CLAIMS: Mr. Walstra made a motion to approve the claims, as presented. Mr. Maxwell seconded and the motion carried.

PAYROLL CLAIM AND ALLOWANCE DOCKET: Mr. Maxwell made a motion to approve the payroll claim and allowance docket for check dates equal to January 15, 2019 and January 30, 2019, as presented. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Maxwell made a motion to approve the minutes from the Regular December 3, 2018 meeting and the Regular December 26, 2018, as presented. Mr. Walstra seconded and the motion carried.

BURIED CABLE: Mr. Haberlin stated that there is one buried cable request in Carpenter Township for a thirty seven hundred foot fiber optic line for Monsanto. It will be a directional bore. Mr. Maxwell made a motion to approve the buried cable request. Mr. Walstra seconded and the motion carried.

MARK SINCLAIR, ANIMAL CONTROL OFFICER / NEW ANIMAL CONTROL STATE LAW: Mr. Sinclair was present to inform the Commissioners that, effective July 2021, every shelter will be required to spay and neuter the animals before they are adopted. This law has already been passed. He stated that the board is looking at the current ordinances as some will need to be changed slightly before this takes effect. The board is also looking at ways to make this go smoothly. He stated that they do not fall under any exemptions. How this will work is that the person will need to pay a deposit to the shelter and if they get the animal spayed or neutered within one hundred and twenty days, the money would have to be refunded to them.

STEPHEN EASTRIDGE, JCEDO DIRECTOR / BROADBAND: Mr. Eastridge was present and stated that the State has made it a priority to work on and address broadband issues in rural communities and have passed legislation that has opened the door for funding for rural communities throughout the state. The first step for the Commissioners to take is to pass a resolution, which Mr. Eastridge has been working on with Attorney Beaver. This resolution would name Jasper County a broadband ready community. He provided the Commissioners with a list of some of the communities that have been doing this with Benton and Newton being two of the counties that have recently applied. The county would also need to designate a point of contact for future broadband projects. In this proposal, the Economic Development Organization would be the lead contact for future broadband development. The goal is to deliver broadband access to seventy five percent of the population in Jasper County. Economic Development would partner with a company and begin soliciting proposals from them and access state funding to complete the funding package. Mr. Eastridge explained that, when funding becomes available, the State will award funding to those that have applications in first. Attorney Beaver stated that, in addition to naming a contact, the law would require the county to adopt procedures that would streamline a permit process so there is an up or down answer within ten days on any permit application. In general, he believes it is targeting business licensing. Jasper County does not have a countywide business licensing office. It would also possibly touch on buried cable permits and location of wireless facilities, which now goes through the Plan Commission. There could be a process in zoning where there could be an administrative review for a permit request, which could be done within ten days. He said that he spoke with Mrs. Scheurich regarding this. She is comfortable having the authority to review applications and give an up or down answer that quickly. He has not spoken with Mr. Haberlin yet, but said Mr. Haberlin is well versed in reviewing buried cable applications and can consult with the Commissioners. He further explained that the permit applications would be given to the point of contact, who would then be responsible for submitting the applications to Mrs. Scheurich or Mr. Haberlin. Mr. Eastridge is volunteering to be the point of contact.
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STEPHEN EASTRIDGE, JCEDO DIRECTOR / BROADBAND CONT’D: Attorney Beaver stated that the UDO does not presently allow for administrative reviews of wireless and wireline communication facilities location applications so that would need to be changed through the process where the Commissioners can initiate a proposal to do so. He’s unsure if there’s language in the county code about buried cable permits, but that can be taken care of as well. This resolution will name Director Eastridge as the point of contact and commit the county to pass the ordinances necessary to carry out and comply with the state law so the county can submit applications for state funds. Mr. Culp briefly explained the resolution to the public. Mr. Maxwell made a motion to accept the broadband resolution as presented. Mr. Walstra seconded and the motion carried.

KYLER LAIRD / PERMISSION TO REPLACE PROGRAM DIRECTOR / REQUEST TO RENT JASPER COUNTY YOUTH CENTER: Mr. Laird stated that he appreciates the Commissioners appointing him to the Soil & Water Board seven years ago. He said that he’s resigned from the board. Ms. Lana Zimmer stated that, for the past ten years, Dan Perkins has been the Program Director and Soil and Watershed Specialist. Because of his expertise, they have been able to bring a lot of money in to the county to support farmers and try new conservation practices. It’s been calculated that they have brought in $2.00 for every $1.00 the county has put forth towards their budget. She stated that Mr. Perkins has sent a letter of intent that he will be resigning in April. He’s hoping that he can transition a new person in to that role. She stated that they’ve received a federal 205J grant and an IDEM grant to complete a watershed plan on the Kankakee River, which is the last segment that does not have a watershed plan. This project is due to begin March 1st. She requested permission to begin searching for someone to replace Mr. Perkins. Mr. Culp asked her to explain how the funding is handled to pay Mr. Perkins. Ms. Zimmer explained that he has a deputy pay scale. They have supplemented his income with grant money over the last several years. They have enough grant money to pay for someone, including benefits, to start working before Mr. Perkins leaves. Mr. Walstra made a motion to approve the request to fill the position that Mr. Perkins will be vacating. Mr. Maxwell seconded and the motion carried.

Mr. Culp asked Mr. Laird about his resignation from the board and if that position has been filled. He replied that he was elected last time so they submitted a replacement to the State. The board submitted for Mr. Martin, Mr. Martin accepted and the State approved it.

Mr. Laird stated that his father supported the Jasper County Youth Center and it’s always been an interest of his. He explained that his wife’s oldest children have been going to a Montessori school in Hammond and they are looking in to making a change. They’ve thought about building a facility on their farm, as well as a commercial kitchen. He said he spoke with Mr. Culp and understands that the utilities at the Youth Center are currently a drain on the county. He proposes to rent the Youth Center and pay for utilities and cleaning. He said that CASA can stay and keep the two offices they use and share the space on the south side. He would like to use the building for education purposes and the kitchen for their commercial farm needs. He said that snow removal and lawn maintenance was discussed and that it would not be appropriate for the county to continue that once CASA leaves. Mr. Maxwell asked about the daycare. Mr. Laird replied that, right now, they have girls age seven to nine who they plan to hire a Montessori teacher for. They have other people interested as well. Mr. Maxwell stated that he doesn’t have a problem with the daycare, but he does have a problem with them using it for commercial chicken purposes. Mr. Culp asked what their plans for the kitchen are and Mr. Laird replied that his wife makes soups and pastas to sell.

Mr. Culp asked Mr. Pickering about leasing the Youth Center for private use. Mr. Pickering replied that it’s not a problem from an insurance standpoint. He said that, as far as liability, the lessee would need their own policy where they would be primary and the county would be secondary.

Mr. Culp asked Mr. Laird how soon they would like to start with the school and he replied that they’d like to do some cleaning, but school will not start until March. Mr. Culp stated that CASA may be moving out later in the year, in approximately six months. He further stated that the Commissioners have had some feedback from CASA and CASA is concerned about the kitchen use during the time they’re there, although part of that concern may be with them not knowing what will be taking place.
KYLER LAIRD / PERMISSION TO REPLACE PROGRAM DIRECTOR / REQUEST TO RENT JASPER COUNTY YOUTH CENTER: Mr. Maxwell made a motion to approve the rental of the Youth Center to Mr. Laird for educational purposes. Mr. Walstra seconded. Mr. Culp asked Mr. Laird if this proposal will be updated and he replied that this is the proposal he has for today, but changes can be discussed. A vote was taken and the motion carried. Mr. Culp informed Mr. Laird that they will stay in touch and will need a legal document.

SHERIFF WILLIAMSON / JAIL REPORT / PT TIME MAINTENANCE REQUEST FOR JAIL / EQUITABLE SHARING AGREEMENT / CONFLICT OF INTEREST / ANNEX FLOORING ESTIMATE: Sheriff Williamson presented the Commissioners with year-end reports. He pointed out that they are about four officers short. The year-end substance abuse treatment report from Dr. Pulver shows that the number of incidences were down from fifty two in 2017 to thirty two in 2018. The population numbers were down from eighty or eighty two in 2017 to seventy nine in 2018.

Sheriff Williamson stated that he understands Mr. Carney is busy with the new building. He presented a letter from the Jail Commander asking for a part-time maintenance person for the jail. They are interested in hiring David Myers, who is a plumber from Wheatfield. Mr. Myers is also a former Jasper County Correctional Officer. He is willing to work on an as-needed basis and is not interested in set hours. Mr. Culp asked what some of the biggest needs are. Sheriff Williamson replied that there’s an outlet that’s not working in one of the rooms and some lights out in the jail pods. He said on the daily morning walk-through, sometimes they find water leaks because of the hard water issues. Mr. Culp stated that they will take it under advisement.

Sheriff Williamson presented the Commissioners with the Equitable Sharing Agreement (Forfeiture Fund). Mr. Walstra made a motion to approve Mr. Culp’s signing of the Equitable Sharing Agreement. Mr. Maxwell seconded and the motion carried.

Sheriff Williamson also provided a conflict of interest disclosure for one of the dispatchers for painting that she did in sensitive offices. Mr. Walstra made a motion to approve the conflict of interest statement. Mr. Maxwell seconded and the motion carried.

Sheriff Williamson provided the Commissioners with an estimate for vinyl flooring at the Annex. He stated that there was some remodeling work completed. Mr. Maxwell made a motion to approve the quote from DeMotte Carpet in the amount of $1,758.68. Mr. Walstra seconded and the motion carried.

Sheriff Williamson stated that one of the dispatchers left to take a position in DeMotte. It was not for higher pay, but rather for less work as they don’t get as many calls as the Sheriff’s Department does. He requested to fill the full-time position. He stated that she’s willing to come back and work part-time, if the Commissioners are in agreement to that. Mr. Walstra made a motion to fill the full-time vacancy and allow the dispatcher to retain part-time employment status. Mr. Maxwell seconded and the motion carried.

Sheriff Williamson stated that they’ve had a hard time filling the part-time cook position. He said they did find someone that is a decent fill-in for Patsy Hale. He requested permission to use a temp agency in town that can help fill positions such as those. He stated that the Sheriff’s Department would still look over the applications. Mr. Culp asked if he wants the temp agency to find them a permanent replacement. Sheriff Williamson replied that it’s for a part-time position and they wouldn’t need the service now, but would like to have the option in the future. He stated that advertising on social media sometimes doesn’t bring enough people. Mr. Culp asked if there’s special background checks and testing that they have to go through. Sheriff Williamson replied that they would need to have experience in the food industry. He said that the Sheriff’s Department will also do their own background check. He said they met with one temp agency in town and they said that it wouldn’t be a problem to supply part-time help. The county would only pay so much per hour for them to work. The employee will receive no benefits. He said he would not use them for full-time help because the agency charges a fee. The employee would be the temp agency’s responsibility, not the County’s. Sheriff Williamson asked if the fee would be paid out of the part-time line item.
SHERIFF WILLIAMSON / JAIL REPORT / PT TIME MAINTENANCE REQUEST FOR JAIL / EQUITABLE SHARING AGREEMENT / CONFLICT OF INTEREST / ANNEX FLOORING ESTIMATE CONT’D: Auditor Grow stated that she thinks they would need a signed contract and pay it like other contracts are paid and it would not be paid out of personal services. Mr. Culp asked if the county would pay the agency or the individual. Sheriff Williamson replied that the county pays the agency, to which Mr. Culp replied that he would think it would be all rolled in together but State Board of Accounts may feel differently. Sheriff Williamson said he will use the temp agency as a last resort. Mr. Culp informed him that if they do use the temp agency, the Commissioners would need to approve the contract.

Sheriff Williamson stated that, during the cold spell, they had a hard time keeping the offices in the jail above fifty eight degrees. Mr. Culp stated that shutting the government down for two days because of the extreme cold was to protect everyone. They didn’t think they would be able to keep the County Highway diesel trucks running. He told Sheriff Williamson that he appreciates his and Mr. King’s help with EMA. Sheriff Williamson stated that they had an extremely low number of calls on Wednesday, January 30th and Thursday, January 31st. He thanked the community for heeding the warning to stay off the roads.

CONFERENCE REQUESTS: Mr. Walstra made a motion to approve Beth Warren’s attendance at a Fidlar meeting on February 27th in Kokomo. Mr. Maxwell seconded and the motion carried.

Mr. Maxwell made a motion to approve the Treasurer and one of her deputies to attend the Indiana Treasurers’ meeting in Carmel on March 6th. There will be a registration fee and mileage costs. Mr. Walstra seconded and the motion carried.

Mr. Haberlin mentioned Road School coming up in March. He stated that he doesn’t believe there’s a charge for government employees. He said that there are going to be some interesting topics such as MVH and it might be a good idea for Auditor Grow to attend. Mr. Walstra made a motion to approve the appropriate employees to attend road school. Mr. Maxwell seconded and the motion carried.

BOARD APPOINTMENTS: Mrs. Porter explained that Mr. Schmid was appointed to replace Mrs. Cleek and finish her term. Her term originally expired December 31, 2018 so Mr. Schmid will need reappointed. She also stated that, in December, the Commissioners appointed Steven Beaver; however, he was replaced by Dr. Vanderlugt in May.

Mr. Maxwell made a motion to reappoint Brant Schmid to the Animal Control Board. Mr. Walstra seconded and the motion carried.

Mr. Walstra made a motion to reappoint Dr. Vanderlugt to the Health Board. Mr. Maxwell seconded and the motion carried.

Mr. Maxwell stated that Pam Nannenga is interested in serving on the Alcoholic Beverage Board. He said she has worked as an alcohol supplier. Mr. Walstra seconded and the motion carried.

WIND FARM ORDINANCE: Mrs. Scheurich stated that the Plan Commission held their meeting on January 28th on the wind energy ordinance proposal from the Commissioners. They voted 6-2 to disapprove the amendment from the Commissioners. Mr. Culp stated that this is the third time the Commissioners have had discussions at their meetings. He stated that the first ordinance for wind energy in Jasper County was adopted in 2008. The ordinance was then amended thirteen months ago, which is what is in effect today. Mr. Culp stated that this is not about a specific project or allowing turbines in the county.

He went through the first visual on the projector, which is the Existing Ordinance vs. Proposed Amendment. He showed the audience the following maps that were on the projector:

- Dwellings with a 1/3 mile set-back
- Dwellings and 10 lot or more subdivisions with 1/3 mile set-back
- Dwellings and CAFO’s with a one mile buffer
WIND FARM ORDINANCE CONT’D:
Dwellings with one mile set-back from the Kankakee and Iroquois River
Dwellings with six mile setback around Airport and set-back from grass runways
Dwellings and corporate buffer zones

He explained that the Commissioners used these overlays to decide that Division Road would be the dividing line. He said that he was informed by the GIS coordinator that the available land outside of the cross-checked areas is twenty-eight percent, which means that is the amount of land available for wind turbines under the proposed ordinance.

He said that this is not a public hearing, but they will entertain public comments. Nothing has changed from the last meeting. He thanked the Plan Commission for their work on this. He said that he’s looked at and reviewed some of the petitions that have been sent as well as comments online. He said that the public is all over the board regarding this as far as wanting them, not wanting them, some that want bigger setbacks and some that say they don’t believe NIPSCO is closing. He said he’s received calls from people in the northern part of the county that want turbines.

Mr. Culp asked Attorney Beaver to explain what the Commissioners’ options are today. Attorney Beaver stated that Indiana Code 36-7-4-607 Subdivision E4 Sub part B applies. The Plan Commission originally recommended a proposal which the Commissioners then amended and the Plan Commission voted against it, which leads us to this part of the statute. The amendment by the Board of Commissioners at the January meeting will stand only if it’s confirmed by another vote of the Board of Commissioners. If the Board of Commissioners do not confirm their action, the ordinance as proposed by the Plan Commission during their November meeting will take effect. Either the Plan Commission’s November proposal or the Board of Commissioners re-vote of their January amendment becomes law. That does not mean that there cannot be any changes made thereafter. The law allows the Plan Commission or the Board of Commissioners to initiate a proposal to make changes to the Unified Development Ordinance.

Mr. Don Pampel stated that he’s been a Tri-County School Board member for twenty-one years and is speaking on behalf of a person that’s been a board member, not for every member of the community and not for every board member. He stated that, over the last fifteen to twenty years, rural schools with declining enrollment are taking a hit. When Benton and White counties set their wind farm ordinances, they also took the school systems into consideration. They allowed a certain percentage of the funding to go to the schools. Tri-County offers a Pre-K kindergarten program as well as programs that ensure no kindergartener, first grader or second grader takes work home. He said they’ve also set up programs that bring parents in to the schools, including the middle school. He stated that they are a STEM school, one of sixty in the state and they offer new student-based learning programs. The high school is a model school program. He said that wind money, although it’s not a lot of money, funded many of these programs. He said that they currently have a pool project and will be using wind money for the maintenance of the pool once it’s built.

Mr. Craig Standish asked Mrs. Scheurich if the Commissioners do not adopt what was proposed, if the proposal from the November meeting stands. Mrs. Scheurich replied that that is correct. Attorney Beaver replied that what will stand is the Plan Commission’s version or the Commissioners amendment to that version, based on how the Commissioners decide. Mr. Culp stated that in no way do we stay with the current ordinance and Attorney Beaver replied that this is correct. He explained that any misconception of that could be that he may have misspoken at a prior meeting as the statute is very lengthy.

Mr. Tony Walker asked the Commissioners if anyone has provided them with safety manuals since the last meeting. He asked if we are better off to err to the safety of the citizens and go with the Plan Commission’s recommendation regarding the set-back. He asked why they would rush to decide on set-backs when they haven’t seen a safety manual.
WIND FARM ORDINANCE CONT’D: Mr. Mike Weems from Hanging Grove Township asked why McCoysburg was not classified as a subdivision as there are sixteen homes there.

Ms. Mary Finn stated that she and her husband own and manage a wildlife habitat and a bird sanctuary in Milroy Township on County Road 1200 South. She said she’s had experience with wind turbines in California and Texas and she wants nothing to do with them. She asked how this is going to affect them as she doesn’t want turbines near their bird sanctuary or wildlife habitat.

Mr. Kenny Waibel stated that he has sandhill cranes in his ditch on County Road 1200 South and asked why they aren’t also protected.

Ms. Norma Hickman from Barkley Township stated there are many more people than there were eleven years ago and people are more aware of what’s going on. She stated that, if it weren’t for federal money, the wind companies could not afford to operate the turbines. She said she doesn’t understand why the public is being told that an eleven year old ordinance will stand.

Ms. Christine Lasiter (sp?) asked about a moratorium.

Ms. Karen Brewer from Jordan Township stated that the property owners do not have anything in place that’s going to protect the investment they have in their properties. If someone owns zero to five acres and is surrounded by wind turbines, their value will be decreased twenty to forty five percent. She said that eleven percent of the home is not even worth a penny because the home won’t sell. In 2010, there were one hundred and forty four housing units in Jordan Township. A twenty percent decrease in value would equate to over four million dollars and a forty percent decrease would equate to over eight million dollars. She said she is disgusted by this. This does not include any township other than Jordan and does not include any new building permits since 2010. She stated that this will be a huge burden to people with the money they’ve invested in their properties. She said that the Commissioners should protect them with a property value guarantee in the ordinance.

Mrs. Linda Moore asked if there’s been any contact with the military for the military fly-over zone that they use in Jasper County. She stated that it’s ludicrous for the wind companies to say that they aren’t able to provide a safety manual, which leads her to believe that they may be hiding something.

Mr. Molenaar stated that, based on the map on the projector, it kind of looks like the Commissioners have pretty much taken Jasper County out of having a wind farm. He suggested that the Commissioners take no action and go with what the Plan Commission recommended as they spent a lot of time on it and listened to what the public had to say.

Ms. Heather VanDeMark asked if we will have a complaint resolution system put in place and how the Commissioners will go about regulating the flicker on her non-participating land. She then asked if there will be a conflict of interest from someone who voted on this who has a trucking or excavating company. Will that person be able to give bids on these wind projects? She doesn’t think that someone that votes this in should be able to benefit from it.

Mr. Riley Cook stated that he’s from the southern part of the county and thought we were a county as a whole and the county’s been divided down the middle.

Mr. Nate Brown from Carpenter Township stated the he questions why there are set-backs from CAFO’s, but the Commissioners are letting them near homes. He stated that not knowing for sure what the health effects are makes it hard for him to be in support of turbines. He said that there is a lot of data available and a lot of studies that say there could be harmful effects on children’s brain development.

Mr. Jeff Wood from Marion Township stated that he voted for all three of the Commissioners thinking they would represent the county. He said that if it needs to go to a referendum, then that’s what needs to happen. He said that this is the biggest thing to happen to the county since NIPSCO came in and we’re going to have to live with it for a long time.
WIND FARM ORDINANCE CONT’D: Mr. Johnny Balvich asked if there is a link or website that contains proposals that were submitted to the Commissioners and which companies they were submitted by. Mr. Culp asked if he is referring to the proposal being considered today. He replied that he’s looking for a link with the companies that want to put windmills up along with their information.

Mr. Culp closed public comments to address the questions that have been asked. He stated that Mr. Standish’s question was a clarification that Mrs. Scheurich and Attorney Beaver answered.

Regarding McCoysburg, Mr. Culp asked Mrs. Scheurich to address this. Mrs. Scheurich stated that Mr. Shanks had a list of the subdivisions in the county. The subdivisions on the list as well as any over ten lots were put on the map. She said that McCoysburg isn’t recognized as a subdivision but rather a village or a community, but that it probably should have been included on the map and she assumes it just got missed. Mr. Culp stated that each individual home would also have a set-back. Mrs. Brewer asked if it would be from the house or property line. Mrs. Scheurich replied that she believes it’s measured from the house. Mrs. Brewer asked where the set-back is measured in a subdivision and Mrs. Scheurich replied that it’s from the outside boundary.

Mr. Culp addressed the question regarding birds and stated that the birds received a lot of attention by expanding the set-back. He said that their intent was not to protect every crane in the county.

Mr. Overstreet mentioned an environmental study that was done.

Mr. Culp stated that he can’t confirm Ms. Hickman’s statement that we have more people in the county than we did ten years ago. He said, according to the last census, we actually lost population. Ms. Hickman stated that she’s more concerned that the Commissioners are stating that, after eleven years since the first ordinance, that it is now law. It was explained to her that that ordinance is no longer in effect. The ordinance that the county is currently operating under was amended thirteen months ago.

Mr. Culp stated that the Plan Commission did not recommend a property value guarantee. He said he’s not sure how that would be instituted in an ordinance as he is not familiar with it. Ms. Brewer replied that she found online where other counties have adopted property value guarantees. She said that Jasper County should do the same to protect the people of Jasper County.

Mr. Culp stated that safety manuals have come up a couple times. He asked if there were any developers in the audience that wish to speak about safety manuals. Mr. Thornton from EDP Renewables stated that the Vestas safety manual has made it’s way to the internet. The manual is from 2009 and recommends a five hundred meter clearance area during a catastrophic event which should be temporarily followed and is not prescription for a set-back or something that is instituted at all times but more of a temporary recommendation. He said that that clearance area is no longer in the safety manual. He gave an example of an analogy regarding a catastrophic event at a gas station. The set-back area would be larger than the distance at which it is safe to live near a gas station. He feels that that is how safety manuals should be viewed and he would be happy to provide the safety manual when we get through the process, or soon. Many in the audience asked why he can’t provide a manual now. He said he did submit a letter to the Commissioners from Vestas that explained the set-back.

Mr. Culp addressed the MOA (Military Operating Area). He said that it’s come to his attention by several individuals. There are maneuvers from Grissom Air Force Base that are done over Jasper County. They fly A-10’s really low. He said that he’s seen an aerial map and it’s really hard to determine location as it does not give any ground level boundaries. He said he’s made a commitment to some of his neighbors to try to come up with an answer. He said that he had an appointment at the Pentagon with a high ranking individual that he hoped would be able to give him an answer on where in Jasper County that was in effect and what height. He was given a phone number for another individual to contact who has not gotten back to him yet. He stated that, if it’s protected air space, the wind companies would have to get approval from the Department of Defense. He said he was told that that was one of the issues that took Pulaski County off the map.
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WIND FARM ORDINANCE CONT’D: He said that the Department of Defense’s map overrules the county map so this is nothing that needs put on the county map. He said that he is in the process of looking in to this further and did not go to the Pentagon using county funds. He has heard that RES has had an application in for eighteen months and has not received clearance yet from the Department of Defense, although he does not know if that’s true.

He addressed Mr. Molenaar’s question about the Commissioners not accepting the Plan Commission’s recommendation. He said that he was told that the Plan Commission thought some of the things the Commissioners added made sense. He said that the circle around the airport was not in the Plan Commission’s recommendation. There was also no maximum height restriction in the Plan Commission’s recommendation. It stated that it would revert back to the FAA and the FAA would determine what the height of the towers would be. They heard concerns from citizens that they did not want super turbines. The Commissioners set the height maximum at five hundred and seventy five feet. He said that he’s heard from the wind companies and one of them does not like that height limit because they build turbines taller than that.

Regarding the comment about a divided county, Mr. Culp stated that the Commissioners have worked really hard. Mr. Walstra is from DeMotte, Mr. Maxwell is from south of Rensselaer and Mr. Culp is from the central part of the county and represents part of the northern part of the county. He said that it’s easy to pit one part of the county against another part of the county and their decision to use Division road was not to show favoritism to one part of the county or another. He said that they used all the slides to show why that line made sense. Not allowing turbines north of Division Road does not exist in the Plan Commission’s recommendations. He further said that division of the county is certainly false pretense.

Regarding CAFO set-backs, the Plan Commission asked for one mile set-backs around each one. He said the Commissioners found no evidence that turbines are harmful to animals. A few dairy farmers have told the Commissioners that they have no evidence that states turbines are harmful to animals. They have a letter from the Department Head at the Animal Science Department at Purdue University that says there is no research that shows that turbines are detrimental to animals.

Regarding a referendum, Mr. Culp asked Attorney Beaver to address this as he’s not aware of a referendum being allowed for this. Attorney Beaver stated that there a limited circumstances under Indiana law where you can have a referendum. He’s aware of school funding, which was put in place ten or twelve years ago under Governor Daniels for school capital projects and amendments to the Constitution. He said there are very limited circumstances where something can be put on a ballot. He’s never heard of a zoning issue being put on a ballot.

Attorney Beaver said that he doesn’t think a moratorium is a fine tuned idea because we have limited government. There are six government bodies that a wind company would have to go through to put a wind farm in. He said that the Board of Commissioners do not have authority to tell the BZA that they can’t hear an application for a special exception and they do not have authority to tell the Drainage Board that they can’t entertain an application for a drainage permit. He said there is no such thing as a county wide moratorium that the Commissioners can enact. He said he can’t speak for other counties, but that’s his position for Jasper County.

Mr. Culp asked for clarification from Mr. Balvich regarding an online link. Mr. Balvich explained that he’s looking for a link to all the information provided at these meetings, including the Commissioners findings as well as what companies are involved. Mr. Culp stated that there have not been any permit applications in Jasper County from a wind company. He said that RES has been trying to sign up land in Jasper County for four years. There are also solar companies that have been searching out land in Jasper County for probably longer than that. He asked Mrs. Scheurich if there’s any such link and she replied that there’s not. She informed Mr. Balvich that he can go to the Commissioners’ tab on the county web page and get the meeting minutes and the same for the Plan Commission. Mr. Culp stated that Mrs. Porter uploads the minutes, but not necessarily every month. Mr. Balvich asked if the maps are on the county site and Mr. Culp and Mrs. Scheurich replied that they’re not. Mr. Culp explained that copies of maps were provided to those in attendance at the January meeting, which is basically what they are showing today. Copies can be made available if he would like a printed version.
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WIND FARM ORDINANCE CONT’D: Mr. Balvich asked if the wind companies have put in permit applications in other counties because they would have safety manuals. Mr. Culp replied that they are in other counties. Mr. Thornton stated that every project built in Benton County has a conditional use permit process. There is an extensive application process that includes health and safety concerns and environmental impacts. It also usually provides a shadow flicker study. He said that information on projects for the last ten years would be at the Benton County Courthouse.

Mrs. Molenaar stated that, according to the Plan Commission minutes from November 27, 2017, Matt Boys from RES and Matt Thornton from EDP helped write that ordinance.

Mr. Culp asked the public if there were any questions that he failed to address. There being none, he opened the meeting for discussion amongst the Commissioners. Mr. Maxwell asked Attorney Beaver if they pass it as is, can they amend it after it’s passed? Attorney Beaver replied that a proposal can be initiated by the Commissioners to the Plan Commission for a public hearing. Mr. Maxwell asked if they have to make that proposal today and Attorney Beaver replied that they do not. Mr. Maxwell stated that they’ve had more information coming in so they may want to change a few things. Attorney Beaver stated that the Plan Commission can also initiate their own proposals. Mr. Walstra stated that if the Commissioners vote this down, the proposal from the Plan Commission will become law and all the problems they see from that proposal will mean the county will be wide open. The Plan Commission did not have a checked area for the northern part, they only had the Jasper Pulaski area. Mr. Culp stated that there’s also no airport set-back. Mr. Walstra explained to the audience that there are holes in the Plan Commission’s proposal. If they vote to approve the ordinance that the Plan Commission voted against, he would like to put in further set-backs. He said he has a problem with the Plan Commission’s proposal and that the Commissioners cleaned up a lot of what was in that proposal. There’s more to clean up, but he said the Commissioners have to choose one or the other. Mr. Maxwell stated that he knows the Plan Commission worked hard, but they left gaps that the Commissioners tried to cover.

Ms. VanDemark stated that her questions about a conflict resolution process and a conflict of interest were not answered. Attorney Beaver stated that he’s never had that question asked. He stated that if someone is being injured by a zoning ordinance violation, it could be part of a nuisance action. He stated that there is also limited ability under zoning enforcement. He said that language in the amendment states that noise is modeled at a residence and noise varies based on wind. There is technology to do noise modeling ahead of time for sound and shadow flicker. It does not mean that one hundred percent of the time the residence would be below the threshold. If a tower is located fifty feet too close and there’s shadow flicker, moving the tower would be very expensive. This is where the planning process comes in to play. The Board of Zoning Appeals is responsible for approving the location of every tower. The wind companies can model the shadow flicker and the sound. If the modeling is correct, the BZA could take that in to account when approving the location of the turbines. There would be a public hearing and noticing process with this so property owners that are affected by certain issues are part of the process. He said he’s unsure if the county can create, under the Indiana Home Rule Act, a separate cause of action or dispute process. Before the Board of Commissioners today is the setting of what the standards are to be. Ms. VanDemark asked if she could take legal action and Attorney Beaver replied that she would be entitled to notice and the opportunity to attend a hearing at which time she could voice her concerns to the BZA on a particular proposal by the wind company. He told her that she would get notice at her residence if she’s affected. There was a brief discussion on whether this properly addressed her question. Attorney Beaver explained that this is all covered under the dispute resolution process. Ms. VanDemark explained that what she is asking is how the Commissioners are going to regulate what they are putting in to law. Mrs. Scheurich stated that Ms. VanDemark wants to know how they are going to enforce what they put in to the UDO. Mr. Culp started that ordinance enforcement takes place through the Planning and Development Office. Mrs. Scheurich stated that, if she were to get a complaint regarding shadow flicker, for example, her office would need to reach out. Ms. VanDemark explained that what she wants to know is what’s going to happen once someone makes a complaint. What are the Commissioners and Planning and Development going to do? Mrs. Scheurich replied that, if the complaint is valid, she would go to the person causing the issue and if they don’t rectify it, it will end up in the court system. Mr. Culp stated that that goes for anything in the UDO.
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WIND FARM ORDINANCE CONT’D: She stated that the next part of her question is who will be doing the developing. She asked the Commissioners if any of them have excavating or trucking companies. She asked if they will benefit at all from this. Mr. Culp replied that he is not signing his acreage up. Mr. Walstra replied that he has not owned a truck for nine years. She stated that she’s trying to clarify for her family how they’re going to be protected after the Commissioners pass an ordinance.

Mr. Culp stated that he understands that there is a lot of emotion regarding this topic. He stated that, when making a decision, emotion has to be separated from facts. He thanked those who have written to or contacted the Commissioners with positive feedback. He stated that it’s tough to respond when you don’t know who you’re responding to. Mr. Culp addressed the “Save Jasper County” facebook page. He said the page has made a lot of accusations and some were directly to him. One of the accusations was that the Commissioners have had secret meetings, which he said is not true. Another accusation is that the Commissioners have signed a deal with EDP. He said that EDP has not presented a proposal to the county. He asked Mr. Thornton if they’ve signed up any acreage and he replied that they started signing up acreage a few months ago. He said another accusation is that he personally negotiated an agreement with people north of Division Road. He said it’s hard to believe that people think the Commissioners would want to separate the county. He said he’s met with people that have reached out to him. To say that the Commissioners have a personal agenda is false and insulting. He said that a comment was made at today’s meeting that this is the biggest thing to happen since NIPSCO came to the county. He said that he disagrees. The biggest thing to happen is the announcement of NIPSCO closing, which will result in a $5.2 million tax loss, as verified by Treasurer Donya Jordan. The county has to be open to alternatives or everyone’s taxes will increase, especially in the Kankakee Valley School District. He stated that there was a comment made that he is not in favor of a moratorium because it would give the impression that Jasper County isn’t open for business and he stated that is absolutely correct. He said that we want to be business friendly whether it’s wind, solar, hog farms or factories or even a combination of those things. A lot of counties around Jasper have closed their doors and can’t even get a barn passed. Adding a moratorium will shut the door permanently. He asked where the county will come up with the additional assessed valuation that we will be losing from NIPSCO closing. He said if people leave the county because they can’t afford the taxes, home values will go down. He said that there was also a comment made that he promised north-enders that the ordinance would be re-started in sixty days. He explained that he and Mr. Walstra became Commissioners at the same time. There was a rift between the northern and central part of the county due to a lack of trust and what they thought was a lack of representation. This has improved since Mr. Walstra’s was elected. He explained that the term “north-ender” is offensive. He stated that on Save Jasper County’s facebook page, there’s conspiracy theories about how the Commissioners are going to let EDP sneak in to the county. He said that it’s unfathomable that someone can hide behind a facebook page and what’s also unbelievable is that people share and like the posts. He said he will not be responding to a facebook page since he doesn’t know who he’s responding to and chose to respond in this public meeting instead. He said that he thinks some of this is due to jealousy and it’s unfortunate for the entire county. He said that he tries to make a habit of returning constituent phone calls. He said that he’s seen on the individuals’ facebook page where they’ve twisted his words. He said that he thinks he is doing them a favor by hearing them out and they should be respectful. He asked the audience, with knowing what we’re facing in four years with NIPSCO closing, to come up with some positive ideas of their own for the entire county. He said that the Commissioners are trying to come up with some ideas and Mr. Eastridge is working hard to try to bring development in. He said that we can’t be against everything. He encouraged the audience to be positive and try to do something that is beneficial to the county. Division is not beneficial. We are all in this together. Property owners in Kankakee Township will see a real estate tax increase of eighty-five percent.

He stated that the Commissioners are ready to make a decision. He originally thought they had three options, but they only have two. The current ordinance is being replaced. What the Plan Commission originally sent has pros and cons. The ordinance that the Commissioners sent back to them also has pros and cons. The question is which one will give the most protection in the interim if they make another amendment to what is passed today. He said that they have to pass something today.
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WIND FARM ORDINANCE CONT’D: An individual from the audience asked Mr. Culp if the Commissioners could go over the cons from the Plan Commission ordinance. Mr. Culp replied that there is no protection for the airport or the landing strips as well as no height restriction. He said he would like the decision on the height to be made locally and not by the federal government. Mr. Molenaar asked what changes the Commissioners are interested in making after voting on an ordinance today. Mr. Maxwell replied that they have to wait for some information, but one thing is to make the set-backs from residences greater. Mr. Walstra stated that he’d like to change it to at least 2,400 feet from a residence. Mr. Maxwell stated that they want to make sure of what is needed for safety reasons. Mr. Urbano explained that, the reason the technical committee didn’t label things around the airport is because they thought it fluctuated and the same goes for the height restrictions. He thanked the Commissioners for their hard work on this. He said that it’s discouraging that people are posting and making comments online. He said that after the Commissioners make their decision, maybe the Planning Director can call for another amendment. One of the Commissioners can be present and they can work together to get this right. Mr. Maxwell replied that he wants to wait on information before they do anything else.

Mr. Maxwell made a motion to adopt the Commissioners proposal. Mr. Walstra seconded. He stated that he wanted to reiterate that there will be changes on some of the things that are concerning to the public. Mr. Culp stated that the Commissioners proposal replaces the current ordinance. The new ordinance takes effect immediately. He stated that it will give the Commissioners time to get the MOA identified by the Department of Defense. He stated that there is promise of another committee being set. He stated that he likes Mr. Urbano’s idea regarding a joint committee. A vote was taken and the motion carried. He informed the public that their comments and concerns, whether public or private, have been noted.

Ms. Brewer asked how long it will take for the Commissioners to begin making changes and Mr. Culp replied that he doesn’t know. Mr. Walstra stated that the Commissioners will guarantee that they will make changes before anything will be accepted from a wind company.

HIGHWAY DEPARTMENT / BRIDGE INSPECTIONS: Mr. Haberlin stated that Mr. Jonathan Olson from BF&S will be speaking about the county’s bridge inspections. He explained that the bridge that is next to be repaired is bad, as well as one that is in line to be rehabbed. The load ratings were changed enough to where they have to be posted. Mr. Haberlin stated that one of the bridges is on County Road 1700 North and 500 West.

Mr. Olson stated that they just finished inspecting all the bridges last year and are in the process of load rating all of them. The state has a lot of new standards. This year has been different from the last fifteen to twenty years. As a result of the new standards, it’s typical to see more bridges requiring load posting than in the past. However, the values will be higher than they were in the past. Previously, a bridge would be load posted for fifteen tons or less. Now, a bridge is load posted for up to thirty tons. He stated that they look at all vehicles that are legal in the state, including emergency vehicles. They find out that a lot of bridges that were designed properly back in the 1980’s and 1990’s end up being load posted because of the new standards. Also, bridges become deteriorated and they can’t handle the load that they once could. He said that they’ve found two bridges out of one hundred and twenty six that need load posted and that Mr. Haberlin has concerns with allowing commerce to freely go through those areas and not wanting to hinder that. They are still in the process of inspecting so they may find more that need load posted. Mr. Olson stated that they recommend posting Bridge Number 263 on County Road 1700 North at twenty five tons. He stated that Bridge Number 265 is not that old; however, it has one damaged column that needs replaced. They recommend posting 265 at fifteen tons. Mr. Haberlin asked how long it will take to replace Bride 263 and Mr. Olson replied that it depends on how much the county wants to spend. It could take a couple months to a year, depending on if the county wants to close it. Mr. Culp stated that the bridge north of Parr took four months. Mr. Walstra stated that it should be ok as long as they stay away from harvest season. Mr. Haberlin stated that the county can get a better price if they wait until after harvest. In response to a question from Mr. Culp, Mr. Olson stated that Bridge 265 should only take a few weeks. Mr. Haberlin asked if BF&S can start working on numbers. Mr. Culp asked Mr. Haberlin about the culverts on County Road 1500 North behind NIPSCO. Mr. Haberlin replied that they are not replacing them.
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HIGHWAY DEPARTMENT / BRIDGE INSPECTIONS CONT’D: Mr. Culp asked what makes the culverts wear like they do and Mr. Olson replied that they are starting to rust through, but they still have a couple years’ service life remaining. The Commissioners gave Mr. Haberlin permission to start working on numbers with BF&S.

There was a brief discussion regarding CCMG and paving projects. There was also a brief discussion on MVH money and stone tickets.

HEALTH DEPARTMENT ORDINANCE: Attorney Beaver stated that the Health Board passed a resolution to add or increase their fees. He gave Mr. Culp the previous ordinance to compare what fees have been added or increased. Mr. Maxwell made a motion to approve the Health Department ordinance which re-establishes and changes some of the fees collected at the Health Department. Mr. Walstra seconded and the motion carried.

REGINA COULTER / EXTENSION OF TIME: Attorney Beaver stated that Regina Coulter has used three months under the Family Medical Leave Act. She is requesting an additional three months. Attorney Beaver explained that this will allow her to retain her employment status. She is paying both sides of the health insurance premium so it is not costing the county anything. Mr. Culp asked if there is any PERF accumulating during this time or any salary being paid. Attorney Beaver replied that he believes Ms. Coulter has to use her time for the employer’s part of the contributions and if she’s out of time, she has to write a check to the Auditor’s Office to cover the contributions. Mr. Walstra made a motion to extend the leave request for three months for Ms. Coulter. Mr. Maxwell seconded and the motion carried.

CHRISTMAS EVE HOLIDAY: Mrs. Porter stated that there were one hundred and seven votes for Christmas Eve, eighteen for the day after Christmas, two did not care and five wrote a short statement for the Commissioners to read. Mr. Maxwell made a motion to amend the holiday schedule for 2019 to make Christmas Eve Day and Christmas Day holidays. Mr. Walstra seconded and the motion carried.

There being no further business, this meeting now stands in recess.
COURTROOM CURTAINS: Mary Tyler brought a quote in to the Auditor’s Office for curtains for the court rooms. Mr. Culp stated that they’ll have to find out if they have enough money in their budget.

PAT DONNELLY / VETERAN’S OFFICE: Mr. Donnelly was present to discuss how to proceed since Mr. Woodcock’s resignation. Discussion took place. Mr. Culp stated that the open position should be advertised. Mr. Donnelly is not interested in returning to the position full-time. It was decided that the office hours will be Monday, Tuesday, Wednesday 8:00 – 4:00, Thursday 8:00 – 12:00 and closed on Friday. Mr. Culp asked that he post that on the door. Auditor Grow will have a job posting put on the county website. Mr. Culp will mention it on the radio. He asked Mr. Donnelly to notify the legions. The deadline to return applications will be March 8th.

There being no further business, this meeting is continued to February 19th, if necessary. Meeting now stands in recess.

Kendell Culp, President

James A. Walstra, Vice President

Richard E. Maxwell, Member

Kimberly K. Grow, Auditor of Jasper County