

Wells County Commissioners

Public Hearing/Regular Session December 4, 2023

The Wells County Commissioners met in a public hearing and regular session on Monday, December 4, 2023, at 5:00PM in the Commissioner's Room of the Wells County Carnegie Annex, Bluffton, IN. Those in attendance were Commissioners, Michael Vanover, Blake Gerber, Jeff Stringer, County Attorney, Ted Storer and County Auditor, Lisa McCormick.

Public Hearing

The Board of Commissioners of the County of Wells, Indiana, held a public hearing concerning the consideration of a petition filed by Rock Creek Stone Quarry, Inc., pursuant to Indiana Code 36-7-3-12. The petitioner requested the vacation of a portion of the public right of way known as County Road 500 West south of its intersection with County Road 100 North, more specifically described as: That portion of County Road 500 West south of the intersection of County Road 500 West and County Road 100 North to a point south of the Whitelock Ditch culvert on County Road 500 West, a length of 1,650 feet. The petitioner seeks the adoption of a vacation ordinance granting the relief requested in the petition. The purpose of the hearing was to receive public input either in favor of or in opposition to and regarding the consideration of the petition to vacate and the adoption of the vacation ordinance pursuant to Indiana Code 36-7-3-12. The petitioner's attorney, Jon Bomberger, began the conversation. Landowners on all sides of the petitioned roadway have been listed in the petition and notified of the petition. Rerouted utilities and the creation of a cul-de-sac will be paid for by the petitioner. He stated that the petitioners would delay the road closure until December of 2025 to allow for area road upgrades that are scheduled. If requested the petitioner would supply a written commitment as evidence of agreement to do these things. Traffic study statistics for 500W were presented stating 10 cars utilize the road during a peak hour, 87 cars utilize the road during a peak day. Attorney Storer presented a copy of the petition as Exhibit 1. Petitioner Dave Fiechter, 3057E 200S, explained that the purpose of the road closure would be to expand the quarry. To expand the quarry the property on the west side of 500W would be mined. Fiechter stated that moving the stone would be safer if they could move that stone to the production area without traveling the roadway. Competition is necessary for competitive pricing for the residents of Wells County, he stated. Dave thought this could be a win for everyone if everyone worked together. Fiechter submitted his notes as Exhibit 2. Jon Gray, Markle Volunteer Fire Chief, and Trent Markley, Liberty Center Volunteer Assistant Chief, submitted a signed letter, Exhibit 3, regarding the opinion of their departments. Gray and Markley stated that the closure would not be beneficial to anyone except for Rock Creek Quarry. By shutting down this portion of the road, their trucks would have to go around the square mile, adding 5 additional minutes of time each way. Another concern was the bridge east of Rockford on 100N. The concern was with the structural strength and driving the heavy trucks across it. Currently Liberty Volunteer Fire Department avoids the bridge and accesses the Town of Rockford from 500W. Petitioner Chase Fiechter, 3287S SR1, spoke regarding the history of the business and the family ties that guarantee continued operation of the business. He stressed the desire to grow the business and offer marketing choices for the community. Chase discussed upgrades on other roads that would make alternate routes more appealing if 500W were vacated. Chase Fiechter's notes were entered as Exhibit 4 & 5. David Hedrick, 4977W 100N, was opposed to the petition. Laura Roberts, 1275N 500W, spoke against the petition. Gary Mounsey, 48N 500W, expressed opposition to the petition stating that low soil levels in the area allow for stronger reverberations. Mounsey will have to travel on SR124 with his farm machinery if 500W is closed, which he felt would be a safety issue. Ron Marshall, 1529 Parlor City Drive, previously lived in the area and cited flooding in the area after the

Fiechter's moved some dirt on the quarry property. Marshall doesn't view the quarry owners as good neighbors. Todd Fiechter, 4197E 1200S-90 in Bryant, who is not affiliated with Rock Creek Stone Quarry, felt that the county should be making decisions based on the Economic growth impact of local businesses of Wells County. Todd Fiechter referred to competitive pricing for the local economy. Dan Gordon, 4445W 100N, questioned if two years would be enough time for Wells County to get the scheduled projects completed. Attorney Jon Bomberger made some finishing comments stating that this change would lead to more growth in revenue for Wells County and employment opportunities for the community. Chase Fiechter stressed that they are trying to be good neighbors. Comments were taken under advisement and the public hearing was closed at 5:56.

Regular Session

Minutes: A motion was made by Blake Gerber, seconded by Jeff Stringer to approve the minutes from November 20, 2023, regular session. Motion carried 3-0.

Payroll and Claims: A motion made by Blake Gerber, seconded by Jeff Stringer to approve Payroll #24 in the amount of \$291,185.62 and 187 claims totaling \$357,875.06. Motion carried 3-0.

Paddlefish: Jesse Laniak, Regional Project Developer, discussed a resolution approving a form of road use agreement and decommissioning agreement with Paddlefish Solar LLC. On December 6, 2022, the Wells County Commissioners approved an Economic Development Agreement for the Paddlefish Solar project. As contemplated by the EDA, the Board of Commissioners desires to approve a form of Road Use Agreement and a form of a Decommissioning Agreement between Wells County and Paddlefish Solar. A road use agreement safeguards potential future use of Wells County roads and public drains during construction. A decommissioning agreement provides assurances to Wells County that Paddlefish Solar will remove all equipment at the end of the projects' life, or when the project is no longer operational. All Wells County roads and drainage will be monitored for deterioration throughout the project. A motion was made by Jeff Stringer, seconded by Blake Gerber to approve Resolution 2023-05 approving a form of Road Use Agreement and Decommissioning Agreement with Paddlefish Solar LLC. Motion carried 3-0.

Wells County Sheriff: Sheriff Holliday reported 53 inmates, 13 pretrial Superior, 19 pretrial Circuit, 10 DOC and 7 F6 DOC. Holliday reported HVAC work is currently in process with rerouting in two areas due to air flow issues with the jail renovation.

Highway Supervisor: Shawn Bonar said his crews are doing winter maintenance on all snow equipment. Work on stone roads will be ongoing until the freeze of winter. Bridge 105 is set to go out for letting on December 13 and requires an Employee in Responsible Charge. Bonar is completing the work to be the Wells County ERC. The highway garage update included gate installation is complete, power was turned on last week, low voltage is being installed, electrical is in process and the fire pump is installed.

Bridge 54 Supplemental Agreement #1: Ben Beer, USI Consultants, presented a supplemental agreement for Wells County Bridge #54. IDEM requires an Individual 401 permit, which was not included in the original agreement. The supplemental agreement would increase the project cost by \$12,500, which would not be covered by the matching funds. The original agreement would increase to \$472,750. Beer had hopes that other estimates of the project could absorb this fee. The agreement was tabled until December 16th meeting.

Council on Aging: Susie Ehlerding, Associate Director, shared the variety of programs provided through the Council on Aging, not involved in the transportation side. The homemakers' program has two employees that currently service 31 homes, 21 in the city, 10 in the county. They assist homeowners with light housekeeping, such as changing bed linens, dusting, sweeping, taking out trash, moping. This allows the residents to stay in a clean-living environment. Also discussed was the discount card program, which offers discounts to citizens 55 or over. The Senior Expo is a huge resource for senior citizens. A vaccine clinic and Medicare seminar were also offered. The Council on Aging offers many programs other than just transportation. Betsy Collier, Executive Director, went over some statistical comparison flow charts on trips and riders using the public transit system. Collier also presented the 3rd Quarter 2023 claim for reimbursement. The claim amount was \$140,034. A motion was made by Blake Gerber, seconded by Jeff Stringer to approve, and allow the President to sign the 3rd Quarter 2023 reimbursement claim for \$140,034. Motion carried 3-0. Collier introduced the new Transportation Program Manager Lew King.

Preserving Cemeteries within Townships: Jerri Lehman, Cemetery Board, and Dave Rigney, Lancaster Township Trustee, came before the Commissioners regarding township cemetery preservation. Included in their presentation was a listing of laws regarding cemeteries in Indiana. Quotes for restoration of the Old Cemetery of Bluffton, and the Murray Cemetery were presented for reference. The Commissioners took the information under advisement.

Code of Ordinance Estimate: American Legal presented an estimate for the update of Wells County's Code of Ordinance books. The estimate is between \$1,700-\$2,300 for 23 Ordinances. A motion was made by Blake Gerber, seconded by Jeff Stringer to approve the estimate for the Code of Ordinance updates of between \$1,700-\$2,300. Motion carried 3-0.

Right-of-Way and Utility Permits: Twelve right-of-way documents and one utility permit were presented to the commissioners for approval. A motion was made by Blake Gerber, seconded by Jeff Stringer to approve the twelve rights-of-way and one utility permit. Motion carried 3-0. One right-of-way document was presented for a Kinzer property but not signed by them. A motion was made by Blake Gerber, seconded by Jeff Stinger to approve the one right-of-way contingent on the signatures by Kinzer. Motion carried 3-0.

Adjourned: Wells County Commissioners adjourned at 7:07PM

Wells County Commissioners

President, Michael K Vanover

Vice President, Blake Gerber

Member, Jeff Stringer

Attest: _____
Lisa McCormick, Wells County Auditor