

Randolph County Commissioners

May 3, 2021

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, Tom Chalfant and Gary Girton. Also present was Randolph County Auditor Laura J Martin, Sheriff Art Moystner and County Attorney Meeks Cockerill.

Michael Wickersham, President presided over the meeting.

Pledge of Allegiance

David Daly – Out of State Witness funding

Dave said I have a handout for you. I've got a trial coming up on June 14th, it's a murder trial and the defendant's name is Monte Cook and just so I don't get myself in trouble, I need to say Monte Cook is charged with murder, it is only an allegation, he is presumed innocent until a conviction would occur and that presumption of innocent goes away. So, when I talk about Mr. Cook and the allegations, I want to make sure that is crystal clear. Mr. Cook is like I said charged with murder and is 61 years old right now. He has felony convictions in his past, I feel like I have a very strong case. I feel that the circumstances of this case dictate that he should get a murder conviction, at least that is my strategy. The sentencing range on murder is a minimum of 45, the advisory is 55 and the maximum is 65. He is 61 years old right now, the reason I am sharing all of this is I anticipate this case will go to trial. I don't think there is a plea offer that I could make that would be appropriate given his background and under the circumstances which would be anything less than between 93 and to over 100 years old when he finishes his term in prison if he is convicted. I have been around long enough to know that if I am dealing with a defendant who is looking at a sentence which is tantamount to a life sentence, there is no incentive to not go to trial. Why would you not go to trial, so I am anticipating this case will go to trial. I don't know how familiar you are with the alleged facts of the case but the crime occurred in Winchester, it was alleged that Mr. Cook took Mr. Brumley's car, took Mr. Brumley's debit card, engaged in some transactions, traveled to southern Indiana, used Mr. Brumley's debit card in southern Indiana, then drove on down to Sweetwater Tennessee, used the debit card there, drove over to Marion Arkansas where he allegedly checked into a hotel, allegedly presented his own drivers license to the hotel clerk, stayed there for about two weeks, abandoned Mr. Brumley's car in Arkansas, hitched a ride with a witness named Alex Gross, who he met on Craig's list for ride sharing, drove out west with Mr. Gross, Mr. Gross at that time was living in Los Angeles but was in medical school out on the east coast. Allegedly after sharing some expenses he pulled a knife and robbed Mr. Gross then threatened Mr. Gross if he told the police. Mr. Cook ended up in Kingman Arizona where he was finally apprehended. I have three out of state witnesses that I feel like I really need to connect all of these dots. One of them is Alex Gross who is now living in West Virginia, the other one is Aundrae Mack who is with the Arkansas state police, he is the person that I need who processed the car that belonged to Mr.

Brumley, which was found at the hotel in Arkansas, there were items that were collected, bagged up, I need him for chain of custody in the fact that they processed the car as a crime scene. Then Joshua Torrey, the third person listed on there is the officer that can identify Mr. Cook as being the person that they arrested at the end of this trail out in Kingman Arizona, so to connect the dots, he is the person that anchors the dots at the one end, the other end being here in Winchester. I did some estimates on what it would cost, I just picked a Wednesday to fly these people into Indianapolis, I'm not sure where the guy from Arkansas is going to be flying from, whether it's Memphis or Little Rock and I assume Mr. Torrey is out in Kingman Arizona, so he would probably fly out of Las Vegas. I did some estimates and I just flew them into Indianapolis on a Wednesday during that trial week, scheduled them tentatively to appear on Thursday to testify and then flew them out on Friday, I got a hold of Cheryl Prescott out at the hotel and got some quotes from her and I feel obligated to feed these people so I just added some estimates of \$20 each for a lunch and a dinner. So, just as an estimate I am anticipating it to be about \$1750.00 for all of these people, then I also have one extra witness in this case, starting on page two Dr. Thomas Sozio was the pathologist who did the autopsy on this case and this is his fee schedule from three years ago, so I am anticipating that his cost would at least be the same if not a little bit more, including driving time, testimony time, preparation for trial, I am anticipating his expenses will be anywhere from \$1000.00 to \$1500.00. I really don't have anything budgeted into my budgets to cover this kind of stuff. I always have some miscellaneous, I do have some PTD monies, but what I came here to ask you for is if you all could help me pay for about \$2000.00, if that is available somewhere, anything over that I will try to draw out of some of my PTD funds. That is why I am here to see if there are any funds available. I don't know if I should be talking to you as Commissioners or I should be talking to the Council, I can always appear in front of them. Beyond that I also need to ask for some guidance on how do I pay all of this. I know that Sozio will submit a bill and I can always turn in a claim for that. I can work with Cheryl Prescott because all she needs just reservations and she said those could be canceled if the trial were to go off. But my biggest question is about buying airline tickets in advanced. I can put it on my credit card and submit a claim, if that is what I have to do and I'm willing to do that, I just don't know how to do that because I have never had to deal with this before.

Mike said I may be wrong on this but if we don't have the funds in our budget, you will probably have to go to the Council. I am thinking we may have funds under attorney fees in our budget that we could appropriate for this.

Dave said when we brought Mr. Cook back between me and the Sheriff you let us use \$2000.00 that was set aside for extradition fees or something like that and that was pretty much what that was designed for but I don't know that we use those funds very often. I didn't know if something like that was available.

Mike said Angela can you help us here?

Angela said we do have a return of fugitives in the Commissioner's budget that is shared with the Sheriff's Department and I believe we would have funds available there.

Dave said I haven't talked to Art about that but he is here.

Meeks said I think you told me once that if you have a capital murder, like a death penalty, how much, I mean that is like \$10's of thousands.

Dave said yes, this is not a capital murder case, it is not a death penalty.

Mike said I would be willing to help with this to the tune of \$2000.00 from the return of fugitive fund. As far as how you buy plane tickets, I think I would work that out with the Auditor's office or I don't know if the Arkansas state police or Kingman would go ahead and pay promise to be reimbursed, that might be a simple way to do that as well, I don't know. Alex Gross, him not being affiliated with law enforcement, he may not want to do that.

Dave said I don't know if he is going to want to come anyway.

Mike said as far as the mechanics of that I would work that out with the Angela.

Gary made a motion to approve the request for \$2000.00 out of return of fugitive funds from the Commissioner's budget. Tom seconded. All aye votes. Motion carried.

Meeks Open Health Insurance Bids

Mike said these are broker bids for the health insurance.

Meeks said the first bid is from the Thompson Group. The next is Apex Benefits. The next one is VanVleet. The next one is Ertel and Company. The last one is from Insurance Management Group. You should take these under advisement and sent them to the insurance committee.

Mike said that is why we have the committee. Is everybody okay with that, take them under advisement.

Meeks said the renewal is July 1.

Mike said we will take them under advisement and wait to hear back from the insurance committee.

JJ Hall – Ordinance 2021-04

Mike said this is ordinance 2021-04 AN ORDINANCE TO AUTHORIZE AND REGULATE THE USE OF OFF-ROAD VEHICLES ON ROADWAYS UNDER THE JURISDICTION AND CONTROL OF RANDOLPH COUNTY GOVERNMENT AND MATTERS RELATED THERETO. We looked at a couple of ordinances from east central Indiana and looked at Wayne Counties ordinance and modified Wayne Counties to what we considered in our last meeting to be more appropriate for Randolph County and that was to leave out golf carts and snowmobiles. This only applies to off road vehicles and requires a license, requires a helmet if you are under 18, requires staying off state highways although you can cross state highways at a right angle and requires only one person on a single seat vehicle. It does carry penalties, violation of any part of this ordinance, the first offense would be \$100.00, second offense and all subsequent offenses would be \$250.00 and three or more violations of this ordinance that occur within a twelve-

month period, it will be grounds for withdraw of the registration of any vehicles covered by this ordinance. We have all looked at it for about a month now and other than two modifications that we made the last meeting, we all at that time seem to agree that this is something that we want to go forward with. I trust that everybody has taken a look at the final copy.

Gary said after reading and rereading, number nine, I am a little concerned about that.

Mike read an off-road vehicle may not be operated between sunset and sunrise without at least one operable headlight and one operable taillight.

Gary said I am not sure in my opinion that we want just randomly to travel after dark. I don't know that's necessary that we have that.

JJ Hall said I will give an instance of using an UTV after dark, I have often times put a dog box on the back and gone coon hunting during coon season.

Meeks said did you have a headlight?

JJ said yes. That is just one example of after dark usage.

Mike said his suggestion is to not allow them after dark. Him raising that concern is maybe a head light and a tail light would not be visible enough on the highway. Sheriff do you have something to add?

Art said in my opinion, if were going to do the UTV's, I think one of the things they are going to be used for, because they are already used for farming is for hunting and things of that nature. I know with regards to hunting there's times that they are going to drive those to the woods, they would be going in prior to sunrise and could very potentially being coming out after sunset. I think that is one of those things that I have no issue with this being a part of it as long as they are lit up. If we wanted to add something to that ordinance so that it would be the proprietress as an automobile or something like that where it has to cast lights so far for the headlight and the tail light be clearly visible from a certain distance, that might be a fix to this. I think for several people in this county, if we took out that part, it would adversely affect it.

Mike said that might be a good compromise to establish the limits. Do you have any thoughts on that Sheriff?

Art said I don't know what they are specifically.

Mike said I just bought a bicycle light that has a two-kilometer range front and back.

Art said that might be something that we specify to them that it has a range of a certain, I know a lot of tail lights or break lights on UTV's are an LED variety, so they are not as far but if we wanted to put something where they are visible within ¼ mile, ½ mile, something of that nature.

Tom said that is getting into weeds.

Art said I don't necessarily disagree.

Mike asked do you have any thoughts on what your light visibility is JJ?

JJ said I have a newer machine, which not everybody is going to have a newer machine, I have LED lights from the factory, it came with tail lights, break lights.

Meeks said are we going to be testing these things. I think as long as its an operable tail light and operable head light, whatever you're going to have is going to be.

Art said I don't necessarily disagree with that at all.

Meeks said as long as it's operable, because the officer is not going to figure out if they can see it ¼ mile down the road.

Mike said if you are paying attention you are going to see the light, if you're not paying attention you're not going to see the light. I am okay with the ordinance as it is written.

**RANDOLPH COUNTY BOARD
OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2021-04

AN ORDINANCE TO AUTHORIZE AND REGULATE THE USE
OF OFF-ROAD VEHICLES ON ROADWAYS UNDER THE
JURISDICTION AND CONTROL OF RANDOLPH COUNTY
GOVERNMENT AND MATTERS RELATED THERETO

AN ORDINANCE to regulate the operation of Off-road Vehicles (*as defined by IC 14-8-2-185*) a term which includes All-terrain Vehicles (*as defined by IC 14-8-2-5.7*) and Recreational Off-road Vehicles (*as defined by IC 14-8-2-233.5*); upon the roads and highways under the authority of the Randolph County Board of Commissioners.

WHEREAS it has been determined by the Randolph County Board of Commissioners (hereafter "Commissioners") that a need exists of an ordinance regulating the operation of All-terrain Vehicles, (hereafter "vehicles") upon county roads and highways, and;

WHEREAS IC 14-16-1-22 authorizes a local unit of government to regulate the operation of vehicles upon county roads and highways, and;

WHEREAS all other state and local laws applicable to the operation of vehicles upon all public ways shall remain in full force and effect and be the operator's responsibility to abide by such laws.

NOW THEREFORE BE IT ORDAINED by the Randolph County Board of Commissioners acting within their authority to permit and regulate the operation of Off-road Vehicles upon county roads and highways, to wit:

1. Subject to the regulations contained within this ordinance, and all other applicable state and local laws, Off-road Vehicles (*as defined by IC 14-8-2-185*) are hereby permitted to operate on the roads and highways that are under the jurisdiction of the Randolph County Board of Commissioners. This ordinance does not apply to roads and highways within the state highway system or those roads and highways within the corporation boundaries of cities and towns within Randolph County.
2. Owners of the vehicles described herein and regulated hereby shall register the Off-road Vehicle in compliance with IC 9-18.1-14-1; IC 9-18.1-14-3; IC 9-18.1-14-4; and IC 9-18.1-14-5.
3. Owners of the vehicles described herein and regulated hereby shall comply with I.C. 14-16-1-1 et. seq., as applicable.
4. A person under the age of 18 years old shall comply with IC 9-18.1-14-11 (Youth Helmet Law) while riding or operating an Off-road Vehicle.
5. Any person who operates an Off-road Vehicle upon the roads and highways that are under the jurisdiction of the Randolph County Board of Commissioners, shall possess a valid driver license.
6. An operator of an Off-road Vehicle shall have evidence of in place and valid liability insurance issued by an insurance underwriter authorized to issue insurance in the state of Indiana in an amount equal to or greater than the insurance requirements set forth in IC 9-25-4-5 whenever the Off-road Vehicle is operated upon the roads and highways under the jurisdiction of the Randolph County Board of Commissioners.
7. No passengers are permitted on single seat Off-road Vehicles. The number of passengers permitted at any time to simultaneously occupy an Off-road Vehicles is limited to the number of manufacturer-installed passenger seats on the vehicle.
8. An operator of an Off-road Vehicle is permitted to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely.
9. An Off-road Vehicle may not be operated between sunset and sunrise without at least one operable headlight and one operable taillight.
10. Off-road Vehicles must travel in single file when operated upon road and highways under the jurisdiction of the Randolph County Board of Commissioners.

11. Any law enforcement agency, including but not limited to: the Randolph County Sheriff's Department, the Indiana State Police, Indiana Conservation officers and Randolph County municipal police officers may enforce this Ordinance.
12. Should any provision of this Ordinance be declared, by a court of jurisdiction, to be invalid, such decision shall not affect the validity or impair the enforcement of the remaining provisions of this Ordinance, or any portion thereof.
13. Penalties for a violation of this Ordinance are fines up to but not exceeding the following amounts:

Violation of 1st offense shall be \$100.
Violation of 2nd and subsequent offenses shall be \$250.
14. Three or more violations of this Ordinance by a single operator occurring within a twelve-month period shall constitute grounds for the withdrawal of the registrations of any vehicles covered by this Ordinance owned by that operator, subject to the owner's right to appeal such registration withdrawal to the Randolph County Board of County Commissioners.

Tom made a motion to pass Ordinance 2021-04.

Mike said I have a motion to pass an ordinance to authorize and regulate the use of off-road vehicles on roadways under the jurisdiction and control of Randolph County government and matters related thereto. A motion to pass this ordinance on the first reading by title only. Do I have a second?

Gary seconded.

All aye votes. Motion carried.

Mike said I think this would be one that we would want to take our time on to let it develop and let people have comments and if they do have concerns and issues they can bring them to us either at our next meeting or by contacting us between now and then. In addition, it does have punitive effects, so it cannot be put into force for at least 30 days after final passage.

Meeks said after publication.

Mike said it is going to be a little bit but we have started the process.

Mallory Stevenson, Children's Advocacy Center – Request for funding

Mallory said the budget I sent to you was the one approved by the board. In January, I did mention it at the last presentation, that we received a couple local grants for our prevention program, that is not in the budget as that is a developing program but that would be a self-contained, separate from this budget.

Mike said as I'm looking at your budget, it balances for this year.

Mallory said it does, the part that we are asking, this is how it was approved and the deficit is the 40% of the executive director salary. We are currently, the executive director salary is at the VOCA funded amount, only being paid at 60%. How it has worked is when we didn't get the full funding that we were expecting from DCS, which a big part of that was salary and some of the other things like accounting services, insurance, subscriptions, things like that DCS has always historically paid for, for child advocacy centers so a lot of our operating cash that was raised got moved to there. Then the decision had to be made what were we going to do about salaries, we worked very long and hard to get this process up and running so, I volunteered to basically work the 24 hours that was paid through VOCA and anything after that would be volunteer hours. So, that is where the deficit is in that general fund, the executive director's salary.

Mike said I here what you are saying, I just don't see that on this budget. The total for your expenditures is \$114,178.50 and your total for funds is \$114,178.50.

Mallory said we don't have those general funds that was budgeted.

Mike said so the general funds \$39,318.00, you don't have all of that.

Mallory said right.

Mike said how much of that do you have?

Mallory said the part that we are missing is the 40% for the executive director's salary which is \$20,000.00 and this is planned out with our grant cycle that ends in September of 2022. So, we are missing \$20,000.00 for the rest of this year and roughly I think it came out to \$9,900 and something for that cycle through 2022.

Mike said that is where the \$30,000.00 comes from?

Mallory said yes.

Mike said if we were to help you this year then it would carry you through 2022.

Mallory said through September 2022, yes.

Mike said and then what do you anticipate happening?

Mallory said there are upcoming grant cycles this fall, through the department of justice. The easiest one to get operating cost is that VOCA grant that we have, the DCS contract that we have, we were told, as I said we received about 10% of what we asked for all the way through the appeals up to the director of DCS we were told that, that wasn't a reflection of how our proposal scored or how they viewed the need in Randolph County. The allocation formula that they for that grant were based off the previous fiscal year spend, there had not been a new CAS

in Indiana in about 10 years, so they said they had no equation to use. So, we are expecting to have that salary through the DCS contract in the next cycle.

Mike said it sounds like this would be a onetime request?

Mallory said that is the plan.

Mike said there is no doubt it's a worthwhile program for the community and can only strengthen what we have and add to the law enforcement issue of it.

Gary said I think it is needed. I think it is a requirement almost to have this program in affect because I said last meeting, I have been involved somewhat and I know that in my opinion, the functioning aspect of all of this put together when they have an issue. I think this will alleviate 95% of that, if we get this up and going.

Mallory said I think a big part that goes to that again, that it is standard practice in the rest of the state, other than Jay County and in the nation. If there is a victim of child abuse in Randolph County, prior to this, were just still getting started. Their level of response gets behind what all the counties around would be. As a parent in Randolph County, I know that is something that bothers me, but it is not something that a lot of parents realize.

Mike asked any thoughts Tom?

Tom said I am just concerned about the convoluted process you have go through, I think this is going to become a budget item and I think the state will gladly kick this to us because they won't have money for it. I anticipate seeing you probably every year. Somehow, we need to fix the funding for this program, the state needs to fix it or somebody needs to make it a permanent budget rather than just asking for grants and hoping that you get what you need. I think we need to support this, I think the state needs to figure out how to make this happen continually.

Mallory said I agree it is a convoluted process, like I said the national model is the best we have to fix this problem right now, but I would love to not have to ask for money all the time.

Mike said our best source of funds for this would be EDIT funds.

Gary made a motion to approve the request for \$30,000.00 from EDIT. Tom seconded. All aye votes. Motion carried.

Mike said the process for that would be, we have approved that and we have to amend our EDIT plan and then our EDIT plan has to go before the EDIT board and it's safe to say that it will be approved by the EDIT board and then a check can be written for your grant.

Ceann Bales and Jim Byrd– Broadband Efforts, Bicentennial Park Agreement

Ceann said Jim is a member of our technology committee, he is here to maybe answer any questions that I cannot. He has helped coordinate all these meetings with what we are going to discuss. I think you got your packet, you received in your packet the bid, I also included in your

packet, the scope of work, just to remind you of what you had agreed upon for us to go out and search for a couple bids, we did receive one bid, we talked to two companies. Tower King and we also talked with Diamond Communications, however Diamond Communications, they will market it for us but they are not in the business of erecting towers, constructing them, identifying the sites, etc. I think you saw that in your packet. We really only have one company that's interested in working with us to construct the towers and do the full scope of work as we proposed and I do have a note from Joe Batt who is the chair of our committee, wanted to make sure that I relayed to all of you that it is not what were finding, it is not common, it's more commonly that the builder manager market the infrastructure, so what we are doing is rare for the county to own that and then us to go out and do that. Joe wanted me to make sure that you were aware of that, how we are approaching this and that is why Diamond is not interested in doing that unless they own the structure. With that said you can see the Tower King proposal in front of you, their bid is to do a 250 heavy duty tower at \$230,500.00 is their overall bid. I do like that they put on your second page your recurring post construction costs, to give you an idea of what that would be, such as lighting, insurance, maintenance and electricity for the tower. The land owner lease would not share what that would look like, we might have that, we might not have that, so again that is why they put that as to be determined. It is also important if you look at that third page down at the bottom of the marketing aspect, there will be no marketing cost to the county and when Tower King collects the tower rent, they will distribute 60% of that back to the county. They also added a check list, this is something that Scott Williams who is on our committee from Ohio Valley Gas really wanted to have an idea of site development check list for our awareness, something that we could follow up and help educate us more on this process. We are here to provide you with that information and answer any questions you might have.

Mike said is there any discussion regarding potential income from this tower?

Ceann said no, we have not talked about that to my knowledge.

Jim said this is just saying that they will do it. Tower King presently do own a tower in Randolph County, it is the 300-foot tower behind Kerns Brothers Painting in Union City, that is their tower and so they're familiar, I have spoken with Mr. Phillip on the phone a couple times, I think if you talked to him he could explain things further. He would give you some estimated numbers because he has numbers based off his tower now.

Mike said are those numbers high enough that he would want to put one up at the Davis Purdue Farm?

Jim said he talked about him doing the whole project. He is the guy you would want to talk to. What Ceann said and what Joe said, I have made a ton of phone calls and researching, these are the only two companies even close to doing anything we want to do and Tower King is close, they are only a couple hours away and they are interested because they already do have an investment in Randolph County and he said the normal thing is, his company putting the towers up and leasing it back to you or different things. My opinion is that the Commissioner's themselves have a meeting with Mr. Phillip. We have only met with him via Zoom. I think this is definitely your best solution right now.

Ceann said he is aware of the Purdue site, we even pulled it up at our last meeting with him and showed him where that was at. I am happy to coordinate a meeting with you and him as your next step, if that is how you want to proceed.

Tom said what kind of information do we have from Purdue University to put a site tower there.

Gary said their IT people said they are definitely interested, they just want to see the lease. They are in favor of us doing this. They want to be involved in whatever way they can to promote broadband. There is no issue with putting it there, it is just the matter of the lease meeting their legal requirements.

Tom said are they interested in income from it?

Gary said no. That discussion was never brought up, they just want to be involved.

Tom said we probably should mention it to them so there is no misunderstanding.

Gary said that will be discussed. The initial discussion was whether or not it could be erected there.

Mike said it sounds like our next step would be to meet with Kevin Phillip and Tower King, I am just wondering if it might be best to have a Commissioner and maybe even a Councilman meet with Tower King and get the down and dirty on why we would be one of the unusual situations of putting up our own tower and leasing it back.

Dave Lenkensdofer said Tower King is definitely a professional group, I sit on that committee, they do have a lot to offer and the second thing I want to bring up is the state of Indiana has got some new funding coming through for broadband, has anybody checked on that yet?

Ceann said we met with Ernie and I am in the process of scheduling a meeting with Senator Raatz and Representative Prescott to talk about the details of all the funding sources.

Mike said is that separate and distinct from the federal money that is coming our way?

Dave said it is.

Mike said Council meets tomorrow, do you want to meet tomorrow and figure out who might meet with Tower King. Gary from Commissioner's and somebody from Council and if you could set up a meeting, we can go from there.

Jim said one other thing Mr. Wickersham from our assets from the County, the Speedway has requested us do some checking for them for broadband, they have very poor service out that way. Just south of county road 200, their speed is only like 6, they have nothing there and so we are checking on that because that's an asset to the county that we need to see if we can take care of

as well. I am checking on that. I don't understand the service runs right down the highway but getting access to them, it runs from here to Parker but getting access, I don't understand that.

Ceann said she has a bicentennial agreement for June 26 date, I think you have already put it on the schedule tentatively but that is the official request.

Gary made a motion to approve the request for Randolph County United to use the Bicentennial Plaza on June 26th. Tom seconded. All aye votes. Motion carried.

Mike Haffner – Frontier Utility agreement, windfarm road update

Tom said this is a Utility agreement at Indiana Trail Lake.

Mike Haffner said it is to bore under.

Mike asked are you recommending this?

Mike Haffner said yes.

Tom made a motion to approve the Frontier utility agreement. Gary seconded. All aye votes. Motion carried.

Mike Haffner said the windfarm roads spreadsheet, I basically updated the recommendation on what it will take to get them roads back, what needs to be done mile to mile breakdown of some of the roads that's not quite as bad, just a recommendation of a single layer of two inch, some of the roads that are heavier traffic is tore up more is going to have to have two 1 ½ inch lifts total 3 inches and some of the roads there is going to have to be more patch grinding and repair work done in sections so, you can look at each mile to mile breakdown and you might have a total of 100 feet or 50 foot, it might not be all one section but there might be two or three little patches in that mile that measures that. Then on county road 900 west and 1200 west where it was recently paved, we don't want to add any height to that road so basically, I am recommending that, that surface gets ground and removed and then new put down. Very similar to what the state does, they grind so much off and put so much back on. The other county roads we can afford to build them roads up a little bit. Milestone is working on a budget number, so we have a number to at least have a recommendation, his thought just going over this, you are going to be in that 5 to 6-million-dollar range and we haven't even talked about bridges, pipes or anything like that yet. SJCA is working on a post construction, we had them come in an analyze the bridges before and not we are going to analyze them after to see potentially what damage. We know the one bridge that they plated has guard rail damage to it, so we know there has been damage.

Mike asked how many structures are we talking about?

Mike Haffner said as far as bridges, I think there is four bridges and then we did lose a concrete structure on 1000 that they temporarily place with a pipe, that one alone is going to be in that \$150 to \$160,000.00 to replace that. Just gathering information to know what dollar amount were looking at.

Mike asked has the windfarm seen this list?

Mike Haffner said yes.

Mike asked what is their response to it?

Mike Haffner said Don Peterman said that's who we had talked to. The roads are definitely impacted by even the light haul roads with the amount of pickup traffic. Pickups have trailers, pickups are loaded, they've got the shoulders, these were pretty narrow roads and even when Tom and I was driving around inspecting a few roads came across several semis that was heavily loaded on low impact roads so obviously they're not following the recommendations. In the future I'm strongly recommending if we are going to be doing more projects, I think this project and even the solar project is highly under rated the damage of roads that can be caused. The solar farms are severely damaging the roads that they thought wouldn't even be impacted.

Mike said 300 W just the back and forth traffic on 300 W which is the finest county road in the county and it is breaking down in a hurry.

Mike Haffner said yes, it seems like the trucks aren't following state routes to get from point A to point B, they're coming across country, using 300 W even up in the northern part of 300 W. I guess we need to present a game plan. I don't like the verbiage of heavily traffic or haul roads and non-haul roads, I guess in the future we need to go into this, this is what we recommend you replace regardless and we don't care if it's a light haul or heavy haul, we are considering all road.

Mike said this is your list of roads that need repaired because of windfarm damage and then on top of this you have pipe and structures?

Mike Haffner said we have pipe and structures and I don't have that information just yet. We are gathering that information.

Mike said I don't think we can disagree with your assessment and it doesn't sound like the windfarm is necessarily disagreeing with your assessment at this point in time.

Mike Haffner said Tom can add on the meetings we've been to.

Tom said I can tell by the tone of the conversation they don't think it is all their responsibility. I don't know what they've got budgeted but I think they were hopeful that somewhere around the \$2 million was going to cover it and they are nowhere close.

Mike said number one, they under estimated the roads they were going to use.

Tom said right, and of course Kiewit's gone and now there is Vestas and some other contractors and Kiewit tried to educate drivers and people but there have been too many people coming in that don't, it's just gotten bigger, it's gotten out of hand. They've got so much money on this project and that's going to be hard to go above that for them. It's going to be quite a discussion.

Mike Haffner said we had asked about cement stabilization and grinding roads prior and Don really didn't like that idea. Although it worked on the first one but he said predominately they would rather come in after and fix the road versus before.

Tom said he wasn't involved in the first project, I thought that might have been cheaper for them.

Mike said it depends on what the discussions pan out to be, I think your right, I think ultimately it would have been cheaper. Although I think they're looking to save money by doing it this way.

Mike Haffner said potentially well the roads were bad to begin with, I don't think I heard anybody in any of the meetings saying they didn't impact the roads of some sort.

Tom said the discussion went back to local use and local abuse which you can't deny we have our own people abusing these roads.

Mike Haffner said it wasn't 100% their stuff.

Tom said if this comes in at \$5 million and they want give us even 75%, were going to have to pick and choose what to do and not to do.

Mike Haffner said you can look at this mile to mile breakdown.

Tom said I don't know if our attorney needs to be in these discussions.

Meeks said is their attorney going to be there?

Mike Haffner said this is extensive damage.

Mike said refresh my memory of the yellow, purple, red.

Mike Haffner said the purple was the heavy haul, the yellow is what they call their light haul and then the red supposedly are roads that they are not even allowed to be on.

Mike said the good news is we got a Community Crossings grant.

Mike Haffner said yes and we were awarded the partial Community Crossing that covered bridge 110 on 1200 so we will start the process of getting all the documents in order for that and then in July there will be another call because we are allowed \$1 million per year, we received just short of \$200,000. Potentially we've got \$800,000 more that we can apply for second session. Keep in mind they are not going to just continue giving you a million dollars every year and we've got some bridges and that Windsor project that if I have to trade anything I'd rather get them bridges done than paving. It is critical that we get them bridges done.

Gary asked do you have any projected time frame for the windfarm roads rebuilding?

Mike Haffner said they said by July 1 they hoped to be completely out of there, we theoretically could start road repair in that July area, it is very crucial that we work this out with EDPR because Milestone is getting pretty much booked and I have talked to Brooks and they have more or less said if this goes out to bid, there is a good chance they would be able to get to most of it yet this year. If this is going to be August by the time we get this bid out then we are probably looking at next year.

Gary said I think we need to do what we can to get it done this year. Whatever we can do to help move it forward.

Mike Haffner said I think EDPR, we got another meeting this week with them to present them with documentation so I think we're getting there, I will push my guys to get to the numbers the best we can. This is not going to be a \$2 million repair.

Mike said I think we need to let them know that. If you haven't already I think they need to know that we got an estimate of \$5 to \$6 million and here's the roads we need it on.

Mike Haffner said we just came out of a meeting with them and we tabled it until after this meeting where we could talk to the other Commissioner's so we could go back to them.

Mike said as the road use agreement says they're responsible to repair the roads they've torn up. That is the position I'm taking.

Mike Haffner said when I get the hard figures, I will basically say here it is. I know Milestone said that they on most of their projects, they prefer working directly and getting paid directly out of the windfarm people. Even the project in Jay County with Scout, they coordinated locally what needed to be done but then kind of like we did in the past, we've said this is what needs to be done and then they paid the bill. EDPR would rather give the county a blank check and have us pay for it.

Mike said it would be stream lined if they dealt directly with Milestone.

Mike Haffner said if we handle it through the county, we've got to follow bid guidelines. If they hire themselves, they would be able to speed the process up because they potentially would not have to, we explained all that to them and theoretically we are recommending they go ahead and hire their own crew. I think Tom recommended Brooks and they can get different figures on stuff.

Other Business:

Art Moystner, Randolph County Sheriff

Art said I don't have anything new for you this morning. We did get the test kits for the Axon body camera's and tasers that we been messing with. I think this is definitely the way we want to go with the state.

Mike said I do have a matter, Incarcerated Offenders Provider Agreement.

Meeks said Art and I talked about it, I didn't see it until this morning.

Art said we talked about it before.

Meeks said you thought we didn't need it.

Art said correct, also at that time I talked to several other Sheriff's and no one had seen anything on it. Since then I have reached out and there are some counties that are signing that. My understanding with that is, what's changing is up until this agreement, anything that took place for somebody that qualified any type of a state medical program, it was suspended when they became incarcerated. It looks like by the way I am reading it the state will now match us about 50/50 but there is some criteria on that, they have to be in a facility for three days if they are still and inmate and then we are allowed to reenroll them or sign them up to reenroll prior to them getting out so that the day they get out they are back in the program which would help us with some mental health type issues when we are trying to place someone that is an inmate and trying to get them placed in a facility. We hadn't been able to do it because we couldn't get them back on, now it appears we can. I think that is something we could discuss more. Meeks and I could have a conversation with it.

Mike said before we enter it, I would ask that Meeks review this agreement.

Meeks said we looked at it and decided we probably didn't need it, if you think we need it now.

Art said I am not sure that the wording hasn't changed a little bit because I don't recall the original one saying anything about them matching, it just said something about us being responsible for reimbursement.

Meeks said I don't remember them paying us anything on the first one.

Mike said do you want to review it again?

Art said we can do that. Then with regards to the funding on body cameras with our email back and forth with the state opening up some opportunities I think we ought to see what those bring.

Mike said that would be appropriate.

Regular Claims \$ 615,489.49

Gary made a motion to approve the regular claims as presented. Tom seconded. All aye votes. Motion carried.

Payroll Claims \$ 221,164.55

Gary made a motion to approve the payroll claims as presented. Tom seconded. All aye votes. Motion carried.

Gary Bates, Nelson Systems Inc Agreement

Gary Bates said Chris asked me to come before you for approval for the Nelson System which is the logging recorder for the 911 system and the radio system. This committee approved the Nelson system quote last month.

Meeks said nothing changed from what I got before. They are exactly the same.

Mike said this is because of our new phone system.

Gary Bates said this is to record the new phone system and the radio system. As Chris said in his email to you, I think now that they've got the new system up and running, he can't record the administrative lines because they are IP based. He could go to his current vendor but it would take a month to six weeks and have to replace all the equipment. I'm sure you don't remember but the quote for the new system was \$40,544.02. Chris was asking about recommendation for funding and Terry recommended taking it out of Tower money that you were getting back from the sell of the towers to Blackford County.

Tom said we just got our money back from paying for them, so where is this extra money coming from?

Mike said the tower money was coming from EDIT funds originally. The Nelson system is outside of the communications bid?

Gary Bates said yes sir, it was not bid originally.

Mike said because of the change in the phone situation. I wonder if this couldn't be made part of the phone expense. Because it is directly related to the phone system.

Laura said we paid for the phone system out of the Cares money that we were reimbursed for.

Mike asked do we have any more?

Laura said I believe so.

Mike said I don't know why it wouldn't reply in that situation because we wouldn't be buying this if we didn't put in the new phone system.

Gary Bates, we bid out because of the new P25 radio system which is IP based, your current recording system will have to be upgraded anyway and so they chose not to bid the current communication system or recording system chose not to bid on this new project, that's why a new one was put out to record all that.

Laura said if we use that they will need to go before Council also.

Mike said I think that is appropriate. That is what I would recommend. We are still planning as you probably heard, there is still conversation regarding the use of the tower money. Angela,

when we paid MPX for the towers and then we sold the towers to Blackford County and they paid us, where did the money originally come from to pay MPX.

Angela said it came from Special LIT.

Mike said when that money goes back into Special LIT.

Angela said when I do receive it. Now, I am not going to receive the money, the \$27,000.00 for procurement of rebar that we are not using. That I am not getting reimbursed for.

Mike said that part of the cement contract.

Gary Bates said if it is Special LIT money can the recording equipment be pulled out of the Special LIT money?

Mike said that again would be a Council decision as well.

Tom said we have \$27,000.00 worth of rebar sitting around somewhere?

Angela said that was the email correspondence I received. We paid \$27,000.00 for broadband concrete. So, I asked where it was because we are not doing the broadband project. I was informed that we had to procure our rebar.

Gary Bates said I can find out for you.

Mike said so we have rebar that when we do have broadband project, that rebar can be used. Mike said I have two things here, one is we need to sign this communications system agreement between Nelson Systems and Randolph County which is putting the new recorder in and it has been reviewed by the attorney and if we are going to buy the recorder from Nelson's then we should sign this agreement is what I am hearing the recommendation to be.

Gary made a motion to approve the agreement with Nelson Systems and authorize Mike Wickersham to sign on behalf of the county. Tom seconded. All aye votes. Motion carried.

Mike said the second issue is to pay for the recorder with a total bid and bill of \$40,544.02. I think we should approve the payment of this and either pay it from Special LIT or from the Cares Act money that we used to buy our phone system with, which would be a Council decision. According to Chris, everyday we don't have it, is a day we have opportunity for something bad to happen.

Gary said you are still recording your 911 but if an emergency comes in on an administrative line then it's not being recorded.

Mike said it is a necessary thing that we are without right now.

Gary made a motion to recommend to the County Council that this recorder system be paid for from the Cares Act money. Tom seconded. All aye votes. Motion carried.

Gary asked Gary Bates do you have any update on the towers?

Gary Bates said yes sir, Todd Durnil advised that the shelters were in for two of three towers. Their finishing up the final agreements and the work on the electricity to the north and south towers because it is already done to the central tower. They will be stacked, it's progressing forward. The shelters are on piers which elevates them for any flooding issues.

Gary said two of the three are in place?

Gary Bates said yes sir.

Gary asked did they get the electricity to the south tower?

Gary Bates said no sir; the electricity is not totally in at the south or the north one yet but as Todd said in his email last week that they are very close to done.

Gary asked where are we at on the licensing on the microwave?

Gary Bates said unfortunately the Senators have not made any headway, we even got Senator Braun involved again for the Kosciusko County project, he knows Mike Braun personally, he texted him and he put his staff on it and the FAA is not budging. Terry has taken the steps to ask J & K Communications for quotes on a six gigahertz, eight and eleven, so we can have different choices on what microwave we switch to but the 4.9.

Mike asked why was that frozen, do you know?

Gary Bates said it all started because of the broadband issues in the country. In 2002 the FCC did 4.9 strictly for public safety, in 2018 they started a study to determine because they felt that it was underused by public safety and so in September of last year the FCC put a stay on all the applications, even the public safety and so you had already purchased all the equipment because there was no idea that stay was coming down. They put a stay on it and they are not budging, we have asked for a special request, we've asked for a temporary license, we have asked for the Senator's to move forward on it and the FCC is not budging.

Mike said the FCC's response to all the Senator's letters is that we are not the only people in this position asking for a temporary.

Gary Bates said that is the thing, that frequency is not being used in our area, it's available and so, we agree that maybe it's been under used but the thing is this is public safety, it's a dedicated public safety band and they should allow it in there. But the FCC after the current chairman left that the new chairman, she is very pro law enforcement and public safety, she hasn't made any decisions on it yet. Senator Braun's office advised Terry that it should be considered soon.

Mike said that is what the letter said.

Gary Bates said it has been sitting on the FCC since October when we submitted our special request. I think it is one of those things that you are going to have to move forward. We have had some emails about fiber to the sites as a backup. I should have that ready for you by the next meeting.

Mike said that would be in lieu of.

Gary Bates said as a backup, we had talked about doing that as a backup anyway.

Mike asked what were the other microwaves?

Gary Bates said 6 gigahertz, which is a public access, 8 gigahertz and 11 gigahertz and of course if we can't get six, with eight the dish becomes bigger. So, you cost as Terry has estimated through Kosciusko County and the other counties that is dealing with this and so it would be about \$50,000.00 extra per tower if we have to end up going to a different microwave system that is already approved.

Tom said the tower is big enough to handle the extra weight.

Gary Bates said yes, it is more than, we always over build them. Even with all the antenna's, you know the County Highway.

Tom said with future expansion, the weight rating will take away whatever other subscribers we might put on there.

Gary Bates said the lower levels, you have to eventually look at it at that because that 4.9 gigahertz is very small and doesn't weigh very much. We are pressing at every angle we can press but eventually we are going to have to decide and that is why Terry went ahead and ask for the quotes.

Mike said what is our investment in the 4.9 megahertz?

Gary Bates said to be honest, I don't know.

Mike said does that have any value now?

Gary Bates said not really. Hopefully, if they ever lift the stay, nobody wants it because there is a stay for any licensing but a soon as the stay is lifted, if it is lifted then we could possibly sell it, if we don't already have our new system in.

Mike said and we need a microwave system?

Gary Bates said yes, if you don't, what the microwave is used for is the simulcast portion of it. If you don't they are all just individual towers.

Mike said I just meant as far as the fiber connecting them. Could the fiber become the primary connections?

Gary Bates said it certainly doesn't hurt, its faster, the problem is, it's going to take a good year or two because the only site that currently has fiber right to it right now is your north Deerfield site and that comes from Comcast and they could quickly run it over to the tower because the hand off is right there. Rumer has been said that it is coming up the state highway here, but it would take them to get it across the road to the tower and nobody is near the south site, so they would have to dredge it, get all the permissions, right away, so you are talking a good year before that could even occur. Hopefully Terry and I will ask him about it again can get you the quotes and what direction we want to go, with his recommendation. I will find out how much the microwave was on the 4.9.

Mike asked does anyone have any other questions.

Randolph County United Claim \$18,467.67

Randolph County United Tourism claim \$2,365.67

Gary made a motion to approve both Randolph County United claims as presented. Tom seconded. All aye votes. Motion carried.

Security Automation System Claim \$573.35

Mike said the Security Automation claim is for a repair to fix an issue caused by the renovation company cutting camera cables for two cameras and two microphones. This was I think putting in carpet and furniture in the communications room. The amount is \$573.35 and the question becomes who pays it and where's the money come from. Obviously, the county is going to pay it and I am going to look to Angela and where does the money come from Angela?

Angela said you should have Gary Bates come back in because I believe Pyramid is the one that cut our company out, who cut the wire.

Art said I am not sure that Pyramid cut it.

Mike said it was the people that we hired to put in the new floor.

Art said it was the consoles and equipment that was going in, is where it was cut.

Gary said why would they not pay it?

Mike said do we know if we sent this bill to that company?

Art said I do not know, I know when it came in, when I had them repair that, I talked to Chris and I provided Chris with the bill. I don't know where he sent it from there.

Mike said I say we send it back to Chris and he send it to Terry and Terry send it to the company that we hired to put in that \$15,000.00 worth of floor. Whoever cut it, that's who pays for it.

Gary said I agree.

Area planning/BZA attendance reports

Mike said we received a copy of the BZA attendance reports. Any comments or questions about the BZA attendance reports?

Comp time reports

Mike said we received a copy of the comp time reports. Any questions regarding the comp time reports.

Gary said it looks better.

Taylorred Systems Changes

Mike said this is a requirement for the new phone system. It was uncovered during the implementation that the Circuit and Superior Court use a six-party conference call. The system purchased has a standard three-party conference with each extension user. To get the ability for a six-party user, we need to upgrade to 12 users. They give us a cost of upgrading associated with upgrading the users.

Meeks said is that for the court?

Mike said yes.

Meeks said they need that desperately.

Laura said I think since Covid, they are doing a lot more conferencing.

Mike said the upgrade to 12 users would be an additional \$36.00 per month. It sounds like both courts need this.

Gary made a motion to approve the Taylorred System Change order to upgrade to 12 users for conference calling for the courts at a cost of \$36.00 per month. Tom seconded. All aye votes. Motion carried.

Mike said in addition some departments have expressed using headsets with the existing system. Taylorred Systems will provide the adapter for the phone and the departments would purchase the headsets on their own, there is a cost associated with the headset adapter. Each headset adapter cost \$41.25 and the labor to install 1 to 4 would be about \$60 per adapter for a total of \$224.00 or labor to install 5 to 10 would be \$336.00 or potentially \$36.00 per adapter.

Gary said how many do we need?

Mike said I don't think we know.

Laura said I would say it would be under the 10.

Mike said they only quoted to 10.

Laura said I think it would be under that based on the people that have mentioned to me, the courts. They were wanting them in the courts, they had cordless phones and with this system you can have wireless phones but we don't have good wireless internet here for those phones to work, so the other option would be having an earpiece that hooks into your desktop phone.

Mike said if we did 10 it would be \$750.00.

Tom said one time, for three years.

Mike said until we replace the phone system again.

Tom asked how long does a headset last?

Mike said the department buys the headset, we are just buying the adapter.

Tom made a motion to approve the purchase and installation of up to 10 headset adapters at a cost of not more than \$750.00. Gary seconded. All aye votes. Motion carried.

Gary asked where are we at on getting this system up and going?

Laura said everybody is live now, I think they did the Sheriff's office last week, now it is just any tweaking that they may have to do.

Gary said I tried to call two offices here in the county and could not get anybody.

Laura said we did have an issue with Frontier shut us off two days earlier than the scheduled date, so we did lose the phone system for a couple of days or a day and a half maybe. But as soon as I emailed Taylored and said we have no phone service, they got on it and got in here early and got us back going as quickly as possible.

Gary said one office I called, I got a recording saying our hours are 8 to 4 and it hung up on me.

EDIT plan

Mike said we have an EDIT plan that we need to approve an amendment that we made to it. Number 18 and 19, a grant of \$100,000.00 to the City of Union City to help fund Vision Corner and a grant to the Child Advocacy Center in the amount of \$30,000.00 to fund their operations in 2021 and 2022.

Gary made a motion to approve this amendment to the EDIT plan. Tom seconded. All aye votes. Motion carried.

Mike said now we need to set an EDIT meeting. Do you want to shoot for a week from Wednesday, that would be the 12th?

Tom said that is okay with me.

Mike asked Gary is that okay with you?

Gary said yes.

Mike said we will schedule an EDIT meeting for Wednesday May 12th at 6:00 pm.

Additional Appropriations:

Statewide 911 Fund

Spillman CAD Geovalidation module	\$20,557.16
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Gary made a motion to approve the Statewide 911 fund additional appropriation. Tom seconded. All aye votes. Motion carried.

Cum Cap

EMS Ambulance repair	\$8765.00
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Tom made a motion to approve the additional appropriation for the EMS ambulance repair. Gary seconded. All aye votes. Motion carried.

Windfarm

SJCA Task order #8	\$215,170.00
Vision Corner	\$150,000.00

Gary made a motion to approve the two additional appropriations from windfarm funds. Tom seconded. All aye votes. Motion carried.

Laura Martin

Laura said I have hired someone to take Fred's place, Robert Grasse, he was processed into our payroll system this morning and will start with us on May 17th.

Tom asked where is he from?

Laura said he is actually is originally from here and his family lives here. He currently lives in Fishers and working in Fishers and is looking for someplace to move back here, I know he has had some trouble finding a place, so if anybody know of any rentals, let me know.

Mike Wickersham

Mike said I think we all received a memo on the minimum standards and the Supreme Courts information regarding courthouse security, we received Chris's eight-year-old courthouse security survey. What I want to bring up is that the courts have established a court security committee and we are to have a member on that committee. I am opening that up for nominations of who wants to serve on the court security committee.

Gary said I will nominate Mike Wickersham.

Tom asked are you willing to serve on it?

Mike said I am willing. Let the record show that Mike Wickersham has been nominated and I will serve on the court security committee.

Meeks said I will say the new judge is very concerned about that and has brought that up with me on multiple different occasions.

Mike said the Supreme Court has a nineteen point minimum security of which we qualify for 1 through 8 of those minimum standards.

Mike said another issue I have and I am going to raise it because it was raised to me by our health officer. He is concerned about the public not respecting the recommended gathering sizes that we recommended at our last meeting that he has recommended and that the state of Indiana is now recommending as well and that is if you are a blue county you can have a gathering of up to 250 people, if you are over that a safety plan needs to be approved by the health department, yellow 100 and the same rule applies regarding a safety plan, orange 50 same rule applies about a safety plan and red 25. We currently are at blue but Dr. Sowinski has indicated to me that he is well aware that in the county there were gatherings greater than 250 people and health plans were not submitted and approved by the organizers of the event, he firmly believes that we are going to go to yellow this week which will reduce it to 100 and his concern is that he wants graduations to go off as if graduations always went off for the benefit of the students in the five county school corporations and wants to impress upon the public that their efforts in standing by these advisory levels will hopefully let that happen. I told him we didn't pass any ordinance to this effect, we just followed the same issue he did as a recommendation. Ordinances that mandate this means that we have to enforce it and that is going to be a difficult thing to do and he understood that and beyond that if we did pass an ordinance today that required some sort of punitive effort, it would be 30 days after publication so it wouldn't happen until the middle of June and graduation will be over. He did mention the variant B17 but for the future wants he gets through graduation; his concerns are going to be alleviated somewhat because most of the vulnerable population in the county have been or will have been vaccinated by that time. I just raise this, call it a public service announcement, if your going to have a party at your house with over 250 people this week, then you need to get the Health Department approval, next week it may be over 100.

Citizen Comments

None

Adjournment

Tom made a motion to adjourn. Gary seconded. All aye votes. Motion carried.

Reviewed and signed this 7 day of June, 2021.

RANDOLPH COUNTY COMMISSIONERS

Jan Chapin

Ray Cook

ATTEST: *Laura J Martin*

Laura J Martin, Auditor of Randolph County