

The Pulaski County Board of Commissioners convened in Regular Session at 6:00 p.m. Eastern Time in the Commissioner's Room, at the Courthouse in Winamac, Indiana, the call to order by Terry L. Young, Upon the Pledge of Allegiance, then the meeting began. Present also was Larry L. Brady, Vice-President, Bud Krohn, Jr., Commissioners, Kevin Tankersley, County Attorney and Shelia K. Garling, Auditor.

Also present, other than those who are on the agenda, were: Amber Tomlinson, Tyler Maffitt, Joe Moyer, Lawrence Loehmer, Carroll Lange, Kenny Becker, Michael Sehstedt, Derrick Stalbaum, Laura Wheeler, Jerry Locke, Eric Hulmes, John Plowman, PJ Brucker, Bryant Larkin, Gary Kruger, Gerry Brandt, Albert Gudas, Larry Rausch, Darrel Gudeman, Bill Smith, Ben Smith, Brian Smith, Mike & Beth McClure, Emily Hizer, Jason Bunger and Robert Keller.

IN RE: COMMISSIONERS MINUTES

The Minutes of the Commissioners Meeting of August 15, 2016 were approved as presented upon a motion by Larry L. Brady, seconded by Bud Krohn, Jr. Motion carried.

IN RE: PAYROLL & OTHER CLAIMS AND ALLOWANCES

Payroll claims for the period (Hourly: July 31, 2016 – August 13, 2016) were received, considered and action taken thereon as shown on the Payroll Claim & Allowance Docket they were paid on August 26, 2016. Motion made by Larry L. Brady to approve as presented. Seconded by Bud Krohn, Jr. Motion carried.

Regular Claims & Allowance Docket dated September 6, 2016 were received, considered, and action taken thereon as shown were received, considered, and action taken thereon as shown presented. Motion made by Larry L. Brady to pay claims as submitted. Seconded by Bud Krohn, Jr. Motion carried.

IN RE: COURTHOUSE LAWN

Comes now, MacKenzie Ledley, Pulaski County Librarian, would like to request a movie night on the Courthouse lawn during the Torchfest, on both Friday and Saturday night. She will need 2 outlets on different circuits just in case. Motion made Larry L. Brady to proceed, seconded by Bud Krohn, Jr. Motion carried.

IN RE: CDC

Comes now, Nathan Origer, CDC Director. On the board for Jr. Achievement to use Commissioners Room on September 21, 2016. Larry L. Brady and Terry L. Young said they didn't have a problem with it.

RAM TECH program, he said when the teacher resigned from West Central, where the program is being hosted, it caused another teacher to have to be contract to teach the program. The cost of the salary was not included in the cost. We are short about 5,000.00 and then I want to go to the Council to get a transfer but I wanted to get permission from you first. This is to pay off the equipment bill. Motion made by Larry L. Brady to go to Council. Seconded by Terry L. Young. Motion carried. Opposed Bud Krohn.

Request to have Krysten Hinkle to attend a conference. Motion made by Larry L. Brady, seconded by Terry L. Young. Motion carried.

IN RE: AMBULANCE MAINTENANCE UPDATE

Comes now, Mikel Fort, EMS representative to give an update on the mechanical issues with the ambulance. 0327 – 2014 Chevy 4500 6.6 approx. 53k miles; 3594 – 2013 Chevy 4500 6.6 approx. 114k miles; 0217 – 2012 Chevy 4500 6.6 approx. 114k miles; 0776 – 2008 6.0 approx. 157k miles. Mikel said some of work is under warranty, while other work will come from the EMS budget. One of the trucks has been repaired more than three times regarding the same issue. It appears to be a sensor issue. It happens with all GMC ambulance trucks. It causes the ambulance to go into "limp mode" while driving, you could be going 60 miles an hour and all of sudden you're going 30 miles an hour. With us being an emergency unit, we cannot drive that slow. Other issues are wear & tear on the tires & shocks. Larry L. Brady commented that the County Council needs to be aware of these issues.

IN RE: HIGHWAY REPORT

Comes now, Terry Ruff, Superintendent, and Gary Kruger Assistant Superintendent to give his report. The blade mix of 26 miles of road has been completed. They are going to try something different with the hot mix. He would like to request to purchase a new truck. Terry said if the county purchases a new truck now, the county can save about 2%. We have looked at different options, and know what we want. The Commissioners approved to have let bids for the purchasing of the truck, it's more than \$50,000., and to equip the truck will cost an additional \$40,000 – \$50,000 more. Terry also requested extended warranties for the truck that was purchased last year. The request was approved. Terry also request to sell some snow plows it was approved. He also brought up the military equipment that is being stored at the highway.

IN RE: SHERIFF'S REPORT

Comes now, Sheriff Jeff Richwine to give his report. New water system getting it done. Hooking up computer lines for the Jail, up and ready for the pod. He has quotes for the new Jail locks, just waiting on the company to come. The dog with Aaron Heims is working out okay.

IN RE: DESIGNATED PLACE FOR TIME CAPSULE

Comes now, Daniel Frain to request a place on the Courthouse lawn to bury the time capsule for the Bi-Centennial Time capsule. The Commissioner dedicated the South East Corner of the Courthouse for this time capsule.

IN RE: HERITAGE BARN TAX DEDUCTION

Motion made by Larry L. Brady to approve as presented, seconded by Bud Krohn, Jr. Motion carried.

005 – 2016

ORDINANCE FOR HERITAGE BARN TAX DEDUCTION

WHEREAS, House Enrolled Act 1046("HEA 1046") Section 4 adds Indiana Code 6-1.1-12-26.2 which is a property tax deduction for certain barns designated as heritage barns, and further provides that a county fiscal body may adopt an ordinance to require an eligible applicant receiving the deduction under Ind. Code 6-1.1-12-26.2 to receive a 100% deduction on the assessed value of the structure and foundation and in exchange they shall pay an annual public safety fee for each heritage barn for which the person receives a deduction, which fee may not exceed fifty dollars (\$50.00.) and; WHEREAS, Ind. Code 6-1.1-12-26.2 defines a "barn" as a building (other than a dwelling) that was designed to be used for:

- (A) housing animals;
- (B) storing or processing crops;
- (C) storing and maintaining agricultural equipment; or
- (D) serving an essential or useful purpose related to agricultural activities conducted on the adjacent land; and

WHEREAS, Ind. Code 6-1.1-12-26.2 defines a "heritage barn" as a mortise and tenon barn that on the assessment date:

- (A) was constructed before 1950;
- (B) retains sufficient integrity of design, materials, and construction to clearly identify the building as a barn; and

WHEREAS, Ind. Code 6-1.1-12-26.2 defines "mortise and tenon barn" as a barn that was built using heavy wooden timbers, joined together with wood-pegged mortise and tenon joinery, that form an exposed structural frame.

WHEREAS, Ind. Code 6-1.1-12-26.2 defines an "eligible applicant" means (A) an owner of a heritage barn; (B) a person that is purchasing property that includes a heritage barn, under a contract that:

- (i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;
- (ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;
- (iii) specifies that during the term of the contract the person must pay the property taxes on the property; and
- (iv) has been recorded with the county recorder.

WHEREAS, an eligible applicant must file a certified deduction application with the County Auditor on Form 55706, Statement of Deduction of Assessed Valuation Attributed to Heritage Barn, provided by the Department of Local Government Finance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Pulaski County Council an eligible applicant receiving a deduction against the assessed value of the structure and foundation of a heritage barn for property tax under Ind. Code 6-1.1-12-26.2 shall be required to pay an annual public safety fee of fifty dollars (\$50.00) for each heritage barn for which the eligible applicant receives a deduction under Ind. Code 6-1.1-12-26.2.

The County Auditor shall distribute any public safety fees collected under Ind. Code 6-1.1-12-26.2 equitably among the police and fire departments in whose territories each heritage barn is located.

The County Auditor shall furnish a copy of this ordinance to the Department of Local Government Finance in the manner prescribed by the department.

Effective Date. Passed and adopted by the Board of Pulaski County Commissioners this 6th day of September, 2016.

Approved, Adopted, and Signed 6th day of September, 2016.

Signed and dated this 6th day of September, 2016

PULASKI COUNTY BOARD OF COMMISSIONERS

/s/ Terry L. Young

/s/ Larry L. Brady

/s/ Bud Krohn, Jr.

ATTEST: /s/ Shelia K. Garling

Auditor, Pulaski County

IN RE: ORDINANCE AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES

Motion made by Larry L. Brady to approve, seconded Bud Krohn, Jr. Motion carried.

ORDINANCE 004 - 2016

AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES ON THE TRAVELED PART OF CERTAIN DEFINED PUBLIC HIGHWAYS IN THE UNINCORPORATED PORTIONS OF PULASKI COUNTY, INDIANA FOR DEFINED PURPOSES ONLY

WHEREAS, Ind. Code 14-16-1-1 et seq. sets forth certain definitions and standards under which "Off Road Vehicles" may be operated within the State of Indiana; and

WHEREAS, Ind. Code 14-16-1-20(a)(3) permits the operation of an Off-Road Vehicle on the "traveled part" of a highway in a county road system outside the corporate limits of a city or town if the county highway is designated for said purpose by the county highway department having jurisdiction over the highway; and

IN RE: ORDINANCE AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES(cont.)
ORDINANCE 004 - 2016

WHEREAS, Ind. Code 14-16-1-22 authorizes a county government to pass an ordinance regulating the operation of Off-Road Vehicle if the ordinance meets substantially the minimum requirements of Ind. Code 14-16-1-1 et seq. and if such ordinance does not otherwise contravene the standards of Ind. Code 14-16-1-22; and

WHEREAS, Ind. Code 36-1-3-1 et seq. permits any county in the State of Indiana to execute any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by other law, or is not necessarily granted by any other law to another governmental entity; and

WHEREAS, the Board of Commissioners of Pulaski County, Indiana as the executive and legislative body of Pulaski County Government and as the head of Pulaski County Highway Department having jurisdiction over the public highways in the Pulaski County road system under Ind. Code 14-16-1-20(a)(3) desires to adopt an ordinance consistent with Ind. Code 14-16-1-1 et seq. relative to certain limited and defined uses and operations of Off-Road Vehicles on the "traveled part" of certain defined public highways only within the Pulaski County road system; and

NOW, THEREFORE, BE IT ADOPTED AND ORDAINED by the Board of Pulaski Commissioners of the County of Pulaski, Indiana as follows:

1. Definitions. For all purpose of this Ordinance, the definitions and standards set forth within Ind. Code 14-16-1-1 through 30 as currently in effect or as amended from time to time hereafter shall apply to this Ordinance. Additionally, the following definitions shall apply to this Ordinance.
 - a. "Agriculture Purpose" shall mean and include farming, dairying, pasturage, agriculture, horticulture, viticulture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry, consistent with the definition of "Agricultural Purpose" set forth in Ind. Code 14-21-1-24 as now in force and effect, and to include any subsequent alterations or amendments to Ind. Code 14-21-1-24 dealing with the definitions of "Agricultural Purpose".
 - b. "Business Purpose" shall mean and include buying, selling, manufacturing, assembling, developing, hauling or processing or products, supplies, or materials or undertaking and activities associated therewith in furtherance of a business undertaking, enterprise, or other commercial activity.
 - c. "County Numbered Roads" shall mean, and be limited to, roads, rights-of-way, and/or highways owned, controlled, and maintained by the Board of Commissioners of Pulaski County, Indiana in the unincorporated areas of Pulaski County, for motor vehicular and other traffic uses which Numbered County Roads bear an Arabic number or comparable designation, and which Numbered County Roads were established and/or platted as part of the original platting and/or formation of Pulaski County, or subsequent activities related or associated thereto; Numbered County Roads shall not include roads or streets in platted subdivisions, bicycle or pedestrian paths, recreational trails, or any other rights-of-way, dedicated roadways, or transportation corridors not part of such original platting and formation of Pulaski County or activities related thereto.
 - d. "Development Purpose" shall mean and include activities associated with the grading, subdividing, or development of real estate parcels, and the installation of water, sewer, and other utilities, roads, or infrastructure for the benefit of land development.
 - e. "Government Purpose" shall mean and include the activities of elected officials, government employees, governmental agents, independent contractors serving governmental units, and other persons in furtherance of defined governmental purposes and undertakings.
 - f. "Off-Road Vehicle" shall mean and include "Off-Road Vehicle" as such is defined in Ind. Code 14-8-2-185, as currently in force and effect, or as from time to time hereafter modified or amended.
 - g. "Professional Purpose" shall mean and include activities associated with surveying, soil testing, water testing, or other scientific, architectural, engineering, or environmental undertakings or enterprises.
 - h. "Travel Part" shall mean and include that portion of a Numbered County Road upon which are operated conventional motor vehicles, properly licensed and authorized for such undertakings, which Traveled Part shall include traveled areas with paved or concrete surfaces, and conventional graded lanes for gravel roads, in or upon which conventional motor vehicle travel is routinely contemplated and allowed; Traveled Part does not include additional portions of the public right-of-way applicable to a Numbered County Road adjacent to the Traveled Part, within which adjacent portion of the public right-of-way the operation of Off-Road Vehicles is otherwise (as of date of adoption of the Ordinance) governed by the standards and provisions of Ind. Code 14-16-1-1 et. seq.

2. Designation of Traveled Portion of Certain Highways for Operation of Off-Road Vehicles. Consistent with Ind. Code 14-16-1-20(a)(3), the Board of Commissioners of the County of Pulaski, Indiana hereby specifically designates the Traveled Part of all County Numbered Roads in the Pulaski County highway system outside the corporate limits of a city or town as permitted areas upon which an otherwise eligible operator may operate an Off-Road Vehicle, subject to the following limitations:

- a. The operation of an Off-Road Vehicle shall be for an Agricultural Purpose, a Business Purpose, a Professional Purpose, a Governmental Purpose, or a Development Purpose, or otherwise such operation on a Traveled Part of a Numbered County Road is not authorized or permitted by this Ordinance.

**IN RE: ORDINANCE AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES(cont.)
ORDINANCE 004 – 2016**

The operation of an Off-Road Vehicle shall only be permitted on the Traveled Part of the Numbered County Road if the operator has a designated or defined destination point established and to which such operator shall be proceeding or from which such operator shall be returning for such operation to be authorized or permitted by this Ordinance.

3. Other Standards to Apply. All other terms, provisions, standards, and requirements of Ind. Code 14-16-1-1 through 30, pertaining to the operation of an Off-Road Vehicle, shall, in all respects, apply as and to the operation of an Off-Road Vehicle on a Traveled Part of a Numbered County Road designated by paragraph 2 above.

4. Registration. All Off-Road Vehicles must be registered with the BMV pursuant to Ind. Code 14-16-1-8.

5. Violations. Violation of the provisions of Ind. Code 14-16-1-1 through 30, or violation of provisions of this Ordinance, by any person operating an Off-Road Vehicle upon the Pulaski County highway system outside the corporate limits of any city or town within Pulaski County, shall be subject to the sanctions and penalties set forth in Ind. Code 14-16-1-29.

6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

Duly adopted and enacted this 6th day of September, 2016 by the Board of Commissioners of the County of Pulaski, Indiana.

**Signed and dated this 6th day of September, 2016
PULASKI COUNTY BOARD OF COMMISSIONERS**

/s/ Terry L. Young

/s/ Larry L. Brady

/s/ Bud Krohn, Jr.

ATTEST: /s/ Shelia K. Garling

Auditor, Pulaski County

IN RE: MUTUAL AID AGREEMENT

Motion made by Larry L. Brady to approve the Mutual Aid Agreement with Pulaski County EMS & Lutheran EMS – Fulton County. Seconded by Bud Krohn, Jr. Motion carried.

IN RE: IDEM LETTER REGARDING FRANCESVILLE WASTEWATER TREATMENT PLANT

Acknowledgement was made by the Commissioners.

IN RE: CONFERENCE REQUEST

Motion made by Larry L. Brady to approve conferences as requested. Seconded by Bud Krohn, Jr. Motion carried. Sheriff Richwine requested Fred Rogers attend Basic Course EVO Training at Indiana Law Enforcement Academy Instruct, August 29 – September 2, 2016. Dave Kain requested Marie Roth & Caity Hinshaw to attend training – Emergency Vehicle Communications at Indiana Law Enforcement Academy in Plainfield IN on September 28, 2016. Sheriff Richwine requested Jason Woodruff & Chris Schramm attend Annual Law Enforcement Conference on September 7 – 9, 2016 in Indianapolis IN. Sheriff Jeff Richwine request he attend National Sheriff’s Institute Conference in Aurora CO on September 19 – 23, 2016. Dave Kain request for Carol Crist, Patti Jo Rausch and Lori Sturgell to attend Survive & Thrive Introductory Stress Resilience Training in Monticello IN on October 12, 2016 and Caity Hinshaw and Marie Roth attend on October 13, 2016 in Plymouth IN. Douglas Hoover request to attend IPEP Seminar in Plymouth IN on October 13, 2016 or in Schererville IN on October 14, 2016. Douglas Hoover request for Quentin Blount to attend USGB meeting on September 13, 2016 in Merryville IN. Sheryl Gaillard to attend EMAI conference in Indianapolis IN on October 25 – 28, 2016.

Motion made by Larry L. Brady to approve conference request, seconded Terry L. Young. Motion carried. Nathan P. Origer request to have Krysten Hinkle attend Indiana Economic Development Association Indiana Economic Development Director Course in Bloomington IN on October 20 -21, 2106.

IN RE: INTERNAL CONTROL CONSULTING SERVICES

Comes now, Kevin Tankersley, County Attorney to talked with the Council regarding Internal Control Policy that the state is requiring us to have done by the end of 2016. Kevin talked about what we need to do and the approximate cost is \$50,000.00; his recommendation was for Crowe Horwath to help us with getting the Internal Control Policy done. Motion was made by Larry L. Brady, to approve pending Council approval. Seconded by Bud Krohn, Jr. Motion carried.

No further business, the meeting was adjourned at 7:22 p.m. Motion made by Larry L. Brady. Seconded by Bud Krohn, Jr. Motion carried. The next regular meeting will be held on Monday, September 19, 2016 in the Commissioners Room, in the Courthouse at 6:00 p.m. Eastern Time.

**Signed and dated this 19th day of September, 2016
PULASKI COUNTY BOARD OF COMMISSIONERS**

Terry L. Young, President

Larry L. Brady, Vice-President

Bud Krohn, Jr.

ATTEST: _____
Shelia K. Garling, Auditor