The Jasper County Commissioners met this date at 8:15 A.M. C.S.T., in the Commissioners Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present were Auditor Kimberly K. Grow, Deputy Auditor Tina Porter and the Attorney that represents the Commissioners, Eric J. Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Mr. Woodcock.

CLAIMS: Mr. Maxwell stated that he wants to hold back claim numbers 102038, 102048, 10248, 102264 and 102265 for Terry Truck until they receive confirmation that the Highway Department has received the trucks. Mr. Maxwell made a motion to approve the claims with the exception of the five he listed. Mr. Walstra seconded and the motion carried.

PAYROLL CLAIM AND ALLOWANCE DOCKET: Mr. Walstra made a motion to approve the December 14, 2018 and December 28, 2018 payroll as presented. Mr. Maxwell seconded and the motion carried.

MINUTES: Mr. Culp stated that there was a typo that was corrected on the minutes for November 7th. For the November 9th minutes, there were two places under the county health insurance that stated Prairie States where it should have stated UMR. Mr. Maxwell made a motion to approve the minutes for the Regular November 7, 2018 meeting, the Continued November 9, 2018 meeting and the Joint Session on November 20, 2018 with the noted changes. Mr. Walstra seconded and the motion carried.

BURIED CABLE: Mr. Haberlin stated that there is one buried cable request for NITCO along County Road 200 West north of State Road 10 in Wheatfield. They would like to put 1,400 feet of fiber optic cable in the right of way. It will go to a wireless pole and will help the community get better internet. Mr. Culp stated that this is north of County Road 1300 N. Mr. Walstra made a motion to approve the request. Mr. Maxwell seconded and the motion carried.

COUNTY HEALTH INSURANCE: Mr. Dan Fagen was present and stated that everything is going well with the health insurance. He stated that the county was going to go with Principle on the life insurance since it was going to be less expensive; however, after the last disclosure forms were signed, Principle decided not to cover four people or decline the coverage altogether. The handbook states that every full time employee gets life insurance coverage. He said that they checked with other companies but received the same answers. He said they called Lincoln but KBA as the agent will not keep the life insurance. Lincoln is willing to renew the county with a rate increase of $146.61 per month. Financial Arts will now be the agent. The only change other than the premium is that the billing will come directly to the county whereas KBA previously took care of it. Mr. Fagen provided a letter for the Commissioners to sign to reinstate Lincoln as the life insurance provider effective January 1, 2019 and to change the agent of record to Financial Arts. He also provided them with a broker change form. Mr. Maxwell made a motion to approve the Lincoln quote for life insurance for full-time county employees. Mr. Walstra seconded and the motion carried.

Mr. Walstra made a motion to approve signing the termination letter for Key Benefits. Mr. Maxwell seconded and the motion carried.

CHIEF DEPUTY WILLIAMSON / REQUEST TO FILL POSITIONS / SHERIFF’S DEPARTMENT UPDATES / WABASH VALLEY / COMMUNITY CORRECTIONS ADVISORY BOARD: Chief Deputy Williamson stated that his one year salary contract was voted on and approved by the Council. Mr. Walstra made a motion to approve the contract. Mr. Maxwell seconded and the motion carried.

Chief Deputy Williamson stated that Kyle Pfledderer, a senior corporal at the jail who has approximately ten years of service, has resigned to go work at the Pleasant Ridge ethanol plant for a better retirement. He stated that Dave Hickman, who is a twenty year officer, has also resigned to go work at the Highway Department to obtain a second retirement and work the day shift. Mr. Maxwell made a motion to fill these two positions. Mr. Walstra seconded and the motion carried. Mr. Culp asked if Mr. Pfledderer qualifies for retirement or if he’s under PERF.
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

CHIEF DEPUTY WILLIAMSOM / REQUEST TO FILL POSITIONS / SHERIFF’S DEPARTMENT UPDATES / WABASH VALLEY / COMMUNITY CORRECTIONS ADVISORY BOARD CONT’D: Sheriff Williamson replied that he’s under PERF. Only the Merit Deputies are on the retirement. Sheriff Williamson stated that PERF isn’t the best retirement. Mr. Culp asked if they were any closer to a solution on the retirement and Chief Deputy Williamson replied that the Council wants to get something done the first quarter.

Chief Deputy Williamson stated that he will be appointing Jason Wallace as the new Chief Deputy. Katie Ketchen will be moving to full-time court security. Dan Hayes is retiring as a Jail Commander and is being replaced by Justin Burkhart. Chief Deputy Wallace would like to hire Mr. Hayes for part-time court security. Mr. Maxwell made a motion to replace a full-time and part-time court security position. Mr. Walstra seconded and the motion carried.

Chief Deputy Williamson stated that, when they receive a resignation, they start the hiring process as soon as they get permission. He suggested a hiring list. Rather than waiting for an opening to become available, they could bring applicants in twice a year and put them through testing and the interview process and then call people from the list when they have positions available. With the Sheriff and Dave Hickman leaving, they have hired the last person on their list from their last hiring process. Mr. Culp stated that if that’s the way he’d like to handle it, that’s up to him.

Chief Deputy Williamson stated that the second School Resource Officer vacancy has been filled. They hired Durral Hale, who is from DeMotte and lives in Wheatfield.

Attorney Beaver stated that Sheriff Risner and Chief Deputy Williamson would like the county to move forward with the process of requesting a new Gatekeeper (mental health provider). He stated that he looked into it a few years ago. A petition would have to be filed with the state and evidence would have to be provided. He stated that their problems seem to be persistent, even with the new CEO. Each county is assigned a Gatekeeper and Jasper County is in Wabash Valley’s jurisdiction. The county does not have authority to switch providers without approval from the state. Attorney Beaver stated that he’s started the process. Mr. Culp stated that the county pays Wabash Valley twice a year and asked if we are locked in for the first two quarters. Attorney Beaver replied that he would assume so.

Chief Deputy Williamson stated that they’ve always had a good relationship with the former CEO, Rick Crawley; however, the problem with Wabash is that they don’t seem to be affiliated with a hospital. He told a story of a patient that Wabash couldn’t take because they thought she may have some medical issues and with her having mental issues, she couldn’t be kept at the jail so she was released with no help.

Mr. Culp informed Chief Deputy Williamson that there is an opening on the Community Correction Advisory Board and asked him if Chad Pulver would be qualified to be appointed to that board. Chief Deputy Williamson replied that he absolutely would.

Chief Deputy Williamson stated that he will be meeting with Dr. Pulver to discuss the program and the costs, etc.

JACOB TAULMAN / REQUEST TO REPLACE POSITION: Mr. Taulman stated that there is a line item in his budget for a third deputy. It was filled in 2018 by Kirk Merrie for the first half of the year. The new employee will handle most of the child support work. Mr. Maxwell made a motion to approve the hiring of a third deputy. Mr. Walstra seconded and the motion carried.

2019 COUNTY HOLIDAY SCHEDULE: Mr. Culp asked if it was routine to have the day after Christmas off versus the day before. Mrs. Porter replied that it was scheduled as Christmas Eve and Christmas Day in 2018 to allow for a long weekend as Christmas Eve fell on a Monday. He asked if Mrs. Porter received any complaints or requests. She replied that she asked the others in the office and all prefer the day after. Mr. Walstra made a motion to approve the 2019 County Holiday Schedule. Mr. Maxwell seconded and the motion carried.
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

2019 COUNTY COMMISSIONERS MEETING SCHEDULE: Mr. Culp stated that the Commissioners meeting are the first Monday of the month except for September, which is the first Tuesday of the month. They will be held in the morning. There will be two joint sessions July 16th and November 19th. The joint sessions will be held in the evening. Mr. Maxwell made a motion to approve the 2019 County Commissioners Meeting Schedule. Mr. Walstra seconded and the motion carried.

PURDUE EXTENSION CONTRACT: Mr. Culp stated that this is for the annual contract with Purdue that covers the employees. Mrs. Porter stated that Mr. Overstreet informed her the contract is the same as the previous one. Mr. Walstra made a motion to approve the contractual services contract. Mr. Maxwell seconded and the motion carried.

MOOLENAAR PROFESSIONAL LAWN CARE AGREEMENT: Mr. Walstra made a motion to approve the agreement for lawn care at the Courthouse in the amount of $1,010.00 for four applications. Mr. Maxwell seconded and the motion carried.

BONDS: Mr. Walstra made a motion to approve the bonds for the following employees. Mr. Maxwell seconded and the motion carried.

Treasurer
Clerk
Prosecutor
Ida Mae Winter
Pat Harper
Donna Horner
Linda Armstrong
Shannon Kellner
Pat DeKock
Tammy McEwan
Deputy Recorders
Deputy Coroners
Recorder
Surveyor
Assessor
Terri Whitaker
Wannetta Kressin
Deputy Clerks
Kim Mathew
Tina Porter

REQUEST FOR COMPENSATION TIME PAYOUT: Mr. Maxwell made a motion to approve Mrs. Scheurich, the Planning Director, to be paid for her compensation time that she was not able to use. Mr. Walstra seconded and the motion carried.

REQUEST FOR EXTENSION OF VACATION DAYS: Mr. Maxwell made a motion to approve Mrs. Standish’s request for extension of four vacation days for sixty days. Mr. Walstra seconded and the motion carried.

RAY SEIF / REQUEST FOR HEALTH INSURANCE: Mr. Seif stated that he’d like to cancel this request as they have found an option and are going with a health reimbursement plan.

CORONER / CREMATION PERMIT / COPY FEES / W2’S / CLAIM: Mr. Boersma stated that a lot of counties are going forward with charging for toxicology reports that are sent to insurance companies. He stated that they have never charged for them. He further stated that a lot of counties are now charging a fee to issue a cremation permit. Pulaski County charges $25.00 and Illinois charges $50.00. The permit protects the county from someone being cremated before an investigation can be completed. The fee would be paid to the County General Fund through the Health Department. Mr. Culp asked, on average, how many pages a toxicology report has.
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

CORONER / CREMATION PERMIT / COPY FEES / W2’S / CLAIM CONT’D: Mr. Boersma stated that the length of the toxicology report would depend on what they find, but is usually four to five pages. The average autopsy report is eight to ten pages. Mr. Culp asked if toxicology and autopsy reports are sent to the Coroner once completed and Mr. Boersma replied that they are and they are used for basis for what the Coroner wants to put on the death certificate. The reports, by statute, are also available to any insurance company that represents either party. They would send a notarized letter to the Coroner stating who they represent and why they want the report. Mr. Culp asked Attorney Beaver if this would fall under a different scenario rather than just charging for copy fees. Attorney Beaver replied that he would have to look into it; however, there may be state statute that states cap limits. Mr. Culp asked if they are recouping postage when they send out a ten page document, for example. Mrs. Boersma replied that they are not recouping costs for postage or paper and they usually send the reports in priority envelopes, which costs $7.00 each time.

Mr. Boersma asked for a status update on the W2’s. Mrs. Porter replied that she believes Mrs. Robinson sent an email last week regarding everyone being put on payroll.

Mr. Boersma confirmed with Mr. Culp that he received the letter Mr. Boersma sent him after talking with Lori at State Board of Accounts. Mr. Boersma said that he will have to go back to the Council and come up with a per day per diem, which will be put on the salary schedule. Mr. Culp asked if the case per diem is on the salary schedule. Mr. Boersma replied that it’s something that was agreed on when Dr. Spicer was Coroner. Mr. Culp asked if the deputies have been added on to the workmen’s compensation coverage. Mrs. Porter replied that she does not know, but it may be part of them getting put on payroll. Mr. Culp stated that Auditor Grow indicated to him that she’s waiting to hear back from PERF on Mr. Boersma’s back pay. Mr. Culp asked how many deputies they have and Mrs. Boersma replied that they have eleven, but there are four or five that usually go out.

Mr. Culp stated that the Commissioners need clarity on the claim that was withheld at the previous meeting. Attorney Beaver stated that he spoke with Auditor Grow about it and he believes there may be a gap in the policies because there are part-time deputies appropriated by the County Council to be paid “per run”. There is nothing appropriated for them to be compensated for other duties that are not related to a “run”. Mr. Boersma stated “other than the training budget”. Attorney Beaver stated that normally training budget policies only include mileage and expenditures such as meals. He stated that any other county employee is being paid a regular day if they attend a training. However, there is not an appropriation for part-time people to be paid for training. He stated that the Council may need to weigh in and provide a stipend for a half day or full day for employees that are not hourly or salary so they can be compensated for their time doing county duties. Attorney Beaver stated that, once the Council decides on an appropriation such as $50.00 per day of training, arrangements could be made for that to be paid retroactively. Mr. Boersma explained that the training budget has always been divided up amongst the ones that attend training. He said if the county is only going to give them $50.00, they won’t go to training. Mr. Culp stated that the deputies have other jobs and they are taking time off of their other job. Mrs. Boersma stated that she takes the amount that is shuffled in to the training line and divides it by how many days of training were attended and that becomes the daily per diem. She said that, in 2017, the per diem was $250.00 per day because there were more days of training. Mr. Culp stated that the per diem needs to be a set amount per day, regardless of what the budget is. Mr. Culp asked what the budget was for 2018 and Mrs. Boersma replied that it was $3,000.00. If they don’t use money earmarked for attorney fees and money in other lines, she will try to transfer to get the training budget up to $4,500.00 or $5,000.00. Mr. Boersma asked if the claim was still being withheld. Mr. Culp stated that it could be another month. Mrs. Porter stated that Mrs. Armstrong informed her that a decision has to be made regarding the claims for year-end business. Mr. Culp stated that he believes the deadline for encumbrances was a few weeks ago. Mrs. Boersma stated that she’s not sure as she has not received a letter regarding encumbrances, to which Mr. Boersma stated that they usually don’t come out until January. Mr. Norwine stated that he thinks people need to be compensated; however, as opposed to divvying up a lump sum of money, there should be a fair amount set, as Attorney Beaver has stated. Mr. Culp asked Attorney Beaver if the Commissioners can move forward with the claim today or if they have to wait until they get something established in the salary schedule.
CORONER / CREMATION PERMIT / COPY FEES / W2’S / CLAIM CONT’D: Attorney Beaver replied that he doesn’t have a problem with moving forward on it since this issue has been going on for years and in his opinion, doesn’t feel that these are substantial amounts and it’s historically been done this way. Mr. Culp explained to the Boersma’s that, when they make transfers, they are circumventing the budget process. Once the per diem is in place, he doesn’t see where there would be a need for the transfers. There may be certain training days they have to skip because there may not be enough money in the budget. Mrs. Boersma stated that no one in her department knew that they had to provide meal receipts so they are unable to produce those. Mr. Haberlin stated that he spoke with Mrs. Armstrong and she informed him that the deadline for encumbrances is not until the middle of January. Encumbrance letters have not been sent out yet. Claims can be paid until the deadline in January as long as they are dated in 2018. Mr. Culp stated that he thinks they should just go ahead and approve what they withheld and get the policy put in place. He doesn’t like how they divide the budget by the amount of people that attend and how many days they attend. Mr. Maxwell made a motion to approve the claim for the Coroner that was withheld and pay the Coroner Deputies for training. Mr. Walstra seconded and the motion carried.

Mr. Boersma stated that they’ve had seventy seven calls to date.

VETERAN’S OFFICE / CHANGE OF HOURS: Mr. Culp stated that Chris Woodcock, the Veteran’s Service Officer, sent a letter requesting limited office hours so they can work on paperwork and conduct interviews without interruption. He would like to be closed on Wednesdays and open for walk-ins only on Tuesdays and Thursdays. Mr. Norwine stated that, years ago, the Veteran’s Office had one part-time position, then it was a full-time position and now there’s a part-time and full-time employee. Mr. Walstra stated that he’s heard many times that the Veteran’s Office goes through all the paperwork to get someone processed. He’s had individuals thanking him for having someone that can help get the paperwork done. Mr. Culp stated that on one of his visits to the office, Mr. Woodcock explained that he had to drive to a doctor’s office to obtain medical records and read through them to fill out documents to send to the VA. He said that Mr. Woodcock explained that it’s a disruption when someone comes in and he’s trying to work on a case. Mr. Culp stated that he’s concerned that the office will be completely closed one day.

PNC BANK BUILDING REMODEL UPDATE: Mr. Walstra stated that Mr. Andree is struggling to get bids. He’s waiting on bids from Hamstra’s and Titan. Larsen Danielsen was the third company, but they have decided they’re not interested. Mr. Culp asked if the bids are for a layout and design plan. Mr. Walstra replied that that is what Mr. Andree is trying to get. Mr. Culp stated that the main part of the remodeling is an elevator and ADA compliant doors. He said they will also need to design the space. Mr. Woodcock came to the meeting and explained that what he’s trying to do is work out with Mr. Donnelly what his schedule will be for 2019. Mr. Woodcock stated that Mr. Donnelly will either work Monday, Wednesday and Friday or Tuesday, Wednesday and Thursday; however, Wednesday is a must. They would like Mondays and Fridays solely for appointments and Tuesdays and Thursdays will be for walk-ins. This will allow them to focus more on the claims. The office will be open on Wednesdays, but not to the public. They will use this day to go through medical and military files. He stated that Mr. Donnelly will be working thirty-two hours per week. He stated that he’s had a sign on the door for the past few weeks letting people know what the changes will be. Mr. Maxwell stated that he thinks it should be on a trial basis and if they get complaints, they will have to do something different. Mr. Maxwell made a motion to approve the change of hours for the Veterans Service Office on a trial basis for three months. Mr. Walstra seconded and the motion carried.

SICK BANK LEAVE REQUEST: Mr. Maxwell made a motion to approve Julie Wright’s request to use 6.25 days out of the sick bank. Mr. Walstra seconded and the motion carried.

BOARD APPOINTMENTS:

Alcohol Beverage Commission
Mr. Culp stated that Mr. Stevens does not want to be reappointed.

Animal Control
Mr. Maxwell made a motion to reappoint Mark Sinclair, Sheila Schroeder and Tammy Burkett. Mr. Walstra seconded and the motion carried.

Airport Authority Board
Mr. Seif stated that Alan Mushett wants to stay on the board. Mr. Seif stated that the airport had a great year. He said that they received the blessing from Rensselaer School Corporation to proceed with the 2019 Aviation Program. He said they’ve reached out to all area schools, but Rensselaer is the first to go forward with it. Mr. Walstra made a motion to reappoint Mr. Mushett to the Airport Authority Board. Mr. Maxwell seconded and the motion carried.

Board of Zoning and Appeals
Mr. Walstra made a motion to reappoint Mark Jordan. Mr. Maxwell seconded and the motion carried.

Citizens Advisory Committee
Mr. Walstra made a motion to reappoint Daryl King, Gerald Grube and Norris Barnett. Mr. Maxwell seconded and the motion carried.

Civil Defense / Emergency Management
Mr. Maxwell made a motion to reappoint Karen Wilson. Mr. Walstra seconded and the motion carried.

Community Correction Advisory Board
Mr. Culp stated that Kerry Stevens does not want to be reappointed. Mr. Culp suggested Chad Pulver.

Mr. Maxwell made a motion to reappoint Rein Bontreger, Samantha Joslyn, Jacob Ahler, Joe Nesius, Dr. Janice Mallory and Kendell Culp and to appoint Dr. Pulver. Mr. Walstra seconded and the motion carried.

Courthouse & Annex Custodians
Mr. Walstra made a motion to reappoint Harry Carney and Charles Flick. Mr. Maxwell seconded and the motion carried.

County Attorney
Mr. Walstra made a motion to reappoint Eric Beaver as the county attorney. Mr. Maxwell seconded and the motion carried.

Fair Board
Mr. Walstra made a motion to reappoint Dick Maxwell. Mr. Culp seconded and the motion carried.

Health Board
Mr. Maxwell made a motion to reappoint Steven Beaver and Roberta Gutwein. Mr. Walstra seconded and the motion carried.

Highway Department
Mr. Walstra made a motion to reappoint Jean Witherington and Gail Ackerman. Mr. Maxwell seconded and the motion carried.

Iroquois Conservancy
Mr. Maxwell made a motion to reappoint Brian Moore. Mr. Walstra seconded and the motion carried.
IT
Mr. Walstra made a motion to appoint Arcem (Eric George). Mr. Maxwell seconded and the motion carried.

Jasper County Library Board
Mr. Maxwell made a motion to appoint Janelle Harper. Mr. Walstra seconded and the motion carried.

Jasper County Redevelopment Commission
Mr. Maxwell made a motion to reappoint Travis Gutwein, Anne Cecil Egan and Tim Donnelly. Mr. Walstra seconded and the motion carried.

KIRPC
Mr. Maxwell made a motion to reappoint Vince Urbano and Jim Walstra. Mr. Culp seconded and the motion carried.

Kankakee River Basin Commission
Mr. Maxwell made a motion to reappoint Jim Walstra. Mr. Culp seconded and the motion carried.

Northwest Indiana Solid Waste District
Mr. Walstra made a motion to reappoint Kendall Culp, Dick Maxwell, Rein Bontreger and Stephen Jordan. Mr. Maxwell seconded Mr. Culp’s appointment and the motion carried. Mr. Culp seconded Mr. Walstra’s appointment and the motion carried.

Plan Commission
Mr. Culp stated that Sandy Putt does not want to be reappointed. Dave Webb, the Milroy Township Trustee has agreed to accept the appointment. Mr. Maxwell made a motion to reappoint Jim Martin and to appoint Dave Webb. Mr. Walstra seconded and the motion carried.

Planning and Development
Mr. Walstra made a motion to reappoint Mary Scheurich as Director and Kelli Standish as Secretary. Mr. Maxwell seconded and the motion carried.

PTABOA
Mr. Maxwell made a motion to reappoint Jacob Misch and Don Putt. Mr. Walstra seconded and the motion carried.

Public Defender Board
Mr. Walstra made a motion to reappoint Mr. Maxwell. Mr. Culp seconded and the motion carried.

Remington – Carpenter Township Library Board
Mr. Maxwell made a motion to appoint Natalie Hammer. Mr. Walstra seconded and the motion carried.

Rensselaer Disabilities Commission
Mr. Walstra made a motion to reappoint Merrie Etta Stowers. Mr. Maxwell seconded and the motion carried.

Review Board for Common Nuisances
Mr. Walstra made a motion to reappoint Scott Barton. Mr. Maxwell seconded and the motion carried.

Risk Management Board
Mr. Maxwell made a motion to reappoint Kim Grow, Donya Jordan and Kendall Culp. Mr. Walstra seconded and the motion carried.

Town of Wheatfield Plan Commission
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

BOARD APPOINTMENTS CONT’D:

Mr. Walstra made a motion to reappoint Michael Stowers and Gerald Grube. Mr. Maxwell seconded and the motion carried.

Veterans Service Officer
Mr. Maxwell made a motion to reappoint Chris Woodcock. Mr. Walstra seconded and the motion carried.

Water and Sewer Board
Mr. Maxwell made a motion to reappoint Jim Walstra. Mr. Culp seconded and the motion carried.
Mr. Walstra made a motion to reappoint Richard Maxwell. Mr. Culp seconded and the motion carried.

WIND ORDINANCE: Mr. Culp stated that an A3 district has been added as well as a special exception. He stated that, at the previous Commissioners meeting, someone inquired if the siting of each individual turbine has to be approved or would the approval be for the entire project. He said that he believes it’s the whole project. Mr. Walstra confirmed this. The Plan Commission added Number 4 regarding FAA permit applications. Mr. Culp read it aloud with the Commissioners changes. Mr. Seif stated that there’s a process with the FAA. They don’t specifically say what the setback has to be but they do have to submit to a study that has to be compiled based on how tall the tower is and how far it is away from the airport. Mr. Culp asked if the FAA will respond and make a ruling and Mr. Seif replied that they would. He stated that the Indiana Tall Structures Act also goes hand in hand with the FAA. He believes that act should also be referenced in the ordinance. Mr. Culp asked Mr. Seif if the Commissioners should keep it at compliance, which is what they changed it to or leave it as correspondence, which is what the Plan Commission recommended. Mr. Seif replied that they should keep it as compliance, although there are no FAA setback regulations. The Commissioners removed the words “set-back”, but left “regulation”.

There was discussion regarding the Top Soil Preservation Plan. Mr. Walstra had questions regarding who would be responsible for monitoring that. He doesn’t think it’s something that Mrs. Scheurich should be responsible for. It should be between the landowner and the turbine company.

Regarding height limitations, Mr. Culp stated that he thought we went by tip height; however, the ordinance from the Plan Commission states “system or hub height”. There was a brief discussion and they decided to come back to this topic.

Under Location Restrictions (I.2), the Commissioners asked how tall the newest turbines are in Benton County. Mrs. Scheurich replied that she’s heard so many numbers, but that they are at least five hundred and ninety nine, although she’s not sure if that’s tip or hub height. She said that’s an EDP Renewables project. Attorney Beaver stated that NexTerra’s attorney said their turbines are five hundred and ninety feet tip height. Mr. Seif recommended that the Commissioners put the maximum at tip height. He also stated that the eastern portion of Jasper County is a military operating area.

The Commissioners informed Mrs. Scheurich that they will be taking Top Soil Preservation out of the ordinance. She replied that it’s been argued both ways and that she told the Plan Commission that she thinks it should be removed. Mr. Maxwell mentioned the Commissioners possibly requiring that the landowner and the turbine company have an agreement for restoring top soil.

Attorney Beaver asked if Mrs. Scheurich has an application roster with copies of each lease agreement. She replied that she does not have all the lease agreements because she doesn’t believe the wind companies want copies of any of those getting out. She thinks that we would have to have a list of all those that are participating. Mr. Culp stated that, as a property owner, if he were to sign a lease, he would want to make sure they put the soil back, but as a county, it’s really not the county’s concern. Mrs. Scheurich stated that she agrees. The Commissioners are taking Top Soil Preservation out of the ordinance.
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

WIND ORDINANCE CONT’D: Mr. Culp received a text response from Matt at EDP Renewables that the turbines in Benton County have a tip height of five hundred and sixty-seven feet. The hub is three-hundred and thirty eight feet off the ground. Mr. Walstra stated that the length of the blade is two-hundred and nineteen feet. Mr. Walstra stated that five hundred and ninety nine feet as stated in the ordinance from the Plan Commission would eliminate the super turbines.

Under E.1, Mr. Culp informed Mrs. Scheurich that the Commissioners replaced system or hub with tip height. Mr. Culp stated that he’d like to discuss the set-back. He read aloud what the Plan Commission recommended, which is 1.5 times the tip height of the turbine from a property line of a participating land owner. He said that his concern is that, if both property owners are participating, why the need for the setback. Mrs. Scheurich stated that, in I. 2. i., it states that property line setbacks can encroach as long as both land owners are participating. Attorney Beaver stated that he’s not sure he understands the meaning of the exception, or the rule if they are combined. He thinks there needs to be more language in the exception to say that there needs to be a written agreement between two participating landowners to eliminate the set-back requirement. Mr. Culp explained that the exception is for two adjoining participating landowners that may want to waive the set-back. Further discussion took place. Mr. Culp stated that he talked to someone in Benton County and they said their set-back is ½ mile. Mr. Walstra thinks that Jasper County’s set-back should also be ½ mile. Mr. Maxwell stated that he’s also ok with ½ mile. Mr. Culp stated that Olsson Environmental recommends fifteen hundred feet. Mr. Culp stated that they can take out 6.5 times since 2,640 feet is ½ mile. There was discussion on if this distance was to a property line or dwelling. It was determined that it is property line. Mr. Walstra suggested reducing it to 1,500 feet since there’s nothing out there. Mr. Culp asked what they are protecting the non-participating property from by having the higher set-back. Attorney Beaver stated that he emailed some questions to an engineering firm in Kansas City and, according to them, the set-back is a safety measure if a turbine were to fall, a blade were to fall off or the turbine were to have a power failure, for example. Also, the set-back ensures the turbine doesn’t encroach over a property line. He stated that ice throw is another aspect to consider for everyone’s physical safety. Noise is also another concern and reason why there are set-backs, normally fifteen hundred feet, although not needed from a property line in an agricultural area without any residences around. That is also separate from the decibel requirement. He said he asked if there was a reason to have set-backs from private tiles or regulated drains and was told there is not a reason to do that as far as the engineering firm is concerned. They also didn’t feel it was necessary to have a set-back for livestock purposes. The setback from rivers is more for ensuring the turbines aren’t getting down in to the water table and marsh land. He stated that there’s also aesthetics and that’s a little more subjective. Another aspect is shadow flicker.

Mr. Culp asked Attorney Beaver to write up language that would allow it to be 1.1 times unless two adjoining property owners agree and want it to be closer. Attorney Beaver asked if they wanted to limit the waiver for non-participating land owners. He stated that he has not seen a definition defining participating and non-participating. Mrs. Scheurich stated that, within the ordinance, ‘signed contract with a wind company’ is in parenthesis describing a participating land owner. Mr. Culp asked if there may be anyone that wouldn’t care if they were closer than the required set-back, for example if they are neighbors with a family member who has turbines. Mrs. Scheurich stated that it’s possible, but if they are receiving compensation, whether they have a windmill on their property or not, they are participating. Attorney Beaver stated that we really need better definitions for participating and non-participating. There was a brief discussion and it was decided that it will not be the county’s concern whether or not a landowner has signed a contract. Mr. Culp asked Mrs. Scheurich if Mr. Shanks can plot property owners on a map. Mr. Walstra stated that there was some mapping done. Mrs. Scheurich stated that she didn’t get a copy as they all got picked up. Mr. Culp suggested changing the set-back from ½ mile to ¼ mile (1,320 feet) from a non-participating property line.

There was then discussion regarding setback from off-site land uses. They will ask Mr. Shanks to create a map for a setback of 1,750 from all dwellings. Under d.i., the wording was changed to “A minimum of one mile from any existing non-participating residential dwellings, multiple family residential dwellings or churches”. They also changed property line to dwelling unit under d.i. where it states “Under no circumstances shall a utility grade wind turbine system be closer than two times the tip height to a.”.
REGULAR MEETING OF THE JASPER COUNTY COMMISSIONERS
DECEMBER 26, 2018

WIND ORDINANCE CONT’D: The Commissioners decided to reduce the one mile setback from any existing land currently zoned R1, R2, VR, M1 or M2 and the one mile setback from any platted residential subdivision with ten or more lots to 1/3 mile. The setback for a private drain or tile, the setback for the Iroquois and Kankakee Rivers and the setback for Confined Feeding Operations were all stricken.

Regarding noise, Mr. Culp stated that the current ordinance says sixty decibels and the Plan Commission came back at thirty five. Mr. Culp stated that most wind companies recommend the decibels be no higher than forty five. Ollsen Engineering also suggested forty five decibels. There was discussion on where the noise level would be registered from. Attorney Beaver stated that the engineering firm stated that it would be measured from the residence. Attorney Beaver stated that there could also be a range of five or ten decibels for a residence and a non-participating residence. He said that the wind companies are comfortable with 45 decibels. Mr. Walstra asked where they are measuring the noise level. Attorney Beaver replied that it appears that it’s measured at a residence. He said that Warren County recently went through this and they have it as being measured two hundred feet from the residence. He said that it should be between forty and fifty five so as not to affect sleep. Attorney Beaver stated that multiple measuring methods can be used. The Commissioners decided on fifty decibels measured at a residence. Attorney Beaver stated that the wind companies would be agreeable to forty five decibels.

The next item of discussion was shadow flicker. They decided, rather than not allowing any flicker, to allow thirty hours per year at a non-participating residence. There was a brief discussion regarding technology that’s not fully developed yet that will turn on the lights on turbines when an aircraft is approaching. Mr. Seif recommended that, when they get to grass runways in the ordinance, they refer to them as private runways rather than grass strips. Mr. Culp stated that he was approached by three individuals who all have grass runways on the Pulaski County line who are concerned with their airspace. There was discussion regarding how much land on all sides of the runway that should be protected.

There was a brief discussion regarding drainage. They agreed to leave the wording as the Plan Commission proposed.

Route and transportation planning and Pre-Construction Survey was not changed. For Responsibility for Repair after Construction, they added Jasper County Commissioners in place of INDOT Superintendent.

The next topic was regarding the surety for damages related to decommissioning. Mr. Walstra suggested having a third party engineer determine how much it would cost and have it updated every five years. Mrs. Scheurich stated that she removed fees as they were elsewhere in the ordinance.

There was discussion regarding what setback would be needed around the airport and private grass runways. There was further discussion regarding having Mr. Shanks make a map.

Attorney Beaver stated that the first page makes reference to the Jasper County Board of Aviation Commissioners and needs to be changed to the Jasper County Airport Authority.

PNC BANK BUILDING PURCHASE AMENDED RESOLUTION / CONFLICT OF INTEREST: Attorney Beaver stated he has an amended resolution regarding Mr. Maxwell and the purchase of the PNC bank building. Mrs. Porter stated that both resolutions have been recorded, the first one stating that Mr. Maxwell would not be taking a commission and the second one stating that he would be taking a commission. Mr. Walstra made a motion approving the resolution for Mr. Maxwell to receive a commission on the county’s purchase of the bank building. Mr. Culp seconded and the motion carried. Mr. Maxwell abstained.

KNOWINK SOFTWARE: Attorney Beaver stated that KnowInk will abide by the claims process. The contract was approved pending attorney review. He is ok with the Commissioners signing.
BERNARD SEEGERS / WIND TURBINES: Mr. Seegers stated that the top soil should be between the land owner and the wind company since pipelines are done the same way.

There being no further business and no other public comment, this meeting is now adjourned.

____________________________________
Kimberly K. Grow, Auditor of Jasper County