulated drain is reconstructed.


(C) Issuance of Permit.

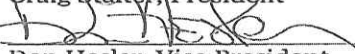
1. The Fountain County Drainage Board will issue permits to connect to a regulated drain after receiving the Petition and approval from the Fountain County Surveyor.
2. The Fountain County Drainage Board may bring suit to enjoin any connection or outlet into a regulated drain that does not have a permit pursuant to this Ordinance. If a violation is discovered, the land owner will have 15 days to correct the violation. If the violation has not been corrected within 15 days, Fountain County may begin assessing a \$500.00 per day fine until the violation is cured.

IT IS FURTHER ORDAINED that this Ordinance shall become effective immediately.

Adopted this 7th day of October, 2019.


A MAJORITY OF THE
 FOUNTAIN COUNTY BOARD OF
 COMMISSIONERS


 Craig Stalter, President


 Don Hesler, Vice President


 Tim Shumaker, Secretary

Attest:


 Brenda Hardy, Auditor

J. Kent Minnette, Indiana Attorney No. 21362-45, Taylor, Chadd, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933, (765) 364-1040, prepared this instrument.

I, J. Kent Minnette, affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

201902263 ORDC \$0.00
10/07/2019 09:58:43A 2 PGS
Nicole M Allen
Fountain County Recorder IN
Recorded as Presented



ORDINANCE 2019-9

AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS
APPROVING THE ALCOHOL AND DRUG SERVICES PROGRAM

WHEREAS, pursuant to Indiana Code § 33-37-8-5, each County has a County
User Fee Fund into which is deposited certain court fees collected by the Clerk or
Probation Department;

AND WHEREAS, Indiana Code § 33-37-5-8 allows the County Clerk to collect
alcohol and drug services program fees set by the Court in a County that has
established an alcohol and drug services program;

AND WHEREAS, Indiana Code § 12-23-14-2 provides that such alcohol and drug
services program may be operated by the Court or under private contract;

AND WHEREAS the Fountain County commissioners have found that
establishing and maintaining and alcohol and drug services program is in the best
interests of the Fountain County citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE FOUNTAIN COUNTY BOARD
OF COMMISSIONERS, that Ordinance 2019-9 is hereby enacted and it shall read as
follows:

APPROVAL OF THE FOUNTAIN COUNTY ALCOHOL AND DRUG
SERVICES PROGRAM

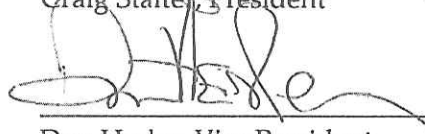
The Fountain County courts may operate an Alcohol and Drug Services
Program in compliance with Indiana Code 12-23-14.


IT IS FURTHER ORDAINED that this ordinance shall become effective immediately.

Adopted this 7th day of October, 2019.

FOUNTAIN COUNTY, INDIANA,
BOARD OF COMMISSIONERS



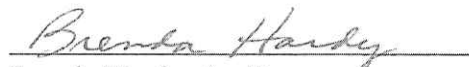
Craig Stalter, President

Don Hesler, Vice President

Tim Shumaker, Secretary

Constituting a majority of the Fountain
County Board of Commissioners

ATTEST:



Brenda Hardy, Auditor

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ORDINANCE 2019-10

AN ORDINANCE OF THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS ESTABLISHING THE COUNTY USER FEE FUND (NON-REVERTING)

WHEREAS, pursuant to Indiana Code § 33-37-8-5, each County has a County User Fee Fund into which is deposited certain court fees collected by the Clerk or Probation Department;

AND WHEREAS, Fountain County wishes to implement various programs and services that can be funded through the County User Fee Fund;

AND WHEREAS, it is in the best interests of the citizens of Fountain County to establish and maintain a County User Fee Fund to provide for various programs and services;

NOW, THEREFORE, BE IT ORDAINED BY THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS, that Ordinance Number 2019-10 is hereby enacted and it shall read as follows:

FOUNTAIN COUNTY USER FEE FUND

(A) *Source of Funds.* Indiana Code §33-37-8-5 establishes a County User Fee Fund. This fund shall consist of the following fees collected by the Clerk or Probation Department:

- (1) pre-trial diversion fees;
- (2) informal adjustment fees;
- (3) marijuana eradication fees;
- (4) alcohol and drug services fees;
- (5) law enforcement continuing education fees;
- (6) jury fees; and
- (7) problem solving court fees.

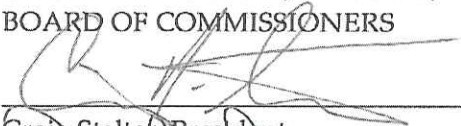
(B) *Use of Funds.* Except as provided for in Subsection (C), all fees deposited into the County User Fee Fund shall be used for the benefit of the program from which the fees are derived. The fees deposited into this fund shall be appropriated by the County Council upon submission by the program officer of a proper claim for funds. The moneys in the fund may be used to support the specific program as provided for by Indiana law.

- (C) *Deferral and Jury Fees Limitations.* All of the jury fees and Two Dollars (\$2.00) of each deferral program fee shall be deposited into the jury pay fund.
- (D) *Non-reverting Fund.* This is a non-reverting fund.

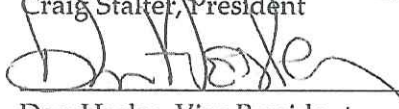
IT IS FURTHER ORDAINED that this ordinance shall become effective immediately.

Adopted this 7th day of October, 2019.

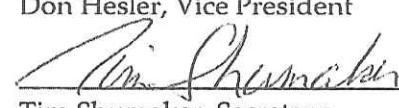
FOUNTAIN COUNTY, INDIANA,
BOARD OF COMMISSIONERS



Craig Stalter, President



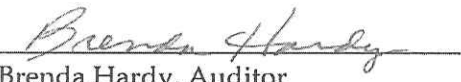
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Tim Shumaker, Secretary

Constituting a majority of the Fountain
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ORDINANCE 2019-11

An Ordinance Establishing a Fountain County Sheriff's
Office Prisoner Processing Fee

WHEREAS, Indiana Code § 36-2-13-5 prescribes a county sheriff's powers and duties. This statute specifically requires that the sheriff's office "take photographs, fingerprints, and other identification data as the sheriff shall prescribe of persons taken into custody for felonies or misdemeanors." The Fountain County Sheriff's Office expends significant time and resources in completing this statutory duty, which persons the Sheriff takes into custody should defray by paying a fee;

AND WHEREAS, the Fountain County Board of Commissioners believes that where a person taken into custody is indigent, the Fountain County Sheriff has the authority to waive this fee;

NOW, THEREFORE, BE IT ORDAINED BY THE FOUNTAIN COUNTY BOARD OF COMMISSIONERS, that effective the 7th day of October, 2019, the sheriff will assess a \$25 processing fee each time the sheriff processes a person taken into custody into the Fountain County Jail.

IT IS FURTHER ORDAINED that the sheriff's processing fee must be collected before sheriff releases the prisoner from jail or the fee must be deducted from the inmate's jail-commissary fund. These funds must be deposited into the Fountain County General Fund. But the Fountain County Council may appropriate these funds to the Fountain County Sheriff's Office for any expenses associated with administrating or complying with I.C. § 36-2-13-5(8), including but not limited to salaries, wages, benefits, supplies, equipment, transportation, and other expenses."

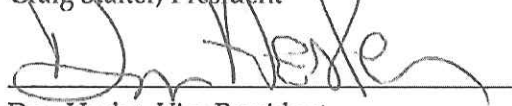
IT IS FURTHER ORDAINED that this ordinance shall be effective upon adoption.

Adopted this 7th day of October, 2019.

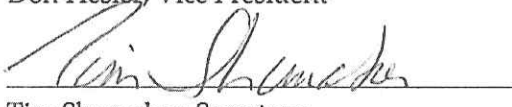
A MAJORITY OF THE
FOUNTAIN COUNTY BOARD OF COMMISSIONERS



Craig Stalter, President

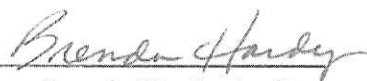


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