

DEKALB COUNTY COMMISSIONERS' MEETING

February 27, 2023

Commissioners Present: President William L. Hartman
Vice President Michael Watson
Vice President Todd Sanderson

Others Present: Deputy Jody Wiedenhoef
Attorney Andrew Kruse

MATTER OF INSURANCE TRUSTEES

Mike Shuherk and Kyle Pearson provided a copy of the DeKalb County Commercial Property Insurance Renewal with a Proposed Policy Period from 2-26-2023 through 2-26-2024. Mike began explaining that the Insurance costs have gone up 3.8% overall. Kyle Pearson started speaking about the safety committee, and that it is helping our policy premium. Jack Smith and the IT team have helped considerably on the Cybersecurity Renewal policy and the increase was only 5%. He went on to say they are recommending Liberty Mutual again this year. Kyle stated that they did increase Property Building limits by 5% with inflation. Kyle noted that under the General Liability Section, primarily the biggest change is in the Public Officials Employment Practices. That section covers wrongful hiring, firing, discrimination, harassment type claims and was added at \$5,000,000 because there is not an umbrella clause that covers that section, and went on to explain the importance of that policy. Policies listed in the General Liability Section also cover Central Dispatch, as well as the County Home, specifically included for the distribution of medications. Commissioner Sanderson asked if we had multiple Insurance Carriers quote us, and Kyle went on to explain that Liberty Mutual is the only carrier that provided a quote to us because of the distribution of medications at the County Home.

Commissioner Hartman asked if that also included Highway Trucks, and Kyle confirmed that it does. The statement of values of all attachments needs checked to make sure there are no discrepancies, and is requesting we verify and return the documents in to Liberty Mutual as soon as possible. Kyle went into further detail explaining additional line items and sections. Commissioners Watson asked if we have Coverage Bound on the Builders Risk Policy, and Kyle explained that they provided the quote, and only need the Commissioners approval to go ahead. Kyle asked that we keep Insurance Trustees informed when the Highway project is complete and he will remove the Builders Risk Policy section, and the updated premium would adjust at that time. Total premium for 2023-2024 period is \$399,634.00.

Todd Sanderson made a motion to approve the Insurance Proposal as submitted by Insurance Trustees, including the Builders Risk Policy. Michael Watson seconded, and all approved.

MATTER OF GRANT FOR INSPIRATION MINISTRIES

Andrew Foster, Chief Executive Officer of Inspiration Ministries, accompanied by Don Harvey, Board Chair of Inspiration began by passing out information regarding the Opioid Distribution the County received. Andrew went on to explain that Inspiration Ministries provides tools, resources, and housing to help recovering addicts, and would like to see if there are any available funds for their program. On January 31, 2023, the State of Indiana Division of Mental Health opened an opioid matching grant opportunity and Inspiration Ministries is hoping to raise funds of approximately \$450,000.00 within the DeKalb County Community to receive a matching Grant of \$450,000.00 for a total of \$900,000.00.

Andrew explained that if Inspiration Ministries can obtain these funds, they are looking at two projects. The first being Mercy House, and the other, a recovery house addition on their Freedom Farm property. Andrew is requesting a pledge for \$25,000.00 from DeKalb County, and a letter to be able to submit with his grant application that they need signed and has a due date of February 27, 2023.

Commissioner Sanderson asked how many residents housed at their facilities are residents of DeKalb County. Andrew stated approximately 65%. They have graduated 72 individuals, and only seven of that number has re-offended. Commissioner Watson went on to ask if it would "supplement" the current program. Andrew explained that most of this money would go to a new "Recovery Hub" Commercial Building.

Todd Sanderson made a motion for the DeKalb County Commissioners to provide Andrew Foster, of Inspiration Ministries a letter to seek grant-matching funds for \$25,000.00, subject to the DeKalb County Council approval. Michael Watson seconded, and all approved. Andrew Kruse formatted a letter, and Commissioner Hartman signed.

MATTER OF CSES OVERLAY DISTRICT

The DeKalb County Plan Commission held a public hearing on February 15, 2023, on the proposed amendments to the Commercial Solar Energy Systems Overlay District. The DeKalb County Plan Commission sent an unfavorable recommendation for the text amendment to the DeKalb County Board of Commissioners. Chris Gaumér explained that the Plan Commission agrees with and has no comment on the approval process & fire protection plan, decommissioning bond and insurance or wildlife corridors. Regarding the height restrictions, the original ordinance passed by the Plan Commission included a 15 ft. height restriction for solar panels and any structures related to the CSES project. The Commissioners amended that to increase the height to 18 feet for only the solar panels themselves. That amendment to the ordinance was then approved. The Plan Commission's research for 15 feet was based off standards submitted to the Ohio Power Siting Board from March, 2021 in Wood County, Ohio, where they say that solar panels are positioned 8 feet (flat) to 15 feet (fully tilted) off the ground and researching other solar projects in West Virginia and Madison County, Ohio which states the panels will be at 15 feet when fully tilted. The Plan Commission is now concerned that a height of 12 feet would result in the need for a waiver during the development plan.

Regarding setbacks for non-participating land owners, the Plan Commission is concerned about the land use of the setback area between the non-participating owner and the solar panels. With such a wide range of setback possibilities (minimum 400 feet to a maximum of 1000 feet), the Plan Commission would like more clarity on what this will look like, how this area will be maintained, and whether it can be used for other purposes.

Regarding visual buffers and landscaping, the Commissioners removed the part of the ordinance allowing the solar company and non-participating landowner to compromise on a 200-foot setback with a 30-foot landscape buffer if there is written acceptance from the non-participating owner. The amendment has now brought that back proposing a requirement that the solar company send letters to non-participating landowners requesting a reduced setback. The landscape buffer requirement to "achieve a reasonable buffer" seems relative, will only be a theoretical design on paper, and could be disputed by the non-participating owners, which could create problems during the public hearing.

The 6,000-acre cap on owned or leased parcels did not get many comments from the Plan Commission; in fact, one member would like it to be less, around 3,000 acres. For reference 6,000 acres is 4.44% of the total 135,067 acres based on the County Assessor land use data for "tillable land" only within the jurisdiction of the DeKalb County UDO. As for all of DeKalb County's "tillable land", a total of 141,740

acres, 6000 acres would be 4.23%. This excludes anything within municipal limits of Auburn, Garrett, Altona, Waterloo, Butler, Ashley, Hamilton, Corunna and St. Joe due to how the Assessor assesses land. For many of the questions asked during the discussion of the amendments, the Plan Commission did not receive adequate explanations with not all Commissioners being present or willing to speak on behalf of others. As occurred during the process of crafting the original ordinance, the Plan Commission has asked that a joint session be permitted to allow for open discussion on the amendments. William Hartman explained that there will be 3 folks allowed to speak that will be allowed 5 minutes each that are against the ordinance, and then 3 folks that are for the ordinance to stay the same.

Chip Hample, on behalf of landowners provided petitions, geared towards property rights, to the Commissioners. There is an ordinance in place with a lot of input from a lot of parties, and now that ordinance has proposed amendments, he is requesting that there be further discussion between the Commissioners, Plan Commission, and additional stakeholders to go through all of the documents and changes that are being submitted.

Reed Davis with Indiana Land of Liberty Coalition began with providing context about protecting private property rights, and encroachment. He went on to say that extreme setbacks provide nothing other than creating unused land. He believes that if we would go further than 400-foot setbacks, we would be the most extreme County in Indiana with such setbacks.

Ben Steury began by stating that not all Pro-Solar folks are against all of the changes regarding the amendments. He then provided handouts for the Commissioners, that showed the ground will not produce anything, and feels they have the right to use this land how they deem fit, and hopes they support the farmers who produce food, fuel, and energy. Further Discussion took place.

Jessica Shull began by speaking about Solar asking landowners not to speak with multiple neighbors, and not to make neighbors aware of what is going on, and that Big Solar can pop in numbers to fit their goals. She stated that it has already been determined that the most efficient use of the land is farming, and that Solar has a 22% efficiency rate. Jessica then provided a stack of 1,599 petitions of DeKalb County residents who have signed a petition to hold the ordinance in place as it is protecting its residents.

Larry Kimmel began by stating he is in favor of Solar Farms. He cannot understand why we would not allow tax abatements now, when the County has allowed them for the Solar Farm that it currently runs beside Interstate 69. Larry went on to state that many people did not think Solar would come into DeKalb County. He went on to say Commissioner Hartman called a lot of landowners out that they were "late to the game", but they claim they did not know there was a game, and that they thought the setback and ordinance for Solar were set. Larry went on to say he does not appreciate Commissioner Sanderson sending out an email calling landowners liars. Commissioner Sanderson then rebutted and said that the only thing that he said was "The organizations that are hired by the Solar companies are lying to us, and saying we are stripping the rights of landowners", and he went on to animatedly deny any such comment. Commissioner Sanderson went on to say he has issues with the sites that say, "The Commissioners are stripping the rights of landowners and to please sign the petition." Commissioner Hartman then informed Mr. Kimmel that he was out of order.

Ginger Miller began by stating that she understands that the residents of this County do not own the views, however, when it comes to someone doing something with their property and it negatively affecting her property is where she has the problem.

Commissioner Sanderson started by asking why the push for solar and wind? He stated we have never had an issue with power in the Midwest. He feels solar has great benefits, however, in certain areas. The real reason he feels the big push is big money. He went on to speak about the UDO and property rights, and called out the Plan Commission on shooting down the Commissioners ideas of protecting residents by the ordinance that was submitted. He feels the landowners do not own their view, but they did buy into the zoning around them when they purchase and/or build a home. He feels what it really comes down to is in the UDO. Anything we do should be an increase as to how to protect the land. Todd went on to say that, he believes there is good content with some of these companies, but really took exception to someone saying he took advantage of their land rights. He feels he made a mistake to approve the Overlay District in the UDO, and after learning where the agenda started, and really researched, and feels the Commissioners should not have signed and approved the current Overlay District in the UDO. He went on to discuss that these Solar companies feed money to China and other companies, and that after a lot of review, he was lied to, and that this overlay is an extension of the landowner's rights.

Commissioner Watson began by stating he is very disturbed by the entire situation between neighbors, county officials, and other individuals. He feels like in 2021, we should have went with ¼-mile setbacks, and concerned with the demonizing amongst DeKalb County residents. He feels that he has put additional items back into the ordinance to protect landowners. He feels that everyone has a piece of the puzzle, and that the Commissioners represent all DeKalb County Residents. Mike went on to say that if the setbacks were related to property values, he would like the evidence of what the direct action is. Mike then spoke about being very concerned with whatever decision the Commissioners make, and the amount of time and healing it will take to get our county, and residents working together again.

William Hartman began by stating that he was not able to be present at the previous Plan Commission meeting because he was out of state, but was in favor of eliminating the berms all together. He feels that they could grant some variances to the berms, and that there are certain instances where the topography of the land will dictate if there should be variances in the berms. Bill agrees that we do not own the view, and that you as a homeowner pay for that view. He went on to population density, and feels it is too great to accommodate this kind of solar development, and that there are folks that complain about wasting ground because of setbacks, but if there weren't so many houses we had to set back from, this would not be as much of an issue. He feels that Solar being only 22-23% efficient in our area is ridiculously low. Bill finished with feeling this really is about the money upfront, and the control gained off the back end.

Commissioner Sanderson then spoke about the Plan Commission, and would prefer to not go back and forth and create a further division between our residents and elected officials. He also stated that he feels the visual buffer is not needed, and would save the solar companies a lot of money. Commissioner Hartman agreed and referenced a letter received by the County Surveyor that the berms would be bad for the drainage. Commissioner Sanderson stated that he feels the non-participating property owners would be OK with removing the buffer as well.

Commissioner Watson came back and said other counties are zoning solar out, however, we are passed that point because too many people have received money, contracts, etc.

Todd Sanderson made a motion to approve Resolution 2023-R-2 the amendments to the DeKalb County Unified Development Ordinance UDO-83, William Hartman seconded. Michael Watson opposed. Motion approved 2-1.

MATTER OF MINUTES

Michael Watson made the motion to approve the minutes as dated February 13, 2023. Todd Sanderson seconded, and all approved.

MATTER OF CLAIMS

Todd Sanderson made a motion to approve Special claims for \$4,805.99 consisting of warrant #134024 and wire transfer #23666's thru #23670 that processed on February 15, 2023 and General claims processed on February 27, 2023 for \$1,559,486.09 consisting of warrant #'s 134027 thru #134041 and wire transfer #'s 23706 thru 23879. Michael Watson seconded and all approved.

MATTER OF TRAVEL REQUESTS

Todd Sanderson made a motion to approve the following travel requests:

- 1) Deputy Stephen Koziol to attend Indiana Case Law Training held at the Seymour Indiana Police Department on February 21, 2023. Estimated cost of \$199.00, paid by department travel.
- 2) Sgt. Thomas Olinske to attend Homicide and Death Investigation Training held at the Franklin, Indiana Police Department, April 24-28, 2023. Estimated cost of \$1,200.00, paid by department travel.
- 3) Sgt. Thomas Olinske to attend New Detective Training held at the Franklin, Indiana Police Department, March 14-16, 2023. Estimated cost of \$715.00. Paid by department travel.
- 4) First Sgt. Jared Ulrick to attend PREA Training held at the ISA Training Center, March 8, 2023. Estimated cost of \$0.00.
- 5) Leta Hullinger & Tina Meschberger to attend the Indiana Recorder Conference in Indianapolis, Indiana, April 18-20, 2023. Estimated cost of \$1,804.00. Paid from Department travel.
- 6) Hailey Csato to attend Domestic Violence – Trial Advocacy I Training held at the Embassy Suites in Noblesville, Indiana, March 7-9, 2023. Estimated cost of \$60.50, paid by department travel.
- 7) Angela Sorg to attend the Farm Service Agency Conference held in Fishers, Indiana, February 28, 2023. Estimated cost of \$116.00, paid for by department travel.
- 8) Jonnie LaRowe & Johanna Scott to attend the NAMI Mental Health & Criminal Justice Summit held at the Indianapolis Marriot North, in Indianapolis, Indiana on March 10, 2023. Estimated cost of \$133.80, paid by department travel.
- 9) Ben Parker, Dusty Bock, and Joe Harrison to attend the Work Truck Show in Indianapolis, Indiana on March 8, 2023. Estimated cost of \$0.00.

Michael Watson seconded, and all approved.

MATTER OF HOMELAND SECURITY 2022 YEAR-END REPORT

Todd Sanderson made a motion that the Commissioners acknowledge receipt of the 2022 Homeland Security Year-End Report. Michael Watson seconded, and all approved.

MATTER OF INDEPENDENT CONTRACTOR AGREEMENT FOR CORONER

Michael Watson made a motion to approve the Independent Contractor Agreement between the Board of County Commissioners of DeKalb County, Indiana, the DeKalb County Coroner, Jennie Short, and Independent Contractor Todd Sanderson seconded, and all approved.

MATTER OF ARPA AGREEMENT WITH LOCAL FIRE DEPARTMENT ALLOCATIONS

Michael Watson made a motion to have the President sign the agreements to disburse ARPA Awards, for \$75,000.00 each, between the DeKalb County Commissioners and the following Fire Departments: Ashley, Concord, Corunna, Butler, Garrett, Hamilton, LaOta, Waterloo-Grant Township, Spencerville, and Jackson. Todd Sanderson seconded, and all approved.

MATTER OF AMS AND SENTINEL OFFENDER SERVICES AGREEMENTS

Michael Watson made a motion to approve the AMS Master Agency Agreements, as well as the Sentinel Offender Agreement, and Product and Service Schedule to Master Agency Agreement between the Board of County Commissioners of DeKalb County, Indiana, DeKalb County Community Corrections and AMS & Sentinel Offender Services. Todd Sanderson seconded, and all approved.

MATTER OF ARPA AGREEMENT WITH TOWN OF WATERLOO

Michael Watson made a motion for the President to sign the agreement with the Town of Waterloo to disburse the ARPA Award amount of \$200,000 for the Waterloo Sewer Project. Todd Sanderson seconded and all approved.

MATTER OF SHERIFF OFFICE VEHICLE DEEMED TOTAL LOSS


Todd Sanderson made a motion for the President to sign the following vehicle title that needs sent to the Sheriff's insurance company, which was wrecked and a total loss after a pursuit:

2018 Dodge Charger – VIN # 2C3CDXKTXJH323846

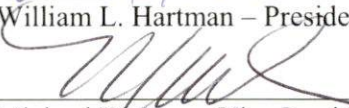
Michael Watson seconded, and all approved.

MATTER OF DART LOW FLOOR VAN PURCHASE AGREEMENT

Total cost for both Minivans is \$138,870.40. Todd Sanderson made a motion for the President to sign the purchase agreement for a Low Floor Mini-Van, Chrysler Voyager LX/Braun Entervan. QPA 44253 / Project #CY2023 LFMV, INDOT 5339. Michael Watson seconded, all approved.

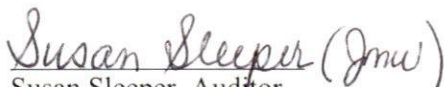


William L. Hartman – President



Michael Watson – Vice President

Attest:



Susan Sleeper, Auditor

Todd Sanderson – Vice President