

## FULTON COUNTY COUNCIL MEETING

January 6, 2003, 5:00 P.M. E.S.T., in the Assembly Room of the Fulton County Office Building.

### **Meeting Called To Order:**

Members present at this meeting were Judy DeVries, Earl Gaerte, Christopher Sailors, David Helt, Harry Richter, Gary Sriver; also, County Auditor Denise J. Bonnell. James Widman arrived shortly after the meeting began.

Christopher Sailors called this January 6<sup>th</sup> Organizational Meeting of the Fulton County Council to Order. He asked Secretary Denise Bonnell to conduct the election of officers for 2003.

Denise asked for nominations for the office of President. David Helt nominated Christopher Sailors. Gary Sriver seconded this nomination. Harry Richter made a motion to close the nominations. Vote passed 6-0.

Harry Richter nominated David Helt for Vice-President. Earl Gaerte seconded this nomination. Vote passed 6-0.

### **Council Minutes:**

The minutes for December 11, 2002, were reviewed. David Helt's name was omitted in error. Gary Sriver made a motion to accept the minutes as corrected. Judy DeVries seconded this motion. Motion passed 6-0.

Chris made reference to the Special Meeting on January 22, 2003, at 5:30 p.m., to discuss EMS cost and the distribution of the costs. He asks Denise to notify the various Township Trustees and possibly, Mayor Thompson, City of Rochester of this meeting.

President, Chris Sailors presiding stated the first item on the Agenda was to set the date and time of the meetings. Following a discussion Harry Richter made a motion to meet at 6:00 p.m. E.S.T. Jim Widman seconded this motion. Motion passed 7-0. Chris Sailors read Resolution #010603-A.

### **Resolution #010603-A**

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2003.

WHEREAS, the Fulton County Council has established that they will meet on the third Tuesday of each month at 6:00 P.M., E.S.T., in the Assembly Room in the new Fulton County Office Building.

WHEREAS, the Fulton County Council have established times as set out under Indiana Code 36-2-2-6 et.Seq.:

NOW THEREFORE, Be it resolved by the Fulton County Council that:

1. The Fulton County Council has established that they will meet on the third Tuesday of each month at 6:00 P.M. E.S.T., in the Assembly Room in the new Fulton County Office Building.
2. If other meetings are scheduled, a public notice will be given.

Adopted this 6<sup>th</sup> day of January 2003.

FULTON COUNTY COUNCIL

\_\_\_\_\_  
Christopher Sailors

\_\_\_\_\_  
David Helt

\_\_\_\_\_  
Gary L. Sriver

\_\_\_\_\_  
Earl Gaerte

\_\_\_\_\_  
James Widman

\_\_\_\_\_  
Judy DeVries

\_\_\_\_\_  
Harry Richter

Attest: \_\_\_\_\_  
Denise J. Bonnell, Auditor

Gary Sriver made a motion to adopt Resolution #010603-A. Earl Gaerte seconded this motion. Motion passed 7-0.

**Council Appointments to Various Boards:**

Chris read the following appointments for 2003.

| Committee                | 2003 Appointee  |
|--------------------------|-----------------|
| Hazardous Waste          | David Helt      |
| Advisory Plan Commission | James Widman    |
| FEDCO                    | Chris Sailors   |
| 911 Communications       | Earl Gaerte     |
| Solid Waste              | Gary Sriver     |
| MTC Marshall-Starke      | Judy DeVries    |
| PETA BOA/Board of Review | Justin Helt (D) |
|                          | Kim Bowyer (R)  |
| L.E.P.C.                 | Harry Richter   |
| Alcohol & Beverage       | Bob McLochlin   |
| Council Attorney         | Ted Waggoner    |

Following the reading of these appointments, a motion was made by Jim Widman to accept these appointments as presented. Earl Gaerte seconded this motion. Motion passed 7-0.

**Loan Ordinance:**

Chris stated that Ordinance #010603 Fulton County Council retroactive authorizing Fulton County Commissioners to obtain a loan on dump trucks. This loan is from 1<sup>st</sup> Source Bank for the purchase of equipment for the Fulton County Highway Department. Chris read the following Ordinance:

**Ordinance #010603**

Of the Fulton County Council  
Retroactively Authorizing the Fulton County Commissioners  
To Obtain Loan

WHEREAS, The Fulton County Commissioners have, by resolution, pursuant to I.C. 36-2-6-18, obtained a loan from 1<sup>st</sup> Source Bank for the purpose of purchasing two Dump Trucks for the Fulton County Highway Department;

WHEREAS, quotes were obtained for the purchase of the Equipment listed on Exhibit A and were approved;

The loan will consist of the following terms:

1. Loan in the principal amount of \$118,634.00
2. Fixed interest rate of 2.93%
3. Terms are for 2 years with semi-annual payments
4. Collateral for the loan will be the two Dump Trucks
5. Payment will be made from budgeted amounts in the Highway Department Fund.
6. Payment will be made to 1<sup>st</sup> Source Bank, PO Box 1602, South Bend, Indiana 46634.
7. There will be no closing costs or loan processing fees involved
8. Loan was closed on December 16, 2002

WHEREAS, the Fulton County Commissioners are hereby authorized and directed to execute the above loan on behalf of the Fulton County Council together with any other documents required thereunder, including but not limited to Certificates of Acceptance, affidavits on behalf of the Fulton County Council, Uniform Commercial code financing statements and Internal Revenue Service Forms.

THIS ORDINANCE SHALL BE RETROACTIVE FROM DECEMBER 16, 2002 UPON PASSAGE. PASSED AND ADOPTED BY THE FULTON COUNTY COUNCIL, FULTON COUNTY, INDIANA ON THIS 6<sup>TH</sup> DAY OF JANUARY, 2003.

\_\_\_\_\_  
Christopher Sailors

\_\_\_\_\_  
Harry Richter

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David Helt

\_\_\_\_\_  
Judy DeVries

\_\_\_\_\_  
James Widman

\_\_\_\_\_  
Earl Gaerte

\_\_\_\_\_  
Gary Sriver

ATTEST:

\_\_\_\_\_  
Denise J. Bonnell  
Fulton County Auditor

Chris offered a second reading to be by Title only; also, asked if there was any discussion on this Ordinance. Chris read the following:

Ordinance #010603  
Of the Fulton County Council  
Retroactively Authorizing the Fulton County Commissioners  
To Obtain Loan

David Helt made a motion to suspend the rules and go to a Third Reading of the Ordinance Authorizing the Fulton County Commissioners to obtain a loan. Gary Sriver seconded this motion. Motion passed 7-0.

Chris called for a motion on the adoption of Ordinance #010603. Gary Sriver made a motion to approve adoption of Ordinance #010603. Harry Richter seconded this motion. Motion passed 7-0.

**Ordinance #121102-A- Sale of Property:**

Chris was asked what had transpired since the last meeting on the sale of the property. Chris said it went before the City Planning Commission and the vote was four to three to decline permission to rezone. Chris said that John Little said the company decided to look for property elsewhere. Also, another buyer stepped forward willing to pay the asking price of \$120,000.00. Chris was asked what the new buyer had planned for this property. Chris did not know. In the discussion it was noted that this land was rezoned from Agricultural to Light Industrial and Office Commercial. There was a discussion as to just what this would entail. As the discussion continued, the question was asked if the County is going to sell this property, could the property be reappraised? The answer was there is already a signed Purchase Agreement; as, the deal has been negotiated it is just

up to the Council's final approval. Chris said he would entertain a motion for the third reading by title only.

ORDINANCE AUTHORIZING SALE BY COUNTY LAND WORTH  
MORE THAN \$1000 – AIRPORT LAND  
ORDINANCE #121102-A

Earl Gaerte made a motion to adopt Ordinance #121102-A. Harry Richter seconded this motion. Voted 4 in favor, 2 opposed, David Helt abstained.

ORDINANCE AUTHORIZING SALE BY COUNTY OF LAND WORTH  
MORE THAN \$1000 – AIRPORT LAND  
ORDINANCE #121102-A

WHEREAS, Fulton County owns a tract of land 12.55 acres adjacent to the Fulton County Airport along State Highway 14, and;

WHEREAS, that state law requires at IC 36-2-2-20

The county executive may make orders concerning county property, including orders for: (1) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and (2) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand Dollars (\$1,000.00) or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction.

And

WHEREAS, the council has been requested by the Board of the Fulton County Airport to consider the sale of the 12.55 acre tract, the description of which is attached hereto and incorporated herein:

THEREFORE, BE IT ORDAINED, by the Fulton County Council that the Fulton County Commissioners are hereby authorized to convey the above described tract to an appropriate purchaser, upon the following terms:

1. The land be sold for a price that equals or exceeds fair market value as shown by an appraisal from a certified appraiser;
2. The land be sold for a purpose that does not conflict with the current or future use of the Fulton County Airport in any foreseeable manner;
3. That adequate requirements be placed on the land for traffic flow along the state highway.

BE IT FINALLY ORDAINED that the Commissioners make a written report to the Council concerning any order it may make for the sale of the above tract.

Adopted by a vote \_\_\_\_ aye, \_\_\_\_ nay, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Christopher Sailors, President

FULTON COUNTY COUNCIL  
(voting aye)

FULTON COUNTY COUNCIL  
(voting nay)

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Attest:

\_\_\_\_\_  
Denise J. Bonnell, County Auditor

**CEDIT Tax Increase:**

Chris stated in passing the Inventory Tax Deduction, one of the ways to offset the Real Estate Tax is to increase the Cedit Tax. This requires an ordinance which must be enacted on or before March 31,2003. Chris stated there could be a discussion at this time, but, he feels Mike Busch wants to make some comments; therefore, we should wait until January 22, 2003 Meeting. Chris said this is something we can think about and perhaps Mike Busch can shed some light on our questions; therefore, we will hold this over until the meeting on January 22, 2003.

**Park Board Appointment:**

Chris stated that Dave Herbst's term is up this year. Chris said it is his understanding that Dave would be interested in serving again. This appointment will be for four (4) years. Gary Sriver made a motion to reappoint Dave Herbst to the Park Board for the 4 year term. Jim Widman seconded this motion. Motion passed 7-0.

**Transfer Request:**

Commissioners:

|                  |                                 |    |       |
|------------------|---------------------------------|----|-------|
| 0101-068-1000-10 | Commissioners (3)               | \$ | 24.03 |
| 0101-068-1000-11 | County Council (7)              | \$ | .08   |
| 0101-068-1000-13 | Animal Warden                   | \$ | 11.77 |
| 0101-068-1000-15 | Flood Plain/Building Inspection | \$ | 6.00  |
| 0101-068-1000-18 | Soil & Water                    | \$ | 11.62 |

|                  |                                |              |
|------------------|--------------------------------|--------------|
| 0101-068-1000-21 | Dental Insurance               | \$ 669.13    |
| 0101-068-1000-22 | Social Security                | \$ 4,229.26  |
| 0101-068-1000-23 | Unemployment Compensation      | \$ 9,836.16  |
| 0101-068-1000-24 | Perf                           | \$ 40,614.40 |
| 0101-068-1000-31 | Board of Review                | \$ 1,000.00  |
| 0101-068-1000-33 | Township Deputy Assessor       | \$ 7,975.00  |
| 0101-068-2000-10 | Office Supplies                | \$ 38.15     |
| 0101-068-3000-11 | Legal/Law Suit                 | \$ 4,397.22  |
| 0101-068-3000-12 | Legal Service (Council)        | \$ 215.00    |
| 0101-068-3000-15 | Hepatitis immune/Vol Fire      | \$ 230.10    |
| 0101-068-3000-20 | Telephone                      | \$ 47.36     |
| 0101-068-3000-22 | Mileage (Comm.& Council)       | \$ 200.00    |
| 0101-068-3000-23 | Mileage (Deputy Assessor)      | \$ 72.60     |
| 0101-068-3000-30 | Mileage (Deputy Assessor)      | \$ 1,895.59  |
| 0101-068-3000-40 | Office Equipment               | \$ 82.30     |
| 0101-068-3000-41 | Bonds                          | \$ 37,037.00 |
| 0101-068-3000-46 | Courthouse Open House Expenses | \$ 111.70    |
| 0101-068-3000-49 | EMS Garage                     | \$ 800.00    |
| 0101-068-3000-50 | EMS Service                    | \$ 35,788.00 |
| 0101-068-3000-51 | Dues                           | \$ 674.00    |
| 0101-068-3000-63 | Exam Records                   | \$ 4,500.00  |
| 0101-068-3000-64 | Computer Maintenance           | \$ .07       |
| 0101-068-3000-65 | State Meetings & Conferences   | \$ 93.50     |
| 0101-068-3000-67 | Council School and Meetings    | \$ 16.50     |
| 0101-068-3000-79 | Animal Control Supplies        | \$ 250.00    |
| 0101-068-3000-80 | Burial Vets                    | \$ 400.00    |
| 0101-068-3000-81 | Veterans' Markers              | \$ 165.00    |
| 0101-068-3000-84 | Animal Control                 | \$ 1,456.00  |
| 0101-068-3000-85 | Animal Testing                 | \$ 500.00    |
| 0101-068-3000-88 | Equip Repair/Maintenance       | \$ 516.85    |
| 0101-068-3000-90 | General Drain                  | \$ 11,775.00 |
| 0101-068-4000-40 | Office Equipment               | \$ 289.11    |

To: 0101-068-1000-20 Health Insurance \$165,928.50

Earl Gaerte made a motion to allow this Transfer. Jim Widman seconded this motion. Motion passed 7-0.

**New Business:**

Chris said that Sheriff Roy Calvert spoke to him last week and informed him they have bids out for three new sheriff's vehicles; also, they have received three bids. Chris stated he also understands the Commissions have given him the go ahead. The question now is where does the County want to take this money from. The options are it can be taken from Cum Cap, or borrowed as has been done in the past. He said Roy would like to order in the next couple of weeks. The amount needed is approximately \$80,000.00. It's 2 SUV's and 1 Car. The discussion continued. Chris asked Rich Powell the consensus of the commissioners. Rich said they gave Roy their approval to go ahead; however, the

final decision was up to the Council. As the discussion continued it was also noted that at the last meeting, when this was discussed, it was decided to wait a few months. The consensus of the Council now is more time is needed and to carry this discussion over to the January 22<sup>nd</sup> meeting.

A Line Of Credit for the future needs of the County was discussed. The consensus of the Council members was that we do need to establish a Line of Credit. With not knowing when the distributions from the State will be available and the Reassessment still uncertain, this should be handled and established before it is actually needed.

This concluded all the business transacted. Judy DeVries made a motion to adjourn. Gary Sriver seconded this motion. Motion passed 7-0.

FULTON COUNTY COUNCIL

\_\_\_\_\_  
Christopher Sailors, President

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David Helt, Vice-President

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Gary Sriver, Member

\_\_\_\_\_  
Harry Richter, Member

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James Widman, Member

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Judy DeVries, Member

\_\_\_\_\_  
Earl Gaerte, Member

Attest: \_\_\_\_\_  
Denise J. Bonnell, Fulton County Auditor