

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 6, 2003**

The Vanderburgh County Board of Commissioners met in session this 6th day of January, 2003 at 5:37 p.m. in Room 307 of the Civic Center Complex.

Call to Order

Commissioner Fanello: Call to order Vanderburgh County Board of Commissioner meeting, January 6, 2003.

Introductions and Pledge of Allegiance

Commissioner Fanello: Introductions are as follows, to my right, Tammy McKinney, Superintendent of Buildings; County Attorney, Kevin Winternheimer; Commissioner Mosby. To my left, Commissioner Crouch; County Auditor, Bill Fluty. I better get used to saying that, and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge was given.)

Election of Officers

Commissioner Fanello: I guess, before we move forward, we need to go ahead and elect our Board President and Vice President. I would like to make a motion that we appoint David Mosby as President this year.

Commissioner Crouch: Second.

Commissioner Fanello: So ordered.

President Mosby: What do they call that?

Commissioner Crouch: Is that a (Inaudible)?

Commissioner Fanello: Yeah. So, now we need a Vice President.

President Mosby: Well, I would like to make a motion that we elect Commissioner Fanello as Vice President.

Commissioner Crouch: Second.

Commissioner Fanello: You have to say so ordered now.

President Mosby: So ordered.

Commissioner Fanello: I guess, we can go ahead and switch seats.

Commissioner Crouch: Congratulations.

President Mosby: Thank you. I've had this once, I'm not sure that's in order.

Approval of December 30, 2002 Commission Minutes

President Mosby: Well the next item is approval of minutes.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. I almost wrote Mourdock's name on there. I'll have to get used to that.

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| Approval of January 6, 2003 Executive Session Summary Minutes |
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President Mosby: And I also need approval of the Executive Session summary minutes for tonight.

Commissioner Fanello: Yes, I would like to make a motion that we approve the Executive Session summary minutes, which began at 5:00, and ended at approximately 5:30. Discussion pertained to union contract negotiations only.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Opening of VC021-2003: Burdette Park Electrical Upgrade Bids |
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President Mosby: Phil Lawrence. Bid advertisements.

Phil Lawrence: A couple of things. Kevin is going to open the VC021-2003, Burdette Park electrical upgrade bids. I also have a report on the computer and copy paper, as well as the surface material bids.

President Mosby: Are there any other bids in the audience? Seeing none.

Commissioner Fanello: I'll move that we open the bids.

Commissioner Crouch: Second.

President Mosby: So ordered, to open bids for Burdette Park electrical upgrade.

| Company Name | Base Bid #1 | Base Bid #2 |
|--------------|-------------|-------------|
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|--|----------|----------|
| Mel Kay Electric | \$58,627 | No bid |
| Deig Brothers Lumber & Construction | \$47,195 | \$37,695 |
| Ad Craft, Inc. | \$59,126 | \$55,826 |
| Mounts Electric | \$60,653 | \$57,149 |
| CC Boone & Company | \$72,600 | \$46,100 |
| Premiere Electric | \$52,400 | \$45,000 |
| The State Group Industrial USA Limited | \$39,584 | \$35,164 |
| JE Shekell | \$51,637 | \$38,055 |

Kevin Winternheimer: Okay. The first bid is from Mel Kay Electric Company, Inc. of Evansville. Base bid \$58,627. I assume there are no alternates? It's just a base bid?

President Mosby: Steve, is there any alternates on this? Or do you know if it's—

Steve Craig: There can be an alternate if they wanted to.

President Mosby: There can be?

Steve Craig: It's an option.

Kevin Winternheimer: Let me look a little closer here to make sure. Oh, is that the number two?

Phil Lawrence: Yes.

Kevin Winternheimer: Where you did the trenching? Okay. They did not bid that. They left that blank. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. No, that's the (Inaudible) price. Here we go. Base bid number one, \$47,195, and they did bid the base bid number two, which states Burdette does all trenching and relocating or fixing of any necessary pipe, plumbing. For base bid number two, their price is \$37,695. The next bid is from Ad Craft, Inc. of Evansville. Base bid number one, \$59,126. Base bid number two, \$55,826. The next bidder is Mounts Electric, Inc. of Evansville. Base bid number one, \$60,653. Base bid number two, \$57,149. The next bidder is C.C. Boone & Company, Inc. of Evansville. Base bid number one, \$72,600. Base bid number two, \$46,100. The next bidder is Premiere Electric, Inc. of Evansville. Base bid number one, \$52,400. Base bid number two, \$45,000. The next bidder is The State Group Industrial USA Limited. That's of Evansville, and their base bid number one, \$39,584. Base bid number two, \$35,164. The last bid is from JE Shekell, Inc. of Evansville. Base bid number one, \$51,637. Base bid number two, \$38,055. That's all the bids we have.

Commissioner Fanello: I'll move that we take bids under advisement.

Commissioner Crouch: Second.

President Mosby: A motion and a second to take bids under advisement. So ordered.

Summary of APA022-2003: Computer and Copy Paper Bids

Phil Lawrence: I would like to ask the Council members to take the computer and copy bid under advisement. Those were opened this morning at the Board of Public Works. There were four bidders; Alpha Laser, Boise Office Products of Evansville, Resource Services of Evansville, and SK&H Paper and More of Evansville. They were all very close. There was about \$500 difference between the four. So, we'll have to go through and see who was what, but if you would take those bids under advisement as well, I would appreciate it.

Commissioner Fanello: I'll make a motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Summary of APA005-2003: Surface Materials

Phil Lawrence: And APA005-2003, we've got three bids; Rudolph, E&B Paving, and Goldman Paving. They were, they ranged from \$515,000 to \$540,000 for the city and the county roads. I would like to ask that you take those under advisement as well.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Thank you.

Permission to Advertise 2003 Board of Commissioner Meeting Dates

President Mosby: Next we have permission to advertise Board of Commissioner meeting dates for 2003.

Commissioner Fanello: I'll make a motion that we move advertisement of meeting dates for 2003 as submitted in our packet.

Commissioner Crouch: Second.

President Mosby: So ordered.

Board Appointments

President Mosby: Okay, we did election of officers, board appointments. Do we have any board appointments?

Commissioner Fanello: I do have a list of board appointments that we can make tonight. Then we should be able to conclude them next Monday night. First of all is the Alcohol and Beverage Commission. I would like to make a motion to re-appoint Rick Riney.

Commissioner Crouch: Second.

President Mosby: So ordered. I'm sorry.

Commissioner Fanello: Burdette Park Advisory Board, I would like to make a motion to re-appoint our current members, which include Charlie Guetling, Rob Kerney, and Carl Shepherd.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Central Dispatch Board, I would like to make a motion to appoint David Mosby.

Commissioner Crouch: Second.

Commissioner Fanello: We need a so ordered on that.

President Mosby: So ordered. I guess, you have to do that.

Commissioner Fanello: We do have an opening since Commissioner Mourdock has been replaced. We do have an opening on the Community Corrections Board, and, I guess, I would like to ask Ms., Commissioner Crouch if she would like to join that board?

Commissioner Crouch: That's fine.

Commissioner Fanello: Okay, so I would like to—

Commissioner Crouch: Second.

Commissioner Fanello: There you go.

President Mosby: So ordered.

Commissioner Fanello: Thank you. Convention and Visitors Bureau, re-appoint current members Joe Vezzoso, Jr., and Sandie Aaron.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Data Processing Review Board, re-appoint Larry Chapman.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Then we also need a Commissioner on there, and I would like to continue that appointment, if that pleases the board.

Commissioner Crouch: Second.

President Mosby: I'll make that motion.

Commissioner Crouch: Oh. Second, again.

President Mosby: So ordered. So ordered.

Commissioner Fanello: We do have an opening on the EARC Board, which is the ARC Board, and I would like to ask Commissioner Crouch if she would like to serve on that board as well.

Commissioner Crouch: That would be fine. Second.

President Mosby: Oh, I was going to say, I'll second that. So ordered.

Commissioner Fanello: Electrical Board of Examiners, would like to re-appoint current members; Bill Ball, Tom Guth, and Gary Stute.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: I would like to continue my appointment on the EUTS Board.

Commissioner Crouch: Second.

President Mosby: Second. So ordered.

Commissioner Fanello: HVAC Board of Examiners; Wayne Ravellette, John Dillingham, and Don Merle. Would like to make a motion to re-appoint those.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Home Inspector Licensing Board, make a motion to appoint current members Ronald Dauby and Rob Cahill.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Next one is License and Disciplinary Board. Commissioner Mosby has served on that, and if he would like to continue, I'll make a motion.

President Mosby: Sure.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Would like to re-appoint current members William Phelps and Edward Ziemer to the Parks Board.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: And, Redevelopment Commission, would like to re-appoint current members Mark Owen, Jerry Richey, Richard Redmond, James Schenk, Steve Folz.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: And one more board appointment, our Southwest Indiana Regional Strategy Commission, Commissioner Mourdock had served on that, and I would like to serve on that, if that pleases the board.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: And we also need to re-appoint our other two members who are currently on there, and that is...I lost my piece of paper. Lou Porter and Jonathan Weinzapfel.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: That is all I have for tonight. I believe that gives the Commissioners each three board appointments, if that worked out correctly. That means we serve on three.

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| Gartner Report |
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President Mosby: Next is the Gartner report.

Commissioner Fanello: Everybody should have received a copy of the 200 plus page of the Gartner report. I just wanted to bring it to everyone's attention, and see if anybody had questions. I did meet with the Mayor this afternoon to go over the report, and we talked about a few things. Basically, the gist of the report is the fact that they have recommended that we do go out for an RFP, but we do have several options in doing that. We can do a fast track RFP, or we could use the regular RFP process. Fast tracking would mean that they would select two to three possible vendors, and they would start negotiating with those vendors. They would make that about a 20 week process. The other is, obviously, to go out for a regular RFP, and put it out there for anyone who feels that they can, that they can bid on it. That would approximately be a seven month process to get to that point, plus there would be time that we would need to negotiate a contract. There is a considerable cost

difference in both of those, ranging anywhere from \$364,000 up to \$480,000. So, I think we, as a board, need to decide what we're going to do, at some point in time over the next week or so, because our contract with ACS does expire June 30th of this year. The Mayor and I do have a meeting Friday morning with ACS, so we will be talking with them, and getting their input and feedback. I think Gartner did a very good job on the study. I mean, they identified several strengths, weaknesses, and gave us their idea of our needs and assessments. I think it kind of says, basically, what we've all said over the past year. We know there are deficiencies in the contract. We do have a contract that is outdated. We have grown faster than our contract has grown. So, we need to start looking at what kind of technology we want to provide within the city/county building, and how we want to get there. That's going to probably cost us some sticker shock, but I think we're going to have to decide what, exactly, we want, and maybe what we can do in-house, versus what we can contract out. That could, you know, we discussed if Gartner could help us out with that. I went ahead and took two proposals from them on helping us get through the next phase, because I think that we need somebody, obviously, with expertise to help us write an RFP. Gartner is a completely independent firm, so they would not be bidding on the RFP themselves. They would just be working for us, and us alone. So, if anybody has any questions, I would be happy to answer.

Commissioner Crouch: Just a couple questions. If we use the fast track approach, can we do that legally without having to go out for bid?

Commissioner Fanello: I would have to defer to our County Attorney on that, but I would, off the top of my head, since it's a service, I would think that we probably could.

Kevin Winterheimer: Right. I haven't seen what exactly the fast track is, but, yes, these are service contracts, and do not even have to be bid. So, you can do that or anything more than that. You can restrict the RFP, whatever you want to do.

Commissioner Fanello: Gartner was happy to see that we are planning to revise the Data Board. They thought that was a real strength, and a positive, because that is one of our main problems is the fact that we do not have a board with clearly defined duties and responsibilities, and good, I guess, means of communications. So, they were happy that we were going to revise that ordinance.

Commissioner Crouch: If I did the math right, it's going to, based upon what they said, low end to high end—

Commissioner Fanello: Right.

Commissioner Crouch: —going to cost, annually, an additional \$800,000 to \$6.7 million—

Commissioner Fanello: Right.

Commissioner Crouch: —or somewhere in between.

Commissioner Fanello: Right.

Commissioner Crouch: So, that is a considerable amount of resources. They also had indicated that through the 11% of the contract amount would be dedicated to a management fee. Is that not correct?

Commissioner Fanello: I think so. I mean, they've offered several suggestions in there, and their cost estimates are just estimates only, based on the current market. Of course, those estimates would depend on what exactly we wanted out of a contract. I think they're, you know, estimating very high, and maybe we wouldn't want our next service provider to do everything that they're doing now. Maybe there are some things that we could do in-house, because we have some very smart people around here, and, you know, who have taken our technology quite far, even in working with ACS. So, I think it all just depends on what we want, and I think that still needs to be, we need to take their recommendations and look at it, and decide exactly what direction we want to go. What recommendations of theirs do we want to implement.

Commissioner Crouch: But, it is going to cost us.

Commissioner Fanello: It is. It could possibly cost more, but, I think the fact is, you know, technology has grown, but we've outgrown the contract. Like I said, it's just all up to us on what we want to provide, technology-wise.

Commissioner Crouch: I'm happy to hear that the county is working with the city, because that is a way that we can reduce duplication, and increase efficiency. So, I'm pleased that we're working together with them.

Commissioner Fanello: Yeah. They've been very helpful on this, and it's been a very good learning experience for both the city and county. Like I said, the County Council will get a copy of it tomorrow. Patty White will be e-mailing those who have e-mail, a copy of the report, since it is so large. We've got two CD-ROM's for those who do not have e-mail on the County Council. The Mayor was going to forward the City Council a copy of the report. I'll just kind of give a brief overview Wednesday at the Council meeting.

Commissioner Crouch: So, the next step is?

Commissioner Fanello: Next step is for us to have discussion with ACS of how this all would work if we decide to go out for RFP. I would like for this Commission, possibly, to come back next Monday, and let me know your thoughts of fast tracking the RFP, or going through the regular RFP process. That's a decision we need to make. The cost would be split 50/50 with the city.

Commissioner Crouch: If we fast track, is that Gartner would give us their recommendation on the two or the three vendors that would—

Commissioner Fanello: Right, and I had a couple questions about that, and I'm still unclear about that process, and Patty White was checking with Gartner today to ask them some questions about that. I'm still unclear, a little bit, of how that would work.

Commissioner Crouch: Okay. Thank you.

Commissioner Fanello: Thanks.

President Mosby: Any other questions? (Inaudible. Mike not on.)

Madelyn Grayson: David, your mike's not on.

President Mosby: Oh, I'm sorry. Excuse me.

Resolution to Rescind Tax Levy

President Mosby: Resolution to rescind tax levy.

Commissioner Fanello: Okay, first of all, let me pass out a copy of the report given to us by Clifton and Gunderson. I do have one for the record. So, if everybody has copies, I will go ahead and pass a copy of the resolution that Kevin has prepared. Next, the final thing that I will pass out is a copy of the TIF worksheet that was prepared by Clifton and Gunderson and approved by the Redevelopment Commission a couple of weeks ago. First, what has got us to this point is, you know we have taken a look at the TIF districts. First of all, the law changed regarding the TIF districts, and so we needed to certify some numbers to the state regarding that, and that has been done by the Redevelopment Commission. Second thing, reason that we have contracted with Clifton Gunderson is to look at how much money we have in our Burkhardt Road TIF district to possibly complete the remaining phase of Lynch Road to Warrick County, plus possibly defeasing our bonds early, in 2007. If we did that, it would be, we would be calling the bonds ten years early, and saving the taxpayers approximately \$2 million in interest, if we did that. From Clifton Gunderson's report, they do feel like we have enough money based on estimates given in November that we will have enough money to purchase the right-of-way, and the construction portion for the Lynch Road Project, and call the bonds on February 1, 2007. We could possibly still have a cash balance left, at that time, of \$2.4 million. So, the numbers are there to do that. I do believe that the Redevelopment Commission will be meeting this Friday to go over this as well, and the County Attorney will be helping to direct them in this process. The rescinding of the replacement tax levy, the numbers that Clifton Gunderson came up with, if you notice, our Burkhardt Road TIF district has been very healthy the past few years, and we're taking in quite a bit of surplus, as you can see from the numbers. Based on the change in the tax law, if we went ahead and levied the replacement amount, it would be approximately 418 thousand dollars, one hundred...\$418,164. I'm suggesting that we do not need to levy that amount in the Burkhardt Road TIF district, and that we rescind that amount due to the healthy, the healthiness of the fund. So, I guess, I would like to propose that to the board, and would make a motion that we send the form to the Department of Government Finance, rescinding that replacement tax levy.

Commissioner Crouch: And Clifton Gunderson has indicated that we could rescind that and still have money to pay for the Lynch Road?

Commissioner Fanello: Right.

Commissioner Crouch: The \$2.7 million, and still—

Commissioner Fanello: And still rescind, yes.

Commissioner Crouch: —have money to defease the bonds early. And still have, maybe, perhaps, a cash balance of \$2.4 million?

Commissioner Fanello: That's their forecast that they're projecting on the spreadsheet here. Of course, those are all based on estimates, at this point. As they only can be, but those are their projections, at this point.

Commissioner Crouch: Well, that sounds like a win, win for the county—

Commissioner Fanello: I know, it does.

Commissioner Crouch: –and the taxpayer, and everyone. I would like to second that motion.

President Mosby: And I happily say so ordered.

Commissioner Fanello: Okay.

Commissioner Crouch: Commissioner Fanello, about the other TIF districts, are we–

Commissioner Fanello: The other TIF districts, we have two other TIF districts that we could look at. I did not bring it. We could still do those next Monday, if we wanted to, but I need to have conversation with the Auditor, and possibly you about those things. I guess, Bill Fluty, would participate in those discussions now, but, to discuss those two. Those were very low amounts.

Commissioner Crouch: Uh-huh.

Commissioner Fanello: I did not bring the worksheets with me, but the one that really concerns me was this one, because it was such a high amount, and because we are wanting to move forward on the Lynch Road Project. So, I can certainly, if you do not have copies of those worksheets, we'll get those to you–

Commissioner Crouch: Okay.

Commissioner Fanello: –as soon as possible. Bill, if you could take a look at those and give us your thoughts on that. If we do not need the replacement amount, I say we go ahead and rescind those as well.

Commissioner Crouch: The only thing that differentiates those two districts from the Burkhardt, they are not as financially sound.

Commissioner Fanello: Right. Right.

Commissioner Crouch: We supplement COIT with the TIF revenues. In fact, I think COIT is making the entire bond payment for the Industrial Park. So, that may be one that we want to just pass on.

Commissioner Fanello: That could very well be, because I was not as familiar with those, and those were not as healthy as I saw, as this one was. So, any thoughts that the Auditor would like to give us on those, that would be helpful. So, Kevin had prepared a resolution. Do we need to, did my motion take care of that?

Kevin Winternheimer: Yes.

Commissioner Fanello: Okay.

Madelyn Grayson: May I make a tape change please?

President Mosby: Sure.

(Tape Change)

President Mosby: Is there any other questions on the TIF district? Seeing none.

Commission Contracts

President Mosby: Commission contracts. Do we have any contracts?

Commissioner Fanello: Do not have any tonight.

Other Items

President Mosby: Other items. Anybody else have any other items?

Unidentified: I do.

Public Comment

President Mosby: Okay, next public comment. You're up.

Roger Madden: Roger Madden, Fathers United. As I've told you all for about the last 12 years, about the denied visitation problem. I did some calculations after talking to Marsha Abell in the Clerk's office. She says currently we're collecting \$20 million a year in child support, that's at a 40% pay rate. If you would enforce visitation, according to the federal laws, which you said were, you said that we have to build the jail because of a federal judge's order. Well, if a judge makes a ruling, he must make it on federal law. So, if a federal law is already in effect, as in public law 98-378, the State Commission on Child Support, section 15A, as a condition of state's eligibility for federal payments, etcetera, etcetera. You're required to secure parental involvement, and look at problems of visitation. The sense of the Congress is you're supposed to look at the needs of all children, visitation rights. Another sense of the Congress is the needs of all parties involved. But, as I've been telling you, you're only collecting, previously you were only collecting about 20% of the child support. So, from 1990 to 2002 Vanderburgh County lost \$289 million in support collections, due to denied visitation. Now, all the research studies, etcetera, etcetera since 1988, 77% denied visitation; 1990, 70% of juveniles in long term correctional facilities did not live with their fathers growing up. Has resulted in 80% of the rapists were motivated by displaced anger, coming from fatherless homes. 63% of youth suicides come from children from fatherless homes. In 1992, the last figure I could find, was 85% of all youths in prison are from fatherless homes. That's up from 70% ten years prior. So, you know, if you want to do the math on continuing trends, etcetera, etcetera, you may not be building a jail big enough. So, like I've said for the last five years, at least, prevention. I covered public law 98-378, and then if you want to check federal law, title 42, section 1985 on conspiracy to interfere, violation of equal protection of the laws, and recovering damages. It got so bad that the judicial conference of the United States on Federal Agency Compliance Act, HR1544, generally prohibits agencies from adopting a policy of non-acquiescence to the precedent. Also prohibiting agencies from ignoring case law. Since the U.S. Constitution is a supreme law of the land, and all the additional laws that go with it are also supreme, that means it applies to Indiana. So, if you've got to build a jail because of a federal judge's order, why don't you have to ensure enforcing visitation rights according with federal law? If you're wondering what the Prosecutor's job description includes, Indiana Code 33-14-1-4, Prosecuting Attorney must allocate

resources provided by the funding body, City or County Council. So, is that going to include you all? Are Commissioners—

President Mosby: It says County Council, so, Kevin, I'll ask you a question. Or your comment on that one.

Kevin Winternheimer: Well, the, initially the issue is visitation, that's enforced by the person who's denied the visitation.

Roger Madden: Right.

Kevin Winternheimer: That decision is not here, that decision is with the judges.

Roger Madden: Also the Prosecuting Attorney who handles infractions, misdemeanors, etcetera, etcetera.

Kevin Winternheimer: And his office procedure, you would need to take that up with him.

Roger Madden: I have.

Kevin Winternheimer: Okay. What I'm saying is, this body cannot mandate the Prosecutor to do anything. It cannot mandate the judges to do anything. You are going to have to take that up with those individuals. They are the ones that set the policies that you're complaining about.

Roger Madden: So, the county would rather face another federal lawsuit than to comply with Indiana law?

Kevin Winternheimer: No, the county is not out of compliance with Indiana law. What you are trying to do is take the federal judge's order in the jail case, and say the same thing applies to visitation. It does not. You're talking about policies. Those policies are created under the guise of law. If you feel those, the judges, are not complying with the law, you may want to take that up with them. This is not the body to mandate the judges to do anything. Or the Prosecutor. If you're not happy with the way the Prosecutor conducts his office.

Roger Madden: Okay, well, like I said, you might want to look at building a bigger jail. Can I get a date stamp on this?

Commissioner Fanello: Well, I'm going to set the record straight on something. We're not under a federal order to build a jail, at this point.

Roger Madden: That's what they said the other day.

Commissioner Fanello: Who?

Roger Madden: This was in compliance with the 1979 federal judge's order—

Commissioner Fanello: We're not under a federal mandate to build a jail.

Roger Madden: Judge's order? That's what they said—

Kevin Winternheimer: We've agreed to build the jail to—

Commissioner Fanello: (Inaudible. Talking over each other.) Build a jail (Inaudible).

President Mosby: We, what the ICLU–

Kevin Winternheimer: –build the jail to...yes, to–

President Mosby: –the lawsuits that they have against us–

Kevin Winternheimer: Right.

President Mosby: –but no federal mandate has actually came down saying, you know, you will build the jail.

Roger Madden: Well, no, I was saying the federal judge's order. Because that's what they were saying a couple, three weeks ago, and that's why I brought up the federal law, because that's what federal judges make rulings over.

President Mosby: I mean, we have an agreement to, we have an agreement to hold it at 329, and as long as we stay at 329 or below, I mean, we're still within the judge's order. So, I mean, not to say we don't need to build a jail, and I'm not going to deny that. I might not deny that it ain't big enough.

Roger Madden: I'm just saying that prevention would prevent the need to build the jail. Like I say, can I get a date stamp on this?

President Mosby: Yes, she's got your date stamp. Are there any questions of Mr. Madden? Seeing none. Is there anybody else in the public that would like to speak?

Old Business

President Mosby: Any Old Business?

New Business

President Mosby: Any New Business?

Commissioner Crouch: I have just one, some thoughts that I would like to share with the Commissioners regarding 2003. We all know that we have seen declining revenues, starting last year, and there's nothing that indicates that that is going to change. Everyone realizes that we also have increased budget demands. We heard tonight about the upgrade of the IT, which is going to result in additional revenues. We also had the Lynch Road extension, which this Commission is addressing. We have the Old Courthouse. We have implementation of Rule 13, just to mention a few that are going to be facing us in the near future. On top of all that we have the construction and the operating costs associated with the jail. I would like this Commission to, we've looked at the operating costs in the past, but to try to get some exact numbers, as soon as possible, because I believe we need to evaluate whether our existing revenues are going to be able to meet all the demands that are being put before us, and also address the construction and operating costs of the new jail. I believe it's going to be our challenge to determine if that's possible, and to address that issue in the best manner possible. I would like to pledge to the

Commissioners that I'm looking forward to working together with you all to help us address those challenges, and try to best serve the taxpayers.

Commissioner Fanello: We appreciate that, Commissioner Crouch. Just to let you know, next Monday night we should be getting, or, hopefully, if everything goes well, our schematic design for the jail. I know the Sheriff and the Deputy Chief Williams have been working with our design team, and they should be coming up with some operating costs. They are working on that, and we should be able to have those, maybe some more firm numbers over the next couple of months. As soon as we, you know, approve what direction we're going in. So, I'm hoping that we can do that, because that's definitely something we need to be looking at now. You're right.

President Mosby: I will just say, as President, I will welcome any comments that you might have. I think that's one thing that we tried to do last year, and, possibly, the year before, I should say. This Commission never had a five year, long range plan, and I think, if you've noticed, over the last two budget sessions that this year Commissioner Fanello presented the Council with a five year plan to try to put us on track, so we know where we're going to be. We have numerous things facing us, and I totally agree with you. Whether it's Burdette Park or the Courthouse, or the Garage, or equipment. So, I will welcome your input on that five year plan, so that when we go to Council, that we can try to implement something like that, and get us in the right direction. Any other comments? Any other New Business? Seeing none. Department head reports.

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| County Engineer |
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President Mosby: County Engineer.

John Stoll: First item I've got is a letter from URS Engineering in regard to the railroad crossing on Mt. Pleasant Road. Basically, in order for us to be able to upgrade that crossing as part of the Mt. Pleasant Project, we will have to agree to pay the railroad's engineering fees for the review of the plans prepared by Morley and Associates. That letter that I just handed out doesn't give you any cost estimates, so, I called Larry Shaw, who signed that letter. He said the fees should be in the neighborhood of \$6,000 to \$7,000, as long as we don't have to get into relocation of the existing warning devices on that crossing. He said if we get in the warning devices, then it will be another \$10,000 to \$12,000 on top of the \$6,000 to \$7,000. So, tonight I'm asking for authorization to proceed with letting URS Engineering know that Vanderburgh County will reimburse the fees associated with the review of Morley's plans, so that we can proceed with that project. Basically, we have to. That's the way the railroads operate. We always get stuck with the fees associated with their review for any new, at grade railroad crossing.

Commissioner Fanello: I was just going to ask you that question, but you answered my question. I would like to make a motion.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

John Stoll: The first thing they'll do is they'll set up a meeting out on the job site, and I should know then whether or not we'll get into the warning devices. If so, I'll come back and let you know if we're into the \$10,000 to \$12,000 extra. I mean, whether we can keep it at the \$6,000 to \$7,000. The other item I've got is a request to make an offer on the Kramer property on Mt. Pleasant Road. That's parcel 10, and the appraisal was for \$10,200.

Commissioner Fanello: I would like to make a motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you've got any questions on anything. Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. The only thing I have tonight is to answer any questions you might have on the report that I turned in.

Commissioner Crouch: Were there a lot of mailboxes knocked down?

Dennis Hudnall: 24, so far.

President Mosby: Well, that's not bad. I thought I had more calls than that. I think it should be understood that Dennis' drivers do not knock these down. It's the weight of the snow and ice coming off of the plow that takes them out. So, in defense of the drivers, they've did a tremendous job, and their not the ones knocking them down.

Dennis Hudnall: That's a large part of this report here, is replacing those mailboxes.

President Mosby: I did have one person that said we put the wrong color back up. So, you might check that one.

Dennis Hudnall: (Inaudible).

President Mosby: I turned it in. Is there any other questions of Dennis? We still have plenty of salt?

Dennis Hudnall: Yep. We just ordered 500 more tons. So, the barn will be full by Friday.

Commissioner Fanello: What is the full capacity of the—

Dennis Hudnall: 1,300 ton. We've got plenty. We've got enough in the barn right now to handle two more snows. So, we're replenishing. I was trying to get back, to use some of the old, and rotate that stock back in the back, because it clumps up.

President Mosby: Right.

Dennis Hudnall: So, we're using that before we replenish the other.

President Mosby: And we still have, what, about 4,000 on our contract then?

Dennis Hudnall: We have 4,000 on the contract, after this next shipment.

President Mosby: Yeah. Any other questions? Thank you, Dennis.

Dennis Hudnall: Okay. Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: I just have one matter. I was asked to contact the railroad about our proposed crossing out at 41. I talked to Mark, I sent Mark Frieland a letter last week, and he called me back today. He wanted to assure us that, one of the questions that has arisen was whether or not they would be parking railroad cars at our proposed crossing. He assured me that they would not. That if they had been there, of course, we have no crossing there now, but there may be trains going through there, from time to time, of course. He assured me that the local manager, whatever his title is, was well aware that once the crossing is, they would not be parking railroad cars there where our crossing is going through. He also assured me that in the permitting process, we're going to have to deal with the railroad, of course, in getting the permit to install the crossing. He assured me of their complete cooperation. Secondly, he said he's already been contacted by Jim Farney, and is talking to him, and dealing with him on getting that crossing approval, with the plans and all that. So, I think we're making good progress in that regard. That's all I have to report since last week.

President Mosby: Are there any questions? Do you have any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a couple of things. I spoke with Jerry Key Friday afternoon about renewing our contract with American Medical Response. Kevin has reviewed the contract. It's, and then I have the new contract in the signature file. Everything is the same.

Commissioner Fanello: Oh, okay.

Tammy McKinney: Nothing changed, just the dates.

Commissioner Fanello: So, what, if it's okay. Nothing has changed. I don't know, Suzanne, did you want to take time to look at it or anything? Okay. I would like to make a motion to go ahead and approve the AMR contract.

Commissioner Crouch: Thank you for....second.

Commissioner Fanello: No, thank you.

President Mosby: Should we just add it to Consent Items, and then approve it?

Kevin Winterheimer: You can do that too.

President Mosby: Is that what we...I think.

Tammy McKinney: That's fine.

President Mosby: Do you want to make a motion to add it to Consents.

Commissioner Fanello: Okay, I'll make a motion to add to the Consent Items.

Commissioner Crouch: Second.

Tammy McKinney: And then—

President Mosby: So ordered.

Tammy McKinney: —then today I had the Health Department bring up a grant for an Aids Prevention Fund. It just needs to be signed by the Auditor and the Commission President.

Commissioner Fanello: I make a motion to add to the Consent Items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add Health Department to Consent. So ordered.

Tammy McKinney: That's all I have.

President Mosby: I don't know, I know Patty talked to me when I came in this afternoon. Do we have to do something for Mike Lockard still? Does that have to be passed in any way?

Patty White: That's what we'll have to find out exactly what the next step is. (Inaudible. Not at mike.)

President Mosby: For the grant, okay? That's fine.

Commissioner Fanello: And you're speaking about? For the record?

President Mosby: For the record, Jobe's Lane, and the project out there (Inaudible). I will bring that next week. Do you have anything else?

Tammy McKinney: No.

President Mosby: Okay.

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| Burdette Park |
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President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. First thing I would like to do is welcome Suzanne. She not only got to move over a chair, but she got her name in front of her now. Look forward to working with you. Outside of my electrical bids that I had tonight, and my work report, I really don't have anything that I would like to bring up.

President Mosby: Who's going to review these, Steve? I mean—

Steve Craig: Phil and I just went over them, and he's going to call their references and that tomorrow, and go over them. He and I will get back together Tuesday, or Wednesday.

President Mosby: Okay. I mean, I guess, I didn't see the bid, but was it specific on what they were bidding? I mean—

Steve Craig: Yes, sir.

President Mosby: Amps, boxes, the number. Nobody could deviate?

Steve Craig: No.

President Mosby: Do anything different? Okay.

Steve Craig: We had it covered as well, you know, I had one or two weeks, specified what brand besides where to get them, what to do. Then we gave them an option where Burdette could have done the trenching, and the repair of any pipes that was broken, as a way for us to save money. Or they had the option of bidding the whole thing for them to do all of it. That was the two options, which everybody took both options, I think, except the one company.

President Mosby: Yeah, from the way it read, Mel Kay was the only one that didn't bid the option. I just wanted to make sure that they were bidding the same type of box. That one was bidding cheaper than the other.

Steve Craig: No.

President Mosby: That we were bidding the same amperage.

Steve Craig: I specified Square D.

President Mosby: Not a problem. Any questions of Steve? Thank you, Steve.

Steve Craig: Thank you.

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| SWCD & Ozone Officer Reports |
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President Mosby: So, do I have a motion to take Soil and Water?

Commissioner Fanello: Yes, I would like to make a motion to accept the Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: If there's no question, I'll make a motion that we accept the Consent Items.

Commissioner Crouch: Second.

President Mosby: With the addition of AMR and Health?

Commissioner Fanello: With the addition of the AMR contract and the Health Department grant.

President Mosby: I have a motion and a second to accept Consent, with including AMR and Health. So ordered. There being no further business, I'll accept a motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I want you to tell Richard, evidently it's him. We got out of here in less than an hour.

The meeting was adjourned at 6:25 p.m.

CONSENT ITEMS:

Travel Requests:

Health Department SWCD

Employment Changes:

Circuit Court Auditor Prosecutor
VCCC

Request for Service: None.

Sheriff: Weekly Jail and Community Corrections Reports.

Treasurer: Submit Monthly Report.

Commissioner: AMR Contract.

Health Department: Aids Prevention Fund Grant.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Roger Madden |
| John Stoll | Dennis Hudnall | Steve Craig |

Patty White Others Unidentified Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member
Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
EMERGENCY SPECIAL MEETING
JANUARY 9, 2003**

The Vanderburgh County Board of Commissioners met in emergency special session on this 9th day of January, 2003 at 4:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: I would like to call to order special meeting of Vanderburgh County Board of Commissioners, January 9, 2003. First stand and join us while John leads us in the Pledge.

(The Pledge of Allegiance was given.)

President Mosby: Thank you, John. This meeting was called, do we have to suspend business? Normal business?

Kevin Winternheimer: No.

President Mosby: Okay. This meeting was called, a special meeting of the Board of Commissioners, to address the issue of the Toughman Contest that is to be held at the Centre tomorrow night. It is my understanding from corporate counsel, and from head of the Centre from SMG, Sandie Aarons, that the Toughman Association organization does not have insurance to cover participants. They have insurance to cover the spectators, and anybody in the audience that would be affected by this, but not the participants. So, Kevin, do you or Sandie want to address anymore?

Kevin Winternheimer: I would, if you have a few moments.

President Mosby: Sure.

Kevin Winternheimer: Just to build a record. I know I've talked to you, Mr. President, about this, but so that everyone gets a background on what's going on here. I have some articles that, I think, best explains my concerns. To give you a little background, I received a call late Tuesday morning from a gentleman by the name of Malcom Garrett out of LaPorte, Indiana. I asked him what his business was, and he said he is a professional boxing promoter. He does not do these kind of contests, but he has done professional boxing matches, and he was raising concerns about the Toughman Contest, and informed me what was involved in these type of contests compared to professional, or even sanctioned, amateur boxing contests. He raised a concern of mine, and he faxed me, Tuesday afternoon, much information, which I made some telephone calls. I had, I talked to a lady, her name is Irene Postma, and she's with the USA Boxing and Olympic Commission out west...I forget, I've got her number, but I don't know her address. They oversee amateur boxing, Olympic and Pan American type boxing games, and other type of amateur events. I also talked to and called one of the Indiana Boxing Commissioners. His name is Jacob Hall, and he supplied a great deal of information, and also expressed many concerns about these type of events. In a short summary, these events are not your typical amateur boxing matches. These are not, in any way, similar to a professional boxing match. There are many, many dangers associated with the Toughman Contest, not the least of which is the participants, many times, are not aware of the potential hazards, dangers, and risks involved to themselves. If it's okay, what I would like to do is just read some excerpts from some articles that were sent to me. This morning I received an e-mail, an article from the Indianapolis Star, and the article is by Matthew Tully, and let me,

if I might, just read parts of it. It's entitled, "City kicks out Toughman event". It says, the city, and they are talking about Indianapolis;

"The city has taken a knockout swing at the Original Toughman Contest, an amateur fighting competition planned for this weekend. The city, however, canceled the event Wednesday. Fred Glass, head of the city agency that oversees the convention center, said the fight organizer failed to meet insurance and fire marshall requirements. He added, however, that the state's three Boxing Commissioners first raised other concerns, serious injuries that may have been suffered by participants at similar events in the country. "Each of the commissioners talked to me, and said this was bad news, and we ought not let it happen if we can avoid it", Glass said. Boxing Commissioner member, Ed Treacy, said that panel didn't have the authority over the event, so he made sure that city officials knew about past problems. "We saw this as a potential disaster.", he said."

In another article that was sent to me, and this is from the Wichita Eagle, Wichita, Kansas. It's dated September 21, 2002. It's entitled, "Toughman competitor dies Friday". I'm just going to read excerpts of this. It says;

"Officials with the Texas Department of Licensing Regulation, which oversees all "combatative sports" in the state, said Kuhn is the first known person in Texas to suffer head injuries and die after a Toughman competition. He was the second Toughman competitor to die as a result of injuries suffered last Saturday. Art Liggins died that night after suffering head injuries in a Toughman fight in Boise, Idaho. In addition to the two deaths within the last week—

Again, this was dated September 21, 2002—

"In addition to the two deaths within the last week, there previously have been Toughman deaths in Pennsylvania, Kansas, Alabama, Louisiana, and Michigan. Toughman contests are banned in at least four states."

He goes on, in another article, and this is dated, well, I guess, a previous article. Friday, March 10, 2000, it's entitled, "Greg Lamb, who suffered a head injury in 1998 prize fight, seeks \$150,000." This is in the Wichita Eagle, and it's by a, and I pronounce it correctly, by Novelda Sommers. Again, I believe this is March, 2000. Reading segments of the article, it says;

"It's an annual event here that recently became the subject of a lawsuit in which a 26 year old man wants the city and Toughman contest promoters to pay for injuries he suffered in a 1998 event. Greg Lamb is suing the city of Wichita, the Michigan company that promotes the event, local promoter Greg Gorrell and a referee that Lamb says should have stopped the match. In a lawsuit filed February 22 in Sedgwick County District Court, Lamb asked for payment of medical bills and compensation for past and future lost wages. Lamb suffered more than \$75,000 in losses, according to the lawsuit, but his lawyer, Kevin Rider, said that amount could change. The lawsuit also states

that Lamb's two children lost at least \$75,000 in parental services, training, guidance and advice."

They go on to talk about, later on in that same article, it says, apparently the litigant had marital troubles, but it says;

"His ex-wife, Misty King, said their relationship was strained before Lamb was injured. The night of the fight that led to months of rehab for Lamb was the night he asked for a divorce. But as he lay in a coma, King said, she could see that he needed her more than ever. When he awoke, it was like having another child to care for, she said."

The article goes on later to say that, and this in, I assume, in Wichita.

"Health board member, George Potts, said he considers the contest to be unsafe because fighters don't necessarily train for boxing, and participants could be easily out-matched. "It's not a sport," he said. "It's just like a street fight."

Okay. Again, from the Wichita Eagle, and this is the article dated September 22, 2002. It says, "Death puts Toughman's risks into focus.", and reading, again, excerpts from the article. It said;

"The question of Toughman's safety was, once again, raised last week after the death of Michael Kuhn, a 26 year old father of two from College Station, who suffered severe head injuries during a September 15th Toughman match at Reed Arena. Kuhn had been in intensive care for almost a week when he died Friday morning. It was the first reported death in Texas from a Toughman fight, although deaths have occurred in other states as a result of the contests."

Later on in the article it says;

" At least eight deaths have been linked to Toughman contests since they began in 1979. Art Liggins, a 44 year old fighter who made a bid for the US Olympic boxing team in the 70's, died last Saturday, the same night Kuhn was injured as a result of head injuries suffered during a match. The ringside doctor, who was the first to attend Kuhn after the fight, said blood vessels that connected Kuhn's brain and skull had been severed during the fight."

It goes on to say, later in the article;

"But since the contests began, there have been deaths in Pennsylvania, Kansas, Alabama, Louisiana, and two in Michigan. In addition to two deaths within the last week. Toughman contests are banned in at least four states, including Pennsylvania and Missouri."

Later in the same article it says;

"Toughman matches are scheduled for three one-minute rounds, a move that Dore—

that's one of the promoters—

“—made during the early 1980's to protect fighters who didn't always come to the arena in the best physical shape. But the number of matches Toughman participants can compete in can take even a bigger toll on the body. USA Boxing allows fighters a maximum of one match per day. In Toughman competitions, fighters can have up to five matches in a two-day period. Conklin said a blow to the head suffered several weeks before a match can put a fighter in danger of severe injury. A blow suffered earlier in the evening becomes even more magnified.”

And that's the end of that article. To follow up on that, from the lady that I talked to with the US Olympic team, she talked about something called, if I can get the terminology right. Secondary, let's see, what is it called? I referenced it in my letter, but there's a clinical name for this secondary injury. In essence, it's where you receive an injury and then, which maybe doesn't appear to give you any problems, but later on it....thank you. Later on you receive another blow, and that can be serious, providing serious injuries, or even death, and you didn't even know you were in a susceptible condition. So, death may result even weeks later from a secondary injury. I want to make this all a part of the record. So, I've got just a couple more, if you can bear with me. A couple more items to put into the record here. One is, another one is a letter from the Indiana Professional Licensing Agency, the State Boxing Commission, which is, apparently, chaired by a Mr. William Kelsey. Mr. Jacob Hall, and Edward Treacy are also members. It's a letter to Steve Carter that was shared with me. It's dated September 30, 2002, and, again, I'm going to just read excerpts from it. It says, this is from the State Boxing Commission to the Attorney General. It' says;

“The State Boxing Commission held a meeting on September 30, 2002, and discussed concerns regarding “toughman contests”. It was brought to the attention of the Attorney General's office, as well as others present at the meeting that two toughman fights held last weekend one in Boise, Idaho, and one in College Station, Texas both resulted in death. The result of these fights and previous opposition stated by the Commission, determined the significance of notifying the Attorney General's office that the State Boxing Commission is “opposed” to such fights, and wants it officially on record as of September 30, 2002. The Boxing Commission is in “full support” of the Attorney General's office taking appropriate legislative action as soon as possible. It was also noted that the State Boxing Commission has the authority over these fights when they are issued a “prize or purse” and supports the Attorney General's office in “shutting them down”.”

What we are faced with here, they have no jurisdiction. They acknowledge that, because there is no prize. What you get is a trophy or a jacket, something like that. You don't get a monetary prize. So, the State Boxing Commission cannot, right now, shut them down, but they are asking the Attorney General to help put forth legislation to ban those in the state, in the future. I have a letter here from, a copy of the letter. It's from Steve Carter, the State Attorney General, to Robert Garton, President Pro Tempore of the State Senate. It says;

"I am writing to bring to your attention concerns that the Boxing Commission has expressed in correspondence to me regarding "Toughman contests", and the danger that they present to the public. I have enclosed a copy of their letter. "Toughman" contests usually consist of a promoter who chooses local amateur participants to appear in a ring or cage to fight. The fights do not involve a prize other than a trophy or an article of clothing. The contests are becoming increasingly prevalent, and as the Boxing Commission notes in it's correspondence to me, two people have recently been killed in these fights. With the permission of the Boxing Commission, I have enclosed a copy of a recent advisory letter from my office on the subject of the Commission's jurisdiction over these contests. Under current law, the Commission does not have the authority to regulate these contests, because IC-25-9-1-5 exempts certain amateur fights from it's jurisdiction. The Commission supports a ban on these contests. I bring this to your attention to highlight the concerns of the Boxing Commission so that you may consider addressing the issue in the next legislative session. I would support an effort to regulate or ban these contests in Indiana."

That's from Steve Carter, the Attorney General, to Robert Garton. Lastly, to bring this all to a close, or, at least, on my part, here's a copy of an article, I do not have the paper that it was published in, but it's an Associated Press article dated 4/4/2001. It says Boca Raton, Florida.

"A jury has ordered the owners of defunct night club to pay \$10.5 million to the family of a man who was left a quadriplegic after a bar-promoted fight. Club Boca had argued that Carlos E. Silva signed a waiver before stepping into the boxing ring on November 4, 1997. Silva's parents said their son was seriously injured the first minute into the match when he hit his head against a wooden stage. The fight wasn't stopped until he became unconscious in the third round. A blood clot in Silva's brain prompted emergency surgery that left him unable to speak, communicate or move. A Palm Beach County jury determined Tuesday that Silva, 22, should bear 15% of the blame for his injuries, and the club should pay \$10.5 million. The parent company of Club Boca was dissolved, and it's former owners, Simon and Barbara Mandell, filed for bankruptcy a week before trial. Club Boca previously agreed to pay \$16,750 to a woman who was knocked unconscious during the same promotion. The club continued the event until 1998, and closed a year later."

So, that's a, I know you don't enjoy being read to, but I thought that was the easiest way to bring all the facts that I had found to your attention. I want to emphasize that neither SMG nor myself are, in any way, condemning properly sanctioned amateur boxing. Such as would be sanctioned by the USA Boxing Association, Olympic Committee, or something like that. Or professional boxing, which is a highly, as explained to me, and I don't want to take your time as the Commissioner did for the Boxing Association, but all the regulations that are involved in professional boxing, not the least of which is making sure that the competitors are aware of what they are getting into, of matching similarly skilled boxers, and many, many, many different weight classes of boxers, so that the boxers are somewhat evenly matched. All the training that's involved, and regulations involved in both USA Boxing and

professional boxing. So, we're in no way here condemning that. This is an entirely different animal. These are people who have not been trained. They are not looking for training. As a matter of fact, the lady from the Olympic Committee said that if their members fight in these Toughman contests, they are banned from the organization. They are specifically prohibited from participating in these type of contests. Also professional fighters cannot participate in these type of competitions. It's totally different than the properly sanctioned USA Boxing type match, and the professional boxing match. To give you, after gathering all this information, I was on the phone with Sandie Aaron of SMG Evansville yesterday, and we discussed this, and I was continuing to gather information, the last of which I received this morning. So, in case you were wondering why such last minute? Why do we need to do this right now? The event, I believe, they are going to start signing people up tonight. The event is tomorrow and Saturday. It is my recommendation to you to cancel this event. Number one, the event, in my opinion, our contract requires them to have insurance, liability insurance, covering not only the audience, which they say they have, but also the participants. They do not have that. I think they admitted that to Sandie that their current insurance does not cover the participants. We require a million dollars worth of coverage, plus a million dollars per occurrence. I talked to Dennis Feldhaus, our own insurance carrier, asked him do we have coverage to cover the county in case we are sued. He said, we do not. He continued by saying even if you wanted to buy it, it's just not being written. It's not being available. The insurance company's underwriters will not write this kind of insurance. I must assume from that, that it's because of the inherent dangers at risk involved in this type of activity. That's number one, I do not feel they are in compliance of contract. Number two, as you all know, you spend most of your time, most of your efforts, and most of the money promoting the health, safety, and welfare of the citizens of Vanderburgh County. This, I think, is very much contrary to that effort. This is an activity which may result in serious injury or death. I read you the articles where it's happened around the country. Regardless of what the contract said, I do not think this is an event that we would want to be, in any way, involved with by providing a facility for them to have the event in. It's my recommendation, I think Sandie's too, that we...she can speak for herself, but it's my recommendation that you vote to cancel this event. I might add to it that if the Commission desires I will put together an ordinance prohibiting these types. Again, I emphasize, I do not want to prohibit professional boxing, or properly sanctioned amateur boxing, which is a highly regulated sport. From some of the other articles I've seen, if it is highly regulated, greatly controlled, it is a safe sport. This event is something entirely different, and I will put that together for your future consideration. So, if somebody comes (Inaudible), I can say that is in violation of local ordinance. I don't know what the State of Indiana will do, but they've been asked to take the issue up and ban it in the future, and that may happen also. But, we're asking you to give, to cancel this event with the, let me get the actual name of the tenant. It is, there are too many papers here. Is it the American Boxing Athletic Association? Is that their name? Cancel their lease for this Friday and Saturday.

President Mosby: Sandie, did you want to add anything? Is there anything that you can add?

Sandie Aaron: What can I say?

President Mosby: Okay.

Sandie Aaron: No, I'm satisfied. I did speak with this promoter's attorney, at great length, and he indicated he really wanted to make it work. I told him what it would take, and he, out of his mouth, said that he didn't think he could get insurance written to cover the participants. So, I'm comfortable with the fact that it's not possible to come to some sort of concession with them, so.

President Mosby: Okay. Thank you very much.

Kevin Winternheimer: As a, one final thing. I do have a letter, and I'll give that to Madelyn to make part of the record. I've got a letter, today's date, addressed to Sandie Aaron of SMG Evansville outlining my concerns, much more briefly than I did here, but it's a single page letter to her with my recommendation that the event be cancelled.

President Mosby: Okay. David, did you want to say anything on behalf of the Building Authority? Or are you here—

Dave Rector: No, other than I became aware of this just yesterday. I appreciate Kevin's efforts in it. I was just wondering if there is a way, in the future perhaps, that we can make sure the insurance is in place prior to the day before the event happens. That we have to cancel events.

Kevin Winternheimer: This is, this is, this is a unique situation. Sandie may be able to explain it better than I, but, you know, if you have a concert coming in, you have the concert, their employees, and they have their own insurance covering that. This is a unique situation in that the promoter is luring people, literally off the street, to come in and participate in an activity which they know nothing about. Or very little about. That is altogether different than any other type of event that I can think of that you have out there. No matter what it is.

Sandie Aaron: This is the third year it's been in here. All of our tenants, in all of our buildings, city and county, we have insurance requirements. On the surface, the insurance requirements were met. They gave us not even a million dollar certificate of insurance, with proper additional insurance there's two million dollars. However, the kicker is when we picked it apart, when Kevin got some of this information and started asking questions, we found that....event insurance is supposed to be event insurance. It's supposed to cover liability for everything related to that event, from patrons to the back stage. When they said, no, their not covered, then now we're talking about a whole different thing.

Kevin Winternheimer: I might make one small correction. It appeared, the certificate appeared to provide the coverage, but when we asked the specific question about does it cover the participants, the answer was, no, it did not, so.

Commissioner Fanello: Well, does that mean that there's possible other events that that could happen?

Kevin Winternheimer: Well, we'll, like I said, we'll be on guard. I had looked at the form that's been used, I guess, for quite a few years at the Centre, and I had planned on maybe tweaking it a little bit. It's a good agreement, but maybe the term would be, maybe, clarifying a couple of points. One, I will clarify the insurance to say that it's event insurance, so they understand that.

Sandie Aaron: Usually, the only time that's really even a question is with a family show, because you've got entourages of 80-90-100 people in the backstage area that you're using. We usually amend the contract, and they even include their own amendment that outlines the coverage for their employees. So, usually we're pretty covered for that.

President Mosby: Any other questions or comments by anybody? Seeing none. I guess, the chair would entertain a motion to the effect that we cancel the American Boxing, what was the true and correct—

Kevin Winternheimer: American Athletic Association.

President Mosby: —American Athletic Boxing Association event for tomorrow night at the Centre, also named the Toughman contest.

Commissioner Fanello: I'll make a motion that we do so, based on the recommendation of County Attorney, Kevin Winternheimer, and due to the liability concerns that we cancel immediately the event Friday and Saturday night known as the Toughman event.

President Mosby: I will second that motion, only being two of us here, and say so ordered at the same time. Is there any other business? Well, this is all that was advertised for, so.

Commissioner Fanello: I want to clarify something for the record, just in case. I don't know is there a difference between a special...this is actually an emergency meeting. I didn't know for the record—

Kevin Winternheimer: It's both. A special and an emergency meeting. It's special in that it's not a regularly scheduled, but it's an emergency in that, because the event was, I think they were going to start signing people up tonight, and they were going to be setting up today, and it would be going on tomorrow, we did not have 48 hours to give notice—

Commissioner Fanello: That's why I wanted to clarify.

Kevin Winternheimer: So, it's a special and emergency meeting. It classifies as an emergency meeting because, in my belief, there was a possibility of someone getting injured, or hurt. That is one of the criteria for having an emergency meeting. In order to prevent that from happening.

Commissioner Fanello: I just wanted to clarify that for the record. I'll make a motion to adjourn.

President Mosby: With that being clarified, the motion to adjourn, we will adjourn this special emergency meeting.

The meeting was adjourned at 4:55 p.m.

Those in Attendance:

David W. Mosby
Todd Hochstetler
Dave Rector

Catherine Fanello
Madelyn Grayson
Others Unidentified

Kevin Winternheimer
Sandie Aaron
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 13, 2003**

The Vanderburgh County Board of Commissioners met in session this 13th day of January, 2003 at 5:32 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, January 13, 2003.

Introductions and Pledge of Allegiance

President Mosby: Introductions are as follows, Patty White, Commissioners office; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself, Commissioner Mosby; Commissioner Crouch; Auditor, Bill Fluty; and Madelyn Grayson, Recording Secretary. Everybody please stand and join in the Pledge.

(The Pledge was given.)

Approval of January 6, 2003 Commission Minutes

President Mosby: Motion for approval of the minutes from January 6, 2003.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion and a second, so ordered.

**Approval of January 9, 2003
Special Emergency Meeting Minutes**

President Mosby: I also need to approve the minutes of the emergency special meeting on January 9, 2003.

Commissioner Fanello: So moved.

President Mosby: I will second that.

Commissioner Crouch: For the record—

President Mosby: Yes, ma'am.

Commissioner Crouch: —I was not here. Did not know there was a meeting until I arrived home at quarter till six and found it on my answering machine. This may have been answered. If I could, go ahead and ask a question.

President Mosby: Sure.

Commissioner Crouch: It's maybe more of a legal question. We do not, Vanderburgh County does not enter into contracts with promoters, or people putting on events. Is that not correct? That's SMG that typically enters into those contracts.

Kevin Winternheimer: They are your agent to enter into those contracts.

Commissioner Crouch: But I've never seen those contracts come through this meeting.

Kevin Winternheimer: Right. Right.

Commissioner Crouch: So, I guess, I don't understand why we had an emergency meeting to cancel a contract that we didn't enter into. Then the second part of my question would be, if the promoter would sue Vanderburgh County because we canceled the contract, would SMG's insurance, in any way, cover us?

Kevin Winternheimer: The second question I don't know. What their insurance would cover or not cover. The reason the meeting was called is, after looking into it, it was my recommendation that the event be canceled. I did not have the authority to direct your agent to do that. That's why I asked for the board itself to direct SMG to cancel that contract that they had already scheduled.

Commissioner Fanello: Just for the record, I mean, if you go back and look at the minutes, Kevin brought up several examples where other cities and counties had ran into serious liability situations. I believe one city was sued for \$10.5 million. So, whether or not we signed the contract, we are still put in a liability situation. I personally felt that that was not a situation we wanted to be in, and it wasn't an appropriate event to be held over there, with the lack of insurance that the promoter had.

Commissioner Crouch: It's just a little different than normal.

Commissioner Fanello: Uh-huh.

Commissioner Crouch: If you could check on that second question, please. Whether if we would be sued, would SMG's insurance pick up any of that.

President Mosby: I can, I can have Kevin check that. I know it was also upon the wishes of Sandie Aarons that we call a meeting to cancel that particular event. Dave Rector also attended the meeting, and he was very concerned about it, since the Building Authority, I think, holds the bonds. So, it really became SMG, the Building Authority, and Vanderburgh County. With everything that corporate counsel had looked at, he wanted it put on the record. I mean, so that is another reason that we had called a special meeting as soon as possible. But, we will look into your questions.

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| Award VC021-2003: Burdette Park Electrical Upgrade |
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President Mosby: Phil Lawrence, award VC021-2003.

Phil Lawrence: Yes, I have the bid tabulations for Burdette Park upgrade. The bottom of the sheet is the recommendation that we accept the low bidder, which was the State Group from Evansville, Indiana at \$39,584.

Commissioner Fanello: I guess, I would ask Steve if he's comfortable with the bid, and how they responded and everything?

Steve Craig: I met with the people from The State Group today, or this week, and we had went over the bid and everything that we had wanted done. We were all on the same page, and I was happy with what they had bid on.

Commissioner Fanello: Okay. This did come under what we thought it might come under too, didn't it?

Steve Craig: (Inaudible. Away from mike.)

Commissioner Fanello: I would make a motion to accept the low bidder.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| <p>Board Appointments: MBE/WBE Utilization Board Members</p> |
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Phil Lawrence: Before you scurry me off, I would like to, we noticed that at the Minority and Women Business Utilization Board that the appointees are already up. According to the ordinance it was for one year. I think most of them didn't come on until September. So, if you would appoint them again, that would be most appreciated.

Commissioner Fanello: And those members are Donna Hagedorn, Desni Brannon?

Phil Lawrence: Brannon, and Dorie LoBue.

Commissioner Fanello: And Dorie LoBue. I would like to make a motion to re-appoint those members.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Thank you.

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| <p>Z. Tuley: Board of Finance Meeting</p> |
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President Mosby: Z. Tuley. Is Z. here?

Z. Tuley: Hi, I'm Z. Tuley.

President Mosby: Okay, I couldn't see you behind the podium there.

Z. Tuley: I was hiding.

President Mosby: I noticed that.

Z. Tuley: I do have packets for each of you. Indiana Code 5-13-7-6 states that the local Board of Finance should meet annually in January. The Board of Commissioners and the County Treasurer, together, constitute this board. During our annual meeting we are to elect a president and a secretary. Historically, the president has been the Treasurer, and, historically, we have also appointed the Auditor to, or, excuse me. I think I said that wrong. Historically, the Treasurer has been the president, and, historically, the Auditor has been the secretary. If you don't have a problem with that, I would like to continue to do that, since they are already here for the minutes. The Board of Finance is also all public meetings.

Commissioner Fanello: I will make a motion to that effect.

Commissioner Crouch: Second.

President Mosby: So ordered.

Z. Tuley: We are also to review the reports of the investments that cover the previous calendar year. That's part of the packet that I gave you. The other part of the packet is what we have for an investment policy. That has, it's already been signed. I have not made any changes, and I do not have any recommendations for changes, at this time. You may have even already had the report for the investments from last week.

Commissioner Fanello: Do we need a motion to accept the policy?

Z. Tuley: I don't think so. That might be a Kevin question, but I believe unless it has something to do with the change of Commissioners.

Kevin Winternheimer: You said you hadn't changed the policy?

Z. Tuley: I have not changed a thing.

Kevin Winternheimer: So, whatever you'd done last year is still in effect.

Z. Tuley: Right. So, then everybody has a copy of it, and so forth.

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| Z. Tuley: Depository Agreement with Old National Bank |
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Z. Tuley: The other thing that I wanted to address is did everyone have a chance to review the contract, with Old National Bank being our cash management holder? I know it was reviewed by Kevin already. It was reviewed by the bank, and approved by both Kevin and the bank already.

Commissioner Fanello: I haven't, I haven't seen it.

President Mosby: I haven't either.

Z. Tuley: I'm sorry?

Patty White: They are in the signature file.

Z. Tuley: They are in the signature file, okay. Alright. So, if anybody had any questions, I would answer them.

Commissioner Fanello: We haven't reviewed them. So, does it need to be signed tonight? Or can we pull it out, and review it for next week?

Z. Tuley: I think you can pull it out of there. I don't know that there's going to be any problem. There were no changes in that either.

Commissioner Fanello: Okay.

Z. Tuley: Except for some small verbiage from two years ago. We had little technical changes, like the information on tax collection that is taken at the bank would be sent over on a 3" X 5" diskette, or something. Now, it's e-mail. We had minor little changes like that. We used to ask the bank to take the checks back, run them back through their sorter so that they were in numeric order for filing. That has been eliminated because it is now placed on a CD-ROM. You can enter the data, and pull it up by the check number. So, it doesn't need to be in order any longer, and those were the only types of changes that happened in the contract. Everything else stayed the same.

Commissioner Fanello: Did the other members want to take it out and look at it this week? Okay, we'll do that and we'll get it on for next Monday night.

Z. Tuley: That will work. Thank you.

President Mosby: Thank you.

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| Rose Zigenfus: EUTS Truck Routes |
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President Mosby: Rose, truck routes.

Rose Zigenfus: Truck routes. Hi, I'm Rose Zigenfus. A while ago I sent you information on designating some truck routes in Vanderburgh County to coordinate with the city's adopted truck routes. I don't know, have you had a chance to take a look at it, or would you like me go through it?

President Mosby: If you want to run through it real quickly, you can.

Rose Zigenfus: Okay. Basically, we're looking for several extensions of local streets to tie into the state's system. One of those is St. Joe Avenue, north of Diamond Avenue, which runs up to Mill Road. The other one is Burkhardt Road, with the extension now complete to Lynch Road we felt like that made a viable truck route. Lynch Road was another corridor. We thought since it interchanges with the interstate, should also be designated a truck route. And Greenriver Road where it ties in to Lynch Road. In addition to that, there is the connection between 57 and I-164, the Boonville-New Harmony section of roadway.

Commissioner Fanello: And John's reviewed also?

Rose Zigenfus: John has. I've not heard anything to the contrary.

President Mosby: Is there any questions by any member of the board?

Commissioner Fanello: I would make a motion to approve the proposed, or the truck routes.

Commissioner Crouch: Second.

President Mosby: A motion and a second, so ordered.

Rose Zigenfus: Thank you very much.

Commissioner Fanello: Thanks, Rose.

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| Discussion of Health Insurance Coverage for Magistrates |
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President Mosby: Next one is, oh, health insurance. I don't guess Jimmy Raben is here, is he? I don't see him. Real quickly, I can comment on this, I had talked to Jimmy on the phone the other day, Councilman Raben. This was, what we had did back in December, you were here, I think. We had added one of the magistrates to the health insurance, and also made it a policy that employees who retire that reach age 65 and their spouses are not age 65 can carry the health insurance until the spouse becomes age 65, at COBRA price. Which means there is no cost to the county. This was questioned, I guess, by Councilman Raben, who is President this year. I told him we would talk about it, we would re-affirm our position, and they could deal with whether they wanted to fund it or not. So, that was the issue on health insurance. I have no intention of changing my mind on what we did. I explained to him that magistrates are paid through the state, but they do work for Vanderburgh County, Vanderburgh County only. They don't hear cases in any other county; Gibson, Warrick, or any surrounding county, Posey. I thought it was a small price to pay, giving them health insurance, if that's all we had to pay, and then their salary was subsidized by the state. So, with him not being here, I would ask if any other Commissioner feels any different, at this time.

Commissioner Crouch: I guess, my only question, I was here, you know, at that meeting when that was discussed. I can't remember all the discussion, but what exactly, I guess, constitutes a county employee versus a state employee? I mean, is it that they follow the personnel policy? Or, I mean, have we even defined it? I don't know if we've even defined what a county versus a state employee is.

President Mosby: I mean, I'll give you my...I'll give you my thought on it. I mean, I know they are saying state employee, somebody who is paid through the state. I mean, I guess, the state subsidizes their salary, but, I guess, what I just said a second ago, I would think a state employee is somebody who is doing work for the State of Indiana. A county employee being somebody who's doing work for Vanderburgh County. As far as magistrates are concerned, they work solely for Vanderburgh County. I mean, they are hearing cases here in Vanderburgh County, in court, everyday. That benefits us. I mean, they are not working for the state. I would consider that, to me, a county employee, even though their salary is subsidized by the state. That's my personal opinion. I don't know that it's defined anywhere in writing in the personnel policy. I don't know how the Council is looking at it, but, I mean, as far as I'm concerned, anybody doing work for Vanderburgh County would be constituted as a county employee.

Commissioner Fanello: I guess, I don't see them as being any different than the judges or the Prosecutor, because, I believe the Prosecutor's salary is subsidized by the state also. Is that correct?

President Mosby: I think so.

Commissioner Fanello: Okay. So, I mean, if we're not going to let the magistrates on there, then we need to, you know, have a policy where we don't let the judges, or the Prosecutor. I'm sure the Chief Deputy Prosecutor's salary is also subsidized by the state. So, I personally, they work for Vanderburgh County, and think they should be allowed to take the insurance.

Commissioner Crouch: Are there any magistrates that, I mean, are all the magistrates paid by the state? Or do any of them receive stipends from the county?

President Mosby: My understanding is they are paid strictly by the state. I don't know what the other magistrates do, as far as health insurance is concerned. I mean, maybe they have it through their spouses, or whatever it takes. I'm not sure what they do.

Commissioner Fanello: We do have a couple in the audience.

President Mosby: Oh, I didn't even realize that.

Commissioner Fanello: Would either one of them like—

President Mosby: Either one of you's like to speak? I'm sorry, I didn't even look around.

Terry Maurer: Very briefly. I very much appreciated your extending the offer of insurance to magistrates, because our state policy changed dramatically this last year, and I was going to be forced to change to a policy that potentially would cost me several thousand dollars a year in medical expenses that I wasn't responsible for before. So, I was very grateful for the offer that you made. The magistrates are paid by the state. There is a supplement, county supplement, that the Circuit Court magistrate receives. Superior Court magistrates don't receive that supplement. That's a small amount that is paid by the county. I could answer maybe a question, if you had one, but I didn't really have anything to say other than I appreciated the offer.

President Mosby: I need you to state your name for the record.

Terry Maurer: Terry Maurer. M-a-u-r-e-r. I'm a Superior Court magistrate.

Nancy Long: I'm Nancy Long.

President Mosby: I mean, did you want to state. You can state your name for the address. For the address. Name for the record, if you would like, and say anything.

Nancy Long: I'm not sure. My name is Nancy Long. I'm also a Superior Court magistrate. One other magistrate is paid partially by the county, and that is magistrate Ralph Moore, who was appointed under a special statute as juvenile court magistrate. Now, I'm actually doing that job, but he is, it's sort of, you know, he is paid out of that slot because he was in that job 15 years ago. It is a special statute that's created for that position, but, otherwise, the Circuit Court magistrate is also supplemented, but it's only at the same rate that the statute allows for, and that's 80% of what you pay the judges. I too appreciate it. I didn't know we could switch, but I intend to at the next open enrollment, if this becomes a benefit that's available to us, because it is a significant, like \$3,000 increase in the cost of our health insurance.

President Mosby: Thank you.

Commissioner Fanello: Well, as I understand it from the discussions we've had earlier this year about the health, or earlier last year about the health insurance, the Council felt like they had sufficient funding in there, and even surplus funding in there. So, I do not see the funding portion being an issue, but it is a policy decision by this Commission. If we need to make a motion to re-affirm that policy decision, I do believe that we should let the magistrates have access to our county's health insurance.

President Mosby: Do you have any questions?

Commissioner Crouch: No. I mean, so, it just goes to Council? Or does Council really, I mean, I don't, I guess, I don't understand.

Commissioner Fanello: It is a policy decision.

President Mosby: What I...yeah, what I explained with Councilman Raben the other day, I mean, this Commission, we sign the contracts. So, I mean, we had Dennis Woehler, who is our agent with ONB, check with both insurance companies, Welborn and Anthem, and they both sent us a letter back saying, yes, they would accept the magistrates, and, yes, they would accept the spouses of the retired employees up to age 65. So, it's up to us to sign that contract. We set the policy, they do the funding. So, I mean, I mean, yeah, they can, I mean, I guess, if they want, they don't have to fund it. They can reject the funding, but, as far as this Commission is concerned, it was the will of this Commission to let the magistrates and the employee's spouses, up to age 65, come on board. I should also say we included dependent children in that with the age 65 retired employees. So, it was the wish of this Commission that that would be our policy. I just told Councilman Raben, I said you can come and speak with us, or I will re-affirm that at the Commission meeting, and then they can deal with the funding issue. So, do I have a motion to re-affirm our position?

Commissioner Fanello: If we need that. I'm not sure if we need it.

Kevin Winternheimer: You don't need it, I don't think. If you're not making a change from your previous decision. So, it's not necessary.

Commissioner Fanello: Okay.

President Mosby: Okay. I was going to say, I would second, but, if I don't need it, I won't second it. Thank you all for speaking, or coming to the meeting to be interested.

Madelyn Grayson: May we make a tape change, David?

President Mosby: Yes, ma'am.

(Tape Change)

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| Board Appointments: |
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Madelyn Grayson: Thank you.

President Mosby: Did you have any other board appointments? I skipped over board appointments awhile ago.

Commissioner Fanello: No. I do not, but I would ask that we try and get our Old Courthouse Advisory Board filled. I will put it on the agenda for next time, but Commissioner Mourdock had picked his appointment at our last meeting of the year, I believe. So, we still have two more appointments.

President Mosby: I had spoke with Stan Gilham, and he said he is willing to serve, so.

Commissioner Fanello: Well, I would make a motion to appoint Stan Gilham, if that's okay.

Commissioner Crouch: Second.

President Mosby: And I say so ordered.

Commissioner Fanello: So, that leaves mine out of the way, and, hopefully, I'll have it the next time.

President Mosby: Lucky you showed up.

Commissioner Fanello: We just have a, I believe we only have a couple other boards to fill, or re-appoint. So, I'm still waiting back for answers on those, so.

President Mosby: Okay.

**Resolution: Authorizing the Submittal of the CFF Application
to the Indiana Department of Commerce for Jobe's Lane**

President Mosby: Being no other board appointments, we will go down to Jobe's Lane. Did you want to speak to it, Judy? I can briefly fill you in a little bit. I had conversation Friday, several conversations, I should say, back and forth for about two and a half, three hours. We are trying to get a grant from the state for Jobe's Lane. The reason this is on tonight, and we've advertised a hearing, which we will have a special hearing on January 23rd, on a Thursday morning, is because her and Sarah's deadlines are the 24th, on Friday. So, we had to do this all as quick as possible to get the ten day notice in, and come to find out we could do it by Thursday. I'll let her explain the grant and what we are working on here.

Judy Weatherholt: Okay. Thank you. I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission. As President Mosby indicated, we spoke on Friday about this particular project. In reviewing the engineering design report, it looks like this project is going to be about a half a million dollars, water and sewer. According to the Community Development Block Grant guidelines by the State of Indiana Department of Commerce, you can allocate about \$5,000 per resident there, or per recipient or beneficiary out there in that area. So, we figure there is about 25. So, that's about \$125,000 that we could be eligible to apply to receive through the Community Development Block Grant. We would take the total project of water and sewer, total project, because then you could match that other dollars that you're putting in as your local match to that. That would include the

engineering costs, grant administration fees, and all the other costs associated with that. So, we are trying to prepare the preliminary proposal to go in January 24th. We have a resolution tonight. We would ask for you all to pass, so we can submit these documents on the 24th. Also the public hearing will be held the 23rd, and we're trying to encourage all the residents in that area to participate in that public hearing, and get input, and any other letters of support that people would like to submit for that project. That will certainly help our application. I brought, Sarah is here with me, as my technical expert, since she is with the Department of Commerce, the Indiana Department of Commerce. So, if there is any questions, maybe between Sarah and myself we can answer any questions that you might have. But, you do have a resolution that we do need to pass tonight. I don't know if that's on your agenda right away, but we do need to have that passed. I have, in this resolution, saying that the local money is going to be \$375,000. I guess, that's—

President Mosby: I think it was \$363,000.

Commissioner Fanello: I can't remember what the amount was we asked for from—

Judy Weatherholt: Okay.

Commissioner Fanello: \$363,000.

President Mosby: \$363,000.

Judy Weatherholt: \$363,000?

President Mosby: If you want to—

Judy Weatherholt: Should we change that?

President Mosby: Truthfully, if you want to count the engineering dollars that we've spent already.

Judy Weatherholt: I think I talked to you, did I talk to you about....we came up with, you've already paid \$6,700 for (Inaudible). So, you're going to need about \$20,100, and then with my fee attached on to that. So, we figured, using that \$470,000 cost estimate in there, I think, what you indicated is the option. So, we tacked on about another \$30,000. So, that would bring it up to \$500,000.

President Mosby: Okay.

Commissioner Fanello: Okay.

Judy Weatherholt: Then subtracting off the CDBG request of \$125,000 was the \$375,000. So, that's the estimate, that's estimated. So, if you're agreeable to leave that in there. The only thing is, we need to know where we're going to, make sure we've got that match, those matched dollars there. So, if it comes in less, I think under my contract, it's just 2%, or \$10,000, whichever is less.

President Mosby: Okay. Are there any questions?

Commissioner Crouch: The fee that, the 2% or \$10,000, whichever is less, does that go to the Southwestern Indiana Regional Development?

Judy Weatherholt: Yes. Yes.

Commissioner Crouch: Okay.

Judy Weatherholt: The, typically, a public consultant would charge you \$5,000 on the labor standards, which is checking and making sure that the Davis-Bacon Wage Law is being adhered to with all your contractors and subcontractors. Then, typically, they can charge up to 8% on the grant, or the total project cost. With you already supplementing our funds, we feel like that 2%, really just kind of to help cover some costs, with maybe some additional personnel.

President Mosby: Any other questions?

Commissioner Fanello: I'll make the motion to approve the resolution for the grant for Jobe's Lane.

Commissioner Crouch: I am not going to second, because philosophically I'm not in favor of using public monies to enhance private lots. But, I am encouraged, and very pleased that we're moving in the direction of utilizing people for grant writing. I know that is something that is very much in need. Your organization, and you on behalf of it, do a wonderful job. So, I'm pleased to see you involved in that.

President Mosby: I will definitely second, and say so ordered.

Judy Weatherholt: Okay.

President Mosby: I want to thank you very much for all your time Friday. Sarah, thank you. I know I've had several conversations. Mike, appreciate everything you've done on the project. So, hopefully, we have the resolution. We have our advertisement in, and we will have our hearing at 9:00 Thursday on the 23rd, so that we can meet the 24th deadline, so.

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| <p style="text-align: center;">Approval of Agreement with Southwestern Indiana Regional Development Commission</p> |
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Commissioner Fanello: We have one more. We need to approve the agreement with her to—

President Mosby: Oh.

Commissioner Fanello: —actually write the grant.

Judy Weatherholt: Yes. We will not sign this until the commerce approves us to go ahead with the signing of the contract. Even though the money is going to be paid out of your local funds. There's some kind of stipulation with contracts, but if you all approve to sign it, then we could do it whenever.

Commissioner Fanello: Okay. I'll make a motion to approve the agreement.

President Mosby: And I will second the motion. Second the motion to approve the agreement with Southwest Indiana Regional Development. And I will say so ordered at the same time.

Judy Weatherholt: Thank you.

President Mosby: Thank you very much.

Commissioner Fanello: Thank you, Judy.

Madelyn Grayson: Is that a public, I mean, is that public hearing an official meeting of the Board of Commissioners?

President Mosby: Yes.

Madelyn Grayson: Okay, and that advertising has already been done?

President Mosby: Yes. We have it in. It's done. We'll meet our ten days on Thursday.

Madelyn Grayson: Okay.

President Mosby: That was a federal law that we had to have ten days, I believe, and we can count the day that the advertisement goes in, and we can also count the day we have the hearing. So, that gave us exactly ten days to do this thing. Are there any other questions on Jobe's Lane? Seeing none.

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| <p>United Consulting and DLZ: Jail Schematic Design</p> |
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President Mosby: Jail schematic design. I believe we have United and DLZ with us tonight. You guys might want to introduce yourselves, just for the sake of everybody here.

Paul Summers: Good evening, Commissioners. My name is Paul Summers with United Consulting Engineers and Architects. Very pleased to be here this evening. We're going to present the schematic design for the Vanderburgh County Sheriff's office and jail. I have four programs that we're going to submit to the Commissioners for approval.

President Mosby: You guys can take that mike out and walk around with it, if you want, so.

Bill Fluty: We need one for the record.

Paul Summers: I don't have any other copies.

Patty White: You can have this copy.

Paul Summers: At this time, John Staley with the DLZ Corporation is going to begin with the project overview. A little bit of history and background, and talk about the site, and preparation. Then I will take over, and talk about the details.

John Staley: Thank you, Paul. The schematic design process commenced with an evaluation of the architectural program and a development of spatial concepts, representing that program. This site configuration that you see here represents the results of that effort. The process of arriving at a footprint for the building involved

a systematic analysis of the site. We looked at the topographic data, vegetation, the adjoining land uses, access and circulation, security issues, within the parameters of the parcel of ground itself, the potential for future expansion, and how that might be accommodated. Not only for the jail and Sheriff's department functions to occur here, but also any future activities that could occur on this site. Utility issues also are a factor, as well as, of course, excuse me, building codes and jail standards. In evaluating this site, because of the configuration of the parcel, we felt it best to orient the development in this manner, to the east-west in a linear format to provide for expansion to the north and south for inmate areas. We maintained a setback in the front of the property to allow for future development for courts, juvenile, and potential community corrections. Then the public support areas, parking and service areas here. Then staff parking to the south. We know there's some development planned to the south, and we believe that the way we've positioned the internal functions within the plan accomplish the objectives of our program, and take into consideration the adjoining uses. The design of the complex is really very much operationally driven. Paul will get into this in more detail, but the concept here of having the living units where the inmates are housed, by whatever methodology of housing is determined through a classification process, is focused on a staffing position in the center. Then we also have, during the peak parts of the day, some staffing considerations within the units. This will ultimately save the county money in operational costs by maintaining staff at the best utilization ratio. You'll notice too that the housing units themselves are separated from the core area of the building, where we have the office and administrative; the food services; and warehouse and utilities. The purpose of that separation too allows us to do some things under the building code to look at cost. We know that cost is a big consideration as we've progressed with this project, and it's not only driven by square footage, but it's also driven by construction assemblies. You'll see, as we develop this in the next phase, how we've taken that into consideration by this configuration. It allows us to reduce the fire rating requirement on the front part. As we look at the other areas, outdoor recreation for inmates, we also see some potential here of segregating those from other uses around the site, and also from neighborhoods to the west, and potential development that could occur on the north and south. We know this will be utility related down here. This is industrial related to the north. So, we believe, and we have developed a concept for screening these areas from public view. You'll also see on the site plan a patrol road that navigates the site. This will allow the Sheriff's department to patrol and access the security of the perimeter envelope of the building. Typically, what we will do on these types of roads, in the design of those, will be restricted access, warnings that unauthorized vehicles prohibited beyond those points, and public access is maintained to a front quadrant. As I said, the other aspect of access and circulation down the main access road here from the north, the public focus and image of this facility, in terms of how it's viewed from 41, Highway 41, are important considerations in the overall development. We have here a project envelope, building envelope, of about 135,000 square feet. At this time, I would like to turn this discussion over to Paul to talk more about the details of the plan design. I just would like to say we have had a number of intensive workshops with the Sheriff's department, and Shireman, our construction manager and advisor on costs, to arrive at this plan. We believe that we've satisfied all the issues of program and Sheriff department's operational concerns. You'll see within our packet of information the staffing analysis too that's provided there, and to show how we evaluated that. At this time, Paul will speak. Thank you.

Paul Summers: Okay. I'm going to go into a lot more detail. I've been looking at this for six months, so if I get into a little too detailed, please let me know, and we'll cut it short. The basic layout, I'll do a quick run through, public entrance is through this

public lobby here. At this point they are checked in at a security desk, and visitors will then enter a second floor, and enter a corridor for visitation at the second level. This is driven by the thought that the Sheriff's department wishes to keep, the Sheriff's office wishes to keep the inmates housed in their housing pods, minimum of movement, minimum of staff positions. All services are brought to the pods. All visitors are brought to the inmates, and at that point they are interacted, and they are kept separate from this administration area up front. Once you get past the lobby, at this point we have a court room for over the Internet, with holding cells. This right here is intake/booking. The inmates are brought in through this sally port. They are brought into these, these are temporary holding cells. They are held in these cells until they are classified, according to the Sheriff's. At that point, they are brought in to a housing pod. Across from intake/booking is the medical. We have eight cells full time for medical, and four cells for isolation. There is, the jail administrative staff on this level. On the north side of the corridor is the kitchen. This is the commissary, mechanical rooms, and warehouse rooms. The corridor, east-west corridor, as you proceed west, and we'll just take a typical pod area. This is pod A, this is pod B. Subdivided within the pod are housing units. These housing units are determined by male/female, and by minimum security, maximum security, and medium security. Within each one we have eight man cells, and sometimes we have two man cells. Depending upon how they are classified they will be, they may be held in a two man cell. If their classification is a little bit higher, a little bit more freer, they are allowed to mix into an eight man cell. This is considered a bonus. If they misbehave, they are put into a two man cell, and segregated. Within the pod housing unit itself, this is the day room. They are allowed so many square feet per inmate. Right now we are at the most efficient for what is required by the state code. At the end this is an outdoor rec area. It is fenced, and then there is screen, for security purposes. For staffing, this is direct supervision, at the request of the Sheriff's office. The difference between direct supervision and direct observation is that the staff is placed in the housing unit, rather than at a post, a central post where they only observe. This can occur, why it's considered a first and second shift. At the third shift, these staff positions would be vacated, they will be locked down in their cells for sleeping purposes at third shift, nighttime. Then there will be one person controlling this pod from this center position. On the second level everything is the same. Visitation occurs along this corridor, like I stated earlier. These are the visitors stations. The inmates are released to go up these set of stairs, and they are on this side of the wall. Visitors are free once they are checked in, and they are allowed to ascend these stairs, walk down the corridor on their own, and then the visitation occurs from this side. It gives them a lot more freedom, and it reduces staff members required to transport prisoners back and forth through the administration. Also on the second level is the Sheriff's department, Sheriff's office. There is a central control. There is a large group meeting room for the Sheriff's auction. Then locker rooms, at this point, for the jail staff. The jail staff enters through this point, separate from the public that enters at this point. The jail staff checks in here, then they are back down the stairs, and then to their assigned duties. Alright, I can talk a little bit more about the classification system. Once the inmate is classified, like I said before, they are allowed to, they are brought into these pods. The breakdown is (Inaudible) are currently classified as female. One is minimum and medium. The other is maximum. Across from this is male. These two housing units are male maximum. This is a mix of medium/maximum male. What we have is, at any time in the future, depending on the classification, and how the inmates are segregated, these have the ability to change with the need, to maximum security. What I'm saying is that all the cells, even though it may be classified minimum, at a future time it is designed to hold maximum security prisoners. At this time, if you have any questions.

President Mosby: Questions by any member of the Commission? Chief Deputy?

Madelyn Grayson: May we make a quick tape change?

President Mosby: No.

Madelyn Grayson: Please?

President Mosby: I always wondered what you would say if I did that.

(Tape Change)

Eric Williams: She probably would change it anyway.

President Mosby: That's what I was thinking.

Madelyn Grayson: I did.

President Mosby: Eric, I know you've been in numerous discussions, so.

Eric Williams: Chief Deputy, Eric Williams, Sheriff's office. On behalf of Sheriff Ellsworth, who apologizes for not being here, we've spent numerous, numerous hours and trips back and forth to Indianapolis, and are very, very comfortable with this layout and design. We think we've achieved what we would call a hybrid between observation and direct supervision, which allows us the most flexibility in the ability to staff this. Work with inmates efficiently, and provide a very secure, expandable operation. We've spent a lot of time researching and going over this, and we're extremely proud of where we've gotten in the period of time we've been given to look at this. The design is, you know, there's no point in reinventing the wheel when there's something out there. But, in some cases we have made some steps outside of the box in what you've seen in a lot of other facilities, and taken the best of all the worlds that we've visited, and combined them into one. At this point in time we're very proud. There are still some, obviously, some minor tweaking to do, and some of those issues. As far as the operations and layout of the housing units we're very, very comfortable with that, and think we'll meet all the standards, and probably will have a facility that's modeled after, if this moves forward, so.

Commissioner Fanello: Well, I know that you will need us to approve this schematic design before you can move into the next phase, which is design development.

John Stoll: That's right.

Commissioner Fanello: We are having a meeting next Tuesday morning. So, I'm sure everyone would like to look over this for the week, and then I would ask that it be placed on the agenda for Tuesday for approval.

President Mosby: Question. Is the advertisement for Tuesday—

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: No, Thursday is the hearing. Tuesday is the Drainage Board.

Commissioner Fanello: Drainage Board.

President Mosby: But, Madelyn—

Commissioner Fanello: Can we not advertise—

President Mosby: Advertisement, is it just for Drainage?

Commissioner Fanello: —at least 48 hours.

Madelyn Grayson: Kevin hasn't been having us advertise special meetings.

Kevin Winternheimer: Not advertise in the newspaper, but to give public notice to the media.

Madelyn Grayson: That's been done by the Commission office.

Kevin Winternheimer: Okay.

President Mosby: So, is that just 48 hours?

Kevin Winternheimer: Yeah, at least 48 hours before the meeting, you need to give notice of a special meeting.

President Mosby: But, if we're going to vote.

Kevin Winternheimer: That doesn't matter, you can do it.

President Mosby: It's all clear. Okay.

Kevin Winternheimer: That's alright.

President Mosby: I just wanted to make sure we're right.

Kevin Winternheimer: Right.

Commissioner Fanello: So, we could do it right after the Drainage Board meeting.

President Mosby: Okay.

Kevin Winternheimer: If I might ask a question. I don't know whether you've tallied up...what would be the population max, under state standards, under that design? Do you know that yet?

Paul Summers: 512 beds.

Kevin Winternheimer: 512. Okay.

Commissioner Fanello: So, we're getting, I believe our PMSI study recommended 500 beds. So, we're falling within that recommendation.

Paul Summers: I promised 484 according to the building program. We're currently at 512. That's, on top of that we have 24 holding cells in intake/booking, and 12 additional beds in medical.

Commissioner Crouch: And the cost projected?

Paul Summers: The cost, projected cost is the same, \$23,920,000.

Commissioner Fanello: Suzanne, you may not have a copy. I don't know if Commissioner Mourdock left it for you, but the Crowe Chizek cost estimates that were given out December 19th of 2001. Those are the estimates, I believe, we're working from.

Paul Summers: We're still working from a square footage number. At this time Shireman is going to take our schematic design and do a detailed schematic cost estimate for construction purposes.

Commissioner Crouch: So, a lot of bang for your buck?

Paul Summers: That's what we're hoping.

Eric Williams: So, Commissioners, as you go through this schematic design, please don't hesitate to contact myself or the Sheriff, and allow, you know, especially for you, if you want us to come up and spend some time going through this, we will be more than happy to answer any questions, anybody that has them. Because we've been involved in this, obviously, from the beginning, and I don't want you to have...I want you to have the actual information as opposed to a guesstimate.

Kevin Winternheimer: May I ask another question?

President Mosby: Sure.

Kevin Winternheimer: The view from the neighborhood, what kind of facade are they going to see? And view from the highway, what kind of facade are they going to see? If you know yet. I don't know if that's been determined or not. Construction material.

John Staley: We are looking at concrete construction, in terms of panelized construction, and, of course, those panels can be made with textures and form liners to give it more of an industrial feel. Actually, more of these size jails have more of an industrial look, which is appropriate for the use and the area it is. But, I think, we can take that with some landscaping on the public side, of course, address it in that manner. On the west in a similar manner. We do have a large buffer. We don't like to put vegetation very close to a jail, because it provides hiding places. I think when we get beyond a certain distance, there are opportunities for screening. I think we've also studied the volume of the building and what the roof line will look like as well. Because sometimes the equipment on the roof can be unsightly, and the way we have designed these mechanical rooms, most of the equipment would be inside, and that provides better long term benefits to the county, because it's less, the aging factor of being weathered is greater on outdoor equipment than internally contained equipment. So, that's how we're looking at it.

President Mosby: Are there any other questions?

Commissioner Fanello: No. I just want to say thank you to the team. I know they've worked very, very hard, and all their cooperation in working with the Sheriff's department.

President Mosby: Suzanne, do you have their number, or card? You might want to, in case you would have some questions at some point.

John Stoll: (Inaudible. Not at mike.)

President Mosby: It's on the first page? Okay.

Commissioner Fanello: Then I would ask Commissioner, do you have, did Commissioner—

Commissioner Crouch: I haven't come across it. That doesn't mean it's not there.

Commissioner Fanello: Okay.

President Mosby: I told her we'd get her a copy of that.

Commissioner Fanello: Okay.

President Mosby: Then, I guess, Craig, and Paul, and John, I thank you for all your work. I've talked to Chief Deputy, Eric Williams, several times, and the Sheriff, and he has complimented you on the fashion that you all have worked with them. He said it's been very easy to work with you. A pleasure, so, I just want to thank you for all the work you've put into this, to this point.

John Staley: Thank you.

Commissioner Crouch: I know the Sheriff's department too has put in a tremendous amount of work—

President Mosby: Yes.

Commissioner Crouch: —and has driven this project. Hats off to you.

President Mosby: Of course, Eric gets to work a lot longer. So, we'll be aggravating him over the next couple of days. Is there any other questions? Seeing none.

Public Comment

President Mosby: Is there anybody in the public who would like to speak?

Old Business

President Mosby: Any Old Business?

Commissioner Crouch: Last week we had talked about the Gartner report, and you said that you wanted us to come back with our thoughts this week regarding fast track versus RFP.

Commissioner Fanello: Right. We may even want to hold that for next time, because I do have a meeting with Councilman Raben and Councilman Winnecke on Wednesday at 4:00 to discuss, I mean, how they feel about the dollar issue. So, we may want to wait and make a decision, just depending on how they want to proceed financially. Is that okay?

President Mosby: Any other Old Business?

New Business

President Mosby: New Business?

Commissioner Fanello: Oh, yes, I do have one small piece of New Business. I don't know if the other Commissioners received the letter from the Vanderburgh County Election Board, but they had requested that all three Commissioners be at their Election Board meeting, which we know is not possible. The meeting is January 15th, which is this Wednesday, at 4:00. So, they were wanting to, the intention of their request is to initiate discussion, and a plan that would allow the Election Board to move forward with the purchase of new election equipment. So, I'm not exactly sure what their intentions are, but I definitely just want to say that ought to be a Council/Commission, and Election Board decision. I don't know if any one of us wants to attend that meeting, and just kind of talk to—

Commissioner Crouch: Can you, David, as President?

President Mosby: I possibly could attend.

Commissioner Crouch: Okay.

President Mosby: Wednesday at 4:00?

Commissioner Fanello: Wednesday at 4:00. So, I....and I spoke with Carla Hayden of the County Clerk's office, and told her to let Mark Foster, who I believe is the president, to let him know that all three Commissioners cannot be at that meeting.

President Mosby: Okay.

Commissioner Fanello: So, just kind of asked her if she could get an idea of exactly what they wanted.

President Mosby: Patty, put that on my schedule. Any other New Business?

County Engineer

President Mosby: Department head reports. County Engineer, John Stoll.

John Stoll: First item I have this evening is a correction of a street acceptance form that was incorrectly put together back on May 7, 2001. This is for Section Four of The Seasons Subdivision. On that old acceptance form it incorrectly identified the street being accepted as Stardance Pointe and Snowflake Cove. Those were in Section Three of The Seasons, rather than Section Four. The correct street names are Paradise Pointe and Poinsettia Cove. So, just wanted to run a revised acceptance form through the meeting to correct that error. So, basically, when somebody does some research in the future, they will know that the correct streets were accepted by the Commissioners. So, it's requested that the amended acceptance forms be signed.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I have is a petition to submit to INDOT for the railroad crossing that will need to be established for the access road to the proposed jail site. I know you all haven't had a chance to look at this, but this petition it basically follows the format that is required by INDOT to establish any new grade crossing anywhere in the state. Basically, they give us an outline of the petition, and we just need to fill in the data that's specific to our particular project. I've done all that in this petition, and I've run it past the County Attorney. He's had a chance to look at it, and didn't have any revisions. I didn't know if you wanted to sign it this evening, or whether or not you want to take a look at it, and then sign it at the next meeting.

Commissioner Fanello: Okay.

John Stoll: The only thing that's missing, and I've got a call in to INDOT, on the last page there is an address that I'm looking for for CSX Railroad. I don't know whether it's a local address, or Jacksonville, or what CSX office this will have to go to, but I need to get that from INDOT. Other than that, the only other thing that will be attached will be this exhibit from the Bernardin Lochmueller study. It shows the location of the road. I didn't attach that to the copies that I just handed out to each of you, but this will be the exhibit, and then this will at least get the process started with INDOT, as far as getting the petition on file with them. Ultimately, we will have to submit final plans and specs to INDOT before this petition can be finalized, but in talking to the railroad department up at INDOT, they say we do not have to submit final plans with the initial petition submittal. An aerial photo would do. So, it's my understanding that this will get the ball rolling, and we can at least get some comments back from INDOT prior to getting Bernardin Lochmueller getting the road design completed.

President Mosby: Wish of the Commission? I mean, I really don't have any questions, so.

Commissioner Fanello: If Kevin's looked at it, I'm comfortable with it.

John Stoll: The things we basically had to do were item number one, I just defined the fact that this road is in the city limits, ultimately, we will, we may request that the city accepts this road, but, if not, Vanderburgh County will maintain the road. Item number five, it just delineates where the road will be constructed, and a description of the road. Item six defines where we're crossing the CSX tracks. Item seven is to state why we're building the road. Item eight, and, like I said, is the exhibit showing the area where the project will be located. Item ten, I do have a traffic count estimated to be 2,200 vehicles per day. Of that 2,200, close to 1,800 of that will be generated by the vacant site north of the jail site. Assuming that's developed with some sort of light industrial development. Since it is vacant, we needed to include that, so that when that, as long as I include it in the traffic estimate from that, that wouldn't give INDOT any grounds to reject the petition. The combined jail traffic and the sewer plant traffic will be about 400 cars a day. So, of the 2,200, very little will come from the city or the county's projects. On item 11, CSX provided that data on the two trains per day, and the speed limits. Items 14, 15, 16, basically, define the types of crossings, and the fact that we will have to have agreements with CSX for them to install the crossings. Then the rest pertains to the Indiana Codes, and Kevin would have to tell you what those all say.

Commissioner Fanello: Basically, all the information you put in here came, I'm assuming, straight from the Bernardin Lochmueller site analysis regarding the road description—

John Stoll: Yes, for the most part.

Commissioner Fanello: —and all that.

John Stoll: Other than the data that I had to get from CSX specifically.

President Mosby: Are there any questions?

Commissioner Fanello: Are you comfortable?

President Mosby: Okay.

Commissioner Fanello: I would make a motion to let the County Engineer go ahead and send the petition to INDOT.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I'll get that address from INDOT, and then I'll proceed with getting it filed, or work with Kevin. Because there's a, Kevin has to make sure it's filed as well. That's all I have, unless you have any questions on anything else. Thanks.

President Mosby: Appreciate it.

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| County Highway |
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Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is to explain some of the things that we're doing out there from this report. We're working from work orders that were received in the last 30 days. So, we are seeing the light at the end of the tunnel in getting these work orders completed. Most of them right now are pot holes, mailboxes, and things like that. When you remove the snow from the roads, a lot of times it creates a lot of pot holes. So, we're trying to get all those. The other task is reviewing all of our equipment for preventive maintenance, making lists of what we're going to have to purchase, and what we're going to have to repair before the paving season, and those things start. So, everything is going well, in my opinion. We've just about completed those, and getting ready for the good weather, so we can get out on the road and have our equipment up and running real well. Do you have any questions on the report.

President Mosby: Questions of Dennis? Thank you very much. Appreciate it.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, I have just three quick matters. If the Commissioners can meet, your not meeting next Monday. I need an Executive Session for about a half an hour whenever it's convenient for you, to talk about some pending litigation that we may be able to resolve.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: I was going to say, how about Tuesday before the 9:00?

Kevin Winternheimer: That would be....8:30? Can you be here at 8:30? That would be fine. Okay. Okay, that's fine.

President Mosby: Afterwards.

Kevin Winternheimer: The second matter is, and you've already approved this, I've got three copies of the lease at the airport for the Sheriff's department. They didn't, when they put these together they didn't know you were going to switch Presidents. So, David, if, this doesn't need any action, I just need you to scratch out Catherine's name, and put your name in and sign as President. We need to send these to Ted Ziemer. He'll get the Airport Board to sign them, and then he'll send us back an original. So, if just, at the end of the meeting you can just sign it. The last thing is to update the board, I believe the board President asked me to contact Mike Schopmeyer represents the Water and Sewer Utility about the road agreement. I did that. We talked about it today, as a matter of fact. He asked me to put together an agreement. I had done that. I will send that over, and if Patty would send that to each one of you, and I'll send Mr. Schopmeyer a copy, and within the next week we can get everybody to sign it, the Utility Board, and this board. Essentially, it just provides for sharing the cost, all costs, engineering, construction so forth, 50/50 for the road that would be utilized by the utilities, as well as the Commissioners. It's conditional upon the two parties closing on their respective real estate. Obviously, if they don't end up out there buying their property, then they won't want to build us a road. But, that's essentially, but I'll get that to Patty, and she can send that out to each one of you. That's all I have.

President Mosby: Any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Patty White: You have Tammy's report. You also have one late travel request.

President Mosby: Okay. Motion to accept the late travel request, and put it into the Consent Items?

Commissioner Fanello: I'll make a motion to accept the late travel request, and add it to the Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Burdette Park

President Mosby: Burdette, Steve.

Steve Craig: Steve Craig, Manager of Burdette. The only thing I've got going is that we are working on our five year capital improvement update. I'm waiting for some prices, and some cost estimates to get back from some people that we are looking at some projects on. But, we're about done with that. Other than our worksheets and that, I don't have anything I have to report.

President Mosby: Any questions? Excuse me. Thank you, Steve. I don't have any questions.

Soil & Water Conservation District

President Mosby: Soil and Water, Mike.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I mentioned at the last meeting I was at that I would bring you the final numbers for 2002. Our office worked with 40 ordinance investigations, 20 subdivisions we've worked with with IDNR and IDEM, and 31 plats. 2003 we've already had four complaints. Three come in today. Typical report that I normally send in, if anybody's got any questions, I would be happy to answer them. The only other thing I've got is on the 30th of January, and I brought you something here. There's going to be an erosion workshop out at the 4-H Center. It's going to specifically deal with a lot of what's coming down the pike, as far as Phase II. That's going to be, from a timing standpoint, I thought maybe some of you might want to go. So, I brought you each a copy of it just as a reminder. Then the third thing, I just talked with John Stoll, and he just found out, as I just found out that Wednesday and Thursday of this week is when the consultants are going to meet on the Carpentier Creek study. So, I'm going to reschedule some things and try to get out there and see what all we need to do on that. That's all I got.

President Mosby: Any questions?

Madelyn Grayson: Mike, do you have an extra one for the record?

Mike Wathen: I'm sorry?

Madelyn Grayson: Do you have an extra copy of what you handed the Commissioners for the record, by any chance?

Mike Wathen: Them's the only three copies I brought.

Madelyn Grayson: I'll make a copy of one.

President Mosby: Here.

Mike Wathen: It will be a good seminar, if anybody can make it out there. It's only two hours, and there will be a lot of good information put out.

President Mosby: Okay. Any other questions?

Ozone Officer's Report

President Mosby: Any, do I have a motion to accept the Ozone?

Commissioner Fanello: Yes, I make a motion we accept the Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second, so ordered.

Consent Items

President Mosby: Consent Items, are there any questions?

Commissioner Fanello: I don't have any. I make a motion that we approve the Consent Items as submitted.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the Consent Items. So ordered. Is there any other business to come before the Commission?

Commissioner Fanello: I would make a motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

The meeting was adjourned at 6:38 p.m.

CONSENT ITEMS:

Travel Requests:

Health Department
County Assessor
Treasurer

Center Assessor
Commissioners
Burdette Park

Pigeon Assessor
County Engineer

Employment Changes:

Health Department
Prosecutor

County Clerk
County Assessor

Center Assessor
Sheriff Department

Requests for Service: Jail

Sheriff: Weekly Jail and Community Corrections Report.

Health Department: Renewal of STD Grant.

Auditor: Submit A/P Vouchers.

County Engineer: Surplus letter.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winternheimer | Bill Fluty | Patty White |
| Madelyn Grayson | Phil Lawrence | Z. Tuley |
| Rose Zigenfus | Terry Maurer | Nancy Long |
| Judy Weatherholt | Paul Summers | John Staley |
| Eric Williams | John Stoll | Dennis Hudnall |
| Steve Craig | Mike Wathen | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
JANUARY 21, 2003**

The Vanderburgh County Board of Commissioners met in special session this 21st day of January, 2003 at 10:15 a.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting for January 21, 2003.

Introductions and Pledge of Allegiance

President Mosby: Introductions are as follows, the invisible Tammy McKinney.

Commissioner Fanello: She has a, she has another meeting.

President Mosby: Oh, okay. Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Madelyn Grayson, Recording Secretary. Please join us in the Pledge.

(The Pledge was given.)

Approval of January 13, 2003 Commission Minutes

President Mosby: Do I have a motion to approve January 13th Commission meeting minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Approval of January 13, 2003 Board of Finance Minutes

President Mosby: January 13th Board of Finance minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of January 21, 2003 Executive Session Summary Minutes

President Mosby: And I need a motion to approve Executive Session summary minutes from today.

Commissioner Fanello: I'll make a motion to approve the Executive Session summary minutes. The Executive Session began at approximately 8:40, and ended at approximately five after nine. Discussion was regarding pending litigation and bargaining agreements.

Commissioner Crouch: Second.

President Mosby: So ordered.

Award APA005-2003: Surfacing Materials

President Mosby: Bid advertisements. Phil Lawrence.

Phil Lawrence: A couple things. The first one is permission to award the APA005-2003. That's a bid that typically we accept four bids, there were only three this year, because they are located in different parts of town. We recommend we award to those three companies, J.H. Rudolph for \$540,100; Gohman Asphalt, \$553,000; E & B Paving for \$554,000.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Permission to Advertise VC025-2003: Burdette Park
Demolition of Pool Walls & Decks and Installation of
Gutters and Pool Linings**

Phil Lawrence: Permission to advertise VC025-2003, Burdette Park demolition of pool walls and decks, and installation of gutters and pool linings. The advertisement dates will be January 24th and the 31st, and the bid opening on February 24th, to give guys the time to do all the work and get the pool opened by May, May 2003.

Kevin Winternheimer: Can I ask a question? Is it clear in the specifications about when they have to be done?

Phil Lawrence: Yes.

Kevin Winternheimer: Okay.

Commissioner Fanello: Who is writing the specifications?

Phil Lawrence: I am, and Gary—

Commissioner Fanello: Okay.

Phil Lawrence: —the three of us, but John Stoll was going to look over them when I get finished.

Commissioner Fanello: Do you mind, before we send those out if I took a look at those?

Phil Lawrence: Sure.

Steve Craig: (Inaudible. Not at mike.)

Commissioner Fanello: Thank you, Steve.

President Mosby: I know you said that there's going to be completion dates in there. Is there going to be penalties in there if it's not completed?

Steve Craig: (Inaudible. Not at mike.)

Madelyn Grayson: Steve, will you come to the microphone please?

Steve Craig: Steve Craig, Manager of Burdette Park. Yeah, we're gonna, from what I understand, they all think they can get it done, because it's not as rain sensitive as putting, like when we did the fiberglass several years ago. We will put a late date in there. It may be, I don't know, they may come back and say they can't do both pools, and get both of them done in the spring. Where we might have to do one in the spring, and then do the other one in the fall. I don't know if they, you know, they told us ten weeks. If we get this all out and everything, it will be done in ten weeks.

President Mosby: I just didn't know if we could put something in there—

Phil Lawrence: We can.

President Mosby: – to ensure ourselves against the loss of half a summer.

Steve Craig: We need to make it worthwhile. They will work full crews, and that we will be compensated.

President Mosby: Okay, do I have a motion?

Commissioner Fanello: Motion to approve advertising.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Approval of Jail Schematic Design |
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President Mosby: Discussion items, the Commissioners, jail issue, or jail schematic design. I'm sorry. Not issues.

Commissioner Fanello: I would like to go ahead and add a few points right now. Today, or last week, the schematic design was presented last Monday, and I was hoping we could come back today and approve that. I'm very pleased with the schematic design. Just going back and kind of comparing, I know the county did, this was before I was here, did contract with PMSI for a study regarding building a jail, community corrections, and juvenile detention facility. Just want to make a

couple points of comparison, which I believe the schematic design is falling well within a lot of the points that they made in the study. We are going to be receiving, I guess, 512 beds out of this, which I'm happy to see. It is built for expand ability, which is very, very important for future planning. It falls within the square footage that PMSI had estimated. I believe that they had estimated in their study 140,000 square feet, and this one is falling at around 124,481 square feet. So, it looks like, I mean everything is falling in line with what they've estimated. They also estimated in the schematic design, possible operations costs. I have spoken with Deputy Chief Eric Williams about that. He would like to take time to do a further staffing analysis. These were very, very, very preliminary numbers. He wanted time to work on the staffing analysis. As far as the operations budget, which could not be actually completed and full until after he does the staffing analysis, but United, and I believe the design team went ahead and gave us some preliminary figures, which I'm happy to see. We'd actually had some of those last year to work from. Our current operating budget, right now is around, including rent that the Sheriff pays for his space is approximately \$4,238,714. They're estimating, I believe in here, about five point, \$5,793,000, which, I think, would probably change once Deputy Williams does the staffing analysis. I'm glad to see that we're already thinking about those things, because those are critical for future planning. I want to compliment our design team. I think they did an excellent job. They are working very hard, as Deputy Chief Williams said last week. I don't think I have anything else to add at this point. I may later, but was very pleased to see a lot of the things that I saw in the schematic design.

President Mosby: Any other comments?

Commissioner Crouch: No, I met with Eric Williams, and I know they put a lot of man hours in working with the consultants. I think they've come up with a project, or a product that meets the limits that the County Council put on, the fiscal limits, and addresses all the other issues, or at least the ones that we can afford to address at this point in time.

Commissioner Fanello: That's true.

Commissioner Crouch: I think they've done a nice job.

Commissioner Fanello: And we are doing what we can afford at this time. So, working within our constraints.

President Mosby: Anybody in the audience that wants to speak?

Commissioner Fanello: Just as an update, we, Kevin was probably going to do this under his report, but just while we're talking about the jail, we were awarded our special use permit for the property. So, we're okay on that. I would, if it pleases the board, I would make a motion that we approve the schematic design. I also have a letter here that would authorize our design team to move into the design development phase, if we so approve the schematic design today.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: While we're on the jail issue, if I could bring up one more thing, the County Engineer and the County Attorney are working with Bernardin on the contract for the design of the road. So, hoping to have that on Monday's agenda. So, they'll get that to us later in the week.

President Mosby: Okay.

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| Public Comment |
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President Mosby: Public comment?

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| Old Business |
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President Mosby: Old Business.

Commissioner Fanello: President, I've got a couple items of Old Business. I did meet with Councilman Raben and Councilman Winnecke last week regarding the Gartner report, which has to deal with our Computer Services department. It was the feeling after we walked away from that meeting that we should pursue re-negotiation of the contract with our current provider, ACS. That was due largely in part to our budget constraints. We are concerned about going out for bid, because we are afraid that we are going to receive sticker shock, and we may not be able to afford that sticker shock. They feel that maybe if we take the Gartner report, we can implement some of those ideas in the Gartner report in those recommendations, and, hopefully, come up with a contract between the county and ACS. I know that Councilman Winnecke also spoke with the Mayor, which I had spoken with him earlier in that week, and then Councilman Winnecke had a meeting with him the same day that we had our meeting. I have since spoken with Councilman Winnecke and the Mayor is in agreement with doing that. I have talked to some of the office holders to kind of get their opinions on that, and I'm getting very favorable response. Not everybody is happy, but it's like we discussed in our meeting, you know, we have a budget to live within, and we have to take steps to live within that budget. We believe that we can, there may be increases in the re-negotiation of the contract, because our current contract doesn't address all of our current technology needs. So, we may still see an increase, but we do not feel it will be to the extent that we would see if we were to go out for bid on the open market. So, I guess, I would like the boards comments on that.

Commissioner Crouch: You know, my, just initial reaction to that is, you know, I was hoping that we would go out for an RFP. I think we need to see what is out there. Our needs certainly have changed, and while ACS has worked within the constraints of their agreement, and the fiscal constraints, I think, we are perhaps a little short sighted by not looking to see what's all out there. Certainly that RFP could be written to where we would not have to accept something if it was not agreeable to us. So, I'm a little, just a little disappointed that we aren't going to look at all the options that are out there to see what would best address our needs.

Commissioner Fanello: Well, and I too agreed with your viewpoints at the onset, and I still would have liked to have seen us gone out for RFP, but there were several other factors affecting that decision. One factor being ACS' contract does expire June 30th of this year. They are already losing employees because of the uncertainty regarding their future here in the building. They would have to prepare a transition

plan. We would have to do this RFP this year. We would possibly have to extend ACS' contract for another full year, and they are not even sure that they want to do that. So, it really puts us in a bad situation when you think of all the factors involved, closing the year end out as far as the financials. It puts the Auditor in a bad position. So, a lot of factors involved. In a perfect world, I think, I wish we could have gone out for an RFP, but I don't know that that's going to be a possibility at this time. You know, our re-negotiation with ACS, maybe we only re-negotiate for two, three years, and in the meantime pursue putting an RFP out. We're just not so sure that it can be accomplished this year.

Commissioner Crouch: Didn't we, refresh my memory, didn't we back, was it in June of 2000, or was it in June of 2001 their contract expired and we actually renewed it in order so that we could go out for RFP.

Commissioner Fanello: Uh-huh.

Commissioner Crouch: So, we've already kind of gone through that process. You know, it would have been nice if we had actually started an RFP process at that time, because that's why we extended the contract.

Commissioner Fanello: Uh-huh.

Commissioner Crouch: Then we wouldn't be in the position we're in right now.

Commissioner Fanello: What we did at that time was we started, you know, seeing what we needed to do to do an RFP. That's why we contracted with Gartner. I met with the Mayor several times. Unfortunately this just isn't a county decision, it's a joint decision. So, it's a Mayor decision, a City Council decision, a County Council decision, a County Commissioner decision. So, you know, the agreement from the Data Board and from all those parties involved was to hire Gartner to do a needs assessment, because one had not been done. Our contract originally began in 1989, and, you know, we felt like that was the best thing to do to...you can't go out for RFP if you don't even know what you need yet. So, Gartner being one of the best in the business, most independent in the business. They are not into contracting for those kinds of services, they only do consulting type work. So, they were very independent, and we hired them to do the needs assessment, they came back with their recommendations. I went to the County Council, you know, first because I did not want us to go out and do it, try to do an RFP, because we would need to hire somebody to write the RFP, which would cost this county, the city and county approximately a half a million dollars to write one. So, weighing that against all the other factors, the possible sticker shock, Councilman Raben, Councilman Winnecke, the day we met felt like, you know, we should pursue this avenue of re-negotiation. That's why I met with them, because they are the purse strings. So, you know, we're kind of tied in certain respects, and may not have been my most perfect choice, but it's the choice that we can live within in our budget. Or that they feel that we can live within in our budget. So, I guess, I would like to have the board's approval to move forward with this, and see where it takes us. We may not be able to come to an agreement on a contract. You know, we haven't started yet. Until, I told them I need to come back to this board, and like I said, I've talked to some of the other office holders...the courts are very much in favor of us approving a re-negotiation with ACS, because they are extremely happy with ACS. So, we do have some people very happy out there, and we have some people unhappy, but

you're not ever going to be able to please everyone with everything. So, I guess, I would like to make a motion that we do pursue re-negotiation, and take steps necessary to pursue that re-negotiation.

Commissioner Crouch: I will second it, but I will not support it.

President Mosby: I have a motion and a second on approval to pursue with Gartner.

Commissioner Fanello: No, to pursue re-negotiation with ACS.

President Mosby: Re-negotiation with ACS, right. Roll call vote. Commissioner Crouch?

Commissioner Crouch: No.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: And I vote aye. Two ayes, one nay, to pursue with ACS. Any other Old Business? New Business? Department head reports, County Engineer.

Commissioner Fanello: Oh, I do, I'm sorry. I did have one other small business, small piece of Old Business. Old Courthouse, been trying to work on a plan with the Old Courthouse, and I asked Dave Rector to be here today, because we've been working on the space allocation plan for the Civic Center, hopefully, trying to move some offices over to the Old Courthouse. I think we need to pursue a plan of how we're going to phase in repairs and restorations at the Old Courthouse. Obviously, we cannot afford to do everything at one time. I mean, our budget will not allow it. I've been pursuing conversations about, and you may have heard of these, energy savings contracts, which would allow us to upgrade the building systems, and finance those over a ten year period. The savings that you would receive in the efficiencies of the building should pay for the contract, so we would not really be increasing our budget. Then I would like for us to look at phasing in the cosmetic restorations of the building. So, those are kind of some of the things I've been working on, because I think we need to come up with a plan for the Old Courthouse. I think, you know, we need to do that in the first part of this year. Doing that in conjunction with working on the space allocation plan, but we do need to take steps to improve that building. We're already taking some major important steps in doing the roof. That's all well and good, but it's only going to be as good as we make the rest of the building. I guess, I would like the board's permission to pursue, I guess, getting some information on the guaranteed energy savings contracts, and maybe bringing that towards the board to take a look at that, and looking at possibly phasing in other improvements to the building.

President Mosby: I'm okay. You? Any other Old Business?

Commissioner Fanello: Did you want to go ahead and give us an update on the space allocation?

Dave Rector: Sure, I'll give you an update on that. You all are participants in an energy savings contract at the Centre now you're aware of. We also are here in the Centre with the boiler replacement project, and I'm sure that he will tell you there's

provisions in that (Inaudible) that allow you to make cosmetic upgrades in conjunction with that energy savings program. So, I mean it's an excellent idea to look at that for the Old Courthouse. Around that, to give you an update as to where we are on the space allocation. All of the drawings are now updated architecturally, from a floor plan stand point, mechanically and electrically, with all the light fixtures, switches, receptacles. Everywhere we could see. There are some areas in the complex where we can't see, where there are bookcases up against the walls, files. What we did was we looked at the old drawings, and transposed that over, and then indicated it with a legend that that's an assumed location. Not knowing whether that has been moved or not. From there now I've talked with some different areas, trying to establish priorities, so that when we go out here, we could end up with a hundred different proposed layouts of movement within the Civic Center. Obviously, we can't afford that, so we're going to try to come up with a priority establishment on design expectations on how the movement would be placed. When I get that drafted out, I'll let you all look at it to see if you agree with what I think the priorities are on movement. There's a lot of suggestions about how that jail space gets consumed; what the space happens here. Also then, as Catherine just said, we've thrown out the Old Courthouse as available space. Or there are some offices here in the Civic Center Complex that make sense that maybe they could go over there to free up space here. So, getting around too, we're in the process now. During that I'm developing that design scope of expectations to go out to get some pricing from design engineering firms. I'm hoping to have that out in the next month, and will start working on the next phase.

Commissioner Fanello: Okay. Thank you.

President Mosby: Thank you.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure.

(Tape change)

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| New Business |
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President Mosby: Any New Business? Any other New Business?

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| County Engineer |
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President Mosby: County Engineer.

John Stoll: Like Catherine said, I hopefully can get the jail access road agreement worked out by next Monday. So, hopefully, I'll bring that next Monday. The only other item I had was, I wanted to get final approval on a reimbursement amount of \$10,000 from the County Surveyor's office for the work on the Heppler Road Bridge, because as part of that bridge project we had done some bank stabilization work on the legal drain out there. I just wanted to get authorized to proceed with getting \$10,000 back on, from the Legal Drain Fund.

Commissioner Fanello: I'll make a motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have.

President Mosby: Okay. Thank you , John.

John Stoll: Thanks.

County Highway

President Mosby: County Highway. Ralph's not, or Dennis is not here.

County Attorney

President Mosby: County Attorney, Kevin.

Kevin Winterheimer: The only item I wanted to mention was we did receive unanimous approval at the BZA for the special use for the jail project. I wanted to thank Paul Summers for coming down on a snowy day. I think it helps to have drawings, conceptual drawings to give people an idea of what you're doing. Also the staff of the Area Plan Commission, they were extremely helpful in putting this all together, and making sure we had all the documentation that we had. Despite all the numerous notices that we had to send out and all that, we had only one remonstrator, and that was the apartment owner in the neighborhood who tried to assert that their lack of occupancy was due to our jail. I don't think they made the connection, or the nexus there. I think that was a sort of a hollow remonstrance, but no one else appeared to remonstrate. Everything went real well, and it was unanimously approved. That's all I have.

President Mosby: That's good. Thank you, Kevin.

Superintendent of Buildings

President Mosby: Tammy's not here.

Burdette Park

President Mosby: Burdette Park. Steve, Gary, they're both here.

Steve Craig: All I had was our worksheets, and then the stuff that we had had with Phil.

President Mosby: Okay. No problem.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: I'll make a motion to accept Soil and Water and Ozone reports.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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Commissioner Fanello: I do have one late Consent Item, which is a request for telephone service in Judge Tornatta's office. So, I would like to make a motion to add that to the Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered on adding the request to the Consent Items.

Commissioner Crouch: I just have one question on the Consent Items. The acknowledgment of Knight Townships standards, do all of the townships, I guess, submit their standards to this board?

Kevin Winternheimer: Yes. Yes, they do.

Commissioner Crouch: Do they vary from township to township?

Kevin Winternheimer: Within the requirements of the law. I don't personally review those, but they are required to have one filed, because when we get those poor relief appeals, the question is are they in compliance with those standards. Or did they go outside their standards in denying it. So, all we're doing is acknowledging that they're filing it. It's on file. We're not really approving them, per se. That's up to the Trustee to come with their individual standards.

Commissioner Crouch: Okay.

Commissioner Fanello: Motion to approve Consent Items.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered. Do I have a motion to adjourn?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

The meeting was adjourned at 10:39 a.m.

CONSENT ITEMS:

Travel Requests:

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| Health Department Area Plan | Perry Assessor | Pigeon Assessor |
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Employment Changes:

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| Health Department County Council | County Highway Burdette Park | Prosecutor Auditor |
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Requests for Service:

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| Health Department | Superior Court |
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Health Department:

AIDS Grant.
Immunization Program Fund Grant.
CVS Blood Pressure Screening Contract.

Commissioners:

Police and Fireman’s Insurance Association- Approval of Payroll Deduction.

Treasurer:

Depository Agreement with Old National Bank.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winternheimer | Bill Fluty | Madelyn Grayson |
| Phil Lawrence | Steve Craig | John Stoll |
| Dave Rector | Others Unidentified | Members of Media |

VANDEBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
JANUARY 23, 2003**

The Vanderburgh County Board of Commissioners met in special session this 23rd day of January, 2003 at 9:05 a.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: I would like to call to order this special meeting of the Vanderburgh County Commissioners for a public hearing on the Jobe's Lane Project. I guess, a few bullet points that I'm supposed to make here is that Vanderburgh County intends to apply to the Indiana Department of Commerce for a grant from the Department's Community Focus Fund of the State Community Development Block Grant Program. This program is funded by Title One of the Federal Housing and Community Development Act of 1974 as amended. These funds are to be used for a community development project, and includes a water and sewer extension project on Jobe's Lane. The total amount of the CDBG funds to be requested are now \$135,000. Vanderburgh County also proposes to expend an estimated \$230,000 from the county funds, which an additional \$140,000 allocated to the county from the Evansville Water and Sewer Utility. That happened on Wednesday, if nobody knew. We ask that all attendees please sign in, and a sign-in sheet is provided. The purpose of this public hearing is to provide interested parties an opportunity to express their views on the proposed federally funded CDBG project. For the record, when you speak, please state your name before your comments. Before your comments. If there are any written comments to be submitted for the record, this is the time to do it. So, I think, everybody knows why we're here. If there is any remonstrators to the project, I will take them first. Seeing no remonstrators, we will ask for any public comment that anybody would like to make for a part of the record at this time.

Bill Lockard: My name is Bill Lockard. My wife and I have lived on Jobe's Lane for almost 38 years. As the good book shows, you know, good things come to he that waits. Well, the good Lord must have been busy for the past 37 or 38 years, because I've tried talking to Him about it, but finally He got around to it. It's very difficult, but I would like to thank all of the people that became involved in this. Dave Schroeder, who actually didn't give up, he kept after all of us. To my neighbors and my friends. To you, Mr. Mosby. To Judge Tornatta. There is so many people that recognized this problem, and gave it their support. Vanderburgh County Department of Health, etcetera, you know, I'm sure I'm going to forget someone that helped us on this. My son, Mike, who happened to be at the right place at the right time when the funds become available, and knew how to work within the system to get it done. So, to all those people that helped, our heartfelt thank you very much.

President Mosby: Thank you for your kind words. Is there anybody else that would like to add any comments? I know, go ahead, Dave.

David Schroeder: My name is Dave Schroeder. I live at 617 Jobe's Lane. I just want to add my thanks to all of you who come on board here in the last several years to try to get this project going. Just to the Department of Commerce, without these added funds we're still kind of stuck, you know, trying to get this project done, but, with your assistance in granting these funds, we'll be able to move this project forward, and get something done out there. Again, I thank Mike. He's really done a lot here to help this project, and everybody else that's finally come on board, and agreed to work together, and get something done out there. I thank you.

President Mosby: Thank you, Dave.

Mike Lockard: My name is Mike Lockard, and I live at 5019 Shady Court, but as I've indicated previously, you know, home is where you call it, and home for me has always been 601 Jobe's Lane, which is where I grew up and spent most of my life. As all of them are probably either going to say or want to say, you know, we owe a great debt of thanks to all of you for all of the hard work and the backing. You know, I cannot take credit for this, because if it wasn't for some of the wise, you know, comments and pushes and directions that I got from various people, you know, especially from Mr. Mosby and Ms. Fanello, I would not have known how to even begin to approach some of this. You know, there was a lot of people working on this, and it was truly a team effort. That being said, you know, the whole basis of us being here is to say, you know, what the need is for this. I know there have been a lot of people who have thought that these monies being allocated are something that is funding a private development, or private property. In my humble opinion, nothing could be further from the truth. This situation that exists on Jobe's Lane is a public health hazard. It has been called by many, many people from the Health Department, from the Department of Environmental Management, from the Department of Natural Resources, and from a respected sitting judge as being a public health emergency. It is truly a health emergency that needs to be resolved, and that is why we've been asking for this request. There are no areas in the county, and I have looked through every agency that I can get my hands on, both state and local to say, is there anyplace else that approaches the level of hazard that Jobe's Lane has. So far nobody can tell me any. There are areas in the county that obviously have problems, but I can't find any evidence of any place in the county where they've got sewage running black across the back of their property. This property is, just because of its very topography, on a very high point in Vanderburgh County. To use a somewhat of an allegory, it all runs downhill. It runs into a small lake where we have evidence, you know, that we have given showing where there have been complete and utter fish kills with dozens, if not hundreds, of dead fish floating belly up in the lake because of the runoff. That lake now has flown through the natural water table, over into the larger lake, which sits, part of it sits in the county, and part of it sits in the city, so, the bigger lake straddles the city/county line. That lake now is grossly contaminated with ecoli and coliform. It's not drinkable. It's not swimmable. Growing up, I swam in that lake. You wouldn't get me to put my first big toe in that lake anymore, because of the results I've seen from the Health Department. Now, that lake has an overflow that runs next to my property. It runs literally on the edge of my home and my property. Well, that means I know exactly what is flowing down that stream. That stream flows down through and behind hundreds of homes. It will be now flowing into an overflow, and into an area that is going to be a brand new senior citizen development on Middle Mount Vernon. It ultimately flows into Carpentier Creek, into Bayou, and ultimately into the Ohio River. As long as this system up here remains unresolved, that contamination is not just affecting a few homeowners. It's affecting hundreds of people, their lives, their children with dangerous bacteria pathogens. That's why we're glad to be, to have the opportunity to be here to urge your support for these funds. It was because of the initial \$230,000 that we even have the ability to be here to approach the Department of Commerce. With the price of this project, at first we got no federal assistance, or state assistance. But, because of the ability of you guys to put that \$230,000 up, it started the ball rolling. Let's keep the ball rolling, move forward with this with the Department of Commerce. I think we have a good case to make to them, and we really appreciate your support. Thank you.

President Mosby: Thank you , Mike. Did any, did anybody else in the audience have anything they wanted to add? Judy, oh.

Unidentified: (Inaudible. Not at mike.) Move your chair by the podium.

Shirley Lockard: My name is Shirley Lockard. I've live at 601 Jobe's Lane for 36 years. I would just like to thank everyone, and give my appreciation, because I know this took a lot of work, a lot of time, a lot of book work, a lot of study to get all this done. If we get it done, then maybe we can go in, and cook a meal, wash our dishes, go take a shower, and flush our commode, and, hopefully, maybe live like normal people are supposed to live. Thank you.

President Mosby: Thank you.

Bill Lockard: I've lived there almost 38, and she's only been there 36. (Inaudible. Not at mike.)

Mike Lockard: I'm 41.

President Mosby: Is there anybody else that would like to add anything? Judy, did you or Sarah want to say anything? Okay. I guess, you know the comments that I would make is I would, first of all, like to thank the County Council for appropriating the \$230,000 from the federal funds that the Commissioners received back, at that time, to this project. I would also like to thank the Water Department, and I didn't have time to contact anybody on Tuesday, but that came up on a spur of the moment went Judy came to the office and said we have one problem, we're not fully funded. We need to figure out where the rest of the money is coming from. So, it just so happened that the Water Department had a meeting that day at 1:00, and Patty got me on the agenda. So, John Stoll went with us, and we were able to capture \$140,000 from their Sewer Extension Fund. Their only request was that we ask the county, in turn, in the budget next year to start putting \$100,000 a year into that fund, and Judy and John was there. It's not stipulated upon us getting the money this year. They are going to give us the money this year. Their only question was that we ask the county to start participating in the Sewer Extension Fund, because they are using their money in the county, and they would like for the county to help. I don't think that's unreasonable. We did it over in the city, when I was on the City Council we used to put \$100,000 of LIT money into that project, which meant it could only be used in the city. Now, that it's Water and Sewer Funds, it can be used throughout the city and the county. I would, I agreed to go to the County Council, and I would ask them to do that. I guess, the other person, the two people I need to thank is Sarah and Judy. They're the ones that started this grant rolling, and Judy's offered to do it for a very minimal fee. That has helped tremendously. So, with that we will have enough funds, hopefully, to do this project. John Stoll, I want to thank him for all his work with Clark Dietz, and going to these meetings, and sitting for two and three hours, being drawn out. Is there any other Commissioner that has anything to add?

Commissioner Fanello: I wanted to say thanks for all of those who have brought the problem to our attention, and we're happy to help with that. As, I think, Mike said it very, very well, you know, this isn't a project for private development, this is a public health emergency. This is why we collect property taxes. This is why we're here. We are here to serve you. I'm happy to do that, and am very glad that everyone has worked together to keep this project on track and moving. So, thanks.

President Mosby: Commissioner, do you want to add anything? I guess, we need to accept a motion to send this on. Is that what we need to do, Judy? Just accept a motion to send this on to the, I guess, Community Development Block Grant Fund.

Judy Weatherholt: (Inaudible. Not at mike.)

Commissioner Fanello: Yeah, we do. We don't have any (Inaudible).

Judy Weatherholt: Pardon me?

Commissioner Fanello: We don't really need a motion today to—

President Mosby: Is there anybody else that would like to speak?

Judy Weatherholt: (Inaudible. Not at mike.) Anybody that has not signed in. There's a sheet to sign in here. (Inaudible).

President Mosby: Oh, okay. This sheet is right over here to the right. So, don't forget, before you leave. You can't sign your neighbor in if he's not here, but be sure you sign in. If there's nobody else that wants to speak, I will ask for a motion to adjourn this special meeting and hearing for Jobe's Lane for CDBG Funds.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered. Thank you all very much.

The meeting was adjourned at 9:18 a.m.

Those in Attendance:

| | | |
|--------------------|-------------------|---------------------|
| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winterheimer | Bill Fluty | Teri Lukeman |
| Bill Lockard | Mike Lockard | Dave Schroeder |
| Shirley Lockard | Judy Weatherholt | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne Crouch, Member

Recorded by Teri Lukeman. Transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 27, 2003**

The Vanderburgh County Board of Commissioners met in session this 27th day of January, 2003 at 5:37p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, January 27, 2003. With us tonight we have Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If you would, please stand and say the Pledge.

(The Pledge was given.)

Approval of January 21, 2003 Special Meeting Minutes

President Mosby: First of all, if there's anybody here for the Darmstadt Road rezoning tonight, it has been pulled from the agenda. So, I don't know if that was of any interest to anybody. I would like to, I need a motion to approve the minutes of the January 21st Commission meeting.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

**Approval of January 23, 2003 Special Meeting Minutes
(Jobe's Lane Grant Funding)**

President Mosby: Approval of the meeting, special meeting, minutes for (Inaudible).

Commissioner Fanello: For January 23rd?

President Mosby: Yes.

Commissioner Fanello: So ordered, or motion to approve.

Madelyn Grayson: David, this is not recording. So, if we need to transcribe this, will you hold up a second?

President Mosby: We have a new sound system tonight, and right now we're not recording.

(The meeting was stopped momentarily to test the equipment.)

Kevin Winternheimer: I could open bids or something while we're waiting. All you do is right down some numbers.

Madelyn Grayson: Testing one, two, three. David, try your mike again.

President Mosby: Testing one, two, three. Test one, two. One, two, three, four. Test one. Test one, two.

Madelyn Grayson: Okay.

President Mosby: Okay. I mean, I guess, is she recording?

Madelyn Grayson: Go ahead, David.

Commissioner Mosby: Next I need approval of the January 23rd special meeting minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of January 27, 2003 Executive Session Summary Minutes

Commissioner Fanello: We need to approve the Executive Session minutes. Executive Session began at 5:10, it ended at 5:30, and discussed litigation.

Commissioner Crouch: Second.

President Mosby: So ordered.

Open Bids for VC026-2003-R: Towing Bids

President Mosby: Phil Lawrence, bid advertisements.

Phil Lawrence: Good afternoon. I would like permission to open the bids for the 2003 towing contract.

President Mosby: Do we have any other bids in the audience? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to open bids.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winterheimer: We have four piles of bids here. The last pile is not marked on the envelope as to which of the other three piles they should go in. So, I'll read them off, and then we'll go for the last pile, and figure out what it is. Okay. The first pile is for the towing of nuisance, wrecked and impounded vehicles. The first envelope is from Hamrick Diesel Service, Inc. of Evansville, for the towing of automobiles. First of all, I guess, I should say, these are non-county owned vehicles. The towing of automobiles, pick up trucks, and passenger vans, their bid for all five items is \$35 for each item across the board. Towing of motorcycles, \$35. Towing of bicycles, \$10. Towing of a truck over one ton, \$50. Towing of a semi-truck, without trailer, \$70. Towing of a semi-truck, with trailer, \$70. Towing of a bus and

a large RV, \$40. Towing of ATV, \$30. Tractors, backhoes, and trailers, \$40. Flatbeds, backhoes, and trailers, \$40. Per hour charge for recovery, \$40. Now, same bidder, county owned vehicles. Automobiles, pick up trucks, and passenger vans, no charge. Motorcycles, no charge. Bicycles, no charge. Towing of a truck over one ton, \$40. Semi truck, without trailer, \$40. Semi truck, with trailer, \$40. Bus and large RV, \$40. ATV, no charge. Tractors, backhoes, and trailers, \$40. Flatbed and winching, \$35. Per hour for recovery, \$40. Per mile, 50 cents. Charge for towing outside the county limits, in addition to the above charges, 50 cents. Service runs for county vehicles, no charge. Jump starts, changing flat tires, and delivery of gas, no charge. It says cost of performance, not appropriate. Okay, the next bidder is Anthony W. Jackson/Mike's Towing Service of Evansville. For non-county owned vehicles; automobiles, pick up trucks, etcetera, \$35. Motorcycles, \$35. Bicycles, no charge. Towing of a truck over one ton, \$85. Towing of semi truck, without trailer, \$85. Towing of semi truck, with trailer, \$85. Towing of bus and large RV, \$85. ATV, \$35. Tractors, backhoes, and trailers, \$85. Flatbeds, backhoes, and trailers, \$35. Per hour charge for recovery, \$35. Now, county owned vehicles. Automobiles, pick up trucks, and vans, no charge. Motorcycles, no charge. Bicycles, no charge. Truck over one ton, \$50. Semi truck, without trailer, \$50. Semi truck, with trailer, \$50. Towing of bus and large RV, \$50. ATV, no charge. Tractors, backhoes, and trailers, \$40. Flatbeds and winching, no charge. A per hour for recovery, \$35. Per mile charge, 50 cents. Towing outside the county, no charge. Service runs for county vehicles, no charge. Jump starts, no charge. They have a blank for the cost of a performance bond. Next bidder is St. Wendel Auto Parts and Service from Evansville. Okay, starting with the non-county vehicles; automobiles, okay, this one is going to be a little trickier. Under automobiles, pick up trucks, and passenger vans, item number one is \$40. They did not vote, I'm sorry, item number one is \$45. They did not bid item number two, or three, or five. Item number four is \$40. On this, let me see, on these non-county vehicles, they did not vote, let's make it easy, they did not vote, vote, they did not bid on items two, three or five on any of the categories. On towing of motorcycles, \$45 for item number one. For item number four, \$40. Bicycles, item number one, \$35. Item number four, \$30. Towing of a truck over one ton, \$65. Number four, category number four, \$60. Towing of a semi-truck, without trailer, \$85. Category number four is also \$85. Towing of semi-truck, with trailer, \$175, for both items number one and number four. Towing of a bus and large RV, for items one and four is \$185 for each. Towing of ATV is \$35 for item number one, and \$30 for item number four. Tractors, backhoes, and trailers, item number one and four is \$150 each. It says, flatbeds, backhoes and trailers, see attached sheet for both items. Per hour charge, see attached sheet. Let's see, county owned vehicles. They, on county owned vehicles, they did not bid on items two, three, or five. For automobiles, pick up trucks, vans, item number one, \$35. Number four, \$30. Motorcycles, item number one, \$35. Number four, \$30. Towing of bicycles, item number one, \$25. Item number four, \$20. Towing of a truck over one ton, item number one, \$50. Item number four, \$50. Towing of a semi-truck, without trailer, \$70, for both categories one and four. Towing of a semi-truck, with trailer, \$150, for both categories. Towing of a bus and large RV, \$150, for both categories one and four. Towing of ATV, \$25 for category number one. \$20 for number four. Tractors, backhoes, and trailers, \$125, for category number one, and \$125 for category number four. For flatbeds, winching, and per hour recovery, they say see attached sheet. Their per mile charge is \$1.50. Charge for towing outside the county limits, \$1.50 per mile on both categories one and four. Service runs for county vehicles, \$25 for category number one. \$20 for number four. Jump starts, changing flat tires, delivery of gas, \$25 for item number one. \$20 for number four. The performance bond, they've got not appropriate. Okay, now, okay, the next set of bids is for temporary storage of nuisance, wrecked, and impounded county

vehicles. Temporary storage. The first bid is from Mike's Towing Service of Evansville. Okay, and these are storage fees. Automobiles, trucks, and vans, \$3. Motorcycles, \$3. Trucks over one ton, \$3. Semi-truck, without trailer, \$5. Semi-truck, with trailer, \$5. Bus and large RV, \$3. ATV, \$3. Tractors, backhoes, and trailers, \$3. Those were, I'm sorry, those were all non-county owned vehicle prices. Under county owned vehicles, under each category, they have no charge. I guess, that's it for that bid. The next bidder is St. Wendel Auto Parts and Service of Evansville. Starting with the non-county owned vehicles; automobiles, pick up trucks, \$5. Motorcycles, \$3. Truck over one ton, \$10. Semi truck, without trailer, \$10. Semi truck, with trailer, \$15. Bus and large RV, \$10. ATV, \$3. Tractors, backhoes, and trailers, \$10. Under county owned vehicles, they have zero written. The next bidder is Hamrick's Diesel Service, Inc. of Evansville. Okay, starting with the non-county owned vehicles; looks to be \$3 all the way down the list, for each item. For the county owned vehicles, no charge. Okay, the next set of bids is going to be for towing and disposition of abandoned county vehicles. The first bid is from Hamrick's Diesel Service. Okay, this is, again, this is towing of abandoned vehicles. This is, let's see, this is divided into five categories. Towing of automobiles, pick up trucks, and passenger vans, \$35, across the board. Motorcycles, \$35. Bicycles, \$10. Towing of a truck over one ton, \$50. Towing of a semi-truck, without trailer, \$70. Semi-truck, with trailer, \$70. Bus and large RV, \$40. ATV, \$30. Tractors, backhoes, and trailers, \$40. Flatbeds and winching, \$35. Oh, I didn't catch this. I assume this is a typo. Tammy caught this, and I didn't catch it. That same bid, going up to towing of a truck over one ton, they put \$450. I assume that was a typo, because every, across the whole board, they have \$50. We'll have to check. Is that correct? That was a typo? Okay. I didn't catch it, because I was just looking across, and it looked like 50, but there is, under category number four, towing of a truck it is 450. Okay, the next bidder is St. Wendel Auto Parts and Service. Okay, again, this is towing of abandoned vehicles, and they did not bid on items two, three, and five, on the whole sheet. Automobiles, pick up trucks, category number one, \$45. Number four, \$40. Motorcycles, \$45, for number one, and \$40 for number four. Bicycles, \$35, for number one. \$30 for number four. Trucks over one ton, \$65. Number four, \$60. Towing of semi-truck, without trailer, \$85, for number one, and \$85 for number four. Towing of semi-truck, with trailer, both categories are \$175. Towing of bus and large RV, both categories are \$185. Towing of ATV is \$35 for number one, and \$30 for number four. Tractors, backhoes, and trailers, \$150, for both items. Flatbeds and winching, it says see attached sheet. Okay, the next bidder is Mike's Towing. Starting with the non-county owned vehicles; automobiles, trucks, vans, \$35. Motorcycles, \$35. Bicycles, no charge. Towing of a truck over one ton, \$85. Towing of semi-truck, without trailer, \$85. Semi-truck, with trailer, \$85. Bus and large RV, \$85. ATV, \$35. Tractors, backhoes, and trailers, \$85. Flatbeds and winching, \$10. Now, we're to the pile where it wasn't really marked. So, we'll see what they are. Okay, the next set is from Dallas Towing Service, Inc. Towing Company, Inc. of Evansville. This is towing of abandoned vehicles. Automobiles, pick up trucks, \$35. Motorcycles, \$35. Bicycles, \$10. Towing of truck over one ton, they've written 45, and it looks like they've written HR behind it, whatever that is. Towing of semi-truck, without trailer, \$70HR. Towing of semi truck, with trailer, \$75HR. Towing of bus and large RV, \$40HR. Towing of ATV, \$30HR. Tractors, backhoes, and trailers, \$45HR. Flatbeds and winching, \$45HR. Cost of a performance bond, it's \$75. The next set of bids is also from Dallas Towing, Inc. This is for the towing and disposition of wrecked, nuisance, and impounded vehicles. Okay, automobiles, pick up trucks, \$35. I'm sorry, this is non-county vehicles. Automobiles, pick up trucks, \$35. Motorcycles, \$35. Bicycles, \$10. Towing of a truck over one ton, \$45HR. Towing of semi-truck, without trailer, \$70HR. Towing of semi-truck, with trailer, \$75HR. Towing of bus and large RV, \$40HR. Towing of

ATV, \$30HR. Tractors, backhoes, and trailers, \$45HR. Flatbeds, backhoes, and trailers, \$45HR. Per hour charge for recovery, \$75. Going to county vehicles; automobiles, pick up trucks, and vans, \$29.50. Motorcycles, \$20. Bicycles, \$10. Truck over one ton, \$39.50HR. Towing of semi-truck, without trailer, \$39.50HR. Towing of semi-truck, with trailer, \$40HR. Towing of bus and large RV, \$40HR. Towing of ATV, \$24.50. Tractors, backhoes, and trailers, \$40HR. Flatbeds and wenching, \$39.50HR. Per hour for recovery, \$65. Per mile, \$1.20. There is a charge for towing outside the county, no additional charge. Prices are as above. Service runs for county vehicles, \$25. Jump starts, changing flat tires, and gas, \$25. Cost of performance bond, \$10,000. The next set of bids is also from Dallas Towing. This is for wrecked and impounded vehicles. Automobiles, pick up trucks, vans, \$3. Motorcycles, \$2.50. Storage of truck over one ton, \$5. Storage of semi-truck, without trailer, \$5. Storage of semi-truck, with trailer, \$5. Storage of bus and large RV, \$3. Storage of ATV, \$3. Storage of tractors, backhoes, and trailers, \$5. Cost for county owned vehicles, no charge. The next bidder is John Hatfield Service of Evansville. This is a price on towing of nuisance, wrecked, impounded vehicles. He did not bid categories two or five on any of the items. Under towing of pick up trucks, passenger vans, automobiles, \$35. Motorcycles, \$35. Bicycles, \$10. Truck over one ton, \$85. He did not bid any of the items in semi-truck, with or without trailer, or bus or large RV. For towing of ATV, \$45. He did not bid tractors, backhoes, and trailers, or flatbeds, backhoes, and trailers. Per hour charge for recovery, \$40. For county owned vehicles, he did not bid categories two or five. Under automobiles, trucks, and passenger vans, \$35. Motorcycles, \$35. Bicycles, \$10. Truck over one ton, \$85. He did not bid semi-trucks, without or with trailer. Or he did not bid towing of bus or large RV. Towing of ATV, \$45. He did not bid tractors, backhoes, and trailers. Flatbeds and wenching, \$40. Per hour for recovery, \$40, and per mile, a dollar and a half. On the next page, charge for towing outside the county, per mile, \$2. On this page he did not bid items two or five, under any category. Service runs for county vehicles, \$25. Jump starts, changing flat tires, delivery of gas, \$25. We have one more. Again, this is from John Hatfield Service Center LLC. This is towing of abandoned vehicles. Non-county vehicles, again, he did not bid categories two or five. For pick up, for automobiles, pick up trucks, and vans, \$35. Motorcycles, \$35. Bicycles, \$10. Towing of a truck over one ton, \$85. He did not bid towing of a semi-truck, without trailer or with trailer, or the towing of a bus and large RV. Towing of an ATV, \$45. Tractors, backhoes, and trailers, he did not bid. Flatbeds and wenching, \$40. That is all the bids we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered.

Phil Lawrence: That certainly is a testament to free enterprise. Last year we only had one bidder. (Inaudible. Mike not on.)

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|---|
| <p>Permission to Advertise APA014-2003: Traffic Paint & APA015-2003: Traffic Signs</p> |
|---|

Phil Lawrence: Permission, sir, to advertise—

Madelyn Grayson: Phil, can you press the button? Is it lit up?

Phil Lawrence: It is, it is, oh, it is now. Permission to advertise APA014-2003, and APA015-2003, traffic signs. Ad date would be 1/31, 2/7, and open February 18th.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to bid. So ordered.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape change)

Madelyn Grayson: We're ready.

President Mosby: That's all you've got?

Phil Lawrence: Alright.

President Mosby: Thank you, Phil.

Phil Lawrence: Thank you.

Rebecca Gootee: Domestic & Sexual Violence Commission

President Mosby: Next we have Rebecca Gootee, Domestic and Sexual Violence.

Rebecca Gootee: Thank you for allowing me to address you this evening. I would just like to first point out, I will be the, or I am the outgoing President of the Commission on Domestic and Sexual Violence. So, I would first like to introduce Bob Stephens, who is the oncoming President, and who will be taking that position. Bob is with the Mental Health Center. I would like to point out that it is very apparent to me that the Commissioners take the topic of domestic and sexual violence very important in our city. Very proactive, and very supportive of that. There are four seats from the Commissioners that are on that committee as members. Catherine serves on there, as well as three public representatives from the Commission for seats. I know that each of you received our 2002 annual report. So, I would just like to see if there was any discussion on that. To ask you if you were not able to read it, to please do so in your leisure, and feel free to give me a call, or Bob.

President Mosby: Are there any questions?

Rebecca Gootee: Thank you.

President Mosby: Thank you for your service. Welcome aboard. Congratulations.

**Dennis Feldhaus: ONB Insurance
2003-2004 Property and Casualty Insurance Renewal**

President Mosby: Dennis Feldhaus.

Dennis Feldhaus: Good evening, Commissioners. Hopefully, you have received a copy of the 2003-2004 property and casualty insurance renewal program in your packets. I have some additional, excuse me, copies that I would like to distribute to the Auditor and attorney. Our insurance program, going forward, compared to a year ago when I stood before you, I feel vindicated some that our marketplace has somewhat regrouped, but not in its entirety. You'll recall last year I stood before you and asked for a 44% rate increase. That was rather brutal, at that point. Not only did we have the rate increases, we also had several exclusions of coverage, and sub-limits of coverage on quake and terrorism. We got through the year. We're renewing 2003 to four. I put some highlights in your folder, just to say that we anticipated a budget increase of 15%. The pricing came in at 16%. Again, a much better insurance renewal than the 44% last year. That being said, we still have a 16% increase, which is taxpayer money, so we take that very seriously. Again, if we look at each line item, if there are any particular questions for each of the areas of coverage. The All Lines Aggregate program, the Excess Property program, the Excess Earthquake, the Excess Work Comp, the Claims Administration, the Surplus Lines Tax, because we do broker business out of state, the Boiler coverage and the totals. I would be glad to answer any specific questions. There's, some areas went up, some areas went down, but, overall 16% rate increase on the total program. That being said, there is one coverage that we did not have last year. It was excluded. You couldn't buy it anyplace, which is why the President of the United States was involved. On November the 26th of 2002, he signed into law the Terrorism Risk Insurance Act. Basically, the bottom line, what that law said is that insurance companies are required to provide the coverage of terrorism on its renewals, at a given price. Having no actuarial data to determine what pricing is there, the insurance companies are, for the most part, winging the coverage, and it's being underwritten by the federal government. I would strongly recommend that Vanderburgh County have this coverage. Specifically since we do have the Centre, and a lot of events at Roberts Stadium, which is not necessarily Vanderburgh County, but city owned, but we could be brought into litigation in that situation, depending on the event being at that stadium. More specifically, the Civic Center building, and the Centre are extreme targets for this particular coverage. The rate for that particular coverage, which is not included in the bid, it would be an additional coverage over and above. What I gave you was apples to apples of the expiring, is \$13,353. That would provide 119, \$119,120,700 of total property coverage for Vanderburgh County, which is, by the way, our total property limit that we provide coverage. All vehicles, all properties, all locations. So, I would highly recommend for your consideration to include \$13,353 in addition to the total premium of \$1,145,619 for the renewal. In addition, sitting through the opening of bids, obviously, the question presents itself from the Commissioners, and the taxpayers, what do we do to provide a bidding process when we bring this service to the county. The coverage that you're looking at is a all lines program that is, that we, through ONB Insurance Group, utilize a broker to broker. This particular broker then accesses contracts with companies that we do not have access to. The broker will utilize all sources in bidding. So, for the most part, the broker is doing the bidding process for us, on our behalf. Companies that have been looked at for the renewal are; Allianz, which is the current carrier, and the proposed renewing carrier for the Excess Property coverage. Zurich has been asked to look at it. Travelers has looked at it. Hartford has looked at it. Lloyds of London, Royal, and Indiana Insurance Company, which is the carrier on the Boiler portion of the program. Lloyd's and Royal are the ALA components of the balance of the package, in addition to Allianz. So, we really have three companies, not just one, that have been shopped, and brokered, and included in the total program. With that, I would

entertain questions, and/or a motion. Or, I should say, would ask that the President entertain a motion.

Commissioner Crouch: Dennis, on your cover letter that you provided us—

Dennis Feldhaus: Yes.

Commissioner Crouch: —you indicated in the third paragraph that the ALA program was adversely affected with marketplace up pricing, as well as “not-so-good” claims frequency in 2002.

Dennis Feldhaus: Right.

Commissioner Crouch: What, I mean, what are you actually addressing there? And how does that frequency—

Dennis Feldhaus: The specific....yes, yes.

Commissioner Crouch: ----are the number of claims different from the previous year?

Dennis Feldhaus: We have a contract with a TPA that charges us for each type of loss a given dollar. That schedule, hopefully, is in the Auditor’s office. I’ll have that, and will provide it to you. That TPA, during 2002, handled 204 claims. That’s the number of claims that we sent to them for them to process on behalf of Vanderburgh County. That number was up, not so much in Work Comp, but in General Liability. We also had a rash of police professional claims in 2002. Primarily centered around jail activity, and the lack of space, and those types of claims. So, I have a list of those. I can provide the breakdown of every claim that was handled by the TPA in 2002, and provide that to you, but, basically, the projected costs for 2003-04 calendar year, or I should say policy year, is predicated on a 204 number, as opposed to, I believe, the previous number was 165, in the previous year.

Commissioner Crouch: If you could provide some information on where those increases were in the claims.

Dennis Feldhaus: Of frequency?

Commissioner Crouch: A breakdown.

Dennis Feldhaus: Yes, I can do that.

Commissioner Crouch: Okay, and compare it to the previous year—

Dennis Feldhaus: I can do that.

Commissioner Crouch: —so that we can see where they....okay, thanks.

Madelyn Grayson: Dennis, do you have a copy of the memo Commissioner Crouch was referring to, for the record?

Dennis Feldhaus: I do.

President Mosby: Any other questions?

Kevin Winternheimer: I have a question.

President Mosby: Kevin.

Dennis Feldhaus: Yes.

Kevin Winternheimer: Would the Oklahoma City bombing, and the Timothy Mc Veigh situation, would that be covered under terrorism? It was mostly, I think, one or two individuals, and it was all domestic. Was that a terrorism claim, or not?

Dennis Feldhaus: One second.

Kevin Winternheimer: Does it have to be foreign?

Dennis Feldhaus: I have that answer. It's a rather lengthy answer. It is any hostile act that would be considered to be anti-government in nature.

Kevin Winternheimer: Okay.

Dennis Feldhaus: Whether it would be a U.S. citizen or a foreigner. That's the short version.

Kevin Winternheimer: Yeah.

President Mosby: Commissioner?

Commissioner Fanello: When do our actual policies expire? I mean, what's our renewal date?

Dennis Feldhaus: 2/1.

Commissioner Fanello: February 1st. Because we're going to have to ask for some more money in the budget. I had done so on the floor last year, but it was not granted in the budget. So, we're exactly just about that amount short. So, we'll have to do that. Those have to be turned in by February 15th?

President Mosby: Okay.

Dennis Feldhaus: What I would need this evening is your approval to bind coverage 2/1. I'm not exactly, the number of days that they will allow me to run on this premium level, but I would assume that they would give us 15 to 20 days to get money to them.

Commissioner Fanello: I think that's all it would take, because the Council will meet on the last Wednesday to hear it, and the first Wednesday to vote on it.

Dennis Feldhaus: Okay.

Commissioner Fanello: So.

President Mosby: Excuse me, that's not going to be heard until February's meeting though, right?

Commissioner Fanello: Right. It will be heard the last of February, and then voted on—

President Mosby: The first of March.

Commissioner Fanello: —that first meeting in March.

President Mosby: And you're saying 15 to 20 days from February 1st?

Dennis Feldhaus: The carrier would not run that long without premium.

President Mosby: That's what I'm saying.

Commissioner Fanello: Well, then I would suggest we call the Council and ask if they could...I know it's possible, because it's been done, add an emergency appropriation.

President Mosby: I mean, we can't go without coverage.

Dennis Feldhaus: Could I, could I ask what the difference between what we have and what we need?

Commissioner Fanello: About exactly what I asked for last year on the floor, which was an additional \$200,000. Because I'm looking at the other things that we pay, I mean, we don't just pay for your....we've got other insurance companies—

Dennis Feldhaus: Out of 1300?

Commissioner Fanello: —and we pay for the security for the cash pick ups in the Treasurer's office, and the County Clerk's office. So, there's more in that budget than just yours, and, I think, if we had the additional \$200,000 in there we would be okay.

President Mosby: I guess, Tammy, we need for you to call the County Council in the morning, and ask them if they can have an emergency meeting.

Commissioner Fanello: Lloyd Winnecke is the Finance Chair this year.

Tammy McKinney: (Inaudible. Mike not on.)

President Mosby: Kevin, that eliminates us voting on this though, right? Without having any funding in place.

Kevin Winternheimer: You can approve the plan subject to the necessary funding to implement it. So, if you get the money, then you're already approved.

President Mosby: I guess, the chair could entertain a motion on accepting this subject to approval of funding.

Commissioner Fanello: I would make a motion to accept the insurance coverage pending the Council approval of the additional needed funds.

Commissioner Crouch: And I will second, and will that also include the \$13,353 for terrorism?

Commissioner Fanello: That should do it.

Dennis Feldhaus: Question of Commissioners, would I need to be at that meeting? If so, when is that meeting please?

Commissioner Fanello: They have a meeting this Wednesday at 3:30. I don't know if they can get it on there this meeting, or if it would be the first....depending on the advertising dates, but I know there are clauses in there for emergency appropriations, so. I would check with Tammy tomorrow.

Dennis Feldhaus: Okay. Thank you.

President Mosby: Are there any other, any other questions of Dennis? Thank you, Dennis.

Dennis Feldhaus: Thank you, David.

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| <p>Permission to Advertise Statement of Receipts and Disbursements for 2002 & Statement of Wages & Compensation for 2002</p> |
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President Mosby: Next we have the Auditor, permission to advertise statement of receipts and disbursements for 2002, and statement of wages and compensation.

Bill Fluty: Just permission to advertise.

Commissioner Fanello: Motion to advertise.

Commissioner Crouch: Second.

President Mosby: We have a motion and a second. So ordered.

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| <p>Board Appointments</p> |
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President Mosby: Board appointments.

Commissioner Fanello: I have several board appointments. The first one would be for the Wage Scale Committee, which would serve as the Wage Scale Committee for the Jail Project, and any other needed construction projects this year. Those are three members; Jerry Ramsey, as the owners rep., Steve Wilson, as the awarding agency rep., and Matt Singer, as the taxpayer rep. I would make a motion to appoint those.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Commissioner Fanello: Next item is the Old Courthouse Advisory Board. There was one appointment left, which was my appointment, and I would like to appoint David Matthews.

President Mosby: Who?

Commissioner Fanello: David Matthews.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Next one is a re-appointment of three gentleman to the Construction and Roofing Board; John Peninger, Brent St. Clair, and George Hoffman.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: That's all I have.

President Mosby: Any other board appointments? Seeing none.

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| Public Comment |
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President Mosby: Public comment? Old Business? Public comment. We have a gentleman coming up.

Roger Madden: Oh, I'm sorry.

Melvin Beeker: Good evening. I'm Melvin Beeker, and I represent Sieco Strand Engineers out of Columbus, Indiana. We have given you all a proposal before, and I've had a chance to come down and introduce myself to you. I've seen you at some of the conferences and so forth, but I do want to introduce myself to you. I've got some information on Sieco Strand. So, I'll pass it out to you. I appreciate talking to you. Does anyone have any questions or anything? We appreciate your request for proposal you sent us. Thank you so much.

President Mosby: Any other public comment?

Roger Madden: Yeah, Roger Madden, Fathers United. There's an article in the paper January 13th, "High court to hear case of husband's discrimination". It talks about violations of civil rights, equal protection, etcetera, etcetera, by no other than the Nevada welfare office. This guy took his time off from family leave, and it's got so bad that the 9th Circuit Court of Appeals says there's widespread, intentional discrimination. The study showed gender discrimination, etcetera, etcetera. So, just kind of a heads up of what I've been telling you for the last ten years might just be coming a little sooner than I expected. So, if I could get a copy of this, and get a date stamp. Just some of the references they did make was the Family Leave Act from '93, and, like I said, civil rights, 14th Amendment equal protection, and it talks about a remedy to a violation of, violation of the 14th Amendment, equal protection laws. So, like I said, this is the same thing that I've been talking about for 10, 15 years, and you might want to read over it, because with any luck it will filter down to the states and the counties.

President Mosby: Any questions? Thank you. Any other public comment?

James Tolen: Good evening, Commissioners. My names is James F. Tolen. I'm a licensed, professional geologist, and I've been an environmental geologist since 1978. My interest in speaking to you this evening is to find out the current status of

the proposed purchase of the property owned by CSX for the jail property, and the ultimate clean up of this site. I read in the Evansville Courier several weeks ago that there was a positive test for total petroleum hydrocarbons, at that site, in one of the holes at a depth of approximately 10'. The presence of hydrocarbons is most probably the result of either a broken pipeline, a leaking tank, or, perhaps, someone dumped the hydrocarbons in a pit and buried them. In completion of an environmental audit to clean up the site, one would probe soils completely around the suspected contaminated area until you got to a point where there was no contamination. So, I would propose that further studies be performed on this property before a purchase is completed, because if the county does purchase this property, and then finds terrible contamination on the property, it could lead to thousands of dollars in clean up costs for the taxpayers of Vanderburgh County. After reading the article I was speaking with a representative of the Indiana Department of Environmental Management, who had also read the article, and he was concerned about the possible spill on the site, but found out that someone from the county had entered into the Voluntary Remediation Program, which is a confidential program that the state has for potential buyers of property to clean up sites and avoid litigation or enforcement action during the clean up. At the time the clean up is completed, then the state will pretty much wash their hands of the certain contaminant that was being cleaned up. But, again, I'm concerned that there may be something on the side that we don't know about that should be investigated further. I believe there were 10 or 11 holes drilled for environmental audit, but these probably are not enough. Especially since the hydrocarbons were discovered at a depth of 10'. Are there any questions?

President Mosby: I'm not an environmental specialist, but, I mean, I can only say that I feel comfortable after dealing with EMC, who did the work out there. I don't know exactly how many holes they drilled. I don't have my book with me, I know they were out there while Alt & Witzig was working, doing visuals on all theirs. I spoke with them after this concern was brought to our attention, and they said they went around the perimeters, and they found no piping coming in, no piping going out. They found no tanks. The gentleman told me it could have been one of four or five different things; dirty plate, dirty sample, possibly, a tractor could have broke down, at one point, and dumped some fuel. He said, but nothing major that he could find. I asked if he thought we needed to do any further testing, and he said, not really. So, I mean, it's hard to believe that somebody would turn down money if they had the opportunity to take it. I feel the gentleman was very honest with us.

James Tolen: Well, having worked in the field for 25 years, it's incredible that hydrocarbons would be found 10' below the surface without some way of placing the hydrocarbons there. So, I think that you have a problem there, and I think that the county taxpayers really need to know if there is a further problem.

President Mosby: I think that's why we spent the money in the beginning, is we didn't want to put the county taxpayer at that kind of liability. How much of the county taxpayer money do you keep throwing away?

James Tolen: If the, a normal gas station clean up can be in the neighborhood of \$300,000 for clean up.

President Mosby: I don't doubt that one bit. Used to be in that business.

Commissioner Crouch: Has the county, or has someone on behalf of the county entered into a voluntary clean up of that site with IDEM? Or has some agent entered into it on our behalf?

President Mosby: Not unless it's on the city's portion, but it ain't on ours.

Commissioner Fanello: They do have some issues on their portion. Unless it's something to do with the city.

President Mosby: I don't even think they've bought the ground yet. I think they are still working through their issues. Excuse me.

Commissioner Crouch: But we, the county, hasn't entered into a voluntary clean up?

Commissioner Fanello: No.

President Mosby: No. We were told we don't have any clean up problems. I mean, all of our stuff is clean.

James Tolen: Well, I beg to differ with you, but thank you very much.

President Mosby: I mean, I don't know who, I don't know who would have entered into it.

Commissioner Fanello: I don't either.

James Tolen: I don't either. The Voluntary Remediation Program is a confidential program. No one at the, at IDEM will confirm or deny that anyone has been, has entered the program. If, in fact, the county has, I think that should be a matter of public record.

President Mosby: Well, we haven't, so.

Commissioner Fanello: It would be a matter of public record, I mean, because Kevin would be handling it, and it's not been done.

President Mosby: Our attorney would have been the one to do it.

Kevin Winternheimer: I've not heard of any such agreement.

President Mosby: No. We've not entered into anything.

Commissioner Fanello: I would just like to say, you know, that's why we did take the measures that we took. You know, we did hire EMC for the Phase One, and EMC for the Phase Two, and Alt & Witzig for the geo-tech. While I understand that the geo-tech is not environmental, you know, they were out there digging 70 some holes, and they were in constant communication with EMC. You know, like Commissioner Mosby said, they had no indication that there was any pipelines or anything like that out there. If they had, I would have been the first one jumping up and down and saying, let's go further, but there was just no indication from EMC that there was anything to be concerned about at this time. You know, we can all sit here and speculate, there's no perfect piece of property in Vanderburgh County. Some of the other, you know, properties out there that were being considered, those were not

perfect...this site was not a perfect site either. So, I mean, no site is perfect, but I feel comfortable with EMC's report.

Commissioner Crouch: What happens down the road if what this gentleman is saying is true? That we do discover in the process of building the jail we have hydrocarbons that are detected, or there's some kind of an environmental hazard? Would then the county incur the cost of the clean up on that?

President Mosby: Once we've bought the property, yes.

Commissioner Fanello: That could happen with any piece of property we would have purchased. You know, the piece of property on South Kentucky could have had issues. There used to be, what I understand a landfill over there somewhere. So, there could have been issues with that piece of property. So, I mean, it's with any piece of property we're subject to run into something once we begin construction.

James Tolen: I'm certainly not opposed to the property that you've chosen. I am only interested in saving money for the taxpayers.

Commissioner Fanello: I do appreciate that. I really do.

President Mosby: I mean, my only question, like I said, I had a lengthy discussion with the environmental people, and they feel very confident on this piece of property. We did a Phase One, we did a Phase Two, CSX did a Phase One. They didn't go into a Phase Two.

Commissioner Crouch: I hope for the sake of the taxpayers that this gentleman is incorrect.

President Mosby: Me too.

James Tolen: Thank you for your time.

President Mosby: Thank you.

Madelyn Grayson: May we make another tape change please?

President Mosby: Sure.

(Tape change)

President Mosby: Any other public comment?

Old Business

President Mosby: Old Business.

New Business

President Mosby: New Business. Department head reports.

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| County Engineer |
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President Mosby: County Engineer.

John Stoll: First I would like to request approval to accept a counter offer on the Matthews parcel on the Mt. Pleasant Road Project. We had originally offered \$15,900 for this parcel, and Mr. and Mrs. Matthews have countered with \$18,867.69. This is on the basis that they will not be able to reinstall their improvements out there, which consist of things like a rod iron fence, a mail box, and some electrical wiring, and some lights until our project is totally complete. They figured the offer we had on the basis of an increase of 5% per year, and that's how they arrived at their revised figure. There will be some, there is some merit in their counter offer, because until the project is done, they won't be able to reinstall anything. We do need temporary right-of-way out on their property. So, on that basis, I would request that this counter offer be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, also on the Mt. Pleasant Project, I would like to request that the County Attorney be authorized to proceed with condemnation on the Dentino parcel, if no progress is made on that parcel by Friday. The property owner was sent a 30 day notice letter back in December stating that if we had not come to terms, then the county may proceed with condemnation at the end of January. As of today the buyer said no progress had been made. So, would like you to authorize Kevin to proceed with that, in the event we can't get this parcel settled by Friday.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a letter from Koberstein Trucking on the Elmridge and Congress drainage improvement project. This is a time extension request. It's basically an open-ended time extension request, because their only remaining work is the installation of some sod out there on the lawns, and until we get suitable weather for that, they're just asking for an extension to cover that somewhat indefinitely. I request that this be approved as well.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a letter to send to Howard Brooks and Madeline Brooks on the University Parkway project. This is a 30 day notification letter to vacate the property by March 14, 2003. Basically, they've been occupying the property in anticipation of the bid letting. This letter is just one of the things that we need to

send to the property owner to be in compliance with the federal aid guidelines. So, it's requested this be signed by the Commissioners.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have design agreements with Bernardin Lochmueller and Associates for the design of the access road to the proposed jail. This is for an amount not to exceed \$141,900. It's been reviewed by the County Attorney, and it's requested this also be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next item I've got is a price quote from Industrial Contractors for \$3,214 to install cables for getting a computer network installed over in the County Engineer's offices. I would like to request that this be approved. This was part of the money that we budgeted for, for 2003, as a part of getting on the network. So, then as we proceed with the storm water regulations, we can develop maps that could be linked to the GIS, and things like that. So, it's requested that this be approved, and then we could go ahead and get a purchase order on it.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got two items pertaining to acceptances in Fenway Park Subdivision. The first is a street acceptance request. This would be for Candlestick Court, Fenway Drive, Comiskey Court, and Wrigley Drive. This would be a grand total acceptance of .34 miles of street. They were constructed in accordance with the plan. So, it's requested they be accepted.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, in that same subdivision, I've got a request to accept 767' of storm sewer pipes that are located outside of street rights-of-way, subject to the developer submitting the \$2 a foot fee. The grand total fee would be \$1,534. Here again, the pipes were installed in general accordance with the approved plan. So, it's requested these be accepted, subject to the receipt of the check.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions on anything. Thanks.

President Mosby: Thank you, John.

County Highway

President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. County Highway, Dennis Hudnall. All I have is you received my reports, and if you have any questions.

President Mosby: I don't have any questions.

Dennis Hudnall: I think all the mailboxes are repaired.

President Mosby: Everybody's getting their mail.

Dennis Hudnall: Thank you very much.

President Mosby: Thank you, Dennis. Appreciate it.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: No report tonight.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I've got, first of all the Health Department pulled a pink slip this afternoon. The pink slip is out of the signature file, but it's still in your copies, so. Late Friday afternoon I got some pass through grants, and those originals are in the signature files. I just gave you the front sheets of them. So, if you want to review the whole grant, then they are in the signature file. They are kind of lengthy. Beside that, I don't have anything else.

President Mosby: Thank you.

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Good evening. Gary Hohman, Burdette Park. The only items that I have is our work report, as well as the minutes of our last Advisory Board meeting,

that have been placed in your packet. If you have any questions regarding either one, I'll be glad to answer any questions that you might have.

President Mosby: Any questions by anybody?

Gary Hohman: Thank you.

President Mosby: Thank you, Gary.

SWCD & Ozone Officer Reports

President Mosby: So, do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: I make a motion to accept the Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent Items?

Commissioner Fanello: Make a motion to add the grants that Tammy was talking about to the Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: I would make a motion to accept all Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other questions? Seeing none, we will take a two minute break and start Rezoning. Counselor, we will need to see if Bev Behme is ready.

(The meeting was recessed at 6:50 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department Area Plan Commission

Employment Changes:

Superior Court VCCC Perry Assessor

Requests for Service:

Health Department Circuit Court

Sheriff:

Weekly Jail and Community Corrections Reports.
Stop Violence Against Women (STOP) Grant Application.

Prosecutor:

ICJI Grant Application: Edward Byrne Memorial Fund
Victims of Crime (VOCA) Grant Application: Victim/Witness Assistance
Victims of Crime (VOCA) Grant Application: Adult Protective Services
Stop Violence Against Women (STOP) Grant Application

**VANDERBURGH COUNTY
REZONING BOARD
JANUARY 27, 2003**

(The meeting was reconvened at 7:00 p.m.)

President Mosby: We will now reconvene Board of Commissioners of Vanderburgh County hearing January 27, 2003, Rezoning agenda. Do I have a motion to approve the minutes of the previous meeting?

Commissioner Fanello: So moved.

President Mosby: Second. I just did that because you weren't there. So ordered.

**First Readings: VC-7-2003
Petitioner: Onyx Waste Services, Inc.
Address: 8136 Baumgart Road
Request: Ag Change to M2**

President Mosby: First reading, VC-7-2003, petitioner, Onyx Waste Services, Incorporated, 8136 Baumgart Road. Request a change from Ag to M2. Do I have a motion to accept it?

Commissioner Fanello: Motion to accept first reading.

Commissioner Crouch: Second.

President Mosby: So ordered.

Final Readings:
VC-2-2003: Petitioner: Donaldson Capital Management, LLC
Address: 7424 Darmstadt Road
Request: R-1 Change to CO-2
Action: Sent back to APC to be Amended

President Mosby: We will now move to third, and final reading of all zoning ordinances. I need a motion to send VC-2-2003, Donaldson Capital Management, LLC, 7424 Darmstadt Road, R-1 to CO-2, I need a motion to send that back to Area Plan to be amended.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to send back to Area Plan. So ordered.

VC-3-2003: Petitioner: Alan R. and Angela M. Gauger
Address: 2012 Koring Road
Request: Ag Change to C-4
Action: Passed 3-0

President Mosby: Next, VC-3-2003, petitioner, Alan Gauger and Angela Gauger, 2012 Koring Road, change from Ag to C-4. Mr. Bohleber.

Steve Bohleber: Good evening, members of the Commission. My name is Steve Bohleber, and I represent Mr. and Mrs. Gauger, who are seated behind me here. They live at 2012 Koring Road. In addition to working professionally as a cabinet maker for others in the past, Mr. Gauger has done cabinetry work in his garage, as a hobby, for a long time. He now wishes to expand the range of that hobby into a business. Therefore, this zoning become necessary. Since this is a jump up from an agricultural zoning to a high commercial, my clients have done several things to make it acceptable. Rather than zoning, rezoning the entire portion of their property, they've simply carved out the garage, where the hobby has been in the past, and where the business will be in the future, if you approve this, and rezone that portion of the property, along with the drive and space for parking. As I say, the Gauger's live on this property. Their home is next to this garage. As such, there will be no employees other than Mr. Gauger. There will not be a retail showroom. His work is custom ordered, and would generate little traffic. In fact, to the outside world nothing will really change at the Gauger residence, except where the work product goes from the garage. Rather than as a hobby for family and friends and himself,

it will actually be a business. Even though nothing will change, and probably no one would ever know what they're doing, they certainly want to be in compliance with all the laws, including the zoning laws, and that's what brings them here this evening. The Gauger's talked to all their contiguous neighbors. All of them fully support this request. To further ensure that this will be an innocuous business that can only be utilized, from a practical standpoint, and legal standpoint, by the Gauger's, they do submit a use commitment that eliminates all the C-4 uses except the one that would include what he's doing there, and that's by definition something from use group 10 of the code for cabinet and carpentry shop. Since billboards theoretically could be erected there, although I can't imagine anybody would want to put a billboard there, they have prohibited those. The large signage that could be available is also limited by this use and commitment, use and development commitment, signage no more than 15 square feet, not illuminated, and not higher than the commercial structure, that would be the garage. So, that would allow for a small sign on the side of the garage, if this approved. This matter comes to you with a 9-1-1 do pass recommendation. I ask that the Commission likewise approve this ordinance. Again, I'm here, as well as my clients to answer any questions you might have.

President Mosby: Questions by any member of the Council, or the Commission? Seeing none. Any remonstrators in the audience for 2012 Koring Road? Seeing none, chair would entertain a motion.

Commissioner Fanello: I would make a motion to grant the rezoning request from Ag to C-4.

Commissioner Crouch: Second.

Kevin Winterheimer: You need a roll call.

President Mosby: I was going to say, how about a motion to call the roll. I have a motion to call the roll on VC-3-2003. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Three yes', no nays.

Steve Bohleber: Thank you very much.

President Mosby: I hereby declare it adopted.

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| <p>VC-4-2003: Petitioner: Herbert P. Grimm Address: 975 Hillsdale Road Request: Ag Change to R-1 Action: Continued until February 10, 2003</p> |
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President Mosby: Next we have VC-4-2003, Herbert Grimm, 975 Hillsdale Road, request to change from Ag to R-1.

Bill Nicholson: Good evening. My name is Bill Nicholson. I'm here with Mr. Grimm. We'll be here to answer any questions you might have. Of course, we're requesting this property zoned R-1. All the other properties around are zoned agricultural, at present. To the north of us, across Hillsdale Road is Blue Grass Farms Subdivision. Cypress Creek, and Plantation Estates are to the east. The rest of the property to the west and south of us is still agricultural farm land. We do not, at this time, have a site development plan. It will be subdivided as a subdivision, but as of this date we don't have any development planned as yet. All of the utilities and everything are present at the site, and anything that would have to do with the subdivision would be addressed later by the Plan Commission. Of course, drainage will be addressed at that time too, as the development plans are presented. Be glad to answer any questions you might have.

President Mosby: Questions by any member of the Commission? Is that your pleasure then, to put a subdivision in? Is that what your intending to do?

Bill Nicholson: Yes.

President Mosby: Any remonstrators present for VC-4-2003, 975 Hillsdale? I have a remonstrator.

Steve Bohleber: Ladies and gentleman, once again, I'm Steve Bohleber, and I'm here representing Mr. and Mrs. Randall Craig, who own lot 12 in Plantation Estates, which joins this proposed rezoning. As Mr. Nicholson and his client have stated, they are going to put a subdivision here, but as of yet have no plan for developing that. It's probably that lack of a plan that caused the Craig's to retain me to interpose their objection. It's clear to my clients, and it's clear to me, and I'm sure the Commissioners, and even before the question was asked, that this is being done so a subdivision can be developed. My client has no problem with that either. The problem is that there is a large stand of mature trees adjacent to his lot, and several others contiguous to his, before you get to the open fields that compose this parcel of property. My client would like to preserve some of those trees as a buffer, if at all possible. I approached Mr. Nicholson on behalf of the Craigs about this before the Plan Commission meeting, and he spoke with his client, and represented that certainly they wanted to leave some trees present. I take them at their word, as does my client, but there's only one way to ensure that will happen. There is no requirement, as far as I'm aware of, in the subdivision ordinance that would require a buffer of trees under these circumstances. There is certain setbacks, there are a variety of other things. The only thing that would preserve that buffer would be this rezoning submitted with a use and development commitment. If that were done to accommodate my client's wishes, we wouldn't be here this evening. But, Mr. Grimm and Mr. Nicholson choose not to do that, and I fully understand their rationale for doing it. That would have been to continue the matter, and create some additional expense for them. But, that's the reason we're here. This is the only opportunity that my client has to make that request, and get that guarantee in an enforceable fashion. Hopefully, even if this is approved that promises will be made to this body that such a buffer will be left behind, because I think it's logical, and I'll certainly continue to talk on behalf of the Craig's with Mr. Grimm or whoever develops that subdivision. But, in the absence of a use commitment that provides for such a buffer, in a legally enforceable and guaranteed fashion, we respectfully object to the rezoning, and ask the Commission not to accept it. Thank you.

President Mosby: Thank you. Is there any other remonstrators present? Mr. Nicholson, would you like to say anything?

Bill Nicholson: Just a second, Mr. Grimm will speak to that.

Herbert Grimm: We have no plans of stripping the trees out there. The trees are an asset to us, the same as they are to the neighbors. So, we will take no more trees than necessary. A lot of the trees that they are speaking of are second growth trees. I bought that place in 1978, I think it was, and at that point in time it was a pasture. So, what trees are there now, except for a few pear trees that were there when I bought the place, are all second growth stuff. Now, there's some trees on the line between this, which we will have no reason to even disturb. So, as far as taking any trees out, there would be no reason. Of course, trees are an asset to us also. A treed lot always sells better than a bare lot.

President Mosby: Questions?

Commissioner Fanello: Just looking over the Area Plan minutes, they talked about the buffer that Mr. Bohleber just referenced, and the use and development commitment. Is there a reason that you do not want to enter into a use and development commitment?

Herbert Grimm: Yes, because I don't want to guarantee that I can keep a tree that I can't keep. Other than that, no. So, we have no reason. It's farm land now, I mean, we could have cleared the trees a long time ago, if we wanted the trees out. So, we have no reason to take them out, other than for a road, which won't be next to them anyway. There will be a lot between them and the road.

Commissioner Fanello: Since you mentioned the road, there was also the issue of access brought up. So, how do you intend to address the access part?

Herbert Grimm: You'll have to ask my engineer on that. It's being worked on.

Commissioner Fanello: Okay, I mean, do you see some problems with that? I know they talked about it in the Area Plan meeting. I think Mr. Jeffers, he says in here that he;

"Encourages the developer to create as much in setback along the north line. I would also encourage him to seek access from both the north and south for public safety reasons."

Herbert Grimm: We intend to work with the proper authorities on that. We don't have a problem with that.

President Mosby: Commissioner?

Commissioner Crouch: What, how would you, you know I'm kind of new at this. So, help me. How would you do a use and development commitment, and designate certain trees? I can certainly understand this gentleman's concern, because if they're secondary trees, they really aren't adding any worth to the project. He wouldn't want to be committed to keep those, so how would you—

Steve Bohleber: As a visual buffer. I mean, obviously, we wouldn't have each individual tree designated, but we would (Inaudible) strip of property. (Inaudible).

Madelyn Grayson: Mr. Bohleber, can you go the microphone please?

Steve Bohleber: Sure. You know, this is just my thought, the use and development commitment would say they shall not remove trees, you know, 15', 20', whatever, along that property line. That's all my client would really want. That could be done in a use and development commitment. If they die, they die, I mean, it's, you know, but they would just not remove them. Maintain that natural buffer.

Commissioner Crouch: And that's not something you're willing to consider? A certain amount of feet? If you intend to keep them there anyway.

Herbert Grimm: Yes, in a way. I just, I hate to guarantee, or say I'm going to do something, if something, if SIGECO comes through, they are supposed to be in the front, so there shouldn't be a problem there. The telephone is supposed to be in the front. The water will be in the front, and the sewer is already in the front. So, I don't foresee anybody going through there to where we'll have to take these trees out. Obviously, you've got to take enough trees down to build a house. If somebody buys the lot, and it's full of scrubbed trees, they're not going to want to keep all those. Now, there's very mature trees on the fence line, and I don't think we can cut down if we wanted to. We don't have any plans of taking a good tree down.

Commissioner Crouch: So, I guess I don't understand why you wouldn't want to put that in a use and development commitment.

Herbert Grimm: Probably for the same reason he wouldn't want me to ask him to commit part of his ground for my benefit. I don't have a problem leaving the trees. It's just I would have to know what he wants as far as use and development.

President Mosby: Are there any other questions?

Herbert Grimm: But, to answer your question, I probably wouldn't have a problem with it. If I knew what it was.

Commissioner Crouch: So, can you all decide what it is?

Steve Bohleber: Well, the idea had been rejected in each overture that we've made. So, we haven't gotten to the point of any detailed discussion. The concept is simple. A buffer, there are a whole bunch of trees there now. Just leave "x" number of feet, which is something we could talk about and negotiate, if they are interested, and put that in a commitment. You know, they shall not cut trees along this property line. I'm sure Bill could come up with a legal description, or it could be just 15' or 20', whatever we can negotiate and agree upon, off this property line would not be developed. The trees wouldn't be cut. Houses wouldn't be built there.

President Mosby: So, you're looking for us to, I guess, as part of the record—

Steve Bohleber: Well, you know, again, there's no ability to do this at the Plan Commission level—

President Mosby: Exactly.

Steve Bohleber: —as part of the subdivision ordinance. If the rezoning weren't here, he's right, he could cut the trees down without anybody's permission.

President Mosby: Exactly.

Steve Bohleber: But, you know, this is a guarantee. This is the only way my client can guarantee that legally. Had this rezoning not been filed, we wouldn't be here. He could have cut the trees down, and this wouldn't have been an issue, but this does give us the opportunity to preserve something my client wants with a use commitment. You know, I take them at their word. I'm happy to talk to them about easements, and other ways to do this, and other accommodations, you know, as this project goes along, but a simple way to do it now, and the only way to do it now, would be a use commitment. That's what my client is asking for. I understand that they don't want to do it. I appreciate their thinking in that regard, but my client, nonetheless, wanted to make that request in the hopes that we could form a commitment that would preserve a buffer of trees between my clients lot and this subdivision. They are already there, it's just a matter of not cutting them down, and developing along whatever size strip we agree upon.

President Mosby: I know it don't hold up in court, but, I mean, I guess, we could ask him to state for the record his commitment to a 15' buffer between your clients property and this subdivision. I mean, I know it don't hold up in court, but—

Steve Bohleber: Well, statutorily any promise made to induce a rezoning could be the subject of litigation (Inaudible).

President Mosby: Well, exactly, and that's why I'm asking him to state it for the record. So, otherwise, to do a use and development he has to go back to Area Plan, and come back, and that's a 60 day deal.

Steve Bohleber: Absolutely, and I understand why he wouldn't want to do that.

President Mosby: I do too.

Steve Bohleber: I wouldn't want to do that either if I wanted to get this project moving.

Herbert Grimm: I have no problem with that. The problem I have, we're not going to save the 1" trees. If it's a tree of any size, of any value at all, we intend to save it.

President Mosby: I guess, and the way I understand Mr. Bohleber is he is just looking for you to say that you will leave a 10' or 15' strip, as a buffer, between the subdivision and the residential. Which I understand what he's saying, I mean, that happens a lot of times in zonings. We ask for buffers. Sometimes we ask you to plant a buffer.

Herbert Grimm: Right.

President Mosby: You're lucky you have one.

Herbert Grimm: Thank you. I would have no problem with a 10' buffer, as long as the people that live there are able to maintain. I don't want it to be something that's going to grow up wild and into something you can't walk in, or at least be able to mow. Do you have a problem with that?

Steve Bohleber: It would be something we could discuss.

Madelyn Grayson: Mr. Bohleber, you're going to have to make them on the—

Steve Bohleber: It would be something that we could certainly discuss and put in a use commitment, but, again, we haven't seen any interest in discussing it. They flatly said they don't want to do it. We could come up with all sorts of particulars, and put it in a use commitment that would address all of those issues.

Kevin Winternheimer: I was going to just throw out, if I might interject, to keep the ball rolling, so to speak, and not have to go back to Plan Commission and come back, which might take a number of months, if you put it off until a date certain, give them time to work out a private covenant, or whatever you want to call it, that would be recorded, run with the land, and so forth, to be enforced by your client, or the Plan Commission, that sort of thing they could work up—

Beverly Behme: We don't enforce them.

Kevin Winternheimer: —okay, they say they don't...well, anyway—

Steve Bohleber: No, it would be privately enforced—

Kevin Winternheimer: Okay.

Steve Bohleber: —and that's, that's certainly acceptable as well. It could be an easement preserving the trees. It could be a variety of things if, you know, if the dialogue would take place, we could work something out.

Kevin Winternheimer: As long as you said when you are bringing it back for approval for a date and time certain, then you could go ahead and approve it without sending it back to the Plan Commission. It would be a private agreement. It wouldn't be part of this rezoning, so to speak. That's another option I just wanted to make you aware of.

Commissioner Crouch: Would we have to wait until the next Rezoning meeting? Or could it be at a regular meeting?

President Mosby: Any meeting.

Kevin Winternheimer: It could be at any meeting, as long as you announce tonight when it is coming back for consideration, for them to report back, you could do it at any meeting. Is that acceptable to the two people? The Commissioners are thinking along that line to the two parties.

Steve Bohleber: It's acceptable to my client to see if we can work something out. If we can't, we can't, but, you know, we've got to be able to talk and be on the same page before we know if we can work something out. I don't think it's going to be that difficult, quite frankly.

President Mosby: I mean, if we're going to pass this zoning.

Kevin Winternheimer: No, what you'd be doing is continue the zoning until a date certain.

President Mosby: Oh, continue.

Kevin Winternheimer: Give them an opportunity to work out a private agreement, then if they do work out a private agreement, then you should take a vote on it. If

they don't, then you take a vote on it based on their inability to reach an agreement. So, we're just putting off the final decision date, and giving them an opportunity to work it out. I think if they try to work it out here on the floor tonight it's going to take quite a bit of time tonight to do that, and we're pretty late already.

President Mosby: I mean—

Kevin Winterheimer: (Inaudible. Mike not on.) sit down together and work it out, because there's some details, like you said, do you want to keep the saplings, do you want determine tree size, how big. Mr. Bohleber probably needs to talk to his client again, you know, they can work that outside the meeting room.

President Mosby: I mean, I don't know. I'm satisfied with, they, I don't know, whatever the Commission, whatever you want.

Steve Bohleber: Two weeks would be fine from my perspective.

Commissioner Fanello: I was just going to make a motion to continue it for two weeks to give you time to talk with him, and try to work something out.

Commissioner Crouch: Second.

Commissioner Fanello: So, that would be February 10th.

Commissioner Crouch: February 10th?

President Mosby: Yep. So, I have a motion to—

Herbert Grimm: Excuse me just a minute. Bill, did they ever contact you and ask you to put a buffer in there?

Bill Nicholson: Well, he called me, and I called you.

Herbert Grimm: Yeah.

Bill Nicholson: And you didn't want to. I mean, that's what you told him.

Herbert Grimm: I said I wouldn't agree to whatever (Inaudible). Okay, I'm sorry.

President Mosby: I have a motion on the floor to continue VC-4-2003, 975 Hillsdale Road to, continuance until February 10th.

Kevin Winterheimer: At 5:30.

President Mosby: At 5:30. I guess, we need to vote on that. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, no. Being two ayes and one nay, it's continued.

Steve Bohleber: I'll make arrangements immediately. Talk to my client tomorrow to get with them, and we'll work something out.

Herbert Grimm: Thank you.

**VC-6-2003: Petitioner: Sterling Development
Address: 6649 Old Boonville Highway
Request: Ag Change to R-3
Action: Passed 3-0**

President Mosby: VC-6-2003, Sterling Development, 6649 Old Boonville Highway, request change from agricultural to R-3.

Kent Heckaman: Good evening members of the Commission. I'm Kent Heckaman. I'm Vice President of development for Sterling Development. I'm here to answer any questions that you may have with respect to the petition before you for the rezoning of this property. We are, just a real brief statement about Sterling, we are a developer of multi-family housing throughout the Mid-West; Indiana, Michigan, and Illinois. We have developed over 6,000 apartment units in 50 communities. 51 communities now, I guess. We did, Ms. Fanello was gracious enough to give us a few minutes of her time in December to introduce our company to her area. Our petition tonight, again, is subject to our proposal, which we have laid out a preliminary site plan that shows this property of a little over 17 acres, and our intention is to develop and own and manage the proposed 176 apartment units that would fit within the guise of the R-3 zoning, without any special use permits or anything. Again, I'm here to simply answer questions. I know that you have a packet before you. So, I won't divulge anymore, and I'll pause at this time.

Madelyn Grayson: Can you spell your last name for the record?

Kent Heckaman: Yes, I'll give you a card, if that helps you.

President Mosby: I'm looking for my notes here, but, I believe, did you not have, was there somebody that expressed a problem with entrance on this? Can you address that?

Kent Heckaman: Yeah, sure. This property is, does have legal access to it currently off of Old Boonville Highway. Albeit through a 15' wide access easement, which is certainly not large enough to provide access to and from our property into a development of this size. So, what Sterling, and what we have been able to do prior to the rezoning petition even reaching the Planning Commission, was to gain an agreement in writing with the adjacent property owners, who own the property that more adequately, if you will, comes out with frontage along Old Boonville Highway. While that agreement is a letter of intent, it clearly does spell out the intent to provide, upon final engineering, in other words, exactly how wide this needs to be. We have yet to be determined this easement area, but roughly 100 plus feet of property to the south of the adjacent property that fronts Old Boonville Highway, which would adequately do two things; not only provide frontage and access, greater access, to our community, it's a 17 acre community, but also the adjacent property too, we would, we would be under agreement with them to, at our cost, design and build that road, and provide them an access stub out to their property, so that it would also adequately serve the balance of their land.

President Mosby: Okay. Any other questions? Any remonstrators present? I thought you was wanting to say something, Bill.

Beverly Behme: David, if I may, site review will work on this.

President Mosby: I knew it would go to site review, but I just, that was a question that I had.

Beverly Behme: His frontage requirement is satisfied on the interstate, but, of course, there's no access there. The site review, and EUTS, and the County Engineer will be involved in this access road.

President Mosby: Okay. There being no further questions and no remonstrators, do I have a motion?

Commissioner Fanello: Motion to approve VC-6-2003.

Commissioner Crouch: Second.

President Mosby: Motion and a second. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Being three ayes, no nays, petition VC-6-2003 is hereby declared adopted. Any other business to come before the Commission on rezoning? There being none, chair would entertain a motion.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 7:30 p.m.)

Those in Attendance:

| | | |
|---------------------|-------------------|----------------|
| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Rebecca Gootee |
| Dennis Feldhaus | Melvin Beeker | Roger Madden |
| James Tolen | John Stoll | Dennis Hudnall |
| Gary Hohman | Steve Bohleber | Bill Nicholoso |
| Herbert Grimm | Kent Heckaman | Beverly Behme |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 3, 2003**

The Vanderburgh County Board of Commissioners met in session this 3rd day of February, 2003 at 5:32 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order, test, I would like to call to order Board of Commissioners meeting of Vanderburgh County, February 3, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If you would, please stand and join us in the Pledge.

(The Pledge was given.)

Approval of January 27, 2003 Commission & Rezoning Minutes

President Mosby: Motion to approve the minutes of the January 27th meeting.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: These also include the Rezoning minutes. Motion and second, so ordered.

Computer Services: DS1 Contracts for Remote Connectivity to SONET

President Mosby: Computer Services.

Alan Teeple: Let me do what Kevin had talked about, put my glasses on. What you have in your packets, and in the signature file is an additional four DS1 contracts to be added to the solution....I'm sorry, Alan Teeple, Computer Services. What you have in your packets is four DS1 contracts to be added to the SONET solution that we've already implemented. It is for four sites; Adult Probation, the Evansville Police Department's Sex Crimes Division, Vanderburgh County Sheriff's Training Center, and Vanderburgh County Engineer. We still get the same rate, and that's the advantage of going off of that initial contract. With these, I don't want to call them amendments, but addendums. Addendums is probably a better word. We're still getting the \$98 a month per T-1 line, which is an excellent rate. Questions?

Commissioner Fanello: Kevin's reviewed?

Alan Teeple: Yes, I'm sorry, Kevin has reviewed them. It has not gone before BPW. It would have been today, but they did not have a quorum. It will go before, and it's already been approved by the City Attorney.

Commissioner Fanello: And this was in our budget for this year?

Alan Teeple: And it is in the budget.

Suzanne Crouch: Question.

Alan Teeple: Yes.

Suzanne Crouch: Has, it is my understanding that Water and Sewer has the capability of providing this. Is that something we've looked at? Or—

Alan Teeple: Well, first off, if I remember right, the Water and Sewer is not a City/County agency. It is a pseudo-agency. They do have a DS3. They are charging for use of a DS, for a SONET ring. Although theirs truly isn't a true SONET ring. They have a DS3 connection. That's the grand extent of what I know of what the Water Department has. When we initially got the first contract through that had eight sites, and it was the replacement of the ALIS that was expiring technology wise, Ameritech, SBC, whatever they go by now, was no longer going to support the ALIS equipment or technology. We went with this, and with plenty of research. There was a discussion at one time to pull Waterworks into, on to one SONET, and they elected to go on their own. That's what I know about that. I mean, Bill may have a little bit more detail, but that's what I know now.

Suzanne Crouch: So, they don't have the capability of providing this service?

Alan Teeple: They are providing to their users a type of service similar to this. But, it is not the service that we, that you're, that I am offering as Computer Services, with Ameritech. I'm not truly offering it, I'm only the facilitator of making it happen.

Suzanne Crouch: The only reason—

Alan Teeple: And it's in my budget.

Suzanne Crouch: The only reason I'm questioning is I'd understood that Water and Sewer had looked at doing this along with a large proposal that could save money, you know, for City/County. So, I don't know if that's correct or not.

Commissioner Fanello: We had looked, I don't know if you remember, Alan, but last year when we went through this discussion on the SONET ring, you and I sat down with quite a few people, and I believe, what's the gentleman's name? The GIS—

Alan Teeple: Matt Arvay.

Commissioner Fanello: —Matt Arvay had brought up some information, and after further investigation of that information I didn't feel like that was the preferred route to go. First of all, GIS is a separate entity, and we need to be cohesive in our computer services, or allocation of our computer services. So, we had looked at that before. I don't know if you remember or not, but Matt had brought up proposals, and had given us prices, but it did not work out that it was really the best alternative, at that time.

Alan Teeple: Other questions?

Commissioner Fanello: If there's no other questions, I would make a motion for approval.

President Mosby: Second. Motion and a second, so ordered. Thank you, Alan.

Board Appointments

President Mosby: Board appointments.

Commissioner Fanello: We don't have any this week.

President Mosby: Okay.

Jobe's Lane Environmental Review Officer Appointment

President Mosby: Jobe's Lane environmental review officer appointment. Judy, do you want to speak to this?

Judy Weatherholt: Judy Weatherholt with the Southwestern Indiana Regional Development Commission. The Jobe's Lane environmental review officer appointment, this is in order so I can proceed with sending letters to the various departments for environmental clearance for that project out there. I need to have you sign a letter, President Mosby, to designate me as the environmental officer for that, so then I can go ahead and start the correspondence with that. That's part of the contract agreement that we have set out.

Commissioner Fanello: Do I need to make a motion?

President Mosby: Yes, we need a motion to appoint Judy.

Commissioner Fanello: I'll make a motion to appoint Judy Weatherholt as the environmental review officer on the Jobe's Lane project.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Judy Weatherholt: Okay, thank you.

President Mosby: Thank you very much.

Jail Project: Environmental and Architectural Payments

President Mosby: Jail project, environmental and architectural payments.

Commissioner Fanello: Yes, I had Patty put this on the agenda because I did attend the Council meeting last week, because President Mosby was unable to attend the meeting. There was a question raised by the County Council about doing additional environmental testing on the one sample that did show a little bit of diesel fuel. My first inclination, because we've already spent over \$20,000, and have actually three reports, we have a CSX phase one report, our own phase one report, and a phase two report, is to really not hold up this project, because after extensive discussion with people at EMC, they really didn't have much of a concern, and I couldn't see anything in the report that was of a concern. So, my first inclination was to say let's not waste anymore money, but on the flip side of that, I definitely don't want the public to get the wrong impression, or any Councilmembers to get the wrong impression. If that is what it takes to make everybody happy, as long as the Council

is paying for it, then I will go along with it, and the project doesn't get held up, then I will go along with it. Not quite in favor of it, but if that's what it takes to make everybody happy, I guess, that's what we need to do. Because this is an important project, the Sheriff has worked many long hours on this project, and so has Chief Deputy, Eric Williams. I think the Sheriff had something he did want to say about this. He and I talked last week also.

Brad Ellsworth: This is new. No crackling?

Commissioner Fanello: No, no crackling anymore.

President Mosby: No crackling, right.

Brad Ellsworth: Good evening, my name is Sheriff Brad Ellsworth. I'm the Sheriff of Vanderburgh County. I don't know why I was going to tell you I was the President of the Community Corrections Advisory Board, I guess, that will be another night. I would encourage the Commission to do what it takes to move forward with this project. As Commissioner Fanello has said, I was present at most every meeting with the environmental people. I appreciate what the company did, and listened, as well I could, on every report that they gave us, and was also convinced that this site was clean, and there wasn't anything to worry about. That, in fact, in the area where the diesel fuel was spilled, that that would not be a place where we excavated, it would be a place where we actually filled, and, therefore, we would be covering this, which what EMC told us would then seal that. That's what they do everyday. Like I said, in my, that's not my area of expertise, but I have to trust what I consider experts. To be perfectly honest, I would be a little bit, in some of the dialogue I've heard over the last month or so, I would be a little offended, if I was the company. I think some people have, certain people have questioned their credibility in their profession, and I disagree with that. But, with that said, I do agree with Commissioner Fanello that this project has to move forward. The reason I say that is this, I don't know what we're talking about as far as dollars to do these extra samples, but this is, this is February, and, traditionally, in jails your numbers are low in the winter. The crime rate is down, there's not as many people in jail. Therefore, and right now I have 51 inmates that are housed out in other counties, that we're renting beds in either Kentucky or other counties in Indiana. That's, let's just take an average of \$33 a day. It's varying from \$31 up to \$35. That's just rent to the county. That's \$1,683 per day. Now, that doesn't seem so much. Other than, in two days of rent, I guess, we can pay for this environmental, this extra environmental study. Take that times the 365 days in a year, you are now up to \$614,000 in rent payments alone. For, in a year's time, that's what we're going to rent. That does not include any medical expenses that we can't control in other counties. What I have my doctor do, and what the White County jail doctor does is two different things. Therefore, I can't control medical costs. It also doesn't include transportation. That's more than just gas to and from in a squad car or a van. That is also, like I said, I've got probably four now, full time deputies working on just keeping the jail below the federal cap. The agreed upon cap. That's not four deputies I went out and got, and then went to the Council and got four new one's. That is extra above, that's four deputies that had jobs, full time jobs I had them doing, and they are now, basically, pulled out of that. So, we're doing more work with less people, and less. I just want you to know, I do not intend to go over that cap again. My lawyer has advised me not to do that. My name is on the lawsuit, and with everything I can do as Sheriff, I am not going over 329. So, and this number, this 51, will not go down. It's not going to go down. As we see beds over there, and open them up, it's going to go up. When summer months come, it's going to be even worse. So, I encourage

you, the Commission, to move forward in this, whatever you have to do. I think you've done a good job, but, like I said, I encourage you to do what it takes to move forward on this. I appreciate your time. Does anybody have any questions of that?

Commissioner Fanello: No, I just want to...oh, sorry.

President Mosby: Any questions of Sheriff Ellsworth?

Commissioner Fanello: Just to kind of add to a couple of comments that the Sheriff made. If I was EMC, I would be offended by the lack of trust in what we've paid the consultant. You know, I pulled out the environmental again today. I've talked with our County Engineer. I've talked with another friend of mine who's an engineer. Gone over all these reports again, and, you know, there were two samples in that vicinity of the one who had the diesel fuel, of which two, both those samples came up clean. There were also 70 soil borings on that property in the geo-tech. The geo-tech people do make a visual inspection of that soil. So, I'm pretty confident in what EMC has told us. But, if the Council wants to spend the money, then, I guess, you know, we'll let them spend the money. Although I feel like we've spent our fair share.

President Mosby: Commissioner?

Commissioner Crouch: It was stated that CSX would pay for the testing and the clean up on their easement, and I was concerned, or curious why CSX wouldn't pay for the testing and the clean up on the 37 acres that are being offered for sale?

President Mosby: CSX agreed to do a phase one environmental. The phase one environmental showed nothing. The same as ours showed nothing. They didn't feel that it was, at their cost, should they continue with a phase two, when the phase one didn't show anything. So, we, basically, agreed to do a phase two on our own, just to secure ourselves. That's why we paid for that.

Commissioner Crouch: Will they be doing just the phase one on the easement?

President Mosby: As far as I know, yes. That's all they've done obligated to. Their phase one shows nothing. So, any other additional testing that is done out there, that's why it's at our cost. I mean, phase two was at our cost, this will be our cost.

Commissioner Crouch: Do we even have an appropriation before Council? It's my understanding it was withdrawn.

President Mosby: My understanding is the Council said that if we continued on and did the additional testing, they would transfer the money out of their budget. So, that would be something that if we agree to this tonight, they are going to have to transfer the money on Wednesday.

Commissioner Fanello: We didn't have an appropriation before them for an environmental. We had an appropriation before them to pay the architects for the work that they've done. That seemed to be a problem with some members of the County Council. But, that was the only appropriation we had on this project, so.

Brad Ellsworth: Brad Ellsworth, Sheriff. Commissioner Crouch, I just wanted to add one thing to what Commissioner Mosby said. On this particular site, CSX was not a, and this was one of the things we all discussed back then, weren't actively trying

to sell that property, which they, we basically approached them about this site. Therefore, they said it's no matter to us, we can leave it in cornfield for the next 100 years, it's not going to matter. So, that was part of that agreement. Are you willing to sell it if we'll do the environmental. I know that we were in those meetings out in that trailer, and talked about that.

President Mosby: Right.

Brad Ellsworth: It was kind of us going to them and saying, we need this property, and that was part of that deal. Like I said, the ball was in their court on that a little bit.

Commissioner Fanello: I would make a motion that the Board of Commissioners enter into an agreement with EMC for the additional samples, contingent upon the County Council doing a late transfer and putting the money in place. Because I do not feel this Board needs to wait an additional six to eight weeks for an additional appropriation. So, if they can have the money in place at their Wednesday meeting, then I would say this Board go forward.

President Mosby: Is there any public comment? A motion is not in order yet.

Marty Amsler: Commissioners, I'm Marty Amsler. I've been before you a few times before. I'm not a geologist, however, I've been in the environmental field for 17 years, 12 of it has been selling environmental services from coast to coast, Canada to the Gulf. I've called on Fortune 500 companies, city, county, state and federal agencies for environmental problems. One of the things, and to kind of rest your mind to make you feel a little bit better, whenever you go out and get ready to purchase a piece of property, you have to do an environmental site investigation. Once you get a hit, you need to investigate further. You need to find out whether you've got a plume, or whether it's on top of ground water. CSX was one of my clients. I'll guarantee you, if they were buying any property, and they got a hit, that they would turn around and do further investigation on it. Okay? I've always been for this piece of property out there, as you all know. I think it can also be turned into a brown field, if there's a lot of contamination. Because there is certain criteria for a brown field, and that could be because you're going to have a lot of concrete, and a lot of asphalt. I'm not questioning the company that did it. I would imagine, probably when they came back with a hit, they probably suggested, maybe doing a few more site investigations, or a few more borings. If they didn't, I don't know why. But, anyway, I'm not questioning them at all. But, I think your best bet is to turn around and spend that \$3,500, which is very expensive, because if you get into construction, and you find out it's more extensive than what it is, it is going to cost everyone of us in this room, and everyone of us in Vanderburgh County a lot of money to straighten it out. We're better to be pro-active on this, than to pay some, you know, consequences that could arise. I thank you all very much.

President Mosby: Thank you. Is there any questions of Mr. Amsler? I'm just...I was going to make a few comments. It was not my first thought to go forward with this, as I had stated before. I guess, the Council has kind of shocked me in this procedure at one time, because the whole time we've been talking about this jail project, all we heard was we can't spend the money, we can't spend the money, no, we can't spend the money. We can't build what's adequate, but, now, all of a sudden, we've changed our tune totally, and it's like let us give you more money to spend, let us give you more money to spend. The environmental has come back, and the company has said it's an isolated case. We can't explain it. It could be one of three or four different things. It could be a dirty rig, a dirty plate out of the lab. It

possibly could have been a tractor break down at one time, but it's very isolated within a certain little bitty area, out of a 37 acres. I had talked to the Sheriff earlier today, he took part of my speech when he said it is cheaper to just go ahead and let the Council go forward with their testing at \$3,500, when we're moving approximately \$1,650 a day worth of prisoners to other cities, and towns, and states, as far as that goes. He has four officers tied up totally doing this alone. Just keeping track of the numbers, and moving prisoners, and keeping track of them, and transferring them. So, I guess, my thought is, if the Council will transfer the money out of their budget on Wednesday, and this doesn't hold the project up for six to eight weeks under a new appropriation, then I will go along with this. But, that's where I'm coming from, I guess, on the whole thing.

Commissioner Crouch: When the company that did the testing indicated that there was one, you know, one little site, or one little place that they couldn't quite explain, that to me would warrant us investing \$3,500 additional money just to be sure. So, with that I will second the motion.

President Mosby: I had a motion on the floor, and a second. So ordered. I guess, we'll send this to the Council, and if they can transfer the money on Wednesday to become available immediately, then we will get with EMC and have additional testing done. I think, John will discuss that during his department head report, because he has dealt with EMC on this, and I think he has a contract that Kevin has looked at, if we want to go forward with it.

Commissioner Fanello: I was going to say, just for the record, they do have money available in a consultant account right now, \$17,000, so they could take it right out of that account.

President Mosby: Okay. We can make that recommendation to them.

Commissioner Fanello: I make that recommendation, because they do use that money, I believe, for Gaither Rutherford to sit in on their budget hearings at \$800 a day. So, I would say lets spend the \$3,500 on this instead of the budget hearings.

President Mosby: Okay, we will send, I guess, Tammy, you can contact the Council in the morning, tell them we passed it tonight if they will transfer the money out of their, one of their accounts, their consulting account to become available immediately, and we'll go forward with the testing. Any other comment?

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| Youth Resources of SW Indiana: 2003 Agreement |
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President Mosby: Youth Services, 2003 agreement.

Tammy McKinney: This is a standard contract that we have every year. The one, the contract that's in your packet, Kevin had some changes to, but the one that's in the signature file does have it's changes, and has been approved by Kevin.

Commissioner Crouch: Did the changes affect cost?

Tammy McKinney: No. It was just some dates that they didn't change.

Commissioner Crouch: Oh, okay. So, the terms of the agreement are the same as 2002?

Tammy McKinney: Uh-huh.

Commissioner Fanello: Except for the County Council did cut our budget to Youth Resources. We've always received \$25,000 in the past, and they did cut it to \$20,000.

Tammy McKinney: Right.

Commissioner Fanello: So, we did cut \$5,000 from our youth programs.

Tammy McKinney: Right.

Commissioner Fanello: Well, we didn't, the County Council did. So, I would make a motion to approve the agreement as submitted.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Public Comment |
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President Mosby: Is there anybody in the public that would like to speak? Well, you would be under New Business. Sorry.

Commissioner Fanello: I think he does have to be somewhere at 6:00.

President Mosby: Well, Roger, if you've got to be somewhere come on.

Roger Lehman: Yeah, I would appreciate that. I will try to be brief. I only picked up two copies of the statement, I apologize. Roger Lehman, Building Commissioner, enforcer of the flood plain rules for Evansville and Vanderburgh County. We were advised recently that the legislature is entertaining a change in the state law that would allow residential construction in the Ohio River flood way. We have worked over the past five or six years on eliminating structures in the flood way itself. Through some grants we've received, the county has purchased property, raised the structures, and there's a perpetual binder on the title that prohibits any new construction on those. We feel like that's the only way that you can prevent flood damage to a structure in a flood way. A flood way basically means it's going to flood at least once a year, twice, three times, depending on the circumstances. We experience here flood stage, beyond flood stage on multiple occasions during the year in Vanderburgh County. Being in the enforcement, and in the repair and reconstruction side of this, our preference, as the Building Department, and specifically is to not, is to ask the Commissioners to voice a concern over this, and ask them to not make this change. The only areas affected are Ohio River Flood ways, not the flood ways along other creeks and rivers in the state. I fail to see a significant difference in the two, as far as the hazard or the reasoning. If it's okay to build in the Ohio River flood way, it should be okay to build in any flood way, because the amount of water that's going to be affecting the structures is significantly less in every other flood way in the state than it is along the Ohio River. So, my request before you tonight is to send a letter to the Committee of Environmental Affairs of the legislature, have the State House of Representatives and to ask them to not push this bill forward, but rather to keep the law as it is, which is to prohibit residential construction in the Ohio River flood way. I'll be happy to

answer any questions you might have. I apologize for the short notice. I just received a call this morning from DNR. That is going to the committee tomorrow. So, it's like okay.

President Mosby: Is there anybody that has a question of Roger?

Kevin Winternheimer: I do. Roger, did this come from a local legislator? Where did this come from?

Roger Lehman: This came from I believe his name is Cochran from New Albany.

Kevin Winternheimer: New Albany, okay, so up river.

Roger Lehman: Up river, right.

Kevin Winternheimer: Okay.

Roger Lehman: But, it would affect all—

Kevin Winternheimer: Right.

Roger Lehman: —communities along the Ohio River. Like I said, we—

President Mosby: I guess, I'm—

Roger Lehman: —have been very strong in preventing damage. FEMA has been very strong in not wanting to pay for repetitive damage year after year after year. Structures that are built in the flood way have suffered what we call “repetitive loss damage”, and you may have a structure that's worth \$10,000 or \$15,000 that's received \$60,000 or \$75,000 over a ten or 12 year period from federal grants just because they're in the flood way.

President Mosby: Roger, I mean, I guess, I'm very aware of what you're talking about here. I'm going to ask for a roll call vote on this, because I'm going to vote against it. I mean, there's no doubt.

Commissioner Crouch: Can you explain your reasoning, Commissioner Mosby?

President Mosby: I'm one of them people that own a house in a flood way. No. I mean, I guess, and I'm very familiar with the river, and I own a river camp that sits along the Ohio River. I mean, basically, what you have is FEMA comes through, buys these properties out as they get flooded at one point in time, and then you can no longer build on the property. This law that Senator Cochran is introducing would let people build on their lots. I mean, my reasoning is there is preventative ways of building on these lots to avoid the flood damage. I guess, that's the problem I have. I mean, because I've been along the river for 30 years, and, I mean, I know there's ways of using this property. That's my only reason.

Commissioner Crouch: I know that we had, back in, I don't know if it was '99 or 2000, we had received some kind of accreditation that allowed us—

Roger Lehman: CRS.

Commissioner Crouch: — that affected our insurance—

Roger Lehman: Correct. Correct.

Commissioner Crouch: –rating. Will this in anyway, if this bill, how would this bill affect that? Is there any, going to be any cost to us as a county? Or to the people that reside here as a result of this?

Roger Lehman: That's a very good question, and I don't have an exact answer. I believe that since, if this was passed, it was a state rule, it would not affect our county accreditation. In other words, the points we receive. However, the basis that they start with is based on your state requirements. So, in fact, it could affect us, but it would be affected on kind of a different level than the county. In other words, we can do certain things here that makes it better or worse. In other words, we could not enforce the rules, and that obviously would make it worse, because of us. Since this would, if this was passed and became a state law, and people built houses along there, and they were damaged, you know, I can't imagine it not affecting us. But, I can't tell you that it will. Because it's a state rule, not a local rule. If we did this locally, you know, unilaterally, I can guarantee you they would kick us out of the program.

Commissioner Crouch: Can you in ten words or less tell me why I should vote for this? Or support this?

Roger Lehman: Well–

Commissioner Crouch: Twenty words?

Roger Lehman: You know me well. We have spent, and we being you and I as taxpayers, have spent a tremendous amount of money on damage to properties in the flood way. We've done it in the flood plain and the flood way. In my opinion, and DNR's opinion, and for a long time the state legislature's opinion, the only way to successfully prevent damages is to not have structures there to be damaged. Particularly residences. It does allow agricultural, and recreational use buildings to be built there. They have to be built a certain way. It does allow recreational vehicles to be pulled in, but they can be pulled out. Every time it floods, we go down, in '97 we had 287 damaged structures, and several of them were totaled. Several of them were very nice buildings too, but they still received damage. There is a way to construct a house to resist flood damage, but there is, in my opinion, there is no way to make one flood proof, anymore than there is making something earthquake proof. You can certainly do things that will reduce the damage, and will for an economical basis help, but you can't prevent damage, unless it's not there. That was more than 20 words, I apologize.

President Mosby: And I don't think it should be left with the impression that every building and structure sitting in a flood way is damaged every year. That's kind of the impression I'm getting here. I mean, I have a facility down there that every year, I mean, you move everything out of the bottom, it's 12', or 10' above the ground, and the water does not get it. There is an adequate way of building on these properties where you can raise them, when you know the height of the flood. You have the 100 year marks. I mean, you can survey these properties and build them where they're not going to be damaged. That's my only reason of voting against it.

Commissioner Fanello: Well, I know I talked to you, Roger, this morning, but after listening to some of his points, and the County Engineer speak in the office a few minutes ago, I really don't know if I can vote yes or no.

Roger Lehman: Okay. Well, you guys are in charge, so.

President Mosby: I will go as far as to say, I mean, and I don't think, you know, possibly that FEMA should be coming down and paying on these properties. I mean, I own a piece of property down there, and I go down there through the summer, and year round sometimes, and I realize that I live on a river, and I realize that during a major flood it could get to my property. It didn't in '96, which was about as bad as it's every gotten, you know, but I was probably within 2" or 3" of getting water in my property. I don't think it's FEMA's right, or the taxpayers right to buy that or rebuild it for me. I totally understand living down there. You know, during the summer or whenever, that if something happens to that piece of property, that's my responsibility. I would support anything that says that. You know, that you can build in a flood way, but it's not up to, you know, the Indiana Department of Natural Resources, or FEMA to come through, and , you know, adequately compensate me for any losses. I don't fee that at all. Chair would entertain a motion. How does that happen?

Roger Lehman: Dies for lack of a motion?

President Mosby: I guess.

Roger Lehman: Okay. Well, I appreciate your listening to me, and letting me talk on short notice.

President Mosby: Thank you.

Roger Lehman: You all have a good evening.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Change)

President Mosby: Any other public comment?

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| Old Business |
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President Mosby: Any Old Business?

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| New Business |
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President Mosby: Any New Business?

Commissioner Fanello: I do have a couple pieces of New Business. I've got a statement that I want to read into the record, and then I have a resolution that I'll read, and I would like for the Board to consider this evening. The statement is as follows:

"The public elects us to make responsible decisions that move our community forward. They entrust us as managers of their tax dollars.

While the Board of Commissioners has no direct vote in the construction of the baseball stadium, I feel it is imperative this Board speak out about the project. The information so far distributed by the Mayor and the baseball committee doesn't support the construction of a new baseball facility. Evansville ranked low on most all of the demographic factors used to evaluate the success of a ballpark in a potential new market. The biggest challenge cited in a 2001 study generated by Vision 2000 would be the ability to generate an acceptable attendance level. There were also concerns regarding the operational costs. Estimated figures show that annual operational costs could put a strain on city finances. Communication with other elected officials and the general public has been less than adequate. The baseball committee's website boasts of seeking "support and involvement of the Vanderburgh County Council and County Commissioners and gaining strong community wide bi-partisan concurrence". Yet not once has this committee or the Mayor spoken to this board about the need for this project. The manner in which the project is being conveyed to the public, and the push for an April 2004 opening is less than responsible. There are many questions. Why the rush? What about Bosse Field? How can we afford annual operational costs? The Board of Commissioners faces a very huge construction project at this time, the jail. We have taken deliberate steps to maintain the integrity of this project, and to listen to all of those concerned. There have been differing philosophies, but that is part of a healthy process. This majority has come farther than any other administration in solving jail overcrowding. This project is exactly where it should be at this point in time. It has not proceeded too fast, or too slow, but at a pace that allows for responsible decisions. We held public interviews to choose an architect qualified to design this project, and several other public meetings discussing the project. On January 22, 2003 the Evansville Courier and Press reported that the Redevelopment Commission is working out an agreement to hire the selected architect. This selection has proceeded despite public opposition to the project, and without any input. In fact, there has been no public process on the baseball stadium project at all. The County Council will most likely be asked to designate as much as \$400,000 to this project from the Innkeepers Tax as early as March 5, 2003. This designation could take away from funding for Burdette Park chalets, as designated in our five year capital improvement plan. The county's budget constraints can't support all needed improvements to the Burdette Park facility. We need assistance from the Convention and Visitors Bureau. I respectfully request the Council to deny the request for county involvement in the stadium project. The county and city are facing tight budget constraints over the next couple of years. We can't afford to make hasty decisions on a project that may leave this city drained of cash for other needed projects, and leave the county without a source of capital funding for Burdette Park and other tourism related projects. The majority of this community has not bought into this project, and as an elected official I have not either."

I have a resolution that I would like for the Board to consider. The resolution goes as follows:

“Whereas the Mayor of the City of Evansville proposes the construction of a new baseball stadium near the intersection of Riverside Drive and Fulton Avenue in the City of Evansville; and whereas the Board of Commissioners of Vanderburgh County recognizes the overall immediate needs of Vanderburgh County and the City of Evansville including, but not limited to, the need for a new jail, new community corrections facility, juvenile detention facility, Old Courthouse roof repair and building restoration, new and improved sanitary sewers, storm water improvements, sidewalk repairs, Burdette Park pool liners and campground upgrades, maintenance of existing city parks, and road construction and repairs; and whereas the Board of Commissioners of Vanderburgh County opposes, at this time, a new baseball stadium that is funded with any city and county tax dollars and/or Convention and Visitors Bureau funding, and where the designation of Convention and Visitors Bureau funding could take away from the funding needs for Burdette Park and other tourism related projects in the city and county; and whereas in this time of economic uncertainty and budget constraints of city, county, and school funding, and where monies should be allocated for projects that maintain our current structures, and serve the immediate need of the residents of this city and county, and where the continuation of traditional state and federal funding sources remains uncertain; now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County, Indiana, as follows; the Board of Commissioners of Vanderburgh County hereby opposes the public funding of a new baseball stadium as proposed by the Mayor of the City of Evansville. The Board of Commissioners has no objection to a baseball stadium funded by the private sector.”

So, I put that resolution before the Board tonight for consideration.

President Mosby: Any comments?

Commissioner Crouch: I couldn't vote on something like that without having a copy, and having a chance to look at it. So, I'm not prepared to vote on that tonight.

Commissioner Fanello: Here's an extra copy for the record.

President Mosby: I guess, my comment would be, and I have hashed out, I guess, within myself a lot about the baseball diamond, or the baseball stadium downtown. I can actually say, as an elected official, I, for one, did not have any dialogue, I should say with the Mayor, or the city over this. My first thought is in the state of the way things are today, and the financial condition of the county, the city, the school corporation, we've heard about their financial woes recently. I would not be in favor of a downtown baseball stadium. I think we have probably one of the nicest baseball parks around in Bosse Field. I mean, Bosse Field is a tremendous asset to this community. There has been movies shot at Bosse Field. There has been ball played at Bosse Field. High schools have used Bosse Field. Bosse Field has been a grand facility. I think we could probably take one fifth of the money that they are talking about spending downtown, and probably renovate Bosse Field, and all the mechanicals, and probably add a few seats to it. I sat on the City Council, I guess, when this city pondered building a new arena downtown, and at one time we were given a price of about \$78 million plus to put an arena downtown. At that time this city had to make what was probably a financial decision in the best interest of the whole community. We did not elect to build a downtown arena. In turn we spent

\$16.1 million, about, per se one fifth or sixth of the cost again, and we have Roberts Stadium today. And Roberts Stadium has served the needs of this community very well over the past few years. I know there's groups out there that say we need to build a ball diamond. It's jobs for this city. It's jobs for the community. I can assure you, once again, when I sat back on the City Council, there's a storm sewer master plan sitting down there at the Board of Works with 100 plus projects on it, at a cost of about \$178 million. If this city has \$25 or \$30 million to put into a ball diamond, then they need to pull that master plan off the shelves down there, and start some work. Because there is plenty of work out there if the city has the money to start some of these projects. We are going through one on Jobe's Lane right now, and we're trying to figure out how to just come up with \$500,000 to clean up an environmental mess. Now, I know it's not a storm sewer, but we are going to be facing the storm sewer rules and regulations that are getting ready to come down. So, I don't see this as, you know, we need to build this because it's jobs for our community. There's plenty of work out there, if this city has the money. Like I say, with the financial condition of the schools, things that are going to be facing this community, our kids, at this point in time, there is no way that I could support a downtown stadium. I feel very comfortable, after listening to this, and seeing what's in it, it's probably some of the same ideas...I know what we're facing at Burdette Park over the next few years. The pools need new liners in them. They were leaking last year. They're at the end of their day. I think our report came back saying both the water slides, Steve, are 20 years old. They're at the end of their term, and their life. You know, we have the Old Courthouse, which is a facility that we're trying to put a roof on, but we still need new windows in, and we can't fund that at this point in time. It needs major renovations. There's a lot of things that this city and county needs. I think if anything we go take care of Bosse Field, and we put a downtown stadium on hold until better economic days. Did you make a motion?

Commissioner Fanello: I'll make a motion to pass the resolution. I believe it's very self explanatory. We're either for the stadium, or we're not, and I don't think our economic conditions today can support this type of project.

President Mosby: I'll second your motion. If you want a roll call vote, I'll stipulate it on a roll call.

Commissioner Fanello: Yes, please.

Commissioner Crouch: I'll abstain. I stated I wasn't voting tonight.

President Mosby: Oh, okay. I'll say there's a motion and a second with one abstention.

Commissioner Fanello: Well, could we just—

President Mosby: So ordered.

Commissioner Fanello: —if you're abstaining, then you're voting no. So, can we do a roll call vote? Or, Kevin, how does that work?

Kevin Winternheimer: I believe she asked for a roll call vote. So, you could, (Inaudible. Mike not on.)

President Mosby: She just said she was abstaining—

Kevin Winternheimer: Right, but you still need to (Inaudible).

President Mosby: Okay. I have to roll call. Okay. Commissioner Crouch. I don't have an abstention on here though.

Commissioner Fanello: Just write abstained.

President Mosby: Okay. Commissioner Fanello.

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Two yes', one abstention, and motion carries. Or resolution passes. Is this for the record?

Commissioner Fanello: Yes. That's actually the one that would be signed for the record.

President Mosby: Any other New Business?

Commissioner Fanello: I've got a couple of small things. All federal buildings are flying their flags at half staff in recognition of what happened Saturday morning with our shuttle. So, I would just request that we have the Building Authority fly ours at half staff through Wednesday. Tammy could call down and take care of that.

President Mosby: Tammy, yes. I mean, I don't have a problem with that.

Commissioner Crouch: That would be fine.

President Mosby: Okay. Nobody has a problem with that.

Commissioner Fanello: One other thing I had was, I think Tammy already took care of that. Never mind.

President Mosby: Okay. Any other New Business?

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| County Engineer |
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President Mosby: Department head reports. County Engineer, John.

John Stoll: First I have the agreement that was discussed earlier in regard to the additional testing out at the Wansford Yards site. In talking to Environmental Management their recommendation would be to do four additional borings, and that agreement covers those four additional borings. Basically, they've set it up to do one each direction, north, south, east, and west off of the existing hole number 31. Then, the way the agreement is set up, they are to go to depths of about 16'. Basically, the cost of the agreement is \$3,500.

Commissioner Fanello: I believe we already covered it in our motion, didn't we?

President Mosby: Kevin, I mean, I know there's no funding for this yet, but can we pass this subject to funding?

Kevin Winternheimer: Right. Subject to Council's funding, yes.

President Mosby: So, it will give it approval, that if the Council does approve the funding on Wednesday, then I can sign this on Thursday morning. But, that's the way I would see we would have to do it.

Commissioner Fanello: We could hold it in our office until then.

President Mosby: It is in here what John just said. It's all in here, and I talked to them this afternoon. They are going to test all the way from down to 16'--

John Stoll: Right.

President Mosby: --that's what he told me anyway.

John Stoll: That's the way they've set it up.

President Mosby: I think the last time it was hit at 12'. So, this will go 4' further than what they did the last time to see if there is anything.

Madelyn Grayson: David, could I just make a copy of it for the record, and give it right back to you?

President Mosby: Uh-huh.

Commissioner Fanello: I'll make a motion to accept the agreement contingent on the Council transferring money on Wednesday.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I failed to mention too that I did have Kevin review that agreement, and he had a couple of changes, and those changes were made this afternoon. So, everything was okay as far as Kevin's review was concerned. The only other item I have is a request for street plan approval for Crowne Ridge Subdivision. This is located at the northwest corner of Kansas Road and Greenriver Road. Here's Greenriver here, and here's Kansas. The streets will all be paved either asphalt or concrete. They've got alternates for either one in the plans. The plans have been reviewed and they meet the ordinances and it's requested that these be granted approval, so the developer can proceed.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's I have, unless you have any questions on anything.

President Mosby: Seeing none. Thank you, John.

John Stoll: Thanks.

President Mosby: Dennis, County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. Seems like environmental night at the Commissioners meeting. We were talking about storm sewers, and I heard the word a lot tonight, well, I brought a regulation from the Indiana Department of Environmental Management, where we're going to be required, starting in the spring to clean out storm drain boxes. In order to comply with this, we're going to need some special equipment in order to do that. So, I would like to hand out a packet that I put together of some of the regulation. Okay, in this packet, I'm sure that you all are familiar with this. I spoke with John Stoll, the County Engineer, and he says you're all very familiar with this requirement. So, therefore, I won't go into detail with it. Basically, I put, I requested bids from five vendors; Southeastern, which declined; Ditch Witch, which declined; Best Equipment in Indianapolis, which did not send a bid after several requests; and I received a bid from Deeds Equipment, and Doheny Equipment. These, it is for a trailer, a pull behind to vacuum out storm drain boxes, and to flush culverts. Right now we are renting from Dyna Kleen a truck that costs us \$600 each time we rent it, for a minimum of four hours. So, I calculated if we use this piece of equipment twice a week for 52 weeks, it's going to cost us...let's see, twice a week for 52 weeks, the break even point for this piece of equipment would be one year and five months. That's where it pays for itself. The life expectancy of this trailer would be ten years. So, I've been renting a flush truck for the...well, since I've been here, and \$600 seems kind of steep. A lot of times we forego some of the jobs because of the expense of doing them. We try to do alternatives. So, the justification for this piece of equipment, I think, is there. I think the requirement from the environmental folks, it's a requirement that we're going to have to do. I request the Commissioners look at these bids, and make a decision on whether or not this is a needed piece of equipment.

President Mosby: Are there any questions of Dennis? Dennis, I don't, I guess, the question I would have, do you have a truck that will pull this?

Dennis Hudnall: Yes.

President Mosby: I mean, I don't doubt your need, and I know we're contracting out right now to do these type of projects. So, I guess, that was my biggest concern that we have a truck to pull this type of—

Dennis Hudnall: Well, we looked at the truck, probably, it would be more convenient to have the motor vehicle with all of this self-contained on it. The resource requirements is going to be tremendous for this. John Stoll and I have talked about this on several occasions. We have to allocate a lot of resources to this also. The expense of the truck though is \$180,000 versus \$89,000 from the bid from Deeds. So, to be a little more conservative and get the job done, I think we can do well with this piece of equipment versus spending twice that much on a truck.

President Mosby: Okay.

Dennis Hudnall: We already have vehicles to pull it, so.

President Mosby: And this is a vacuum and flusher, the trailer?

Dennis Hudnall: Yes. I was just going to get a flush truck, a flush trailer before, at \$49,000, but with this requirement from the Indiana Department of Environmental

Management, I also now have to vacuum out the drains. So, this is a flush truck and a vacuum.

President Mosby: Are you familiar with this?

Commissioner Crouch: I was wondering, is this something we can make a decision next week on?

Dennis Hudnall: Sure.

Kevin Winternheimer: I've got a question that goes along with yours. What was the price that we're talking about? How much are you talking about spending?

President Mosby: 89.

Kevin Winternheimer: We're going to have to formally bid that out. That's more than \$75,000. So, we'll have to put together some specs and advertise. It would have to be an advertised bid.

Dennis Hudnall: Well, I sent some specs out just to get some feelers out on this—

Kevin Winternheimer: Okay. That's fine. We'll still have to advertise it—

Dennis Hudnall: Okay.

Kevin Winternheimer: —and take written bids, since it's over \$75,000. I wasn't sure what price you were talking about.

Dennis Hudnall: Well, I didn't know when we put the bids out—

Kevin Winternheimer: Right.

Dennis Hudnall: —how much they were going to come back.

Kevin Winternheimer: That's fine. That gives you a rough idea of what you're looking at. So, if you want to proceed, then contact Phil Lawrence and he can put together the formal bid packet and all that, and advertise it and all.

Dennis Hudnall: Just to give you an example, Deeds came back with a bid of \$89,900, and Doheny came back with \$96,725. So, there's a wide range on the same piece of equipment. It's very difficult to find a vendor that will even bid on it.
Kevin Winternheimer: In addition to the formal newspaper advertising, you can send it out to whatever vendors you want. You know, to try to get the best price, but we will have to advertise it in the paper, and all that.

Dennis Hudnall: Okay, am I to contact Phil Lawrence for the formal—

Kevin Winternheimer: If the Board wishes to proceed with it, and you've got the money and all that.

President Mosby: That was my question. Did you get money during the budget hearings for this?

Dennis Hudnall: What I, I looked at our budget that we received this year that was okayed by the state. I have to do some transfers out of Motor Vehicles and the Cumulative Bridge, that's who will use this, in order to...there's a trade off. It was planned for something else, but because of this requirement, I'm going to have to forego a compressor and things that we need in order to comply with this, because this is going to come in the spring of this year, that I'm going to have to start doing this.

President Mosby: Okay, so we'll just need to transfer money before we can—

Dennis Hudnall: Correct, and it is available there.

President Mosby: —buy this. Okay. Is it the Board's pleasure to hold one week?

Commissioner Fanello: Sure. I think, I mean, he's got to have it. So, I think, he could go ahead and work with Phil Lawrence on getting the specs, and then go ahead and get a transfer written up for the, when would they have to be in by? What's the due date? The 15th?

Dennis Hudnall: The 15th?

President Mosby: Okay. Then we can come back and discuss it next week.

Commissioner Fanello: Sure. Right.

Dennis Hudnall: Okay, I'll—

President Mosby: But you might want to get with Phil Lawrence just so you can get started on writing the specs.

Dennis Hudnall: I have the specs in here that I had written before to give these companies—

President Mosby: Okay.

Dennis Hudnall: — so, I could compare apples with apples, and oranges with oranges. These two companies could meet those specs, because they were bidding on the same piece of equipment. The other companies didn't have access to this piece of equipment, due to these specs. So, that's why we only got two bids on it. Some of them couldn't meet those specs.

President Mosby: Okay.

Dennis Hudnall: But, let's see, I have those specs is the back page of each bid, that I wrote and sent to each one of these vendors. It says justification and comparison of proposed equipment—

President Mosby: Right.

Dennis Hudnall: —purchased.

President Mosby: I have that copied. Okay.

Dennis Hudnall: That's what we sent to each vendor, so that they would be bidding on the same piece of equipment.

President Mosby: I would just get with Phil Lawrence and have him write up something, and we can advertise it and send it out.

Dennis Hudnall: Okay. Thank you.

President Mosby: Is there any questions of Dennis? Okay, thank you, Dennis.

Dennis Hudnall: Thank you. Besides that all I have, do you have any questions on my report for this week?

President Mosby: No.

Dennis Hudnall: Okay.

President Mosby: Thank you.

Dennis Hudnall: Thank you.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: No report tonight.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a couple of late items. I have a late work report from Soil and Water that needs to be added to the Consent Agenda. Then Chief Williams brought up a preventative maintenance agreement for the jail with Southwestern Communication. This has been reviewed by Kevin and approved. So, I just needed to add that to the Consents.

Commissioner Crouch: Tammy, do you know if, is the amount, the contract amount the same as in 2002 on this maintenance agreement? Do you know?

President Mosby: The Sheriff is saying he thinks it was.

Tammy McKinney: I'm pretty sure. Eric had a note attached to this that says it was the same, it's routine.

President Mosby: Payment of normal services charged at the annual rate of \$2,664.

Tammy McKinney: Same?

President Mosby: Same? Okay. Thank you.

Tammy McKinney: Just add those two to the Consents, and that's all I have.

Commissioner Fanello: I'll make a motion to add to the Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other reports, Tammy?

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| Burdette Park |
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President Mosby: Burdette, Steve.

Steve Craig: Steve Craig, Manager of Burdette Park. First thing I have is that I have just talked to John Stoll, and that the County Engineer's office is going to surplus some computers and that, and when they do, I would like to request that Burdette have first shot at them, so that we could use them at our day camp and our science camp.

President Mosby: Okay. I mean, we can't really do nothing if he ain't surplussed them yet.

Steve Craig: No, but I just want to be on record before somebody else gets them.

President Mosby: No problem.

Commissioner Fanello: Better make a note of that, so we don't forget.

President Mosby: You know, Steve, you might talk to some of the banks. At one time I think I had a conversation with Dave, is it Dave Clark? Over at Fifth Third? They surplus computers every once in a while.

Steve Craig: Dave Clark?

President Mosby: Is that his name? Knapp. Dave Knapp, I think. At Fifth Third. I was talking to him one time, and I told him about the Discovery Center and what you do with the kids from the day care program. You might talk to him.

Steve Craig: Okay. Then I had our worksheets, and other than that, that's all I had for this evening.

President Mosby: Any questions? Seeing none. Thank you, Steve.

Steve Craig: Thank you.

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| SWCD & Ozone Officer Reports |
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Commissioner Fanello: I'll make a motion, I don't think there's anybody here to speak to the Soil and Water Report. I'll make a motion to accept Soil and Water and Ozone Officers Report.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: Motion to accept Consent Items.

President Mosby: As amended?

Commissioner Fanello: As amended.

Commissioner Crouch: Second.

President Mosby: So ordered. There being no further business—

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:35 p.m.)

CONSENT ITEMS:

Travel Requests:

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| County Assessor | County Highway | Treasurer |
| Health Department | Weights & Measures | |

Employment Changes:

| | | |
|-----------------|---------------|--------------------|
| SWCD | Burdette Park | Auditor |
| Center Assessor | Prosecutor | Sheriff Department |

Sheriff:

Weekly Jail and Community Corrections Reports.
Federal Annual Certification Report.
Preventative Maintenance Agreement with Southwestern Communications.

Treasurer: Submit Monthly Report for December 2002.

County Engineer: Surplus of Office Equipment.

Public Defender:

Renewal of Drug Court Contract: John Goodridge.

Health Department:

Steris Preventative Maintenance Contract for Lab Equipment.

County Council: 2004 Holiday Schedule.

Those in Attendance:

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|---------------------|-------------------|------------------|
| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winterheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Alan Teeple | Judy Weatherholt |
| Brad Ellsworth | Marty Amsler | Roger Lehman |
| John Stoll | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 10, 2003**

The Vanderburgh County Board of Commissioners met in session this 10th day of February, 2003 at 5:31 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for February 10, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Please stand and join us in the Pledge.

(The Pledge was given.)

Approval of February 3, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the February 3rd meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

**Permission to Advertise:
VC040-2003: Trailer Mounted Vacuum Unit &
VC029-2003: Burdette Park Pavilion Renovation**

President Mosby: Bid advertisements and openings, Phil Lawrence.

Phil Lawrence: As you can see, oh, I didn't expect all that foolishness. Came on back and grab a fella. Owww! No, don't, I'm sorry. I watched that Michael Jackson thing. My leg gets to going. I'll leave that one alone. That note was a cross between Michael Jackson and James Brown. Hit me man. Good God. But, just, okay, I'll quit. I'll quit. I'm through. I'm through. Just trying to you know...we would like to have permission to advertise two bids, one is VC04-2003, a trailer mounted vacuum unit for the County Highway Department. And VC029-2003, Burdette Park pavilion renovation. It would be opened March 3rd. The advertisement dates would be February 14th and February 21st.

Commissioner Fanello: I'll move approval of the permission to advertise.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Crouch: Question.

President Mosby: Yes, question.

Commissioner Crouch: Phil, where are we on the towing bids? I noticed that we had information on them in our packet, yet are we ready to award that bid?

President Mosby: I can jump in here and help you real quick.

Phil Lawrence: Okay.

President Mosby: Phil, you need to stay till Old Business.

Phil Lawrence: Huh?

President Mosby: You need to stay till Old Business.

Phil Lawrence: Oh, okay. Where is Old Business?

President Mosby: That's going to be under Old Business.

Phil Lawrence: Okay.

President Mosby: So, I was the, I mean, I will say that I was the one....originally it was going to be on for tonight. I had some questions.

Phil Lawrence: Yeah.

President Mosby: I had Patty take it off. Then after I had talked to Phil and Kevin, I probably should have still had it on here, but since it's not on here, we're going to bring it up under Old Business.

Phil Lawrence: Okay.

President Mosby: So, I need you to stay till then.

Phil Lawrence: Okay.

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| Les Shively: 6340 Old Boonville Highway: Guardrail Issue |
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President Mosby: Next, discussion items, Les Shively.

Les Shively: Thank you, Mr. President, members of the Board of Commissioners. I represent Kathy Simon, who lives at 6340 Old Boonville Highway. As you know, this particular portion of Old Boonville Highway, which intersects with Burkhardt Road has recently been improved. My clients property is located, as I think I gave you, essentially, a letter on this, and it's located at the northwest corner. Originally when the additional right-of-way was acquired, and that's why I corrected my original letter to you, there were discussions, or an inquiry made by my client as to whether a guardrail or some type of facility like that would be put in place. She was informed there were no plans for that. The property was acquired for the improvements, improvements have been made, and since that time there have been several incidents where vehicles have ended up in her front yard. She has tried to, and if I could approach, Mr. Mosby?

President Mosby: Sure.

Les Shively: She has tried to put reflectors down, as you can see in this photograph here, this reflector was in place, and there you can see the tire tracks that went into her lawn. So, it didn't do much good. Here, and I'll leave these pictures with you...let me just tell you why I present it to you, and I just want you to look into it if you could. Maybe have John Stoll look into it, if that would be appropriate. Or maybe even somebody from the Sheriff's department. She originally was going to erect her own fence on her property. She was advised by the fence company that there might be a question of having a fence so close to the right-of-way that she may incur some liability on herself. So, and I think that was maybe a little overly cautious advice, but certainly it makes sense that what, if there is a need for some sort of device there to prevent vehicles from coming on her property up to her front stoop there, that it ought to be done in coordination with the property owner and the county, and done so in a manner that meets sound engineering principles. So, we would just like for you to look into it. Again, we've had several incidents in a short period of time. It could be weather related, I don't know, but, nonetheless, we're putting you on notice of these problems, and asking you to please look into it. We're more than happy to give you other information you need.

President Mosby: I can tell you I've spoke with John about this already. John is very familiar with it. John could get with the homeowner. I think, his only comment was a guardrail is pretty unsightly, but if that's what she, you know—

Les Shively: Kathy is here this evening.

John Stoll: I was just talking to Dennis about whether or not he could put up guardrail, and he said that would be something that he would have to go out and take a look at. I guess, I was talking to Catherine the other day, or maybe it was Suzanne, one of the things that I need to go out and check is if guardrail was placed out there, make sure that it would not create a condition where a right turn on red from Old Boonville Highway would be obstructed, if you're heading east on Old Boonville Highway, and turning south to go south on Burkhardt. There again that could be corrected with a no right turn on red sign, if you wanted the guardrail installed. So, it's just something we need to take a look at .

Les Shively: I would say to this too, in addition to the issues raised by the fence company, if Kathy were to put a fence up on her property, that might create a visibility issue. I don't know, but I think it's better for the county to look at the problem and see if the county can't do something on their right-of-way before she expends her own money, and maybe does something that creates another problem, and really doesn't solve the one that exists.

President Mosby: I'll, John and Dennis can get together and get with her—

Les Shively: That would be great. Super.

President Mosby: —and we can decide what we want to do. Is there any questions?

Commissioner Fanello: Did we want to set a date to have this resolved?

Les Shively: That would be great.

President Mosby: I'd just have them get with her tomorrow, or the next day and go out and meet with her—

Les Shively: And follow up in 30 days?

President Mosby: John can report to us next Monday of what happened. Is that okay with you?

John Stoll: There's no meeting next Monday.

President Mosby: Well, Tuesday morning? We've got a meeting Tuesday morning. They won't give us a day off. We tried.

Les Shively: The Commissioners set the holidays don't they?

President Mosby: Yeah, but that's for everybody else, not us. We still come back and call it a day. Thank you, Les.

Final Reading: VC-4-2003
Petitioner: Herbert P. Grimm
Address: 975 Hillsdale Road
Request: Ag to R-1
Action: Passed 3-0

President Mosby: Final reading of VC-4-2003, 975 Hillsdale Road.

Bill Nicholson: Bill Nicholson. This is Mr. Bert Grimm, owner. I suppose you all received a letter from the attorney Bohleber's office saying that they had worked out the problem he had discussed with you last, at the last meeting.

Commissioner Fanello: If that's the case, we can...yes, I did get a copy. I got a copy in the mail. Did we want to go ahead, can we go ahead and make a motion to approve?

President Mosby: (Inaudible. Mike not on.)

Commissioner Fanello: I would make a motion to approve VC-4-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. This would require a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Myself, yes. Being three ayes, no nays, VC-4-2003 is hereby declared adopted.

Bill Nicholson: Thank you very much.

President Mosby: Thank you.

Jail Update

President Mosby: Jail update.

Commissioner Fanello: I do have an item. Our bond counsel has delivered an advertisement for a public hearing for February 18th, which is next Tuesday morning, I believe at 10:00. So, right after our Drainage Board meeting, and during our regular Commissioner meeting. During that public hearing the intent of the bond counsel is for us to adopt a resolution authorizing the execution of the lease. There is also, we may need to appoint appraisers for the property, since the property will be transferred to the Building Authority. So, I do expect to have those documents for everybody's packets by the end of the week.

President Mosby: Any questions? Any comments?

Commissioner Crouch: Do we have a Commission meeting scheduled?

President Mosby: Next Tuesday.

Commissioner Fanello: Yes, because we have Drainage Board at 9:00, and we do have a—

Commissioner Crouch: Just right after.

Commissioner Fanello: —Commission meeting.

President Mosby: Same as we did last month. Any other comments or questions on the jail? Sheriff do you have any?

Brad Ellsworth: No, but thank you.

President Mosby: Okay.

Brad Ellsworth: We appreciate what you're doing.

President Mosby: Thank you. Other items.

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| Public Comment |
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President Mosby: Public comment. Any public comment?

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| Old Business |
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President Mosby: Old Business? I have two items I wanted to bring up, first I will bring up the towing contract. I have, this has been a—

Phil Lawrence: Okay.

President Mosby: —I had conversation with Phil Lawrence on Friday morning. It was brought to my attention some of the things that were happening over in the city on the towing contract, and I wanted to be sure that this didn't happen in the county, because we are here to serve the public, I mean, and so is the provider of whoever we choose. Phil informed me that some of these things that are happening are in the contract.

Phil Lawrence: Yep.

President Mosby: (Inaudible. Mike not on.) Basically, a couple of situations that had been brought to my mind, and I asked Phil about it. It was twice already that I know of within the last 30 days that a gentleman's car had gotten impounded due to a wreck, or whatever, on a Friday night, and on Saturday morning they were told you'll come get it on Monday. We don't have to open Saturday, and we don't have to give you your car. I didn't feel that was right, but after calling Mr. Lawrence, he said, yeah, basically, that's all it says is we'll be open from 8:00 to 5:00 on Monday through Friday—

Phil Lawrence: Correct.

President Mosby: —and this has always just been a service that the provider has done for the last eight or ten years. One of the gentleman said, well, you know, the problem was all my clothes were in my car. I'd been to the laundromat. The other gentleman was diabetic, and had medicine in his car. He was told, no, you can't get your vehicle out of there, which I don't understand, but, (Inaudible. Mike not on.) The other thing that's been brought to my attention, and a couple of towing bills that have been brought to me is that evidently outside of the fee that's on the contract, they are putting a \$7.50, or whatever, charge on the bottom as a labor charge over and above the fee that they are charging. I want to make sure that in our contract (Inaudible. Mike not on.) whether it's an environmental fee, a labor fee, or whatever.

Phil Lawrence: Yeah.

President Mosby: It's an environmental or clean up fee, they need to send it back to the (Inaudible), because that's (Inaudible).

Phil Lawrence: I questioned, called Mr. Hamrick about that issue, and he said that's been charged twice, and it happened, and it's not a situation that happens in the streets. It's when they tow a car to their lot, and that car is leaking anti-freeze, or oil, or any environmental product.

President Mosby: (Inaudible. Mike not on.)

Phil Lawrence: Huh?

President Mosby: He said it happened twice. I guess, both gentleman must have searched me out. Because I seen both of them. So, anyhow, what we need to do is, according to Kevin, we are going to have to throw out all the bids, and we will have to put this language in our bid document. I think Mr. Lawrence called the gentleman that would have been the low bidder, and he was not willing to provide that service on Sunday. So, unless it's not the pleasure of this board.

Phil Lawrence: Now, he was willing to open on Saturdays from 8:00 to 12:00, but not Sunday. That was—

President Mosby: It's my pleasure that we would...it's like I told you, I would like to see at least six or eight hours on Saturday, and nothing less than four on Sunday. So, if somebody has this incident on a Saturday night, you know, they're able to get their stuff out of their car Sunday morning, if so, it would be an emergency.

Kevin Winternheimer: There was another issue, and I can't remember whether I talked to you, David, or to somebody else about it, but the issue was, and I don't remember whether it's in the contract or not, if the, whoever the low bidder may be, if their all, all their wreckers are tied up on a run, do we have the capability of going to the next bidder, and getting them to make the run? Because that could happen. Is that already in the specs?

Phil Lawrence: That is a provision that's in the specs.

Kevin Winternheimer: Okay.

Phil Lawrence: I mean, we can call another trucker. I mean, a policeman, if a guy doesn't show up in 20 minutes—

Kevin Winternheimer: Okay.

Phil Lawrence: —the policeman has the, or Sheriff, has the ability to call another wrecker service.

Kevin Winternheimer: Because I could see where that would happen, particularly on nights like tonight, where they are all out on runs, and we don't want to tie up blocking an intersection, tie up a couple of deputies times while they are waiting for a wrecker. So, we do have that capability. We don't have to wait for that person.

Phil Lawrence: No.

Kevin Winternheimer: I just want to make sure of that.

Phil Lawrence: I mean, the Sheriff Department and the Police Department both lobbied to put that 20 minute provision in there. It has not always worked very well, but it has worked most of the time.

Commissioner Fanello: This, and I have one question, and I don't know if this would be something that we would address in the contract or the bid, but if there is damage to a property when one of these people goes out and tows a vehicle or whatever, who is responsible for that damage? Because I think there was an incident over the past couple of weeks where Hamrick's Towing told a lady that the county was responsible. I think he went out and towed a vehicle or something, for some reason, and the county was responsible for this damage. The county is not responsible for that damage. So, is that something that needs to be specified in the bid, or is that a contractual issue?

Phil Lawrence: I think I'll let Kevin answer that one.

Kevin Winternheimer: Well, that statement is an incorrect statement, in that the county is not responsible. The contractor is responsible. We can put something in there, I mean, that's common law, we can put something in there to make sure they understand that. Because they determine the methodology of how they are going to make a tow. We don't tell them how to do it. So, if they do something wrong in the process of making the tow, or wrenching the truck, that's their drivers call, that's their negligence, not ours. They are an independent contractor, so I can't foresee an instance where they would ever, they should ever tell them that the county is responsible for something that they do. They are an independent contractor making a decision on how to do it. Not us.

President Mosby: I think we finally got that situation cleared up. I mean, well, I was with the Garage Superintendent, so.

Phil Lawrence: Yeah.

President Mosby: So, I mean, he went out and looked at it, and informed the lady that they were going to be responsible.

Commissioner Crouch: You know, I remember right after you all became Commissioners, and there was a payroll bid that went out, and a number of companies had bid on it, and it was asked by the Board of Public Works that we allow some other companies to actually bid on it, because they hadn't been asked to. If my memory serves me correctly, the comments were it's not fair to those people who have bid, and who have actually put all their information out there to then let someone else come in and bid. We now have gone through this process twice. I think we're getting to the point where we're challenging the integrity of our bid process by every time a bid...it's almost like we're finding excuses to not award bids.

President Mosby: No, it's like I stated in the beginning, if you don't care about the public, that's fine with me. My service is to the public, and this is not servicing the public when people are told that they cannot get their car out on Friday or Saturday or Sunday. Saturday or Sunday it's costing them \$15 more to go get their car out. Before, it could have got impounded Friday night, you had it out Saturday morning, and you paid \$5 storage fee. Now, they are getting \$5 on Saturday, \$5 on Sunday, \$5 on Monday. That same tow has cost them \$20, as opposed to \$5. I've got a concern for this public, and that's what I'm playing here.

Commissioner Fanello: Well, let me ask you this, if those are the concerns, and we can't negotiate a contract with the first lowest bidder, and he doesn't agree to the things that we want in the contract, can we then not go to the next lowest bidder and negotiate a contract?

Phil Lawrence: I don't think so.

Kevin Winternheimer: Well, I think by adding the requirement of more days to be open is a material change in the contract. I don't, I don't know. I think, as David said, I think the rebidding is the best recourse when you've got a material change. Requiring two more days out of, that's almost a 50% increase on time he has to be open to do it. I mean, I don't know, maybe the second lowest bidder would agree to do that.

Commissioner Fanello: Well, I don't, I didn't know if that was a contractual issue that could be taken care of if you negotiate a contract with somebody, or if it's really necessary to go out and rebid it.

Kevin Winternheimer: Essentially, you would be trying to disqualify him for something that's not in the bid. I think, my tendency would be to agree with David, that the best recourse in this case would be to just rebid it, adding those new requirements into the bid, and we'll see what that's going to, what effect that has, if any, on the bids.

Commissioner Crouch: Has the language changed in this bid spec from past languages where it was awarded to another company?

Phil Lawrence: No. It's the same language. Mike's Towing was open 24 hours a day, and seven days a week. So, folks could go. I wasn't aware on Sunday, but the Sunday sometimes caused some issues with the Sheriff and the Police Department. Because there were some cars that were released that were not supposed to be on Saturday and Sunday. So, I mean, I will do what you guys tell me to do. Hamrick's has agreed to open on Saturdays 8:00 to 12:00. Not on Sundays.

Commissioner Fanello: Maybe in the future before, you know, maybe just as a suggestion, maybe in the future before we...because I think maybe we take some things for granted. What one bidder did we might expect the next bidder to do. Maybe we have more communication between all of us before we put a bid, and everybody sit down and actually read that bid, and go through the specs. Because, I mean, your job is to be the Purchasing Director, and send out the bids, and then sometimes it may be that one of us thinks of something else later on that should have been in there. So, maybe we ought to step up the—

Phil Lawrence: We can.

Commissioner Fanello: —participation, and the communication process, and make sure we get all the language in there that we need in there.

President Mosby: It was just my impression that it was in there, because that's the way it's been for the last ten years. So, I took it for granted, until it was brought to my attention by two different people in about two week's time.

Commissioner Fanello: I think that's what happens when somebody has a bid for quite a long time. You take for granted that maybe—

Phil Lawrence: Get used to it.

Commissioner Fanello: —whoever is going to bid on it is going to do the same things as that original bidder.

Phil Lawrence: Yeah. Sure. You ain't got nothing to add?

Brad Ellsworth: I do, but I'm not going to.

President Mosby: Okay.

Commissioner Fanello: Well, if it's, if it's the County Attorney's recommendation that we rebid, if there's a contractual issue, then I would make a motion to rebid.

Commissioner Crouch: And I'm not going to second that. As I stated earlier, I think we're challenging the integrity of our bid process. I think if this is the language that was in former bid specs, I don't think we should change it. It gives the appearance of impropriety, in my opinion.

Commissioner Fanello: Well, and I would just say that, you know, it's every elected officials responsibility, you know, to, like I said, maybe we suggest step up the communication between us and the Purchasing Director. I don't think we can always expect the Purchasing Director to know what we're thinking, and he can't always expect us to know what he's thinking. So, I think it's a two way street here, that in order for us to get the right specs in there, everybody needs to communicate. We

shouldn't be just sitting here accepting, you know, just every, anything that goes along. We need to make sure that we look at everything detailed.

President Mosby: And I will second your motion, and so order it. Phil, I will get with you on the two or three pieces of language that—

Phil Lawrence: Okay.

President Mosby: —seems to be missing in this contract.

Kevin Winternheimer: Do we want to go ahead and set a new bid date? Can we do that?

Phil Lawrence: Uh-huh.

Kevin Winternheimer: What do you need? Do you need 30 days?

Phil Lawrence: I need about 30 days.

Kevin Winternheimer: Do we have a meeting approximately a month from now?

Phil Lawrence: When is a...I don't have a calendar.

President Mosby: March the 3rd, March 10th.

Kevin Winternheimer: The 10th would be about 30 days, I think, wouldn't it?

Phil Lawrence: Okay, March 10th.

President Mosby: Sounds good to me.

Phil Lawrence: So, I'll, I will go ahead and we'll open them on March 10th.

Commissioner Fanello: This, just to reiterate what David said, which I think is important. This is a service to the public, and, you know, it is our responsibility to try and find the best service for them.

President Mosby: Any other questions?

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Change)

Madelyn Grayson: Thank you.

President Mosby: The only other piece of Old Business I had, we had brought the resolution up last week on the ball diamond, and I know we took a motion and a second. Commissioner Crouch, I know you said you wanted time to read it. You didn't want to vote last week. Did you want to bring that back up and vote this week under Old Business? I mean, it's up to you. I mean, you were the one abstaining, so. I put it under Old Business on my...what's the pleasure of the Commissioners? Do you want to bring it back up? I mean, it don't matter.

Commissioner Fanello: Well, I think everybody, obviously, deserves an opportunity on this board to provide input on what's going on in this community. I mean, I guess, it's Commissioner Crouch's decision if she would like to provide input on that resolution. I mean, I certainly think this board's at a disadvantage when people abstain from voting, because the public doesn't always know how we feel. So, I think it's important for us to take a stand on issues. We may not agree on those issues, but it's important for us to take a stand on those issues that affect the community.

President Mosby: Chair would entertain a motion either way. Or it dies for a motion or a lack of a second.

Commissioner Fanello: Do we need...would we need to bring up a motion to pass it again? Or what would exactly the motion be here?

Kevin Winternheimer: Only if you, excuse me, only if you want to reconsider it. I mean, right now you have a valid motion and a vote from last week. It was two in favor, and one abstention. So, only if you want to reconsider your previous vote. So, it's your pleasure.

President Mosby: Why would we want to reconsider?

Kevin Winternheimer: I'm sorry.

President Mosby: You say reconsider, I mean—

Kevin Winternheimer: Well, I mean, you already have a decision—

President Mosby: Okay.

Kevin Winternheimer: —two in favor, and one abstention. So, only if you want to reconsider your motion.

Commissioner Fanello: To allow her to make a decision. I mean, I'll bring up the motion, if she wishes to consider the resolution.

President Mosby: Second. If that's what has to be, if that's what it is. Resolution is still as stands, and nothing has been changed. So, it was a roll call vote last week, and I'll make it a roll call vote again this week. Is there any discussion on the resolution as it stood last week? Seeing none.

Commissioner Crouch: And the resolution is opposing the baseball stadium?

President Mosby: The same one, yes. CO.R...I can read it if you want.

Commissioner Crouch: No, I've read it.

President Mosby: Okay. Yeah, it's the same resolution, and I did read this resolution at the Convention Bureau meeting this morning. So, it's the same one.

Commissioner Crouch: A couple of comments. An abstention, I had indicated when I met with you last year, Commissioner Fanello, before I was a Commissioner, so it wasn't a legal meeting, that if things are put on my desk at a meeting, I reserve the right not to vote on them. In fact, that's probably not the first, nor will it be the last

time. Because when I vote on something I want to be sure that my vote is rational and it's intelligent, and it means what I want it to mean. In terms of abstention, I believe you all abstained at the Solid Waste Board meeting, so there are occasions when people do abstain from voting. Roll call vote, I vote nay.

President Mosby: Okay. Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes.

Commissioner Fanello: I just want to say, I mean, I think it was only fair that we give you the opportunity to say something, since last week you said that you were surprised by it, so.

President Mosby: And I will comment on the Solid Waste Board meeting this afternoon. I did not attend the last meeting. I read the minutes to the meeting. We asked the counsel for his interpretation of the meeting, and it was the first time that I had ever got the answer, you don't need a motion or a second. That kind of stunned me. That's the only reason I abstained, because I wasn't aware of something happening without a motion or a second.

Commissioner Crouch: I was kind of stunned last week. I'm sure you can appreciate that.

Commissioner Fanello: I was a little surprised, because I think it's only proper parliamentary procedure that a motion, when a motion's on the table that either it dies for a second, or, you know, you can't just jump up and vote for something if there's not a motion on the table. So, that's why I abstained, because I did not think that was proper parliamentary procedure.

President Mosby: Any other Old Business?

Commissioner Crouch: Yes, one small item. I had questioned on the Toughman competition, and I know that you had sent a letter to Sandie Aaron if their insurance carrier would cover us if, in fact, we were sued by the Toughman competition. I've not received a reply. I wondered if you had.

Kevin Winterheimer: No, I haven't. I haven't heard a thing, but I, as you mentioned, I did send the letter out, and they have not replied. I don't know what to say.

Commissioner Crouch: Is it possible for you, as attorney, to check with Mrs. Aaron?

Kevin Winterheimer: I can follow up—

Commissioner Crouch: Okay.

Kevin Winterheimer: —and see what she says.

Commissioner Crouch: Thank you.

President Mosby: Any other Old Business?

New Business

President Mosby: Any New Business? Department head reports. County Engineer, John Stoll.

Bill Fluty: David, I've got a question on the Commissioners meeting for next Tuesday.

President Mosby: Yes.

Bill Fluty: Is it, you mentioned we're going to have one, but you didn't mention what time.

President Mosby: 9:00.

Bill Fluty: And the Drainage Board is—

Commissioner Fanello: Drainage is at 9:00, and Commission would be right after Drainage Board. It's advertised for 10:00.

Bill Fluty: Have you advertised the—

Commissioner Fanello: The meeting, the public hearing has been advertised.

Bill Fluty: And that's a re-advertised?

Commissioner Fanello: The public hearing...the bond counsel provided the advertisement for the public hearing. It's already been advertised in the Evansville Courier.

Bill Fluty: Okay, so—

Commissioner Fanello: Yeah.

Bill Fluty: —it was in there for the 17th, and that's been corrected—

Commissioner Fanello: Yes, they did correct it. In fact, it was corrected on Saturday morning.

Bill Fluty: So, it ran—

Commissioner Fanello: Yes. Yes, it did.

Bill Fluty: —in the legals. The meeting is actually—

Commissioner Fanello: We cut the copy out.

Bill Fluty: Okay, that's what I was trying to get to. Thanks.

County Engineer

John Stoll: First I've got two counter offers on the Mt. Pleasant Road Project. The copies of the counter offers are what I just handed out to you. The one is for the

Deerfield Homeowners Association. We are acquiring two parcels from them. It was parcel 10 and parcel 18. The grand total of the offer amounts was \$14,800. The information supplied by the Deerfield Homeowners Association, they did not give us a final cost, but for items number one and two in their letter, it totals \$176,165. Then items three, four, and five ask for more compensation that's unspecified. Several other issues are in here that, some of which will be taken care of in the plans, but then item number 11, they're again asking for fair compensation for inconvenience for their homeowners during construction. Don't know what their final number that they are looking for is, but it appears to be at least \$176,165, and since that's substantially over our \$14,800 offer, I would request that this be rejected.

Commissioner Fanello: Excuse me, motion to reject.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other one is for the Susan Smith parcel. Here again we did not get a final dollar figure on what it was Mrs. Smith was requesting. She was originally offered \$11,125. In her letter she's asking for compensation for trees of \$1,250 each. She's also asking us to provide her a sanitary sewer connection. Those two items would cost in the neighborhood of \$17,000 more than our offer. So, on the basis of, assuming that her offer exceeds our, I mean, her counter-offer exceeds our original offer by that amount, I would request that counter-offer be rejected as well.

Commissioner Fanello: Motion to reject.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I was forwarded this request from the Evansville Day School through the City of Evansville. They are requesting that flashing yellow caution lights be installed on Greenriver Road south of Lynch Road at the Day School entrance. They are planning on providing the funding for these flashing lights. They were requesting the county's approval for installing these in the right-of-way. I would like to request that this be approved, contingent on them providing the funds to do that work. We will not have any monthly electric bills for these, because the plan is to put solar powered flashing lights out there. We would also install a school zone warning sign, the five sided school sign on those posts. So, I would request that all that be approved subject to them providing the funding.

Commissioner Fanello: Excuse me, motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got a request for street acceptance for Section E of Cross Pointe Subdivision. This is for 553.43' of Indiana Street. This is the section of Indiana Street that runs behind the Kohl's building, and connects over to the existing portion of Indiana Street by the Outback restaurant. This has been inspected, and it's requested this be accepted for maintenance.

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a change order, a final change order, on the Burkhardt Road reconstruction project. When Bernardin Lochmueller was going through all the items they found that the previous change orders were a grand total of \$51.48 short. So, this final change order is for an increase of \$51.48. It's requested this be approved.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Last I have a change order for the Elmridge Drive/ Congress Avenue Drainage Project. This was contract number VC02-08-01. This is for an increase of \$16,603.09. The reason for the increase, the primary reason for the increase is the substantial over run in additional rock, because when they did the excavation, when they removed the streets, there was quite a bit of unsuitable dirt that had to be excavated and replaced with rock. So, that's the biggest, single item of increase on this. There potentially could be one more change order. All work is completed except for the seeding and sodding. Once the weather gets suitable, then that work will be completed. Other than seeding and sodding, this takes care of everything. It's requested this be approved.

Commissioner Fanello: Did you have that in your budget? Or do you have to go back and get an appropriation?

John Stoll: It's in there.

Commissioner Fanello: Okay. I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless there's any other questions on anything. Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all I have a requirement from the State Board of Accounts for the annual operating report, which I need a signature on from the Commissioners.

Commissioner Fanello: Thank you.

Madelyn Grayson: Dennis, in the past the Auditor has filed that for you. Then I just submit a copy to you. To the state.

Dennis Hudnall: (Inaudible. Not at mike.)

Madelyn Grayson: Yeah, and then it comes through the meeting, and then I actually send it to the state for you.

Dennis Hudnall: Beg your pardon?

Madelyn Grayson: You bring the original to the meeting, they sign it, and then I take it back and send it to the State and make copies.

Dennis Hudnall: That's fine.

Madelyn Grayson: I'll make sure you get a copy.

Dennis Hudnall: If that's the process.

Madelyn Grayson: Okay.

Dennis Hudnall: What my understanding was, I would get it signed, and then we would send, after we got the Commissioners signature on it, we would send it in. But, if that's your requirement, that's fine with me.

Madelyn Grayson: I'll make sure you get a copy of it.

Dennis Hudnall: Is that okay?

President Mosby: That's fine. Here's the original for the file.

Commissioner Fanello: Do we need a motion to approve?

Kevin Winterheimer: You want a motion to show it's filed.

Commissioner Fanello: I'll make a motion to show that Highway Superintendent has supplied, for the record, the appropriate annual form for the State Board of Accounts. That's a motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

Dennis Hudnall: The only other thing I have is my weekly report. The snow's been teasing us quite a bit this week. Have any questions? I would be glad to answer them.

Commissioner Crouch: How are the mailboxes holding up?

Dennis Hudnall: We haven't got yours have we? No, we're doing fine on the mailboxes. We told everyone to try to watch the mailboxes after the 26 episode. So, we're doing better.

President Mosby: Is there any other questions of Dennis? Seeing none, thank you, Dennis.

Dennis Hudnall: Thank you. Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: The only matter I have is I need to have an Executive Session. It does not have to be next week. I would prefer that it be just to get this matter behind us. It's to discuss a litigation matter. If you all are available next Tuesday, either before or after the meeting is fine. It shouldn't take more than a half an hour. If you have the time, either 8:30 in the morning, or immediately following the Commissioners meeting, either way. The other time, it involves one of yours, if either you or Eric could be here would be good too.

Commissioner Fanello: Is 8:30 alright?

President Mosby: Doesn't matter to me. Yeah, that's what she said.

Kevin Winternheimer: 8:30 then?

Commissioner Fanello: I make a, I guess, we just need to send out the advertisement.

Kevin Winternheimer: Yeah, we'll send out the—

Commissioner Fanello: I don't have to make a motion.

Kevin Winternheimer: No. If that's fine with you, we'll send out the notice at 8:30 next Tuesday, Executive Session. Discuss a pending lawsuit. That's all I have.

President Mosby: Advertise that for a pending lawsuit, and personnel matters.

Kevin Winternheimer: Okay, that's fine. We'll do that.

President Mosby: In case we would want to hear something else.

Kevin Winternheimer: That would be fine.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have three late items that need to be added to the Consent Items. I have a late pink slip from Burdette Park. A request from service for Circuit Court. Then a travel request from the Surveyor.

Commissioner Fanello: Motion to add to Consent Items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to amend the Consent Items, to add three items. So ordered.

Tammy McKinney: That's all I have.

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| Burdette Park |
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President Mosby: Burdette, Gary.

Gary Hohman: Gary Hohman, Burdette Park. Our work report you have before you, and if you have any questions regarding the advertisement for permission regarding the Burdette Park pavilion, what that will entail in that job. I'll answer any questions that you might have regarding that.

President Mosby: Yeah, go ahead.

Commissioner Fanello: I'm sorry. I do want to make sure that that is in conjunction with our master plan that's being drawn up.

Gary Hohman: Yes, ma'am.

Commissioner Fanello: Okay.

President Mosby: What all are we planning on doing there?

Gary Hohman: This is the, regarding the flooring. The old floor will be removed, as well as, not only the concrete, but some asphalt, and new material will be poured back, as well as an ADA ramp leading on to the stage platform adjacent to the pavilion.

President Mosby: Okay.

Commissioner Fanello: Refresh my memory, was it the recommendation in the master plan to enclose that pavilion. It's been a few days since I looked at the—

Gary Hohman: It has been suggested. They have not come back with the final—

Commissioner Fanello: Right. I know this is just the preliminary—

Gary Hohman: —master plan, but their preliminary—

Commissioner Fanello: —but, I couldn't remember.

Gary Hohman: —things listed a number of improvements regarding the pavilion; some ADA restrooms, or compliant restrooms, and possibly looking at enclosing it, and making it an all-weather type venue.

Commissioner Fanello: Well, I would want to make sure that whatever we do that, if that is the suggestion to enclose it at this—

Gary Hohman: This project would in no way hamper any future plans down the road regarding enclosing it in any type.

President Mosby: Who's doing the specs on it?

Gary Hohman: Pardon?

President Mosby: Who's doing the specs?

Gary Hohman: We have already, Mr. Lawrence, we have written up what we want to be completed, and he is compiling the, adding his legal—

President Mosby: I mean, we're not really using an engineer, or—

Gary Hohman: No, sir.

President Mosby: —it's just...John, have you looked at any of this? It's just concrete, but I didn't know if you was looking at the thicknesses, and who was—

Gary Hohman: It will be a 4" pour with reinforcement wire, and a 4,000 mix is what we're requesting.

Commissioner Fanello: I think it would be a good idea if maybe a copy was given to each of the Commissioners before we actually send it out to make sure, and maybe talk with the County Engineer if we need to.

Gary Hohman: Just as soon as Mr. Lawrence, I asked him—

Commissioner Fanello: Okay.

Gary Hohman: —I asked him tonight if he had those complete that Steve and I could look over them, and make sure that everything was what we had intended. He said he will have those available tomorrow.

Commissioner Fanello: Okay.

President Mosby: Are you doing the stage too?

Gary Hohman: The stage is pretty well intact. The only thing that needs to be done there would be, as I indicated, would be adding an ADA ramp leading up to the stage.

President Mosby: Any other questions? Thank you, Gary.

Gary Hohman: Thank you.

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| Soil and Water Conservation District |
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President Mosby: The chair would entertain a motion to accept Soil and Water and Ozone.

Commissioner Fanello: I think we have somebody here.

President Mosby: Oh, I'm sorry. My fault.

Norma Duckworth: Norma Duckworth from the Soil and Water Conservation District. I do have, Mike Wathen I believe has spoke with, to the Commissioners about a property on Browning Road. He just wanted me to make note that he had sent an e-mail out to everyone who had gone out there, because because of the weather he isn't able to determine if progress is being made. He said there is obviously some progress being made. He is going to stay on top of it. So, I brought the folder along if there were any specific questions. I haven't been out to the site myself. He did send out an e-mail today, I believe, today to you, Suzanne. I don't know who all it went out to, but that he was, had been out there today. So, if there were any questions I could relay back to him, or any comment. Other than that, we're having a steady volume of complaints and on-going development issues. Some of the progress on that is both, from the developer side and our side is being hampered by the weather. Our Clean Water Indiana Fund projects are still on track. That's the Howell Wetland and the Zoo project, the erosion control measures. Construction should start on both of those in the spring. We still have quite a bit of on-going project and other committee work that I pretty much cover in my report. Bonnie wanted me to relate that she believes you all got an invitation to our annual meeting on February 25th, with complimentary tickets, but she wanted me to reiterate that you were all very welcome. Other than that, you have our reports. Is there any questions of anything that we have covered as of late?

President Mosby: Thank you very much. Appreciate it.

Ozone Officer Report

Commissioner Fanello: I'll make a motion to accept the Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: Motion to accept the Consent Items.

Commissioner Crouch: Second.

President Mosby: As amended with the three additions, so ordered. Nobody wants to adjourn?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:20 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department
Knight Assessor
County Attorney

DADS
Treasurer
Surveyor

County Assessor
County Engineer

Employment Changes:

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| Burdette Park | Prosecutor | VCCC |
| The Centre | Circuit Court | |

Requests for Service:

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| Circuit Court | Health Department |
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Auditor: Submit A/P Vouchers.

Burdette Park: Tourism Capital Improvement Fund Application.

County Council: Corrected 2004 Holiday Schedule.

Commissioners: Quit Claim Deeds.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winterheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Les Shively |
| John Stoll | Bill Nicholson | Dennis Hudnall |
| Gary Hohman | Norma Duckworth | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 18, 2003**

The Vanderburgh County Board of Commissioners met in session this 18th day of February, 2003 at 10:06 a.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, February 18, 2003. I guess we lost the Superintendent of Buildings?

Commissioner Fanello: I told her (Inaudible. Mike not on.)

President Mosby: Okay. With us today we have Kevin Winternheimer, our Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge was given.)

Approval of February 10, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the February 10th Commission meeting.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Approval of February 18, 2003 Executive Session Summary Minutes

President Mosby: A motion for Executive Session summary minutes this morning.

Commissioner Fanello: I'll make a motion to approve the Executive Session summary minutes. The Executive Session began at approximately 9:40, and ended at approximately 10:00, and dealt with pending litigation and bargaining negotiations.

Commissioner Crouch: Second.

President Mosby: So ordered.

*(The official record reflects that this meeting was held from 8:40 a.m. until 9:00 a.m.)

**Public Hearing Regarding Lease Between Vanderburgh County and
the Evansville-Vanderburgh County Building Authority**

President Mosby: First item of discussion this morning, this is an advertised public hearing regarding the lease between Vanderburgh County and the Vanderburgh Building Authority for the jail project. Is there anyone in the audience that would like to speak to that? Any public comment? A comment by any Commissioners?

Commissioner Crouch: I just have a couple of questions, and I don't know who would answer them, but does the Council play any role in this process? You know, have they been given the information?

Commissioner Fanello: I could answer that question for you. Friday, Councilman Raben requested a copy of the lease, and he has been delivered a copy as the President of the Council. As far as the Council's involvement in the bonding process, this is the same type of bonding process as was done on the Centre project, and really the Council is not involved. They've done their part in signing their resolution for the determination of the project. They have fulfilled their, I guess, legal duty, and as far as we know there is no other duty that they hold in the process.

Commissioner Crouch: Then the testing that is being conducted, if that would come back negative, would that affect this? What we're doing today at all?

Commissioner Fanello: I don't see how, personally.

President Mosby: If it would come back negative, no.

Commissioner Crouch: I mean, if it comes back positive.

President Mosby: Positive.

Commissioner Crouch: Positive, I'm sorry.

President Mosby: Negative I liked.

Commissioner Fanello: Even if it came back positive, which I'm sure not anticipating, but, you know, I believe it's not really going to change my mind on the property, personally. We would just do whatever we need to do to get it taken care of. But, from my personal opinion, we have a good piece of property that is perfect for this project, and my personal opinion is that I'm ready to move forward.

President Mosby: If you're asking my comment, I would just say that if it come back positive that I would have to talk to Environmental Management to see exactly what kind of problem we would have. As long as it's not going to be a costly process, or something that can be covered up, then we're not dealing with anything very detrimental. It's not going to change my mind. It's my number one preference right now. I think we've come a long way on this site, and, hopefully, we won't incur that.

Commissioner Crouch: I mean, I'm sorry, I don't think I was clear. From a legal standpoint, Kevin, that doesn't affect what we're doing today, in terms of this lease?

Kevin Winterheimer: I guess, the only way it would is if we didn't end up not closing on the deal. Of course, then the lease would be ineffective, if we chose not to go ahead and close on the site. At this point we're proceeding toward getting it closed. So, but that's the only way I can see it affecting the lease is if we backed out of the deal at some point at the last minute.

Commissioner Crouch: And there would be no penalty or anything like that on behalf of us?

Kevin Winternheimer: No.

Commissioner Crouch: Okay. Then the only other question is, letting out the bids, is the Building Authority going to do that, or is the county going to do it? It's not clear in this lease.

Commissioner Fanello: I just, Joe Harrison just brought that up before the meeting, and I've spoke with Dave Rector about that last week. I spoke with Tom Pitman after that, and it's really not of issue. The Commissioners will let the bids, and the Building Authority will ratify our procedures. He said the most important part of the process was the construction wage determination, which that has been, hearing has already happened on that, and that has been taken care of. If we need further clarification of language on that, we can certainly do so. Because this lease still goes to the Building Authority on February 25th. So, if they would like any additional language, we still have the opportunity to make changes to this lease. So, that definitely can be clarified, if there needs to be any further clarification. But, Tom was pretty satisfied, but, I think, Joe would like, maybe, some additional language, and that's certainly no problem.

Kevin Winternheimer: Do you want me to bring that up, as far as...I talked to Mr. Harrison before the meeting, and I certainly have no problem with this, they, I think, the Building Authority will like to have some better language, making it clear that they are not responsible for the prisoners, or any prisoner lawsuits, or anything that may happen out there. And some stronger indemnification language. I certainly have no problem with that. He can work with Scott Peck or Tom Pitman and get that worked out, but that's certainly a reasonable request. I'd have no problem with that.

Commissioner Crouch: So, the process we're approving this, and then it will go to the Building Authority and there may be some changes, but then does it have to come back here?

Commissioner Fanello: I'm not sure on that, because what we're doing is approving a substantial form of the lease. We're not actually executing it at this point, if that's correct, Kevin.

Kevin Winternheimer: Yeah, after, it has to go to the Local Government Finance up state, and get it approved. At that point, we will sign off, you'll sign off on it after it's approved up there, and any last minute language changes can be inserted before you finally sign off, actually sign the lease.

President Mosby: Are there any other comments by Commissioners or the public? Seeing none. The chair would entertain a motion.

Commissioner Fanello: So, as I understand it from conversation, we've got two things to approve today, the resolution that we're actually approving, and I assume everyone's had an opportunity to read the resolution. I would make a motion to approve that resolution.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Then, I believe, we have a petition to sign to set our meeting with the Department of Local Government Finance. Kevin, do we need to make a motion to sign that? I'll make a motion to approve that petition.

Commissioner Crouch: Second.

President Mosby: So ordered. Is there any other discussion? Seeing none, that concludes our public hearing for our lease between Vanderburgh County and the Building Authority. Thank you, gentleman.

Dave Rector: Thank you.

President Mosby: Appreciate it.

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| Refunding of Bond Issues |
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President Mosby: Refunding of bond issues.

Commissioner Fanello: Yes, Commissioner Mosby. I've included in everyone's packet some correspondence from Mike Claytor of Crowe Chizek, who is our financial consultant on the jail bond project. Anytime a county goes out to re-issue, or to issue a bond they always look at their current issues, and see if there is any opportunity to refund those, and seek any savings on interest. So, there are two issues that they have recommended that we could go ahead and refund and see some savings on. I have the figures today, and we definitely don't have to vote on this today, but wanted to bring it before the board, we could take a week or so to think about it, but we do need to kind of give them a decision over the next couple of weeks. The first lease is the Vanderburgh County Redevelopment Authority Taxable Lease Bonds of 1995. They estimate that the net present value savings is \$93,719, and that is after all costs associated with the refunding, which comes out to be 6% of the par value. They do have a guideline, if you read the memo, that says that they only recommend if you are going to see a savings of 3% or more to even go forward with the refunding. The second one is the Vanderburgh County Special Tax Refunding Bonds of 1996. They are estimating that the net present value savings is \$190,172, and that is after all costs, which amounts to a 3.8% savings of par. So, I don't know if we're ready to take a vote on this today, but definitely wanted to get it on the table, because they would like an answer so that they can move forward and get the appropriate paperwork.

President Mosby: I mean, it's up to you—

Commissioner Fanello: Does anybody have any questions?

President Mosby: —if you want to give a week. Do you want to just take a week and look at it?

Commissioner Crouch: Has Council been, has this information been shared with them? Or do they play any role?

Commissioner Fanello: No. It's really...Michael gave it to me, and just said it's really a Commissioner decision, I guess, if we want to refund it. But, we can certainly forward it over to the Council. I don't think they really have a vote in it, but we can definitely send it over there.

Commissioner Crouch: I just remember when we refinanced the 1989 bonds, which would be that 1996, I believe Council had to approve and vote on the refunding.

Commissioner Fanello: They may have. He just sent me the information, and we can certainly send it over there, but I think we need to make a recommendation from this board how we feel about it. If they need to make a vote, that's definitely okay, so.

Commissioner Crouch: You know, I don't have a problem with, you know, advising them to move forward, and involving Council in whatever role they need to be involved in.

Commissioner Fanello: Okay, would you like to take a motion today to just make a recommendation to them?

Commissioner Crouch: Sure.

Commissioner Fanello: Okay. I'll make a motion to recommend to the County Council to refund the two issues that we just spoke about.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Then I'll see if there is any...I'll ask Mike exactly what paperwork needs to be done, and who needs to vote on what exactly.

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| Permission to Reserve Room at The Centre for PERF Benefits Seminar |
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President Mosby: Permission to reserve the room at the Centre for the Auditor. Bill, did you want to talk about that?

Bill Fluty: Yes. Last week we got a call from Indianapolis, and they're coming down the week, the first week of March. They will be out at USI on Thursday. They asked if we would also be interested in having them explain. I think you've got a packet with the topics they would be explaining to our employees about their retirement. The two rooms that we normally use, this room and the Council room aren't available for the 5th and the 7th, which is a Wednesday and a Friday. I called over at the Centre, and it is possible that we would have a room there available for our employees. I haven't worked out all the details yet, but if this is something you would like to offer.

Commissioner Fanello: I guess, I'm not sure why, why are we, why do we need to approve this?

President Mosby: I guess—

Bill Fluty: Well, I'm actually affecting, we'll be letting county employees walk across the street—

Commissioner Fanello: Oh.

Bill Fluty: –to actually look at their retirement benefits, and explain how retirement works for each one of those. I didn't think that would be my call.

President Mosby: I mean, if that's the only room available, I don't have a problem with it.

Bill Fluty: It can also be set up a different time, and we could use one of our rooms that are available. This one probably isn't big enough, it would probably be the Council room. I know this is short notice. So, we're not locked into anything, but I wanted to bring it up to you.

Commissioner Crouch: Is there a charge?

Bill Fluty: I did call. Sandie Aaron was out of town last week. In the past they have, those rooms have been no charge, but I haven't got that exact last week. She's supposed to be back today and call me.

Commissioner Fanello: Well, why don't we do this, maybe we, if you could first seek out and see if the City Council chambers is open, and if that's not available–

Bill Fluty: Not for the two–

President Mosby: Neither one of them are open.

Commissioner Fanello: I'm sorry. I missed that. Okay. I'll make a motion to approve, as long as we're not paying any money.

President Mosby: Preferably–

Commissioner Crouch: Second, as long as we aren't.

President Mosby: I have a motion and a second. So ordered.

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| Contract Renewal with DMG Maximus |
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President Mosby: Contract renewal for DMG Maximus. Did you have any comments that you wanted to make?

Bill Fluty: Then again, this is the contract we've signed for many years. It is exactly as it was in the last two years. Kevin has looked over it, and is in agreement with it. There is only one issue, there's an option for one year or two years. Or three years, I'm sorry. I'm asking you to–

Commissioner Fanello: What was the...I read through the contract last night, is it the same price as it was last year?

Bill Fluty: Yes, it is.

Commissioner Fanello: I couldn't find anything in there that said what the savings were if you signed a three year contract.

Bill Fluty: I think you'll just lock them in to that \$15,000–

Commissioner Fanello: Lock them into that price.

Bill Fluty: –rather than, and that’s probably a good thing.

Commissioner Fanello: Since this is an on-going contract, and I don’t really have any problem making a motion to approve it for three years, and lock them in at the price.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Severe Weather Awareness Week Proclamation |
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President Mosby: Next we have a Severe Weather Awareness Week proclamation.

Commissioner Crouch: How timely.

President Mosby: How timely, yeah. I believe everybody’s got this in their packet where, and I’m just going to read it real briefly, for the record;

“Whereas: Indiana is vulnerable to severe storms throughout the year; and whereas: spring in Indiana brings with it likely occurrence of severe thunderstorms and tornadoes; and whereas: tornadoes may develop, unexpectedly from any severe thunderstorm; and whereas: the month of March through June presents the highest risk for severe thunderstorms and tornadoes to strike Vanderburgh County; and whereas: Vanderburgh County is located within the nation’s “Tornado Belt”, becoming a prime target of devastating tornado outbreaks and other types of severe weather; and whereas: the statewide tornado warning exercise will be held on March 5, 2003 for the purpose of testing communication systems, equipment and procedures; and whereas: during this week the Evansville-Vanderburgh County Emergency Management Agency, in cooperation with the Disaster Resistant Community Corporation, is emphasizing it’s safety procedures involving tornado activity: Now, therefore, I, David Mosby, President, Vanderburgh County Commission, Vanderburgh County, Indiana, do hereby proclaim March 2-8, 2003 as “Severe Weather Awareness Week” in Vanderburgh County, and encourage all citizens to become aware of tornado danger signs, and to learn how to safeguard the lives of their families, friends and citizenry in the event of severe weather activity in our area.”

I guess, we just need a motion to accept the proclamation and declare March 2nd through 8th.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Public Comment |
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President Mosby: Is there any public comment?

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| Old Business |
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President Mosby: Old Business? I do have one thing that I want to bring up under Old Business. I don't know if this would have been under Old Business or New Business. There seems to have been two or three articles in the newspaper aimed at me over the last week or so for back two and a half years, or three years ago in the year 2000 that I accepted a donation from Mike's Towing, and I will not disagree with that. I did accept a donation from Mike's Towing. Mike used to be my cousin, and owned it back at one time, and sold it in '95. I'm very friendly, or friends with the people that own it now. I wanted to say as of Friday at noon I returned that donation. It has been returned to Mike's Towing. I told them that I would not feel comfortable in accepting their donation, and that I would like it returned, and they didn't really see any reason why, but I felt comfortable doing that. I was very happy to see that our Purchasing Director on t.v. did say that hind sight was 20/20, and he wished he would have negotiated in the city contract exactly what we're trying to get in the county contract. I can see one benefit if we, you know, are able to achieve our goal of re-bidding this, and we do get it in the county contract that Hamrick's Towing, if they are the operator, will be open from, I think it's 8:00 to 4:00 on Saturday, and 8:00 to 2:00 on Sunday. I guess, the good part about that is, the city people will now reap the benefit of that. Since they are being inconvenienced, you know, throughout every week, and people from out of town who probably get their only maybe, possible way of getting their car is on a weekend, are not being able to get them right now. I did see where Hamrick's said they would maybe try to work that out. I think that's in the best interest of this community. With all said, I just wanted to say that I returned the donation. The \$250 is now returned, and I hope that we will be able to get a contract that will be in the best interest of this community, and we will be able to move forward. Are there any comments?

Commissioner Fanello: I've got one small comment. I think that's very admirable of you, Commissioner Mosby, but I do think it's unfortunate that when we sit here and try to do good things for the public, that there is some correlation to lessen the importance of what we do for the public. I believe that your recommendation last week, I've heard nothing but good things about that recommendation. I've talked to several people that I've run into who really wouldn't understand why we wouldn't want it open seven days a week. So, I think it was a good recommendation. It should have been negotiated in the previous bid, but it was overlooked, and it was missed, and those things happen. That's why I've asked in the future that this Commission not approve any advertisements, for any bids, without the specs being in our packets, every Friday, so that we can review those specs to make sure that we are aware of everything that's going out, because, you know, it's impossible to be aware of almost everything that happens. We have a lot of big projects on our plate here. I do think that's admirable of you, and I have no problem doing the same thing, because I believe we accepted a joint donation, or a donation to our joint campaign. I have no problem returning that either, but I do think it's unfortunate, because it does lessen the importance of what we do here, when correlations like that are made, or insinuations like that are made about donations, because not once did I see a newspaper article about the donations that the Mayor has accepted. There has been a \$6,000 donation accepted on the, from a person on the baseball stadium committee, and a \$10,000 donation from someone on the sewage treatment plant project. So, does that lessen the importance of the those two projects in the Mayor's mind? I'm sure it does not. I think it's unfortunate that we

make correlations like that, and it lessens the importance of what we do. So, we're here to serve the public, and that towing contract has no economic gain or benefit for the county. It is purely a public service. So, I think it's important that we keep on track, and we do what's important for the public.

President Mosby: Any other comments? Kevin, I do have one comment that was brought to my attention again last night about the towing contract, and I'm glad Phil Lawrence is here. This is the third time it's been brought to my attention. Evidently Hamrick's, when they are towing cars in, and I want to make sure this is not in the county contract, they are adding a fee to the bottom of all these tow bills. They are towing, I guess, for a set price, whatever they bid the contract at, but down at the bottom of the bills they are putting a labor charge on people's bills, and they are calling it an environmental charge, or whatever. To me, I think, if I read the contract right, I mean, you agree to tow a car for a set fee, and you agree to store that car for a set fee. So, I'm trying to figure out how they are working around this to throw the extra charge. But, I had a boy that brought me his tow bill last night. He said I want you to look at this, and they are tacking on extra charges. I want to make sure that that don't happen in our contract. I mean, if they agree to tow for \$35, to me it's \$35. If they agree to store for \$5, they store for \$5, and they understand the consequences that come with, you know, towing or storing. I don't see how they are charging these people extra fees. I just want to make sure we don't do that.

Commissioner Crouch: I would presume the Auditor's office would be sure and watch the claims to that effect.

President Mosby: Well, but the Auditor's office don't see the claims—

Commissioner Fanello: Right.

President Mosby: —because—

Commissioner Fanello: They are to the public.

President Mosby: —these are personal people's cars. So, you go out to get your car, and all of a sudden you find out you've been charged \$42.50 instead of \$35.

Commissioner Crouch: Then they ought to bring it to this board's attention.

President Mosby: Well, that's what's happening right now. I think we've made too much publicity.

Commissioner Fanello: I, did every Commissioner—

President Mosby: I'm getting these calls everyday now. I've got three of them in my desk on there, that's on my desk right now.

Phil Lawrence: Phil Lawrence, Purchasing Director. I spoke with Hamrick about that. He said he's hauled in about 180 cars, and he's charged three people for that fee. That fee is a fee if, for instance you wreck your car, antifreeze, transmission fluid, all that kind of stuff spills out on his lot, then he has to clean it up, because you can't throw it in the storm sewer, and that's a fee that he's charging to clean that up.

President Mosby: Phil, I totally understand that, but you tell him that's a part of storing cars. Sorry.

Commissioner Fanello: I mean, if that's the case, then he needs to put that in his bid, that's he's going to charge a fee.

President Mosby: If he's going to do it, then I want it up front. I want the public to know, and I want to know that he's going to charge an extra \$7.50, because that changes his bid.

Commissioner Fanello: I mean, we will only accept the prices in that bid. If they are wanting to charge something extra, then they need to put it in the bid.

Phil Lawrence: Okay. Now—

President Mosby: I know out on the streets the Fire Department does it, so.

Phil Lawrence: Right. That's not the issue. The issue is inside of his yard. So, what we're saying is that if—

President Mosby: I'm saying if he tells you he's going to store a car for \$3, that's what he's going to store it for. Pure and simple, no additional charges. Write in there, no additional charges.

Phil Lawrence: Okay. That's fine.

President Mosby: I mean, that's just what I want to make sure of.

Phil Lawrence: The city is considering adding that in theirs.

President Mosby: Okay.

Phil Lawrence: I mean, that's a legitimate, in my mind that's a legitimate business expense, but, I mean, if you feel that's not, then we won't put it in there. It's no problem.

Commissioner Fanello: I mean, if that's the case, he needs to make it a part of his bid and say, you know, this is my fee, but this is the charge I'm going to add on to that for these situations.

Phil Lawrence: Okay.

Commissioner Fanello: He's needs to be very up front about it.

President Mosby: I guess, under storage if he wants to add a section, he's more than welcome to bid however he wants. You know, I just, I want his, I want the bid up front, so that when you're calculating the bid, that you can look at that and say, okay, he has bid \$10 a day for storage, plus an additional \$7.50 if we have a vehicle that has an sort of a transmission, oil leak, antifreeze leak, whatever it might be, gasoline.

Phil Lawrence: That's fine.

President Mosby: But if he wants to put that in his bid, it's fine, I just don't think people should be hit with this. You know, when they go out to pick up their vehicles.

Phil Lawrence: Right.

Kevin Winternheimer: Just as a point of clarification then, would it be better then to send out an addendum to the specs and tell them to, I don't know, I'm not an accountant, but to cost average that cost in. If they have one out of ten cars where they might charge \$7, and forgive my math, maybe instead of \$5 a day storage, it ought to be \$5.50, because, you know, knowing their business that they average it out, that one out of ten they are going to incur this cost. What I hate to see it, or maybe, I hate to say, what might be confusing if everybody bids \$5 a day, and then they bid, well, but if we have this fee, then we're going, or this cost then we're going to charge \$10 to clean up. Do you see what I'm saying? Just tell them to cost average that out in their bid, and put it in their storage fee. Do you see what I'm saying? To raise their average daily cost.

President Mosby: I see what you're saying.

Kevin Winternheimer: Because I've got a feeling that maybe that's what the other people are doing. They know the business, we don't. So, they, all these kind of costs and expenses that they incur, they include that in their price, and then he's trying to separate that out, and say, no, I'm going to separate that out and charge an additional price for that. It's just a suggestion, that if they are going to incur, they not separate that out, but figure that in on an average basis into their fees. A kind of thing then everybody pays for that average cost, because it's a cost they are going to incur, you know.

President Mosby: That's pretty much what I was saying a minute ago is, just include it in, and say there is no additional fees. But, I mean, if they want to go another round, I'm open to suggestions. I just want people to be aware.

Kevin Winternheimer: Yeah, so they are bidding apples and apples. When we're trying to analyze them, we're analyzing apples to apples.

Phil Lawrence: Right.

Kevin Winternheimer: Rather than these separate charges.

Phil Lawrence: That's not a problem. Can get it done.

President Mosby: Okay.

Phil Lawrence: Now, I do need to see that contract though.

President Mosby: Okay.

Phil Lawrence: Because I don't have anything on the airbag.

President Mosby: Okay. I will talk to you. I'll let you know, or I'll get with you. Any other Old Business? Any other comment? Any other Old Business?

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| New Business |
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President Mosby: Any New Business.

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| County Engineer |
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President Mosby: Department head reports, John. I see John here, County Engineer.

John Stoll: The paper that I just put in front of you is the counter offer we received on the Greer parcel on the Mt. Pleasant Road project. The Greer's have asked for \$12,500, instead of the \$5,650 that they were offered originally. I would like to request that that counter offer be rejected.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other item I've got is in regard to the request that was made last week for the guardrail at Old Boonville Highway and Burkhardt Road. Dennis and Mark Taylor and I met out there last week, and it looks like about 40' of guardrail would be what would be needed to protect what this lady is asking for. Basically, between the driveway and a traffic signal pole is what would be needed. It's right on the back of the curb. Dennis said his crews could install it. So, I would like to request that he be given authorization to go ahead and put the guardrail up.

President Mosby: No problem.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions for me. Thanks.

President Mosby: Sounds good. Thank you.

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| County Highway |
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President Mosby: Dennis Hudnall, County Garage. Good to see you could make it.

Dennis Hudnall: I've got a little rest coming up here. It's busy. First of all, I would like to inform you a little bit about the overtime budget, because we've used it extensively this week. We started out with \$50,000 in the overtime budget for, mainly, snow removal. As of January the 31st we had \$37,000 left in that budget, because of snow removal. On this particular snow removal we put 35 hours in, and we've used \$21,840. So, we've approximately got \$10,000 left in the overtime budget for snow removal. It's, if we don't get anymore snow, we're fine, but if we do, we might have to go back and ask for some more funds for snow removal. Do you have any—

President Mosby: Any questions of Dennis? I was going to say I was with Dennis for about four hours yesterday, and I want to commend you on the job you're doing.

I really appreciate the guys staying late last night, picking up secondary roads for this morning. It made traveling more safer. Dennis brought something to my attention a minute ago. It's not anything to be alarmed about, but I think there was a comment in the paper that we have plenty of salt on hand. We are down to about 700 ton. He called this morning trying to get delivery on 650. North American is out of salt. So, North American has assured us we will have salt Monday morning—

Dennis Hudnall: Yes.

President Mosby: —or Tuesday morning.

Dennis Hudnall: The first of next week.

President Mosby: They've got to get their shipment in, but we do have 700 ton, which is enough to go through another snow, if we get one yet this weekend. But, if you hear that North American's out of salt, and we lied, it's not true. We have salt, and we have 2,200 left, or 2,800, we tried for six this morning.

Dennis Hudnall: After this 600 ton, I'll have 2,200 ton left on it. So, we have—

President Mosby: We still have plenty of salt.

Dennis Hudnall: Yeah, and we have 700 tons left in the barn. So, if we did get another snow, and even though we didn't get this delivery, we can still, you know, do our jobs on the roads. If you go past that next snow, we probably can't. We did talk to the city, and they had ordered it, I don't know, I think he said this morning—

President Mosby: They did.

Dennis Hudnall: And I think they got the last that North American Salt Company had. So, they told me I could borrow some if I needed it, so.

President Mosby: Yeah, Kerry ordered 1,000 ton this morning. So, he got the last of it.

Commissioner Fanello: Well, if the weathermen are right it's supposed to be up in the high 40's, low 50's all week. So, hopefully, we won't get any snow.

President Mosby: I hope not.

Dennis Hudnall: With this heavy snow, we got a few mailboxes. I was talking to these two guys, and Eric said it was mailbox homicide, because we got his too.

President Mosby: I think we got his and the Sheriff's.

Eric Williams: I think it was on purpose.

Commissioner Fanello: Nothing personal, right?

President Mosby: Both mailboxes went down Sunday.

Dennis Hudnall: If you didn't have anything else, do you have any questions on the report? It's basically snow removal out at the Garage right now.

Commissioner Fanello: When you were talking about your money, it just made me think of something. Bill, we haven't received January's financial statement. Suzanne always gave us a monthly statement with the cash balances of each fund and everything, and I don't think I've seen one for January. You may have sent it through, but—

Bill Fluty: I believe it's been sent through.

Commissioner Fanello: Has it? I've misplaced it, or haven't seen it or something.

Bill Fluty: I'll check on it, but I believe it's been sent through.

Dennis Hudnall: I have one more question on the budget. You know, the salt, I looked on the budget and it says \$60,000 for salt, and I'm sure, I'm sure I spent over that getting 2,500 tons of it already, or a little half. I don't know how that works as far as the budget, but I need to review. I've got Carol right now reviewing that budget, and I'll let you all know exactly where we stand on that, but \$60,000 seems like this year might not be enough.

President Mosby: You might want to ask Joe if he carried any over. I don't know.

Dennis Hudnall: That's why I've got them calculating, so that I can get a dollar value on it. I don't know how much, if the carry over is there, then we probably will have enough.

President Mosby: I was going to say, I know we didn't use much last year, because when I talked to Ralph, we had only used like 500 or 600 tons, and we had quite a bit left in there. I'm just wondering if Joe carried that forward on a P.O.

Dennis Hudnall: Okay.

President Mosby: So, you might ask Joe. I know we've appropriated another \$60,000 this year, but—

Dennis Hudnall: Okay.

President Mosby: —if not, let us know and we'll get a request in.

Dennis Hudnall: As soon as I get that information, I'll send you all an e-mail on it.
President Mosby: Any other questions of Dennis? Thank you, Dennis.

Dennis Hudnall: Okay.

President Mosby: Tell them they did a good job.

Dennis Hudnall: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: No report today.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Burdette Park

President Mosby: Burdette Park, Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. Actually I don't have anything other than my work reports, unless you have some questions on what I've turned in.

Commissioner Fanello: I don't.

Steve Craig: Waiting for the weather to break.

President Mosby: Enjoy the snow.

Steve Craig: Thank you.

President Mosby: While Dennis is busy—

Commissioner Fanello: You can take a break.

President Mosby: Yeah.

SWCD & Ozone Officer Reports

Commissioner Fanello: I'll make a motion to approve the Soil and Water, and Ozone Officer's reports.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent Items?

Commissioner Fanello: I just have one question for Bill, before we approve the telephone one. I'm assuming you're needing to kind of move maybe someone around in your office, and I'm going to ask you, and I don't know if you have it in your budget, but our budget is very, very tight for telephone. Our telephone account is very tight this year, because the Council didn't give us any extra money, even though we have extra phone lines. So, do you have any money in your budget to cover this?

Bill Fluty: I don't have anything in a line item that would cover this. I mean, I have money in other, but I don't have a telephone line item. What we're doing is, Karen, who was in Bookkeeping, has moved into another position, and she's taking KRONOS with her. Dedicated line lets her dial into the PC, and also talk on the phone, which is what she can't do if we don't move. She can dial in, but then she

couldn't talk to that actual payroll person. We have over 700 people on KRONOS right now, and sometimes to get payroll in, if there is a problem, she needs to dial in and solve their problems quickly.

President Mosby: What's the cost on this?

Commissioner Fanello: It will be, it used to be, before when it was with VanAusdall and Farrar, which they don't do our service anymore—

President Mosby: Right.

Commissioner Fanello: —Cinergy does. It used to be \$85 for just a call, but I don't know what the total price would be. Would you mind if we find out what the total estimate would be, and maybe discuss it with you?

Bill Fluty: That would be fine.

President Mosby: How soon does it have to be done?

Commissioner Fanello: Yeah.

Bill Fluty: Well, she, we hired a new person in her position, so that desk isn't available for her to come back and sit in, where the dedicated line is now. So, she's off in her own office. So, but, if you need time to look at it, and be comfortable with it.

Commissioner Fanello: We could go ahead and maybe accept it contingent on just checking out the price, and see if maybe there is some way that you could fund it out of your own budget, but, if not, we can work something out.

Bill Fluty: That would be fine.

Commissioner Fanello: So, we could just go ahead and approve it contingent on—

Commissioner Crouch: Second.

President Mosby: Okay. So ordered. Is there any other business to come before the Commission?

Commissioner Fanello: We need to accept our Consent Items.

President Mosby: Oh. Motion to accept the Consent Items?

Commissioner Fanello: I have one question. Since Eric is here, and I didn't get a chance to talk to you about the Lieberman software contract. Which I don't have any problem with it, I understand what you're doing. Is there anyway we could increase the warranty days? Just a few?

Eric Williams: Sure, however you want to do it.

Commissioner Fanello: It seems to me like 120 may not be enough, maybe to run into all the problems, what about six months? Six months worth?

Eric Williams: Okay.

President Mosby: That was easy. Why aren't other people that easy.

Commissioner Fanello: Yeah, we need for you to come in here all the time. I'll make a motion to approve the Consent Items with the one change to the Lieberman contract, moving the warranty from 120 to 180 days.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other questions? Any other comments?

Commissioner Crouch: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered. We stand adjourned.

The meeting was adjourned at 10:45 a.m.

CONSENT ITEMS:

Travel Requests: Health Department

Employment Changes: County Council

Requests for Service: Auditor

Sheriff:

Weekly Jail and Community Corrections Reports.
Lieberman Software Services Contract.

Computer Services: Revision of Tax-Exempt Form 8038-G.

Recorder: Fidlar Doubleday Hardware Service Agreement.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winterheimer | Bill Fluty | Madelyn Grayson |
| Phil Lawrence | John Stoll | Dennis Hudnall |
| Eric Williams | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 24, 2003**

The Vanderburgh County Board of Commissioners met in session this 24th day of February, 2003 at 5:30 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for February 24, 2003. Roll call is as follows, Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Everybody please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of February 18, 2003 Commission Minutes

President Mosby: Thank you. Do I have a motion to approve the minutes of the prior meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Award APA014-2003: Traffic Paint

President Mosby: Okay, we want to do APA022-2003 first, right?

Phil Lawrence: Yeah.

President Mosby: That's what they tell me.

Phil Lawrence: I really appreciate that.

President Mosby: That's no problem.

Phil Lawrence: I e-mailed them to you, but just in case e-mail wasn't working, because twice it said it didn't work. So, I said, well I better just carry them just in case.

Commissioner Fanello: Thank you.

Phil Lawrence: A bid summary of what (Inaudible. Away from mike.)

Bill Fluty: Thanks.

Phil Lawrence: It's actually three separate, it's waterborne paint, and then there's glass spheres and white thermo-plastic, which they use for street signing and so forth. If you'll notice on here that Sherwin-Williams was the apparent low bidder for

all three. My recommendation is that we award them all to Sherwin-Williams, for a total of \$61,809.35.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Award APA022-2003: Computer and Copy Paper

Phil Lawrence: The second one is APA022-2003, computer and copy paper bid. Did you get it?

Commissioner Fanello: Uh-huh.

Phil Lawrence: For some reason the e-mail came back and said it was undeliverable. In previous years we've not accepted the low bidder here, because of the last page, which gives you their discounts, and how much they will charge us over the course of the year. This is the first year we've been fortunate enough that the low bidder also has the best price increase. Alpha Laser was the low bidder at \$67,603.08, and also guarantees their pricing for 120 days, has a maximum 3% bid increase for the entire year. Typically it's been 3% each quarter. So, this is one of the better deals we've seen for quite some time. My recommendation is that we award it to Alpha Laser for \$67,603.08.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Open Bids for VC025-2003: Burdette Park Pool Lining and Demolition

Phil Lawrence: Next is opening of the award.

Kevin Winternheimer: Any bids from the audience on the item bid? Seeing none. Let me make sure I've got the right....is this Burdette Park Pavilion Renovations?

Phil Lawrence: No.

Kevin Winternheimer: Okay. That was the first envelope I was given. I was wondering, but I didn't--

Phil Lawrence: Huh?

President Mosby: It should be pool linings.

Phil Lawrence: It's the pool linings.

Kevin Winternheimer: Yeah, well, we don't know until we get them back, I guess, what they are for.

Tammy McKinney: Did you grab the wrong stack?

Kevin Winternheimer: No. Okay, in any event, it was, the envelope was from J.E. Shekell, and it appears that everything is blank. They just sent it back, so, it's not even a bid anyway. But, we don't know until we open them up what they are, but the bid, all the bid items are blank. So, they didn't bid anyway, whatever it was. I guess, they are just sending them back to you. Okay, the first bidder is Deig Brothers Lumber and Construction Company, Inc. of Evansville. They did, apparently did not bid the base one bid for all work. They did not bid what they've referred to as "the work". They did not bid the gutter replacement or the pool lining installation, but what they did bid was the demolition of pool walls and deck, a separate item. Their price for that is \$89,880. Okay, and I may mispronounce the name, Nataré, N-a-t-a-r-e Corporation from Indianapolis, Indiana. Base bid number one for the work, they have a price of, this is, I guess, pool liners and gutters, \$466,150. For the gutter replacement, \$176,590. Pool lining installation, \$280,500. For demolition they did not bid. They have written no bid.

Tammy McKinney: (Inaudible. Mike not on.)

Kevin Winternheimer: I think I'll open this other one, I think it's some other paperwork. Do you want me to open this other envelope they sent. I think it's just more paperwork. Okay, the other envelope was a page, and it says a deduct for installation, personnel to be provided by Burdette Park as per an addendum.

Phil Lawrence: Yeah.

Kevin Winternheimer: Is that right, Phil?

Phil Lawrence: Yeah.

Kevin Winternheimer: Item number one is a deduct of \$11,700 from the total project bid. Item number two is a deduct of \$11,700 for the total bid for pool liners.

Phil Lawrence: Okay.

Kevin Winternheimer: We've got one more. The last bidder is Aquatic Renovation Systems, Inc. I'm looking for an address, their address is Indianapolis, Indiana. The all work, the total work, they did not bid. Under bid for gutter replacement they've got Olympic pool \$63,358. They have family pool, \$117,665. Then for pool linings installation, again, under the Olympic pool category, \$81,675. Under family pool, \$153,750. They did not bid the demolition part of it. Here they've got, they've written here, deduct \$5,000 for housing of work crews provided by Burdette. If that makes sense.

Phil Lawrence: Uh-huh.

Kevin Winternheimer: That's all the bids I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: A motion and a second to take bids under advisement, so ordered.

Phil Lawrence: I do have just one little thing. I've got the towing bids done, and I'll just drop them with Patty, and you can look at them and give me a shout real quick, so that we can get those big puppies out real quick. Okay. Thank you.

**Judge Niemeier: Detention and Residential Services Agreement:
Southwest Indiana Regional Youth Village**

President Mosby: Next we have Judge Niemeier. Oh, there he is.

Madelyn Grayson: Judge, can we have one for the record please? Do you have an extra?

Brett Niemeier: Okay, I believe I previously asked the Commissioners to take a look to see whether or not you would approve a contract with Southwestern Indiana Regional Youth Village. That contract that you are looking at was for the year 2002, and surprise, surprise, we're in 2003. So, what I just handed you was a new contract for 2003. The only changes, as one can imagine, would be that costs have gone up. So, if you look at page eight, under section 6.1, compensation, sub-paragraph A, those are new numbers from what you originally had received in the 2002 contract.

Commissioner Fanello: It doesn't look like there's that big of a difference though.

Brett Niemeier: I'm sorry?

Commissioner Fanello: It doesn't look like there's that huge of a difference.

Brett Niemeier: No, as a matter of fact, I think the secured detention stayed the same.

President Mosby: It did. Are there any questions?

Commissioner Crouch: Judge, this is a new contract, right?

Brett Niemeier: Yes.

Commissioner Crouch: We've not signed in the past?

Brett Niemeier: Yeah, currently we do not have a contract with Southwest.

Commissioner Crouch: We spoke today, so, I'm just, you know, curious if anything has changed. The reason we are signing this now is that you discovered that we could actually, if we entered into a contract, then we could get a—

Brett Niemeier: Cut our per diem rate.

Commissioner Crouch: Cut our per diem rate.

Brett Niemeier: Yes. Yeah, and Commissioner Fanello had requested for me to compute the cost savings if, in fact, we had had this contract for the entire year of 2002. I asked T.J. Brink, he is the Admissions Manager at Southwest, and he was kind enough to do that calculation. If we would have had a contract in 2002, we would have saved the county \$25,889.75.

Commissioner Crouch: And we didn't have the contract because—

Brett Niemeier: We've never had a contract with Southwest.

Commissioner Crouch: The reason I ask is as we spoke today, I told you that I remembered that this gentleman had appeared before this Commission back, I believe in, I don't know if it was July or August of 2001, and I went back and then got on the Internet and checked the minutes after we spoke, and he did, in fact, come and he presented information, and asked that we enter into a contract and become a contracting county with their facility, and that we would receive a reduced rate.

Brett Niemeier: Uh-huh.

Commissioner Crouch: We never did that. So, I kind of look at it that we probably could have saved \$26,000 if we had gone ahead and followed through back when it was first presented to us. So, I think, you know, certainly we need to enter into this and accept it. There aren't any guarantees, or we don't have to do minimums, or—

Brett Niemeier: Exactly. Years ago that was the problem why the county did not enter into a contract with Southwest, because they wanted us to guarantee so many beds and so much money per month. Judge Lensing, and I think the Commissioners decided at that time that was not prudent for the county to do. Why, you know, we didn't do that in 2002, I don't, I don't honestly remember why it wasn't suggested at that time. Or why it wasn't followed through on.

Commissioner Crouch: Well, I think it's a great opportunity for us to cut our costs.

President Mosby: Any other questions?

Commissioner Fanello: I would make a motion to approve the contract.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the contract with South Indiana Regional Youth Village. So ordered.

Brett Niemeier: Okay, and I would also suggest that we enter into a contract with the Youth Care Center, as soon as we can get that established. Because I think it's very important that everyone understands their responsibilities and their liabilities when it comes, whenever we're using these detention centers, so that we don't have possible litigation in the future if something unforeseen happens. So, I would ask that the Commissioners consider entering into a contract with the Youth Care Center.

Commissioner Crouch: I commend you, Judge, because I know in the past there haven't always been contracts. There are a lot of questions that have arisen. So, I, you know, commend you for moving forward in this direction.

Brett Niemeier: Okay. Anything else? Thank you.

Commissioner Fanello: Thanks, Judge.

President Mosby: Thank you.

Jail Project: Environmental Report

President Mosby: Next we have the jail project, environmental report. I don't believe Rick's here, is he?

Commissioner Fanello: What?

President Mosby: Is there anybody from EMC?

Commissioner Fanello: I don't think so. Outside? We may have somebody outside. Can you check and see if somebody from EMC is outside?

President Mosby: Nobody? Okay. Who put this on? Well, if there's nobody here, I guess, from EMC, but did you get a copy.

Commissioner Crouch: I did. It's kind of foreign.

President Mosby: Yeah, well, that's kind of what I thought.

Commissioner Crouch: I did see the ND—

Commissioner Fanello: Non-detectable.

Commissioner Crouch: —which that means non-detectable.

President Mosby: I was going to say, the only thing I can really tell you is that in talking to EMC that they said they did the four holes, ten feet north, west, south, and east of the center hole, and they went 16' down, and they did a visual all the way down in the snow, all the way down. They sent the test off to the labs, and everything came back non-detectable. So—

Commissioner Crouch: That's good news. It's kind of, I guess, it's kind of like the insurance we pay on our homes for fire that never happens, hopefully. It's \$3,500 insurance for a \$35 million project. So, that's good news.

President Mosby: So, anyhow. Do we need a motion to accept the report—

Kevin Winterheimer: No.

President Mosby: —or anything like that?

GIS Drop in Commission Chambers

President Mosby: Next GIS drop in the Commission chambers. I really think this is for the Council chambers, right?

Commissioner Fanello: No, this is for this chambers right here.

President Mosby: It's for the Commissioners?

Commissioner Fanello: They asked our permission, and we included it on the agenda, because they just sent it up for somebody to approve, and I thought the whole board should approve it. I make a motion to approve the GIS drop.

President Mosby: There's no cost to us?

Commissioner Crouch: Second.

Commissioner Fanello: No, they are paying for it.

President Mosby: I was going to say, it's no cost to us. I have a motion and a second. So ordered.

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| <p style="text-align: center;">Teamsters Union Contract (County Highway, The Centre, Burdette Park, Old Courthouse)</p> |
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President Mosby: Commissioners, union contract. Has everybody had a chance to read that?

Commissioner Crouch: Yeah, there's just one little change, I believe. I had asked the Council to take a look at the job classifications and the salary, and you all would probably know this more than I would, they indicated that on page 29, do you have—

Commissioner Fanello: I don't know if I have mine.

President Mosby: I had mine. I didn't have mine in the packet.

Commissioner Fanello: No, we had it in our packet last week.

Commissioner Crouch: It was in last week's. On page 29 where it says Superintendent of County Buildings, there's a carpenter, and then they said we need to include the maintenance position at \$14.7796. That wasn't included in the contract. If that is the case—

Commissioner Fanello: It should be included in there. Our maintenance person at the Old Courthouse.

President Mosby: I think it was just left off.

Commissioner Fanello: Yeah.

Commissioner Crouch: Yeah.

President Mosby: Yeah.

Commissioner Fanello: We could just, we could approve it with that amendment.

President Mosby: Yeah, I mean, it's got to be in there, because it's definitely a union position.

Commissioner Crouch: Yeah.

Commissioner Fanello: I'll make a motion to approve the union contracts with an amendment to include the maintenance worker at the Old Courthouse.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve union contract. This is a contract with the Garage, the Centre, Burdette, and the Old Courthouse. This is not the Sheriff's Department contract.

Commissioner Crouch: For three years.

President Mosby: This is a three year contract, starting retroactive to January 1, 2003. A motion and a second. So ordered.

Public Comment

President Mosby: Is there any public comment?

Roger Madden: Roger Madden, Fathers United. As I've been telling you for about the last 13 years, the problems with the need for a visitation enforcement officer. If you heard in the news about the two weeks ago about the false memories that Bugs Bunny was mugging kids at Disneyland. Well, for one, Bugs isn't at Disneyland, so, that means it couldn't happen. For two, it's false memories. For three, that's what fathers have been fighting for about 40 years. So, without the equal protection of having a visitation enforcement officer to counter the gestapo tactics of the Child Support office, that's the kind of problems we have. Just heard an advertisement today for First Steps for kids with emotional, physical, etcetera, developmental problems. Well, if you've got both parents in there, you can prevent a lot of that from ever happening. Prevention is a whole lot cheaper than correction. The same thing I've been telling the jail planning committee for the last five years. As I told you about Hibbs versus Nevada, and the discrimination etcetera, etcetera, I guess, our U.S. Supreme Court is starting to lean a little more towards equal protection of everybody, because I just got docketed in the U.S. Supreme Court. So, maybe the 77% denied visitation rate will go away. Maybe we can increase our child support payments by about 40% or 50%. Maybe we'll start taking care of the kids, instead of using them as political fodder. Any questions?

President Mosby: Thank you. Is there any other public comment?

Old Business

President Mosby: Any Old Business? I know Judy is with us tonight. Judy, did you want to—

Judy Weatherholt: I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission. Hopefully, you all have a copy of the public hearing notice. This is on the Jobe's Lane project. We need to have a second hearing on that project. This will need to be published, and I need an approval from you all to go ahead and publish this second notice.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second for public notice. So ordered.

Judy Weatherholt: Okay.

Madelyn Grayson: Judy, is that something that we will take care of advertising?

Judy Weatherholt: I think it comes through your office, doesn't it, Commissioner?

President Mosby: Yeah, I would think.

Judy Weatherholt: I think that's what...did we handle, whoever handled it the last time.

Madelyn Grayson: I'll take care of that then.

Judy Weatherholt: Okay.

President Mosby: I was going to say, I'll have Tammy get with her.

Judy Weatherholt: Okay.

President Mosby: Okay. Is there any other Old Business?

New Business

President Mosby: Any New Business? Seeing none.

County Engineer

President Mosby: Department head reports. John Stoll is out of town. I don't believe he'll be here tonight.

County Highway

President Mosby: County Highway, Dennis. I didn't know if he was awake. I thought he might be home.

Dennis Hudnall: Dennis Hudnall, County Highway. Good evening. First of all I want to inform you that I did send the paperwork in asking for a \$25,000 appropriation for union overtime, because it's getting kind of critically low at this point, because of all the snow. So, if you need a copy of that, I would be glad to provide it for you, the transfer. Another thing is it's pothole season, because right after the snow removal, I guess, we'll move right into potholes. If we could, you know, advertise if anybody has, throughout the county, a pothole that we can log in, so we can go out and get them, because we've been getting an enormous amount of calls on them. We've been trying to take care of all of them in between the snowfalls. There's a piece of equipment that I have solicited some prices on that we need for these potholes. It's a small roller. I got three bids on this. It's a used piece of equipment. I didn't want a new piece. We have a roller out there now that's 12 years old, and it's in the maintenance shop more than I have it on the road. I have those three bids, and it's under \$10,000. So, am I right in soliciting the three bids, instead of opening the bid?

Kevin Winternheimer: That's fine.

Dennis Hudnall: Okay.

Kevin Winternheimer: You would need to read them into the record of what you got, who they're from (Inaudible. Mike not on.)

Dennis Hudnall: Did you say I need to read them into the record?

Kevin Winternheimer: Yeah, we ought to put them in the minutes.

President Mosby: Go ahead and read the name of the company and the prices quoted, just so we'll get it on the record.

Dennis Hudnall: Okay, National Equipment Service was \$12,490. Southeastern Equipment Company, Incorporated was \$8,750. Caterpillar Rental Store was \$7,632, which is the low bid. I've reviewed this piece of equipment, and it's satisfactory. The mechanics have checked it out. So, I would recommend the low bid on it.

Commissioner Fanello: And you have money in your budget?

Dennis Hudnall: Yes.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: And I'll second it. Just a question, I see here on Southeastern that they had a one year extended warranty that was available. Does this piece of equipment that you are recommending, does it have any kind of a warranty that also could be available for an additional amount of money?

Dennis Hudnall: That I can't answer. I don't, I asked them, the spec was I needed, I didn't want to buy a new piece of equipment because of budget constraints. A new piece of equipment is around \$20,000. So, I've asked them all to bid on something with 200 hours or less that was on the equipment. They were supposed to do that. The warranty, that wasn't a part of it, but it's a good question, I mean.

Commissioner Crouch: You might check.

Dennis Hudnall: Yes.

Commissioner Crouch: And did I second? Okay.

President Mosby: I have a motion and a second to accept the bid from Cat Rental Store for \$7,632. I guess, Dennis, too you might ask Cat if they have any kind of warranty.

Dennis Hudnall: I'll do that.

President Mosby: Since we can do this for a one year extended.

Dennis Hudnall: Okay.

President Mosby: So ordered.

Dennis Hudnall: The only other thing I have is do you have any questions on my report that I sent you. I hope you all...it's lots of snow and potholes. That's basically it.

President Mosby: I don't really have any questions.

Commissioner Fanello: I have a question, it's not about the report, but have we set a date for our road hearing yet? I can't remember if we did that at the beginning of the year.

President Mosby: I don't think so.

Commissioner Fanello: Do we want to do that since we're going to go ahead, that's usually when we—

Commissioner Crouch: (Inaudible. Mike not on.)

Commissioner Fanello: We do set, usually about the beginning or middle of March, I think. So, we might set it for, since you're so busy right now, we might, we might move it later in the month. Because you have so many things going on.

Dennis Hudnall: We have a potential list—

Commissioner Fanello: Okay.

Dennis Hudnall: —constructed, and we'll have to advertise, I guess, if anyone else has anything.

Commissioner Fanello: Maybe March 17th.

President Mosby: Well, since that's zoning, I was thinking the 24th.

Commissioner Fanello: Okay.

President Mosby: March 24th.

Commissioner Fanello: That's fine. I'll move approval—

President Mosby: The 17th will be third Monday.

Commissioner Fanello: —of the road hearing for March 24th.

Commissioner Crouch: Second.

President Mosby: So ordered on the road hearing.

Madelyn Grayson: We do need to advertise that don't we?

Kevin Winterheimer: Go ahead and advertise it, yeah.

Dennis Hudnall: That's all I have.

President Mosby: Is there any other questions of Dennis? Did you hear back from North American today?

Dennis Hudnall: No, not yet, but we're hoping in the morning early that we get some trucks rolling in there. We'll keep you posted on the situation.

President Mosby: Okay.

Dennis Hudnall: So, hopefully, they'll show up in the morning with salt.

President Mosby: Hopefully, you don't need it then.

Dennis Hudnall: Yeah.

Commissioner Fanello: We've got two more snows coming, I think. Tuesday, and Sunday, I think.

Commissioner Crouch: (Inaudible) good job.

Commissioner Fanello: Yes.

Dennis Hudnall: Well, thank you. Thank you. The guys out at the Garage appreciate that, because—

President Mosby: Don't pay any attention to the—

Dennis Hudnall: —they've put some long hours in. Beg your pardon?

President Mosby: Don't pay any attention to the letter to the editor.

Dennis Hudnall: We already read it. Everyone out there read it. We just try that much harder.

President Mosby: No problem. You did do a great job. Thank, Dennis.

Dennis Hudnall: Thank you. Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winterheimer: I just have one brief, quick matter. A couple of weeks ago Commissioner Crouch asked me to contact SMG, Sandie Aaron, about whether they had any insurance to cover a matter if we were sued by the Toughman people. She called me, and I was in a meeting here, Tuesday morning, I believe, this Tuesday, and she left it on my answering machine. In any event, her response was, no, they do not have any insurance coverage for that kind of thing. My, I did not call her back, or ask for any further explanation. I assume that probably the matter is one of a contractual nature, and usually you don't carry insurance for contractual type matters. I assume that was the response of her insurance company. I did not get back further, but that was her report, that they did not have any insurance coverage for that. That's all I have to report.

President Mosby: Any questions?

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report.

Burdette Park

President Mosby: Burdette Park

Steve Craig: Steve Craig, Manager of Burdette. I got our work reports, and then I do want to get a copy of those bids, so that we can go over those. For the pool lining.

Tammy McKinney: Phil Lawrence has those.

Steve Craig: Did he take them with him already? Did you copy them by any chance? Okay. I want to get on that, because we don't have much time, or leeway to do it, and I would like to get a hold of them. Other than that, that's all the business that I have.

President Mosby: I was going to say, contact Phil in the morning and see if we can get a copy and that, so we can go through them.

Commissioner Fanello: We'll get them in the morning.

President Mosby: Any questions of Steve? Thank you, Steve. We'll get you a copy of them.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Is anybody here from Soil and Water?

Commissioner Fanello: I don't think I saw anybody. I'll move that we accept the Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: A motion and a second, so ordered.

Consent Items

President Mosby: Consent Items. Any questions?

Commissioner Fanello: I'll move approval of the Consent Items.

President Mosby: A motion and a second on the Consent Items. So ordered.¹

¹Consent Items listed on Page 20.

**VANDERBURGH COUNTY
REZONING BOARD
FEBRUARY 24, 2003**

The Vanderburgh County Rezoning meeting for February 24, 2003 was held as part of the regular Commission meeting. The rezoning portion of the meeting began at 6:05 p.m.

President Mosby: Which brings us to rezonings.

**First Readings: VC-8-2003
Petitioner: Moore Investments LLC
Address: 800 Schutte Road
Request: Ag Change to R-3**

President Mosby: First reading we have one rezoning, VC-8-2003, petitioner, Moore Investments LLC, 800 Schutte Road, request change from Ag to R-3. Do I have a motion to accept?

Commissioner Fanello: Motion to accept first reading.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Second Readings: VC-1-2003
Petitioner: Jeffrey G. and Jennifer L. Korb
Address: 7920 Hogue Road
Request: Parcel A: Ag Change to R-1
Parcel B & C: R-1 to R-3
Action: Approved 3-0**

President Mosby: Final reading, VC-1-2003, petitioner, Jeffrey Korb and Jennifer Korb, address, 7920 Hogue Road. Parcel A change from Ag to R-1. Parcel B and C, change from R-1 to R-3.

Kevin Winterheimer: Just in time.

Jerry Atkinson: Just in time. Good evening, my name is Jerry Atkinson. I represent the petitioner, Jeffrey Korb and his wife, Jennifer, and Haas Development, Inc., with regard to the rezoning of a small parcel of real estate to R-1, and a larger parcel of real estate to R-3 for condominiums off Hogue Road on the west side of Evansville. There is already some existing R-1 present, and the function of the rezoning is to change the land use so that there will be approximately 20 acres of R-1 land that will support the construction of single family residences that are like the residences across the road in Heartland Ridge. They will sell for approximately \$220,000, on up. Access will be to Hogue Road, immediately south of the entrance of Heartland Ridge. The R-3 area is proposed for use for up to 20 condominium buildings, with not more than four units per building, and not bigger than 8,000 square feet, with some of those condominium buildings being for two units, and some being for four units. The current conceptual plan consists of 14 buildings, ten of which are four unit buildings, and four of which are two unit buildings, for a total of 48 units. However,

as the development is designed, there may be an opportunity to add an additional building, or to change a four unit building to a two, or vice versa, depending on the terrain. That's the reason for the use and development commitment being slightly larger than what they are currently planning. All of these will be single story. This is, if you will, a condominium development adjacent to Wolfe Creek Condominiums which were approved by the County Commissioners before. The R-1 area will access Hogue Road by an entrance right here. The R-3 area will access Wolfe Creek Court, which is the area the...I'm sorry, Wolfe Creek Condominiums are currently under construction. There will be an extension of that road. The value of connecting the roadway will be to give both the residential area, and the condominium area access to either Hogue Road or Eickhoff Road, and reduce traffic density on both roads. When the new Eickhoff extension is completed, the existing Eickhoff Road will, in effect be a frontage road, and there will be very little traffic on Eickhoff Road. This is, if you will, an identifiable development in the sense that Heartland Ridge already has houses that you can tell that will be, I'm sorry, exemplary of what will be constructed. These are the photographs of some homes that exist across the road in Heartland Ridge. Likewise, you can also see what the development will be with regard to Wolfe Creek. There are some condominiums that are under construction currently. Some of them have been sold already. The developer intends that the development will be consistent with that that's already under construction. I have some photographs of typical, if you will, condominium dwelling buildings that will be the type of building that is going to be constructed on the area being rezoned R-3. I also have taken some photographs of the Hogue Road area that shows where the R-1 land would be, and also looking into the trees that exist on where the R-3 rezoning is sought. The Haas family came here a year or so ago, and they asked for some land to be rezoned so that they could build condominiums. They had no intention of coming back to you and saying, gee, we want to do some more condominiums. The neighbors were up in arms. They fought. They battled. They remonstrated. They objected. You had faith enough in the folks, the Haas family, to vote for approval of that rezoning. The leader, if you will, of that remonstrations was comfortable enough at the quality of the construction, and the class of the development that he has agreed to sell land that he bought to block further development by the Haas family, to the Haas family so they could do additional development of additional condominiums. What the Haas family has done is to create a buffer strip, as a result of an agreement with Mr. and Mrs. Korb, 50' wide between the end of Keywest Subdivision, that will remain a wilderness strip 50' wide, and the Korb's have agreed to give Haas Development, Inc. and their successors in interest, a permanent easement to permit trees to remain. Either party can add trees. Either party can remove trash, but it will remain a, if you will, a wilderness area. Also, in green, marked on this diagram will be areas that the developer intends to have a tree line for visual screening to prevent anybody else from being impacted by looking at a condominium development. When in 2000 the Haas family was here before you asking to approve their rezoning petition so that there could be development of the first group of condominiums, they were fighting against the allegation that it would take 12' of fill to be able to put houses there. That they would all flood. There were a lot of issues. We told you that there would not be flooding. That the FEMA map needed to be amended. It was amended. There was not flooding. That the condos would be nice. They're nice. They are very nice. They sell from \$160,000 to \$200,000. We invited people to come out to one of the condos for an opportunity to see one, and to share their concerns, and the neighbors did not show that night. In fact, there was very little or no discussion at the Area Plan Commission. This is a good project. It's a residential area. It's compatible. There is really no reason for this development not to be where it is, at it intended to be. The Haas family, if you will, did everything that they told you that they would do,

and more. They are back, and they have an opportunity to do yet another condominium project in the neighborhood, and would ask that you vote in favor of their petition. The one concern that neighbors have advanced to be aware of is that, again, there not be a use of these condominiums for student housing. We handled that by a private covenant, in which, excuse me, the developer agreed to establish rules and regulations for the condominium association to be formed pursuant to a horizontal property regime for the condominium project, that provided that no condominium unit may be sold to, rented to, or occupied by individuals who are either full time or part time college students, with the exception of part time married students over the age of 35, or students who physically reside with their parents in the condominium unit. We provided also that the condominium owners association has the right to eject or evict any individuals not in compliance with all of the rules and regulations, pursuant to appropriate legal proceedings. We did that. We put it in the horizontal property regime. We put it in the rules and regulations. I'm sorry, in the restrictions, and we will do that again. We have prepared a private covenant that is enforceable by members of, I'm sorry, owners of land located in the 300 block of Keywest Drive, that obligates the developer to impose those restrictions upon the condominium units. That will be executed and recorded as it was before. We will also be creating a private, I'm sorry, not a private, but a perpetual easement executed by Mr. and Mrs. Korb, and by Haas Development, Inc., which will permit the on-going maintenance of the 50' buffer strip. If you have any questions, Mr. Korb is here, some members of the Haas family are here, the engineer is here, Mr. Keith Poff, and we will try to answer any questions you may have.

President Mosby: Are there any questions by any member of the Commission? Seeing none. Is there any remonstrators that would like to speak?

Fred Padget: Good evening. I'm Fred Pagdet, and I represent the West Side Improvement Association. I'm not really here to remonstrate. I think the Haas group does good work. The condominiums out there, that are there now are, I think, an asset to the area. One of the things, we were down here a couple of years ago, and it was discussed some that something that the west side needed was some condominiums, and those type of homes. So, overall we're not opposed to the project. We think it's a good project. I wanted to talk about one specific thing. I visited the area out there before the Area Planning meeting, which was on February 5th, and on the area, which going down Hogue on the south side, there had been quite a bit of land disturbance, earth disturbance. I met Mr. Haas out there, we talked about that. We talked about several other things, ingress and egress, and all of that. Those areas are, I think, quite well resolved. The area where we had the earth disturbance, he told me that they had put in some water lines, and did some other earth work, and that was the reason for it. I asked if there was an erosion control plan, there was not, at that point. There was no erosion control practices being, in place, at that point. There may be some misunderstanding, or some interpretation of the regulations, but the way I understand it....well, first of all, I brought this up with, at the Area Planning Commission, and at least one of the Commissioners agreed, agrees with what I talked about, and what I said. Part of it comes about because we have what we call Rule Five, and that applies to earth disturbance of areas five acres and over. But, if you have an earth disturbance of less than five acres that is part of a project greater than five acres, erosion control plans are still required, in that case. I felt this fell in that area, and should have an erosion control plan, even back then. I checked with, I went out there Sunday, there is still no erosion control practices in that area, at least that I could determine. I talked with the Soil and Water Conservation District today, and there's not an erosion control plan on file, as of today. With spring, anytime, erosion control can

be a problem, and we think, in this area, it's something that we take very seriously, and we think it's something that we need to do something about, and want to watch over. The Soil and Water Conservation representative that I talked to today said he had requested an erosion control plan. As I say, as of today they have not had it. I think, and I would ask the Commission to, before you vote for this have a discussion with Mr. Atkinson, the lawyer, or the Haas family as to what they intend to do with erosion control, and when we intend to get an erosion control plan filed with the Soil and Water Conservation District. I'm not representing Soil and Water, I'm here representing West Side Improvement, but it's, that's where the regulations fall. So, other than that, I think it can be a great project. I think it can be an asset to the west side. We just want it done right. 95% of what I've seen out there is right, but we want it to be 100%. That's our concern tonight. So, thank you for listening to me.

President Mosby: Thank you. Any questions by any member of the Commission? Jerry, would you like to speak to that?

Jerry Atkinson: If I may. We were up here a couple of weeks ago, and visited with the Area Plan Commission, and Mr. Jeffers spoke eloquently about the absence of erosion control with regard to a cut in a water line, I think sometime last year, across a part of the R-1 land. Since that time we've had a little snow, and we've had a little ice. They have, in fact, addressed some of the issues, but it's going to be so muddy that doing some immediate work out there is going to have to wait for a week or two, I would imagine. Keith Poff has interacted with the Soil Conservation folks. He is doing exactly what they told him to do in the order that he must follow to properly present the erosion control plan. As I understand it, he's already issued, he's already done the public notice part of it, and is moving forward aggressively to put erosion control in place with regard to that. A part of the issue is that not everybody understands that Rule Five requires land that's smaller than five acres to be dealt with, if it's being used for an agricultural purpose. Last year they had crops in there. This year they did not plant winter wheat, and that's why we wind up with a visible erosion issue. That will be addressed in short order. Like the remonstrator representative of the West Side Improvement Association, we too would like to see 100%, and that's the direction we're headed. I did fail to mention to you that this is a condominium project that will be marketed to older, mature adults. All of the sales, that I'm aware of, the condominiums that have been sold in the Wolfe Creek project have been to people who are of retirement age. So, we're not a big negative impact on the community. They don't make a lot of noise. Mr. Poff, would you like to tell them about that?

Keith Poff: I'm Keith Poff of Sitecon, Incorporated. I talked to Mike Wathen, and he did ask that I not provide a plan prior to having our public notice published, as well as having the notice of intent letter with the state. We have sent to the Courier, and I believe they've already published that. I'm awaiting that certification, so that I can complete the notice of intent letter. Once the notice of intent letter is complete, then our plan can be packaged up and sent to the local authorities. He asked me to do that plan in the proper order, because he wants this plan to address not only the efforts they've done previously, but what will be the future project, which includes the anticipated residential subdivision, as well as a condominium site.

Commissioner Crouch: What's your time line on that? When are you expecting to have that erosion control plan on file?

Keith Poff: Once we receive that certification of the publication, then I can have the NOI sent off the same day, and I expect to have the plan, probably, Thursday of this week. We are awaiting an insertion for that plan.

Commissioner Crouch: And, would that satisfy your concern?

Fred Padget: We would have preferred it been done earlier, but at this point (Inaudible. Not at mike.)

President Mosby: Any other questions by any member of Council? Any other remonstrators or anyone willing or wanting to speak to 7920 Hogue Road? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-1-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion to adopt VC-1-2003, and call the roll. This has to be a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three ayes, no nays, VC-1-2003 is hereby declared adopted.

Jerry Atkinson: Thank you very much.

President Mosby: All your stuff is up here, if you want this.

Madelyn Grayson: Jerry, can I just keep that stuff for the record? Or do you need that back?

Jerry Atkinson: That should stay with the record, as I understand it.

Madelyn Grayson: I'll just take all that with me then. I'll get a bigger filing cabinet.

Commissioner Fanello: You've got a big filing cabinet.

President Mosby: No, Jerry, she wants it. Yes, she's trying to get it over here.

Madelyn Grayson: I've got the big filing cabinet.

President Mosby: Is there anybody else that would like to speak regarding rezonings or any other business? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to adjourn.

President Mosby: I have a motion—

Commissioner Crouch: Second.

President Mosby: –and a second. So ordered. We stand adjourned.

(The meeting was adjourned at 6:27 p.m.)

CONSENT ITEMS:

Travel Requests: Superintendent of Buildings

Employment Changes:

| | | |
|--------------------|----------------|---------------|
| County Highway | The Centre | Burdette Park |
| Sheriff Department | County Council | |

Requests for Service: Veterans Service

Sheriff: Weekly Jail and Community Corrections Reports.

County Clerk: Monthly report for November 2002.

Commissioners: Letter of support for Sheriff's program.

Those in Attendance:

| | | |
|---------------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Brett Niemeier |
| Roger Madden | Judy Weatherholt | Dennis Hudnall |
| Steve Craig | Jerry Atkinson | Fred Padget |
| Keith Poff | Others Unidentified | Members of Media |

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 3, 2003**

The Vanderburgh County Board of Commissioners met in session this 3rd day of March, 2003 at 5:30 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for March 3, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Kevin Winterheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of February 24, 2003 Commission and Rezoning Minutes

President Mosby: Thank you. Do I have a motion to approve the minutes of the prior meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Award of Bid VC025-2003: Burdette Park Pool Lining and Demolition

President Mosby: Bid advertisements and openings, Phil Lawrence. First we will do VC, award VC025-2003.

Kevin Winterheimer: And that is the renovation, pavilion renovation, right?

President Mosby: That's the pool lining.

Phil Lawrence: No, that's the pool lining. That's, we're going to award this one first, and then—

President Mosby: We're going to award this one first, and then we'll do the openings.

Phil Lawrence: I e-mailed you all this. (Inaudible. Away from microphone.) You can see as the base bid number one, all the work, Natare Corporation bid \$466,150. Their breakdown is below that. Reno-Systems bid \$416,488. The breakdown, gutter replacement and pool lining installations is underneath that. No one else but Deig Brothers bid on the demolition of the pool walls and deck. That was at \$89,880. Our recommendation is to award to the low bidders, which is Reno-Systems for the gutter replacement and pool linings installation, and for Deig Brothers for demolition of pool walls and deck.

President Mosby: Are there any questions by any member of Council?

Kevin Winternheimer: There may be somebody that wants to speak.

President Mosby: Yes. Anybody in the audience that would like to speak?

Scott Webb: I have an objection. (Inaudible. Not at mike.)

President Mosby: Yes, if you would, please come to the mike and state your name.

Scott Webb: My name is Scott Webb, and I am a taxpayer in Vanderburgh County. I object to the award on the grounds that, essentially, at the beginning, there were no formal plans for this project. Secondly, even if there are formal plans for the project, they were neither approved or designed by a licensed architect or a licensed engineer. So, those are the basis for my objections.

President Mosby: Okay. Are there questions by any member of Council? Or Commission?

Kevin Winternheimer: I think Phil wants to respond.

Phil Lawrence: We have—

President Mosby: I was going to say—

Phil Lawrence: —John Stoll, the County Engineer, also had participation in this whole project. Viewed the specs, and he's a licensed engineer. So, I don't think that that's a valid complaint

Kevin Winternheimer: I'm sorry.

Commissioner Fanello: Oh—

Kevin Winternheimer: There, I'm sorry, there were formal plans, weren't there, Phil? Specifications for this bid?

Phil Lawrence: There were specifications, one sheet of plans, and that was all there was.

Kevin Winternheimer: Okay. I mean, it described what the item, what they were to do, what they were to bid on, what kind of materials—

Phil Lawrence: Accurate (Inaudible. Talking over each other.)

Kevin Winternheimer: —were to be used?

Phil Lawrence: Yes.

President Mosby: Steve, did you have anything you wanted to add? I thought I seen you.

Steve Craig: Steve Craig, Manager of Burdette. Yes, we had met with, I guess, people from three different companies, gave them the specifications, gave them the complete set of plans from Burdette. They came back with what they were going to do for us, which was, basically, all of them gave us the same thing. You know, we had told them what kind of liners we wanted, what kind of gutter systems we wanted,

and what kind of return systems we wanted. They had worked off of our set of plans, and from our specifications. I don't have any problems with it whatsoever. Everyone that we had talked to, up to the time that he had said that, even the people from the other side was bidding on it without any questions whatsoever, until the bids came out. I don't have anything. If you would like we have the person from Reno-Systems that got it. He could give you a little talk on, you know, what they did bid on, and what he thought of the specifications that we got. I mean, I don't know what qualifications he thought we should have had, but I have no problems with it.

President Mosby: Thank you, Steve. Questions?

Commissioner Fanello: I was just going to say, you said John Stoll did assist on this, and we often try to use John, our County Engineer, as much as possible—

Phil Lawrence: Yes.

Commissioner Fanello: —because we always, we can't always afford to go out and hire a separate engineer or architect or something.

Phil Lawrence: Yeah, I mean, I leaned on him heavily, because I didn't know all the construction laws, and he was the one that put together the legal specifications for the project.

President Mosby: Questions? I guess my question might be, for Mr. Webb, did you not get to bid? Or, I mean, what is—

Scott Webb: I'm not sure I understand your inquiry?

President Mosby: I mean, you're saying that—

Scott Webb: You're wanting to know my connection, I assume?

President Mosby: Your what?

Scott Webb: You're wanting to know my connection, I assume?

President Mosby: Well, I mean, yeah, I guess. Did you not get a bid? Did you not pick up a bid? I mean, did you not think it was formal? I mean, I'm just wondering.

Scott Webb: You know, I come before the Board as a taxpayer of Vanderburgh County. However, I'm also an attorney. So, we wanted to make our, I wanted to make my objection as a taxpayer to the formal requirements that we believe did not occur in this situation. So, that's, I mean—

President Mosby: So, you don't think the specifications were detailed? Or, I mean—

Scott Webb: It's our position that it wasn't designed and/or approved by an engineer. In the sense that it's required under the statute.

Commissioner Fanello: Under what statute?

Scott Webb: Under IC36-112-7. It speaks of anytime you build buildings or build structures in excess of \$100,000, you have to meet the formal requirements of having them designed and/or approved by an engineer, a licensed engineer or

architect. It's our position that that was not met. I'm just wanting you to know my objection.

Commissioner Crouch: Is John Stoll not a licensed engineer?

Kevin Winternheimer: Yeah, he is. I think, some confusion may be whether or not John had looked at them or not. I talked to John, and, yes, he had. Where is John?

President Mosby: John's back there.

Kevin Winternheimer: Okay, I can't see him in the back. I was going to ask you to come forward, and I know he's looked at them. I was going to say, John, do you....I even asked him to look at them again, to see if he had any problem with them. Do you have any problem? I've asked you to look at them yet again a second time.

John Stoll: No. I have no problem with them.

Kevin Winternheimer: Okay.

John Stoll: Like Kevin said, I did review the specs, and I see no problems with them.

Kevin Winternheimer: From, I think the objection is more one of a legal nature. I'm familiar with the statute he's referring to. I have no problem with this. I think we've met the legal requirements. Phil is recommending the low bidder. I see no reason as we've got the money in the budget, not to proceed.

President Mosby: Are there any other comments or questions by any member of the Commission? Anybody in the audience? Seeing none, chair would entertain a motion.

Commissioner Fanello: Motion to accept Phil Lawrence's recommendation to award to Reno-Systems.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered to award VC-025-2003.

Commissioner Fanello: We need to add on to that also to award the demolition to Deig Brothers.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to award the demolition of VC-025-2003 to Deig Brothers. So ordered.

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| Opening of Bid VC-029-2003: Burdette Park Pavilion Renovation |
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President Mosby: Next, permission to open VC-029-2003, park pavilion renovation.

Kevin Winternheimer: Are there, oh, I'm sorry.

Commissioner Crouch: I'm sorry. Would the Commissioners entertain moving that back to March 31st? Because I will be out of town that week of March 24th. Or would that cause a problem? Either do it March 17th or March 31st?

Phil Lawrence: This is the Burdette Park–

Commissioner Crouch: Oh.

President Mosby: This is the Burdette Park.

Commissioner Fanello: You're talking–

Kevin Winternheimer: Yeah.

President Mosby: We're just opening bids. You're thinking of the next one.

Commissioner Crouch: Yeah.

President Mosby: I just need a motion to open bids on the park pavilion.

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Kevin Winternheimer: Are there any bids from the audience on either of the items we're bidding today. Seeing none. We have several bids here on this particular item.

| Company Name | Base Bid #1 | Concrete Replacement | Demolition Only |
|--------------------------------------|-------------|----------------------|-----------------|
| Empire Contractors | \$43,400 | N/A | N/A |
| Deig Brothers | \$55,833 | N/A | N/A |
| Accurate Underground Utilities, Inc. | \$41,362 | \$37,362 | \$4,000 |
| Blankenberger Brothers | \$58,170 | \$47,500 | \$10,670 |
| Key Construction | \$38,900 | \$34,400 | No Bid |
| Concrete Pavers, Inc. | \$39,803 | \$28,557 | \$11,246 |
| ARC Construction | \$34,185 | \$27,815 | \$6,370 |

The first one is from Empire Contractors, Inc. of Evansville. The base bid for doing all the work is \$43,400. They did not bid the separate items of the concrete replacement or the demolition for the concrete and asphalt. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Base bid number one for doing all the work, \$55,833. They also did not bid the concrete replacement or the demolition work. The next bid is from Accurate Underground

Utilities, Inc. of Evansville. For doing all the work their price is \$41,362. For concrete replacement, \$37,362. And for the demolition of the concrete and asphalt, \$4,000. The next bid is from Blankenberger Brothers, Inc., and they're from Cynthiana, Indiana. For doing all the work, \$58,170. For concrete replacement, \$47,500. And for demolition, \$10,670. The next bid is from Key Construction Company, Inc. of Evansville, I assume. Their base bid for doing all the work, \$38,900. Concrete replacement, \$34,400, and they did not bid on the demolition. The next bid is from Concrete Pavers, Inc. of Evansville. Base bid number one, doing all the work, \$39,803. Concrete replacement, \$28,557, and demolition, \$11,246. We have one more. The last bid is from ARC Construction Company, Inc. of Evansville. For doing all the work, their bid is \$34,185. Concrete replacement, \$27,815, and for demolition, \$6,370. That's all the bids I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: Motion and a second to take bids under advisement on VC, excuse me, dash 029-2003. So ordered.

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| Opening of Bid: VC-04-2003: Trailer Mounted Vacuum Unit |
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Phil Lawrence: The next one is VC-04, there's only one bid on there.

President Mosby: Do I have a motion to open bids on VC-04-2003?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: As Phil stated, we only have one bid, and that one bid is from Deeds Equipment Company, Inc. That's Indianapolis? Is that correct?

Phil Lawrence: No.

Kevin Winternheimer: No?

Phil Lawrence: It's Indianapolis.

Kevin Winternheimer: On one document it says Indianapolis, but let's see if they've got another, oh, okay, Lawrence, Indiana. Okay. For one trailer mounted vacuum unit, they have listed a price of \$92,890, and they've listed what I assume is a voluntary alternate of \$84,500. We'll have to just see what that is, but their bid as listed is \$92,890. I only have the one bid. That's all we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: A motion and a second to take bid VC-04-2003 under advisement. So ordered.

Permission to Extend Opening of VC-026-2003: Towing and Storage

President Mosby: Next we need permission to extend the opening of VC-026-2003, towing, storage and towing. Phil, you wanted to extend that for—

Phil Lawrence: Yeah.

President Mosby: Okay.

Phil Lawrence: So, we could get all the specs in, and she wanted, I think, Suzanne wanted to extend it another week.

Commissioner Fanello: What did you need, what date did you need, Suzanne?

Commissioner Crouch: I'll be out of town the 24th, but I'll be back in the 31st.

Commissioner Fanello: The 31st?

Commissioner Crouch: Yeah.

Commissioner Fanello: Okay.

President Mosby: Okay, well, this is until the 24th, so do we want to the 31st?

Commissioner Fanello: Right.

President Mosby: That's okay? Okay.

Commissioner Fanello: So, do we need a motion to that effect?

Kevin Winterheimer: Yeah.

Commissioner Fanello: Okay. Motion to extend opening to March 31st.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to extend VC-026-2003 to March 31st. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you, Phil. Appreciate it.

**Contract with Sheriff: Compensation Agreement in Lieu
of Statutory Fees & Community Corrections**

President Mosby: Commission contracts, next you have in front of you a contract with the Sheriff to operate Community Corrections. It's my understanding that this is the same contract that we had in prior years.

Kevin Winterheimer: It's essentially the same contract, but what we...he had two separate contracts, one for the salary in lieu of collecting a fee on taxes recovered,

which for several Sheriff's prior to our current Sheriff has been the case. The second contract was for the Community Corrections. What we did in this one is combine the two. So, essentially, the same contract is combined in one.

President Mosby: Sheriff, did you have anything that you wanted to add?

Brad Ellsworth: My name is Brad Ellsworth, County Sheriff. The only thing that I would add is that after the three years, since '99, of taking over Community Corrections, we think we've melded the operation with the personnel changes, that it probably doesn't warrant the two different contracts anymore. It was my desire, and hopefully the county's to meld that into one contract and clean it up and make it simple.

President Mosby: Any questions by any member of the Commission?

Commissioner Crouch: Just a question just for my verification. On page two, C, it indicates that the Sheriff will submit monthly reports to the County Commissioners setting forth the number of participants. Are those paid participants? Do we, in that report do you have how many are paid participants?

Brad Ellsworth: Everybody out there pays the same amount. It's the \$70 per week.

Commissioner Crouch: Okay.

Brad Ellsworth: So, we've kind of done that off and on, Commissioner. It's what we want, what the Commission wants to hear every month. Some of it's pretty monotonous, but I can provide any kind of information that you all would like on a monthly basis. If you tell me what you would like to see, I will be glad to provide that.

Commissioner Crouch: I was just concerned if they're all paid, because I know at one point in time that wasn't the case.

Brad Ellsworth: Right. They weren't always very good about collecting fees, but we've got that, a handle on that, and they are coming in very nicely.

Eric Williams: The VCCC report that goes out weekly has got residential (Inaudible. Not at mike.)

Brad Ellsworth: And the amount? Chief just advised me that that residential report should show that. That's coming out in e-mail weekly, so.

President Mosby: Are there any other questions? Is there anybody in the audience that would like to speak? Seeing none? Chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the contract with the Sheriff for Community Corrections. So ordered.

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| Contract with Midland Engineering: Re-Roofing of Old Courthouse |
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President Mosby: Next we have up contract for re-roofing of the Old Courthouse. It's my understanding that Midland has passed their test. They are qualified, and they have all the necessary license and permits to do this. They were the low bidder at \$1.3 million, \$1,301,000. Is there any questions on this contract? Seeing none, the chair would entertain a motion.

Commissioner Fanello: Motion to approve contract with Midland.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

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| Public Comment |
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President Mosby: Is there any public comment? Anybody in the audience that would like to speak? Seeing none.

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| Old Business |
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President Mosby: Old Business? We have in front of us, I believe everybody has a letter that is addressed to Mr. Au, and it's regarding the bathroom renovations at the Old Courthouse. We presently had approximately \$55,000 in the Commissioners budget for this project. I believe it, well, it came in at \$71,000, and with the, we would like to ask that we go to the board and ask for the additional \$16,903. The Old Courthouse Foundation does have some money, so, if it's the pleasure of this Commission that we would ask that they kick in the remaining \$16,900 to do the project.

Commissioner Crouch: And we won't repay this? This will just be a grant to us.

Commissioner Fanello: Right. We're asking for a one time, not one time, but a grant this time.

President Mosby: We'll probably be back more than once.

Commissioner Fanello: More than one time.

President Mosby: One time on this project.

Commissioner Fanello: Yeah, one time on this project.

President Mosby: But, yes, I mean, this \$16,000 would get that project done. I forget who the low bidder was, but it came in over our estimates. So, the chair would entertain a motion at the pleasure of the Commissioners.

Commissioner Fanello: I'll make a motion to send the letter to the Old Courthouse Foundation Board.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to send the respective letter to the Old Courthouse Foundation Board. So ordered. Is there any other Old Business? Seeing none.

New Business

President Mosby: Any New Business? Moving right along.

County Engineer

President Mosby: Department heads, County Engineer, John Stoll.

John Stoll: First item I've got is a lease agreement for the Brooks parcel of right-of-way on the University Parkway Project. This is on Upper Mount Vernon Road. This parcel was secured by the county as part of the right-of-way acquisition for the project. The Brooks' had originally planned to vacate the house by March, but now their relocation can't be completed until May. In order to do a right-of-way certification letter to INDOT, we need to have a lease agreement, basically, that says when they would vacate the property. This extends it until May. Kevin has reviewed the lease agreement, and was okay with it, so, it's requested the lease be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second, and are they paying us money to stay?

John Stoll: No. It's, they are basically responsible for all utilities and insurance, but they are not paying any fees. Any monthly rental or anything like that.

President Mosby: This won't hold us up will it?

John Stoll: No.

President Mosby: Okay.

John Stoll: We can still send the right-of-way certification letter to INDOT once the Fendrick parcel is the last one that's getting resolved. I believe Shawn Sullivan's got an agreement pretty well hammered out on that one. So, once this lease is signed, plus the Fendrick parcel's resolved, then we can send the certification letter to INDOT.

President Mosby: You seconded? Oh, I'm sorry, I didn't hear it. I have a motion and a second. So ordered.

John Stoll: Next I would like to request approval to proceed with condemnation on the Mt. Pleasant Project on the two Deerfield Homeowner Association parcels, and on the Whitmer parcel. We're at an impasse on all three of those parcels, and the counter offers that were provided by each of those owners was excessive, in our opinion, those were rejected. So, it's requested that you authorize proceeding in condemnation.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to proceed with condemnation. So ordered.

John Stoll: Okay, next I've got a letter to send to IDEM in regard to the storm water requirements. The federal deadline for the storm water requirements is next Monday, but IDEM has not adopted their final rules and regulations for the State of Indiana as of yet. So, IDEM is recommending that each municipality that will be regulated under these guidelines will be, should send a letter to IDEM stating their intent to comply, in the event the Feds come in and say we're in non-compliance, they will have a letter on file that says we intend to comply, and once IDEM completes their final regulations. So, I've taken the letter that IDEM recommended, and made a couple of changes, and would request that the Commissioners sign this, and then, hopefully, IDEM will proceed with adopting their final regulations. Then our consultant can proceed with our plan for the storm water program as a whole.

Commissioner Fanello: I would make a motion to approve the letter.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

John Stoll: The letter basically just says that we intend to comply in accordance with the time table established in their final rules and regulations. So, other than that there's really nothing else in that letter. Next item, I would like to request approval to increase contract number VC02-12-02, the Graff Road culvert installation by \$4,749.12. This is to install an extra 24' of 36" pipe, and an extra inlet in the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I don't have a change order tonight, but once the project is completed, and we get all the final over runs and under runs, I'll bring that back. In the meantime I'll proceed with this then. Next I would like to request approval to go to County Council to transfer \$10,000 from the Heppler Road Bridge Account, which is account number 2030-4405, to the St. Wendel Road Bridge Account, which is 2030-4407. This would be for the purpose of widening that bridge project with an additional beam to get an extra 4' of width on it.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Here again, I don't have a change order, but upon completion of the project I will bring one in. The last item that I've got is a change order on the Old Boonville Highway Bridge. This was contract number VC02-09-01. This is for a net decrease of \$12,979.28.

President Mosby: A net decrease?

Commissioner Fanello: We'll take the decrease. So moved.

Commissioner Crouch: Second.

President Mosby: We'll pass this one twice. So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Any questions by any member of the Commission?

John Stoll: Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: County Highway, Mr. Haskins.

Reggie Haskins: Reggie Haskins, County Highway. I'm sure you all probably got Dennis' reports. I don't have any new business to present. I'm open for any questions.

President Mosby: Any questions of Reggie? I think I mentioned it to you earlier, I talked to the guy on Hillsdale today, he's very pleased that his mailbox is back up. He apologizes for getting mad, and said to tell the guys that they did a wonderful job during snow removal. So, that comes from Mr. (Inaudible) on Hillsdale.

Reggie Haskins: Thank you.

President Mosby: Thank you. I told the guy, I told him that I would tell you.

Reggie Haskins: Alright.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, I have several items tonight. First of which is just a thank you for sending me to a seminar. It was an in-town seminar on personnel issues. I attended that today. It was an all day seminar, and it was quite informative, and well worth the money. If you get the opportunity sometime, you might want to consider sending all your county department heads, elected officials, and probably their chief deputies to a similar such seminar. We expect a lot of our individual office holders and the department heads, and one of the things they stressed in this seminar was the proper training for all the people who are involved in personnel issues. So, you may want to just keep that in the back of your mind should that opportunity arise. Secondly, a suggestion, and that's all it is, but you may want to look, someday to the future, to having an HR department in the county. At the seminar I was at there were company representatives who had an HR department that had less than 50 employees, and I think we have 700 to 800 employees, and have no HR department. It's a very important part of the law, and in this day and age becoming more and more complex everyday as Congress passes new laws. So, you may want to think about that, and someday go to that. That would be something that I would certainly recommend. The next item is, I was going to suggest, if we have the time, that we bring the personnel policy up next week. Perhaps that's a good meeting if we don't have rezonings or other such things that take a lot of time, because there is some discussion that we need to have on that,

and perhaps finalize that. The third thing is, in your packets you should have received a conflict of interest disclosure statement from me, of all persons. I've been asked to represent the Old Courthouse Foundation. As you know, you have a lease with them till 2067. I told them I would be glad to represent them. I could not donate all my time, and intend to bill them for some of the time that I work for them. Since you do have a contract with them, I've submitted this form. As you will notice, I had to change, this is a state form, on the second page where it says that I'm supposed to get approval prior to you entering into the contract, well, the Commissioners entered into the contract in 1968, and I think I was in grade school. So, that's why I didn't come to you earlier, but in keeping with the spirit of that, and keeping you informed that if it is acceptable to you I would like to represent the Foundation. If there would ever be, I don't foresee it, but if there would ever be a conflict or an issue between the Foundation and the Commissioners, I would, of course, have to step aside. But, I don't see that as a problem. They are obligated to pay you a dollar a year for that lease, and I think they've kept up on all their lease payments. So, with your approval, I want to go ahead and have you sign this, and then I will submit it to the other proper authorities. I have to file it with the County Clerk and send it off to the State Board of Accounts and all that good stuff. So, that's all there is to it. I would like a motion on that.

President Mosby: The chair would entertain a motion for conflict of interest.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Kevin Winternheimer: Thank you for that. The last item is, I think I've spoken to David about this, there are some people named the Reuger's who would like to buy some property that we have at an approximate address, the addresses out there are a little vague, but the approximate address is 5000 Bayou Creek Road. This was a parcel of property that a number of years ago, through a Federal grant administered by the state, the county bought this property. It was in a flood plain, and the purpose was there was a residence there. The purpose was to buy up property that was residential property that's prone to flooding so that the Federal government wouldn't be obligated or having any kind of duty to come in and provide flood grants, or compensation. So, the idea is they had the money, they were going to buy up property, and we did that. They would like to buy the property back. I contacted the state agency, and the exact name of the agency escapes me right now, but I did contact the state agency to see if there was any problem with that. They did reply in writing, and they said, no, there is no problem with that. They said if the property comes back at less than \$25,000 that you could keep all the money, but if it comes back more than \$25,000, they get the money. This is vacant land. I don't think this is going to come in anywhere near \$25,000. One of the principle restrictions on the sale has to be that they cannot build a building on the property. Just to keep it in it's natural state. Or they can even farm it. I don't know if this is even fillable, but they could farm it, keep it in it's natural state, that sort of thing, but you could never build a building on it. They said that's fine with them. They don't want to build a building on it, but I informed them that if they Commissioners want to sell this property we have to go through a bid process. Even though, in all likelihood they are going to be the probable purchasers. We have to put it out for public bid. Having done this type of thing numerous times with the city, what they city has required, and I would recommend it again is, is whoever the successful bidder is that they have to pay for

the appraisal costs the county incurs, the legal ad that has to go in, that has to go in the paper a couple of times, and that can run a few hundred dollars, and my nominal legal fee for preparing the deed and so forth. The successful bidder would have to pay all of those, and their bid would be on top of that. I can't give you an exact cost of what all those things are, but if the Commissioners are inclined to tell me to go forth, I will start that process of putting the necessary ads together, and the paperwork together to put those restrictions so that any bidders would know that they can't do anything with it, such as building a building, except leave it in its natural state, or farm it, or those type of activities. So, if you're inclined to, I can start that process. What I would suggest, the statute talks about selling surplus property like this, that the bidders are allowed more than one shot at raising their bid. What I've done on the city side, and I think it's worked very well numerous times is we have a neutral bid opening, only those bidders who bid the initial time got one more chance to raise their bid. So, it's a two shot opportunity. It's not a day by day. Since we don't meet daily, it's pretty hard to open up bids, but we give them a two shot. Whoever bids the first time can raise their bid if they so choose. The first go round is an open bid. Everybody will know what everybody's bid the first time, but they get one more shot. Only those bidders that bid the first time, and that's worked real well on the city side. I would suggest that process again, if you want to start the process of selling this property. If the county has no use for it. I contacted John to make sure he didn't have any road widening projects out there, and he said he knew of none. You know, if you want to sell it, there is an opportunity if somebody wants to buy it. Whether you'll get much on it, who knows. I don't think the county should lose money on it. That's why I recommend that the necessities of the appraisals, the legal ad, and other fees, that they would have to pay it. Even if they only bid \$10 on it, they still have to pay all those other costs, because the county shouldn't lose money on it. If they are, then there is no need to proceed. It would get it back on the tax rolls for whatever that kind of property brings on tax. Not very much, but if you're inclined to proceed, I would go ahead and prepare the necessary paperwork. They call me about everyday wanting to know where we are at. I didn't want to do anything or come to you formally until I heard back from the state, because I was concerned the state might say no. Who knows with these Federal grants what the restrictions are, but they did say they checked into it. It took them several weeks, but they did check into it and said no, you can sell it as long as you put all of those restrictions in the deed, so that they never build on it.

President Mosby: Is there any question or comments? Steve.

Kevin Winternheimer: Do you need this property?

Steve Craig: No. The question I was going to bring up was that we had just got a thing from the state on where one of the choices for I-69 is going between Burdette Park and the Ohio River. It will probably take in Bayou Creek Road.

Kevin Winternheimer: Oh, really!

Steve Craig: Yes, and we had just filled out a questionnaire, and they had gave us a map that that's the second option that they have for I-69, that's the western corridor. It would go down through Union Township. I didn't know if they might have an ulterior motive, or if this would be something that may have to be purchased by the Federal government right back.

Kevin Winternheimer: That would be the case if they are going to put the new Interstate...I knew it was going in Union Township, but I didn't know exactly where.

Steve Craig: It's going to go between Burdette and down there at Shore Drive, which would put it right about where Bayou Creek Road is.

Kevin Winternheimer: Well, that's a whole nother ball game then.

Commissioner Fanello: Why don't we make a motion to defer.

President Mosby: I mean, I don't know.

Commissioner Crouch: Second.

Steve Craig: I just thought it was kind of curious them buying a piece of ground that might be right in the way of I-69.

President Mosby: I mean, I've talked with them.

Kevin Winternheimer: They live next door, I think, don't they, David.

President Mosby: Yeah, they live right there. They have built a home right there, and that's the reason they are wanting to purchase it.

Steve Craig: Well, then they might lose their home too.

President Mosby: Well, if they lose their home, I mean, I knew what their reasoning was, and they don't have any problem, you know, with the fact that I told them there would be restrictions of no buildings. You know, and we could always put in the lease that if they want to buy, or in the agreement to sell that if we want to buy it back, we have an option to buy it back.

Kevin Winternheimer: Whatever you want to do.

President Mosby: I mean, I've heard of that being done before. It doesn't matter. I mean, I know the piece of property, and the only thing that we can benefit out of it is putting it back on the tax roll. I mean, it's drawing nothing right now. We're sitting here owning it, and nobody is paying a penny on this, so.

Kevin Winternheimer: Or you can think about it if you want to.

President Mosby: Yeah, there's a motion to defer it, so.

Commissioner Fanello: I think we just defer it for one week and think about it.

President Mosby: Okay. A motion and a second to defer till next week. So ordered. Anything else, Kevin?

Kevin Winternheimer: No, that's all.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: Attached to my weekly report I put a memo regarding the polling places, a couple of changes that I and Voters Registration as for you to consider.

I don't know if you've had time to read that, or if you had any questions regarding those changes. It's all due to handicap accessibility.

Commissioner Fanello: How are we coming along on that? Have you, I guess, you guys have been working pretty diligently on looking at these.

Tammy McKinney: Uh-huh. Going out.

Commissioner Fanello: Do you think there's going to be anymore?

Tammy McKinney: We're only, the only other one that might be changed is Wag's Restaurant, just because it's for sale, and I don't want to have that as a polling place, and then the new owner won't let us poll there. So, we're looking for a new place in that area. That's the only one.

President Mosby: The only thing I'll correct you on is Precinct 3 Ward 12, because we only go to six.

Tammy McKinney: Oh.

President Mosby: So, I'm going to guess, is it Ward 5 or 3 out there? I believe it's the third ward, I'm not sure.

Tammy McKinney: No, Precinct 3 Ward 3 was at Evans.

President Mosby: No, I'm talking about the last one, Precinct 3 Ward 12, Bradford Pointe from Hartke Pool. There is no Ward 12.

Tammy McKinney: Was that one that was changed recently?

Commissioner Fanello: No, there's only six wards.

President Mosby: I think it was changed last year, and some of the people from Bradford Pointe did not want to go to Hartke Pool, because they thought it was all tore up, but I think at the time it was all repaved. I don't have a problem with the change, I think it's Ward 5. That might be the fifth ward out there. We need to check and see what ward that is.

Tammy McKinney: Okay.

President Mosby: It's got to be either three or five. It's one of the two. But I just seen the ward 12, and that caught my eye.

Commissioner Crouch: Then these will be voted on by the Election Board, I guess. No?

Tammy McKinney: They just have to be approved by you.

President Mosby: They have to be voted on by us.

Commissioner Fanello: Do we want to go ahead and do this tonight, or wait until she checks on the numbers for that one? The last one. We could just—

President Mosby: She can bring all three up to us next week.

Commissioner Fanello: Yeah, we can just defer it for one week, and have you check on that last one. If I need to make a motion, I'll make a motion to defer for one week.

Commissioner Crouch: Second.

President Mosby: A motion and a second to defer until next week. So ordered. Do you have anything else, Tammy?

Tammy McKinney: No, that's all.

Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette. Other than our bids and that, all I had was my work sheet.

President Mosby: Are there any questions of Steve? Good luck on getting your pool done in time.

Steve Craig: I hope so. Thank you very much.

President Mosby: You're welcome.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Consent Items

Commissioner Fanello: Motion to approve the Consent Items.

Commissioner Crouch: Second.

President Mosby: Motion to approve Consent. Seconded, so ordered.

Commissioner Crouch: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to adjourn. So ordered.

CONSENT ITEMS:

Travel Requests:

SWCD

County Clerk

Knight Assessor

Center Assessor Health Department

Employment Changes:

Superior Court County Highway County Clerk
Health Department

Requests for Service: Pigeon Trustee

Sheriff: Weekly Jail and Community Corrections Reports.

Commissioners: Letter of Support for HOPE of Evansville.

DADS:

Surplus Television Letter.
(5) Youth Alcohol Program Instructor Contracts.

Treasurer: Submit monthly report for January 2003.

Health Department: Trash & Debris Removal Contract (R&R Hauling)

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Scott Webb |
| Steve Craig | John Stoll | Brad Ellsworth |
| Eric Williams | Reggie Haskins | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 10, 2003**

The Vanderburgh County Board of Commissioners met in session this 10th day of March, 2003 at 5:30 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for March 10, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of March 3, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the March 3rd minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Award APA015-2003: Traffic Signs

President Mosby: Okay, permission to award APA015-2003, traffic signs.

Phil Lawrence: Good evening, Commissioners. How are you? I've got one addition, if we could. I left off permission to award the Burdette Park Pavilion.

President Mosby: I was wondering.

Phil Lawrence: I do have a breakdown of that, and the contract.

President Mosby: Okay. Well, we'll do the traffic signs first.

Phil Lawrence: Traffic signs first? Okay. I sent you an e-mail copy. (Inaudible. Away from mike.) that four page deal. There are, and what they did was they broke it down into six sections, and awarded to all the low bidders in each one of those sections. Section one, Hall Signs was the low bidder, except for one item that he made a mistake on, and Rocal got that one item for \$1,550. Hall got the rest for \$13,928. Section two, Vulcan got the second section for \$9,201.25. Section three was Rocal again, for \$6,336.37. Section four was Vulcan, \$3,112.95. Section five was Rocal, \$10,542.40. Section six was Signs and Blanks for \$9,469.02. In all cases these were the low bidders.

Commissioner Fanello: I'll make a motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Award VC029-2003: Burdette Park Pavilion Renovations

Phil Lawrence: The second one is for awarding VC029-2003, that is the Burdette Park Pavilion Renovations that we opened last Monday.

President Mosby: Can you give me that number again.

Phil Lawrence: The, which one?

President Mosby: The number that we are going to award.

Phil Lawrence: VC029-2003. That is Burdette Park Pavilion Renovations.

President Mosby: Do we need a motion to amend the agenda, Kevin?

Kevin Winterheimer: Yeah, (Inaudible).

President Mosby: Yes, if I could, at this time I would like to have a motion to amend the agenda, and permission to award VC-029-2003, Park Pavilion.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to amend the agenda. So ordered. Now we can start.

Phil Lawrence: Now we're official.

President Mosby: You rattled that off too quick. I didn't get it all down there. I was trying.

Phil Lawrence: We have ARC Construction was the low bidder at \$34,185. That was, that's my recommendation that we award to the low bidder.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to award VC-029-2003 to ARC Construction. So ordered.

Permission to Advertise VC9903-2003: Burdette Park Concessions

Phil Lawrence: Finally, the last one, permission to advertise VC9903-2003, Burdette Park Food Bid. This is their annual food and beverage bid.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Just, for the record, when are we going to get those in?
When are they due?

Phil Lawrence: March 14th, March 21st, is the two advertising dates. It's due April 7, 2003.

Kevin Winternheimer: We're going to open them on April 7th?

Phil Lawrence: Open them April 7th.

President Mosby: Okay, so we're going to advertise on March 7th, March 14th, and bids are due back on April 7th.

Phil Lawrence: Yeah.

President Mosby: Okay.

Madelyn Grayson: Phil, did you say you have the ARC Construction contract with you tonight?

Phil Lawrence: Yes.

Madelyn Grayson: Do you want me to get that signed?

Phil Lawrence: I sure do.

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| Resolutions Regarding Bond Refunding for 1995 & 1996 |
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President Mosby: Next we have a resolution regarding bond funding.

Commissioner Fanello: Yes, in your packet you have two resolutions regarding the two bond refundings we talked about, I think about two weeks ago. Commissioner Crouch had inquired about the Council's involvement, and they will need to sign off on one of them. Our bond counsel attorney told us that the resolutions would get the process going, and then he would get me the procedures for the Council to finish. The other one would have to go to our County Redevelopment Authority, and our County Redevelopment Commission. So, the one for \$8.4 million would be the Council. Then the other one would be the Redevelopment Authority and Commission. So, I would just like to make a motion to approve the two resolutions.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Public Comment |
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President Mosby: Commission contracts. We got any contracts?

Commissioner Fanello: Nope.

President Mosby: Okay. Anybody got any other items? Public Comment. Is there anybody in the public that would like to say anything?

Old Business

President Mosby: Old Business. Is there any Old Business?

New Business

President Mosby: Any New Business? I have a couple of things under New Business that I wanted to bring up. First of all, I'm going to read a letter I received in the mail.

"Mr. David Mosby, Vanderburgh County Commissioners. Dear David, Congratulations! It is with great pleasure that I inform you that you are the recipient of the Indiana Chapter Concrete Pavement Associations "Excellence in Concrete Pavement Award". Your project, INDOT R-25041 Lynch Road was selected for outstanding achievement in use of concrete pavement. The awards luncheon will be held at Indianapolis Marriott East, 7201 East 21st Street, Indianapolis, Indiana, Wednesday, March 19th. The IC-ACPA would like for you to be our guest on that day for a special awards presentation."

Activities as follows. So, project named, INDOT -R-25041 Lynch Road. So, Vanderburgh County will be the recipient of the Excellence in Concrete Pavement Award. Anybody that wants to go is welcome to go.

Commissioner Fanello: You're the President. You're the President, we'll let you go.

President Mosby: You always see these no's. Okay. Anyhow, that's that. I'll give that back to Tammy, before I lose it. Then we won't have a problem with it.

Commissioner Fanello: Did you need a copy for the record, Madelyn?

President Mosby: She can copy it, and give you a copy for the record, if you want. One other thing that I wanted to bring up. Every year County Commissioners okay it for all county employees to have up to six swim passes and six golf passes to Burdette Park to use anytime throughout the summer. I would accept a motion that we do this again.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered. Then, one other thing, and this might be a question for Kevin. On the polling places for the special election coming up at the School Board, it's my understanding, and I know we always do the polling places for the primary and the fall election. It's my understanding that the School Corporation is the one setting the polling places this year. I believe Tammy's had contact with the Election Office, and they really have had no say so in the polling places. I guess, number one I want to bring everybody, make everybody aware that we are not setting these places. Number two, I called the School Corporation because they've got the Vanderburgh County Garage on here as a polling place. It's a work day for

us, and, I mean, that's fine when we're off during the primary and the fall. But, I've had some contact with a couple of people at the School Corporation, and they seem dead set on using the County Garage. This could make for, what I would say, a dangerous situation. I mean, we really don't have a building outside of the Garage. The equipment is coming in and out. The mechanics are working. I mean, I don't feel like this is going to be the safest of places to be trying to operate in. My understanding is, and we've been told so far that we don't have any choice. I guess, I don't quite understand that. I've got a couple of phone calls that I'm going to make tomorrow.

Kevin Winternheimer: I'll have to, I'll have to look into that. Special elections, no one's asked before, so I would be afraid to give you an answer off the cuff, but I'll call you tomorrow.

President Mosby: Well, I know in any other election, we okay the polling places.

Kevin Winternheimer: Right.

President Mosby: But, it seems like this time they are setting all of these. This is the first I had seen any. Tammy brought it to my attention. Truthfully, there ain't but about three or four on here that's outside of a school. So, it's, I don't really have a problem with it, outside of the Vanderburgh County Garage. I know Dennis brought it to my attention. They called him too. Kevin, if you can look at it, and let me know if we can try to work it out. I've got a couple of calls into some people. Is there any other New Business?

Commissioner Crouch: I have just one small item. I know you all got this letter from USI regarding the wetlands, and having another project to alternate for that. Kevin, have you gotten a copy of this? Because they basically are asking us to sign off on what it is they are wanting to do.

Kevin Winternheimer: I haven't seen that.

Commissioner Crouch: I don't know if that's something that you would—

Kevin Winternheimer: I haven't seen that particular letter. I've talked with them (Inaudible) about the wetlands situation on that project. No, I haven't seen that particular yet.

Commissioner Crouch: Okay. Let me give that—

Commissioner Fanello: Just for your information, Commissioner, I did meet with John and some representatives from USI a few weeks ago about this issue on the project. John could probably sum it up for you pretty easily. They're working on, you know, whenever you disturb you have to provide wetland—

Commissioner Crouch: Right.

Commissioner Fanello: —so that's what...they had made an agreement in the late 80's, John?

Commissioner Crouch: 1985, I think. You know, the only other issue is that in the letter they state that \$5,000 to \$8,000 has been designated towards that project. I

was curious if that's 1985 dollars. If it is, perhaps we may want to look at that in terms of current dollars, present dollars.

John Stoll: Yeah, I can't remember exactly how that was worded in the original agreement, but it may be the current equivalent of that, which would probably be about twice that, the way we figured it. One of the options that we were looking at was sending a letter to the Corp of Engineers to find out whether or not any of these options would be acceptable. Then take it from there, so that we can proceed to a bid letting, because that's really the only thing that's holding us up, at this point.

Commissioner Fanello: Right. That's the last thing we have to do before—

Commissioner Crouch: (Inaudible. Mike not on.)

Commissioner Fanello: He's been working on it for the past couple of months.

Commissioner Crouch: Never mind then.

John Stoll: I'm familiar with it, I don't know about under control.

Commissioner Fanello: He's trying to get it under control.

President Mosby: Any other New Business? Department head reports.

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| County Engineer |
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President Mosby: John, County Engineer.

John Stoll: The street plans I've got here are for Section Five of Bridlewood Subdivision. This is located at the northwest corner of Fischer Road and Boonville-New Harmony Road. This Section Five only covers this small section right up here in the northern part of the subdivision. I've reviewed the plans and would recommend they be approved. This is just a continuation of what's already out there with asphalt streets with curb and gutter.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request that you approve proceeding in condemnation on the Dentino parcel on the Mt. Pleasant Road Project. This particular parcel we had previously rejected the counter offer of \$9,500, plus construction of a berm, plus installation of additional drainage pipe that would cost probably \$4,000 to \$5,000. As a counter offer to this counter offer, we proposed the original amount, the original offer amount, which was \$6,175, plus the installation of the pipe. That was rejected. So, on that basis, since we still can't come to terms, request that you allow this to be condemned.

Commissioner Fanello: Have you talked to him since our last conversation?

John Stoll: I haven't, but the right-of-way buyer has.

Commissioner Fanello: He did? Okay.

John Stoll: That's when the offer of the pipe was rejected.

Commissioner Fanello: Okay.

John Stoll: The original dollar amount plus the pipe was rejected at that point.

Commissioner Fanello: I'll make a motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, also on the Mt. Pleasant Project, we received a counter offer on parcels eight and ten. This is owned by the Kremers. On parcel eight they are requesting an increase from \$10,200 to \$22,200. On parcel ten they are not requesting any increase, they are letting that stay at \$3,900. However, the \$3,900, their acceptance of the \$3,900 is contingent on us paying the \$22,200, instead of the \$10,200. They provided no appraisal to justify the increase of the \$12,000. So, on that basis, I would request that this counter offer be rejected.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I've got an amended letter to send to IDEM in regard to the new storm water requirements. This is just a letter that I had changed after last week's meeting. Basically, Bill Jeffers contacted me, and after discussing the way the letter was written previously, and then Kevin as well, we thought a couple more changes were justified. The main change that we made was the previous letter said we would comply with the storm water regulations in accordance with the deadlines established by IDEM, when the final rules are approved. I took out the reference to IDEM, because ultimately this has to go to the Attorney General, and other state agencies will have to approve it. So, we didn't want IDEM to, say, approve it in March, when, in fact, the Attorney General may not approve it till April. We didn't want the 90 days to start ticking at the IDEM approval date, not the final approval date. So, this might buy us some more time, it might not. It's just, that's the main change that we made in here. So, I would request that this letter, revised letter be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a street acceptance request for Section Three of Clear Creek Subdivision. This should have been accepted, probably about a year and half ago, but for some reason it was overlooked. When Pat Seib was working on updating the road list, he found that this was not included. The letter of credit has already been released, so, we should have already accepted it. But, this request is

for 790' of Clear Creek Drive, 795' of Turner Drive, 727.27' of Overland Drive, and 648' of Imperial Drive. It's requested these be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I had, unless you have any questions on anything.

Kevin Winternheimer: I've got a question, Mr. President. John, would it be possible if that property that the Reuger's wanted to buy from us, since it's in a flood plain or a flood zone, that that might be used for part of your wetlands? I don't know if there's enough to make it worth while there. Could it be made to be a wetland?

John Stoll: From what Bernardin Lochmueller has told me, they like the wetland mitigation site to be in the same watershed as your project. So, it wouldn't qualify under that criteria. But, if it was the only thing that was available, I guess, it could be considered an option. The only problem with that is, if I remember correctly, that property was a little less than two acres, and based on that old 1985 agreement, the mitigation ratio was supposed to be four to one. So, we were supposed to provide, basically, four acres of wetlands to mitigate the University Parkway Project. So, we'd fall short on the acreage.

Kevin Winternheimer: I didn't know if you could split it up, if you needed a little extra acreage.

John Stoll: That's possible too.

Kevin Winternheimer: We might want to keep that in mind then.

John Stoll: Okay. Yeah, because we may ultimately need to go find another site. It all hinges on what the Corp of Engineers might approve.

President Mosby: Any other questions? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I have, you know that the County Highway Garage has been selected for a voting place for the April the 8th referendum vote. That is a work day for us, so I don't know what the options we have, because of the activity out there at the Garage, the parking, things of this nature. So, do we keep our operation going. I think there's three options. By the contract, you can declare a holiday for that. That was brought up to me. Another option is to keep the operation going, and do the best we can. The third option is, well, I don't know what the third option is.

Commissioner Crouch: Question, and I don't know, you probably won't know the answer to this, but I wonder, in a typical primary, how many voters vote at that precinct?

President Mosby: I think it was C-8, and I'm not sure.

Tammy McKinney: I don't know how many.

President Mosby: I would have to look.

Commissioner Fanello: We could check.

President Mosby: Anyhow, Dennis, that's what I was talking about a minute ago. I'm going to try to get that worked out with the School Corporation tomorrow.

Dennis Hudnall: I think we're the only county facility that was targeted for that. The rest of them are all schools. I know we're on flat ground, and it might be because of handicap something in there. I need to make an arrangement, because parking is going to be a problem, and things of that nature.

Commissioner Fanello: Where are you going to park? I mean, do you have enough room to park and let—

Dennis Hudnall: What we'll have to do is, instead of using the front doors, we'll have all of our activity, try to produce it in the back. Now, we've got a lot of trucks going in and out of there all the time, and it's very active. So, it's not going to be the safest condition that you're going to find.

President Mosby: No matter where they park, it's not going to be safe, and that's one of the reasons I brought it up because of the American with Disabilities Act that we've been trying to work with the different groups. That wasn't thought out very well.

Dennis Hudnall: Well, whatever is decided let me know, and we'll make arrangements best we can to get that taken care of.

President Mosby: I made a call this afternoon in Tammy's office, and they'll have somebody call me tomorrow. So, I'll let you know.

Dennis Hudnall: Okay. The other thing is I talked to Pioneer Rail today, and I think Suzanne's been talking to him before on the rail crossings. They proposed to try to work with the counties to make these rails a permanent fix instead of keep patching them, because I'm getting a lot of calls from the public on these rough crossings. So, they proposed that the county kick in some of the costs in order to make these a ten or 15 year permanent fix, instead of us keep patching them. Now, it Pioneer's responsibility to do that. So, they told me that they had talked to Mr. Mourdock and to you in probably the last month or so. Whether they have or not, I don't know. They said Mr. Mourdock was the out-going and Suzanne was coming in.

Commissioner Crouch: I have not spoken to them.

Dennis Hudnall: What they proposed is to make these approaches a permanent fix that the county, and because it's their crossing, is to kick in some of the funds to do this. I just wanted to bring that to you. I will research it a little bit more, and get more

details, and I'll put that in writing. To let you know, the rail crossings right now are a problem, and they can't get to all of them, so there's...we've been patching them as best we can, as a quick fix. But, they don't last very long. So, we need to get a...let's see, there's three of them; St. Joe Avenue, Mill Road, and Boonville-New Harmony Road are the three that we've been getting all the calls on. So, as soon as I find out more information from Pioneer, what I'll do, I'll put that in writing and send that to you, if that's okay. Then we can make an informed decision. The other thing I have is last week I think that bids were opened for the flush and vacuum truck that we're required to have to flush out the drain boxes for the EPA. We got an alternative bid for the flush truck, which was a used flush truck for \$84,500, and the new one was \$92,000, approximately. So, I called Dave Garr at Deeds, and a matter of fact this was the only bid, I believe, that you received on this last week was from Deeds.

Commissioner Fanello: I think that was the only one.

Dennis Hudnall: Okay, that was last week.

President Mosby: That's true.

Dennis Hudnall: Phil Lawrence just told me that was the only one. I wasn't here last week. I called Dave Garr briefly today, and he informed me that the difference is one of them has a four cylinder engine, and the other one has a six cylinder. The four cylinder engine is the used one. That's why the cheaper price. Even though it doesn't have very many hours on it. What I would like to do, in order to make an informed decision, he didn't have much time today, and I didn't have much time to sit down with him and discuss this, I would like to discuss it a little farther, and then present it to you next week, and make my recommendation, if that's okay.

Commissioner Fanello: That's fine.

Dennis Hudnall: Because I want something that, we're going to be required to use this extensively now. So, I want to get the best possible piece of equipment we can get, that will do the job. The only other thing I have is, you have my weekly report, do you have any questions?

Commissioner Fanello: I don't.

President Mosby: I don't.

Dennis Hudnall: Okay.

President Mosby: Thank you, Dennis.

Dennis Hudnall: Thank you. Have a good night.

Commissioner Fanello: Thanks, Dennis.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: Yes, the only matter I have is my review of the personnel policy manual, to hand out to you, I'm not expecting any action tonight. What I did was go through my notes from the meetings over the last however many months, put some language in there. Do not consider this to be a suggestion on any particular item that is somehow legally mandated. All I did was go through and put some language in to try to do what you had discussed. You may reject them all, or you may want to use all, some of them. Or you may want to modify them, but at least it gets some language in front of you. So, I don't want you to think that it's something that you have to adopt. In one of them, and I wanted to just point this out. If I can find it real quickly. There was some discussion, and that's all I had in my notes, discussion about whether you would allow service credit years for people who had been previously employed by the City of Evansville, or township offices. Of course, this would also fall in that category of you don't have to do any of this. I started to write up language, but I kept coming up with so many variables and alternatives that I didn't put any in there. After you've had a chance to think about it and review this, if you decide on a direction that you want to take, I would be glad to come up with some language. You don't have to do anything. You may do some or all. On this particularly, you may want to start with new hirees would be one example. Or you may want to start with going back a year, or a certain number of years, and not make this apply to all employees, if you want to do it at all. Of course, this would have an economic impact, because, and I don't know to what extent, or how many employees this would apply to, but, you know, you have longevity pay issues in there. If you are going to give them service credit for the previous employment, and also, I guess, it would also impact the amount of vacation time somebody may be entitled to. So, I just referenced it in there. I did not put any language, because there is just so many different ways you could go on this. But, I'll just hand this out at this time, and you can call me, or bring it up for discussion at some future meeting, whenever you want to. At least it gives you a start. All the page references in there are to the Baker and Daniels version. So, when you're trying to find a page number, don't use the manual we now have, use Baker and Daniels. I did not comment on any language they had, unless I had a suggestion, thought it would be an improvement or clarification. So, that's all I have.

President Mosby: Are there any questions of Kevin?

Kevin Winternheimer: I'm sorry.

President Mosby: No, I was just asking if there were any questions. The only question or comment I might have is if Dennis would get with you, and work with you on these railroad crossings.

Kevin Winternheimer: Okay.

President Mosby: Where he's saying that Pioneer is wanting us to pay part of this cost.

Kevin Winternheimer: Yeah, just a comment briefly on that. There's provision in the state law where you can go through a lengthy procedure and have the railroad repair it, but the problem that you run into is, it doesn't mandate the quality of the repair. They may, to comply with the law they could do the patching type thing he's talking about. So, it may be a situation if we want something that's long lasting, we may have to consider, if we have the money, to join in that venture, to specify a particular type of fix. If they are not willing to do the better quality fix. Do you see what I'm saying? So, yeah, I can get with him, and see what options we have.

Dennis Hudnall: What they were telling me, and I don't have the full story on this. I talked with him right before we came down here, and he said it would probably cost for the pre-cast concrete, and I talked to John Stoll and he has been discussing it too, it would probably be between \$6,000 and \$7,000 a crossing. But, John was telling me also that you would probably end up doing the drainage culverts and things like that along the tracks also. So, it might be at a higher cost. So, we have to get all of that information together before—

Kevin Winternheimer: Well, we can put together some options for you to consider, and see what you have the money to do.

President Mosby: Okay.

John Stoll: I was going to say, last time I spoke to Pioneer, I don't remember which one of the Commissioners I spoke to, but I know Kevin and I talked, and we were thinking that we would have to get some sort of formal agreement that specified what items they do, and what we would do, because it seems like it changed somewhat. Previously asphalt had been discussed. Dennis supplying his crews to set the panels, the culverts, quite a few items, rather than just the concrete panels. So, it seemed like it was going to be costing more on some of the previous discussions. So, we need to tie it down pretty tight before we proceed, I would think.

President Mosby: Okay. Any other questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: Late Friday afternoon the Health Department brought me a HIPPA compliance review engagement letter agreement. I faxed this to Kevin. I believe he has approved it. The HIPPA agreement.

Kevin Winternheimer: Yes. I reviewed it. The contract is fine. Just to give you a little background, sometime in April, the 14th, something on or about that date, somewhere around there, medical providers, people who deal with medical information are going to have to abide by these HIPPA rules. What it is is basically a methodology of keeping patient records and medical conditions private. It's a very involved, I know enough about it to know that it's there, and it's an extremely involved procedure. I talked to the Health Department about it. I recommended after going to a local seminar on it that they contract with somebody, a law firm who was particularly knowledgeable in this area. There aren't a handful of firms in town who do this, but the Bamberger firm, they have a considerable number of medical clients. They are doing this for other facilities. We will reap the benefit of their knowledge and expertise, and strongly recommend that you approve this contract. You will note that the hourly rate is higher than the mere \$70 an hour that you pay normally for contractual attorneys, but the rate they quoted, I think it's \$145, somewhere around there, for this type of work, this is a highly specialized area, and is an extremely good rate. They had contacted other firms, I believe it was a firm out of Indianapolis, but my recommendation was to go with a local firm. Particularly, when they are local they can give us a good price, and they will be real handy to deal with in terms of they're in town. The consequences of not complying can be severe; cuts in funding, lawsuits, all kinds of horrible things. Since this firm is very familiar with this, I would strongly recommend we do this.

Commissioner Fanello: And this is coming out of their budget, right?

Kevin Winternheimer: It's supposed to, yes.

Commissioner Fanello: I'll make a motion to approve, based on the fact that it will come out of their budget, because we definitely don't have enough money in our legal budget to support it. But, I realize the importance of it.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

Commissioner Fanello: Is there—

Tammy McKinney: Go ahead.

Commissioner Fanello: I was going to say, while we're talking about HIPPA, is there anything that any of our offices need to do, outside of the Health Department? I know the Auditor's office deals in health insurance information. Is there anything that—

Kevin Winternheimer: I don't know about the Auditor's office. I can tell you, and, I guess, they didn't get it over here in time, the Sheriff's office is going to need the same thing. I reviewed their contract, the exact same contract, just substitute Health Department with Sheriff's Office. Same rates and everything. They are going to need to comply. I have already been in discussions with Tom Bodkin that the Sheriff's office compliance is going to be a lot easier than the Health Department. Since they do deal with inmates medical records, medical treatment, that sort of thing, they are going to have to make sure they are in compliance. Their review will be a lot simpler. Their compliance will be a lot simpler, because it's just the nature of what they do compared to what the Health Department does. I know that's the case. I can ask him to, whether he thinks the Auditor's office, with, I guess, it's our insurance claims—

Commissioner Fanello: Uh-huh.

Kevin Winternheimer: —is primarily what you deal with? Whether that's going to be an issue or not, and see what they say. If it's something that needs to be reviewed.

Bill Fluty: We actually don't have knowledge of the claims. They don't pass through our office.

Kevin Winternheimer: Okay. If you're not dealing with medical records, per se, or employee medical, I don't know how to put it, conditions, then you should probably be okay. I'll talk to him and ask him about that.

Bill Fluty: If you could just clarify what actual records you are talking about, I can check and make sure that we—

Kevin Winternheimer: You will see within the next month or so a substantial change in such things as when you get your prescriptions at the drug store, when you go to your doctor or your dentist's office, it's, as one person put it, it was a problem that the federal government took a sledge hammer to rather than a mere pen to. It's going to have drastic effects. The results are well intentioned, but sometimes the

cure is almost as bad as the problem. It's going to result in increased costs across the board. Unfortunately when you do your doctor's visits, and the way people operate, if they deal with anything regarding a medical condition, prescriptions, your particular health condition, and so forth, without getting into debating the problem, it's, regardless, we still have to deal with it. I know that was two situations, the Sheriff's Department and the Health Department were an immediate concern.

Commissioner Fanello: Well, we may need to look at the Commissioners office and also the County Council's office, because Worker's Comp things come through our office, and she handles claims, and I believe Sandie Deig does as well. So, we may need to look at our office also.

Kevin Winternheimer: Okay. I'll ask him about that.

President Mosby: Are there any other questions or comments? Do you have anything else?

Tammy McKinney: Yeah, I do. My memo that was submitted last week has been revised. The change of the ward and precinct to make it all correct. Also, I added Ward 3 Precinct 4, moving it from Wags to the Union Local 156. I need those to be approved so that we can get the cards out. Also about the school polling places, I actually had to contact the School Corporation for a list of these polling places. I know most of them are at schools, but I don't know if they don't realize or what, but we take tables and chairs to some polling places. Now, I don't know if they didn't contact me, or if they are going to do it on their own, or they didn't know this, or exactly what, but. I noticed they also had Henry Reis Educational Center, I actually had to order ramps for that polling place last year. I've given them the contact name, so they can do that. I also see that they have some, a couple of libraries, and some churches, and I don't know if I'm supposed to see if they need tables and chairs, or since they did not contact me, assuming that they are going to do this, or exactly what. I mean, Voters Registration and I, we are totally left in the dark about this. So, I just want to know what way I need to proceed.

Commissioner Fanello: Can you ask them that tomorrow?

President Mosby: That's conversation I'll have tomorrow, or try to. As soon as they call me. I left a message, of course, for them to call me.

Tammy McKinney: I just want to know what, you know, I needed to do, since, I mean, it's...moving tables and chairs isn't something that, you know, I can just do overnight. It takes planning.

President Mosby: Let me talk with them, excuse me, I'll talk with them tomorrow, and then let you know, and we'll discuss it again next week so everybody knows what's going on. I mean, like I said, I brought it up earlier, I don't want us to get blamed for all this if the tables and the chairs and the handicap ramps and everything are not out there, because, I mean, I knew nothing about these until you handed them to me this afternoon.

Tammy McKinney: Right. I just got them late this afternoon. Like I said, I had to ask for them.

President Mosby: Anyhow, I'll let you know something tomorrow.

Tammy McKinney: Okay. Besides that, and if you approve the changing of the polling places that's all I have.

Commissioner Fanello: I'll move approval on the polling place changes.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Burdette Park |
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President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette Park. I guess, the first thing, does anybody have any questions on the Eco-Tour?

President Mosby: No, but, I guess, you just need us to make a motion to pass this, so that we can use the bus. Does everybody got this letter? It was in your packet. Insurance has no problem with it, so.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Steve Craig: Okay, and last Thursday I did meet with the State Group, the electric company that has the contract on the refurbishing of the campgrounds. They got started a couple of days late, because the boxes had not came in. They got started Thursday afternoon, and they are well into the project now. Doing a good job. We were up there talking to them today. I also talked to, I called Darryl Veech from the Corradino Group, and Mike Duckworth had got back with me, and the tentative dates that they are going to be in town to do their survey, and to finish up on the master plan is June 13th, 14th, and 15th. Mike said that we'll have to get together and make sure that we're all on the same page, and that he covers everything that the Commissioners is wanting him to cover this time.

President Mosby: Okay. Any questions of Steve?

Commissioner Fanello: I just have one request. On all these projects that we awarded, if you could please get purchase orders on those.

Steve Craig: Okay.

President Mosby: Any other questions? Thank you, Steve.

Steve Craig: Thank you.

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| SWCD & Ozone Officer Reports |
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President Mosby: The chair would entertain a motion to accept Soil and Water and Ozone.

Commissioner Fanello: Sorry. So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent agenda.

Commissioner Fanello: I just have one question, if we could just hold it till next week, until Tammy checks it out, and that's on the extra phone line in one of the court offices. To get a little bit more information on that. Like I've said before, our budget is really tight in the telephone account, and I don't know if we can really afford to add many phone lines this year.

Tammy McKinney: (Inaudible.)

Commissioner Fanello: Yes.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to hold additional phone line. So ordered.

Commissioner Fanello: Other than that I move approval of the Consent Items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for approval of the Consent Items. So ordered.

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| Scheduling of Executive Session: March 17, 2003 @ 4:45 p.m. |
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Commissioner Fanello: Before we adjourn, I think that we had a request for an Executive Session.

President Mosby: Yes. Kevin, do you know of anything that you might need?

Kevin Winternheimer: I think on one or two on the condemnations, I think there were, the attorney is ready to discuss a possible settlement. So, if we're going to have one, I would add that to the list.

President Mosby: Let's just do 4:45. That would give us 45 minutes.

Kevin Winternheimer: That's plenty.

President Mosby: That should be plenty. Okay. That will be on the 17th. So, we'll need to advertise that.

Commissioner Fanello: Do we need a motion on the...I'll move that we advertise the Executive Session for 4:45 next Monday.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other business?

Commissioner Crouch: Wear your green next Monday.

President Mosby: There you go. Green next Monday. We can do that.

Commissioner Crouch: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: I was going to say, if that's supposed to be a motion, I'm in trouble. I have a motion and a second to adjourn. So ordered.

(The meeting was adjourned at 6:15 p.m.)

CONSENT ITEMS:

Travel Requests:

| | | |
|-----------------------------|-----------------------|-----------------|
| County Highway Treasurer | Commissioners SWCD | County Assessor |
|-----------------------------|-----------------------|-----------------|

Employment Changes:

| | | |
|-----------------------------|------|--------------|
| Prosecutor Circuit Court | VCCC | County Clerk |
|-----------------------------|------|--------------|

Request for Service: Area Plan.

Sheriff: Weekly Jail and Community Correction Reports.

Commissioners:

Substance Abuse Council Minutes and Grants Report.

Auditor:

Submit A/P Vouchers.

Submit Financial, Cash and Expenditure Reports.

Recorder: Surplus Letter.

Those in Attendance:

David W. Mosby

Catherine Fanello

Suzanne M. Crouch

Kevin Winternheimer

Bill Fluty

Tammy McKinney

Madelyn Grayson

Phil Lawrence

John Stoll

Dennis Hudnall

Steve Craig

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 17, 2003**

The Vanderburgh County Board of Commissioners met in session this 17th day of March, 2003 at 5:30 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners of Vanderburgh County for March 17, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of March 10, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the March 10th meeting minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Approval of March 17, 2003 Executive Session Summary Minutes

President Mosby: Executive Session summary minutes.

Commissioner Fanello: I make a motion to approve the Executive Session summary minutes. The Executive Session began at 4:45, and ended approximately 5:20, and discussed a personnel matter only.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Judy Weatherholt: SW Indiana Regional Development Commission
Jobe's Lane Public Hearing**

President Mosby: I don't believe we had any bid advertisements this week, did we? Discussion items, Judy Weatherholt. Yes, you're here with us. This is a public hearing for Jobe's Lane water and sewer extension. If there is anybody who would like to speak to Jobe's Lane tonight, I have a sign up sheet here.

Judy Weatherholt: I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission, and this is a public hearing for the Jobe's Lane application that is to be submitted April the 4th for this Community Development Block Grant project. We do, Commissioner, I have letters from each one of the homeowners out there that are willing to sign a waiver on the easements to donate the easements for this project. So, we will be obtaining the official paperwork that

we will be submitting with the application for the site control of that project. So, just wanted to let you all know that they have all agreed to sign waivers to donate the easements to that. I think there is a number of residents here that maybe would like to make some comments.

President Mosby: Okay. Was there anybody that wanted to speak?

Mike Lockard: Good evening. My name is Mike Lockard. I'm speaking on behalf of my parents, William and Shirley Lockard, and many of the residents who could not be here tonight due to job conflicts and other personal matters. They asked us to all convey our thanks and appreciation for you, for having the hearing and moving this project forward. As you know, you appropriated, and the County Council appropriated \$230,000 towards this project. Then Water and Sewer appropriated, I believe, another \$110,000. So, that still leaves a portion remaining that's needed to make up the entire proposed bid price on this. I think you all know, from looking at the evidence that has come before you before, this project dates back, what, 20 some odd years that it's been a problem in the area. It not only affects these particular residents, but also tens, if not hundreds of lives downstream, because this is located on one of the higher portions of Vanderburgh County. As a result, everything, you know, it all flows downhill from there. There is a stream that feeds directly into Carpentier Creek and Bayou Creek. So, there is a large number of residents, bodies of water and areas that are potentially affected by the ecoli, and the other coliforms. So, this is not just a problem just for these people, but potentially downstream, you know, you're talking about a true public health hazard that, luckily, now due to the grants that are coming through, can potentially be taken care of. So, we are appreciative that you all have helped out with this, and we hope that this goes forward, and that the grant is approved. Hopefully, by this time next year, you can all come out and have a drink of water and flush the toilet with us. Thank you.

President Mosby: No problem. Was there, excuse me, was there anybody else from the neighborhood that wanted to speak? I believe, Judy, if I'm right, anybody that was here on this needs to sign this.

Judy Weatherholt: Yes, yes, please do.

President Mosby: Before you leave, I will lay it right over here on the desk, and I'll have Tammy put a pencil over there, and please just sign your name if you were here for the hearing. Is there any questions by any of the Commissioners? No, she wants to put it over there so anybody that was here can sign it. Kevin, do we need a motion or anything?

Kevin Winternheimer: No.

President Mosby: This was just set out as a public hearing? If there is nobody else to speak regarding the public hearing, then we will adjourn the public hearing end of it, and go back into the regular Commissioners meeting. If you would, like I said, before you leave, please sign that so we can send that along with the application of the grant. Hopefully, we'll hear something soon.

**ProVal Amendment Agreements
(Deferred Until 3/31/03)**

President Mosby: Next we're going to hear...was County Assessor pulled?

Commissioner Fanello: Yes, she did ask, I did receive an e-mail. She did ask that this be deferred until March 31st.

Old Courthouse Lease Agreement with Jon Jennings

President Mosby: Next we have an Old Courthouse lease agreement with Jon Jennings. I believe everybody's got it in your packet. If there is any questions.

Commissioner Crouch: What is this gentleman's business? I was just curious.

President Mosby: I can tell you. His name was in the paper the other day. He, Jon Jennings is setting up a committee to run for 8th District Congressional race. He wanted to rent a room over at the Old Courthouse. So, yeah, it was in the paper with about three or four other names the other day.

Commissioner Crouch: The "Friends Of" kind of tipped me off.

President Mosby: Is there any questions on the Courthouse lease? If not, chair would entertain a motion? Kevin, you've looked at it?

Kevin Winternheimer: Yeah, it's a standard lease agreement.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Public Comment

President Mosby: Is there anybody in the public, in the audience that would like to make any comments or discussion on any items? Seeing none.

Old Business

President Mosby: Old Business.

Commissioner Crouch: I've just got one item, I don't know if it's old or new. We all received a memorandum from Judge Niemeier regarding the YCC, and them raising their per diem from \$150 to \$172. I was wondering if now may not be a good time to perhaps look at the juvenile detention issue, to see if they are still interested in coming forward with a proposal for this Commission to consider on behalf of the county. Then look at that in relation to what it would cost, or what would be involved to the county doing their own facility. This seems to kind of make it timely, the cost.

Commissioner Fanello: I had asked Kevin to look at doing a contract, like we had done with the village up in Vincennes, to provide for the services that they are currently providing for. But, I think this is a perfect time to look at the juvenile. Judge Niemeier and I had discussion, actually about two months ago, and he was supposed to meet with the DOC this month sometime. They could not get down

here until March, but they wanted to talk to him about the juvenile issue. So, we probably need to follow up with him to see if he's met with the DOC yet, and once he had that meeting we were going to kind of get together. I know he called me last week about setting up a meeting over the next couple of weeks. So, I think everybody's looking at it. It will be just, basically, what our budget can afford, I think. I think it's the perfect time to come up with those comparisons of building versus contracting.

Commissioner Crouch: Would we also contact Steve Perry and ask them to submit a proposal for them building the facility, and, you know, operating it on behalf of the county? Could we look at that also?

Commissioner Fanello: Sure. I think we have to compare it with building our own facility.

Commissioner Crouch: Okay. If he's meeting, if Judge Niemeier is meeting with DOC this month? Is it March?

Commissioner Fanello: I thought he said, I thought it was actually supposed to be the 12th. I'm not sure.

Commissioner Crouch: Okay. Perhaps we could look at addressing this issue in an April or maybe even a May meeting.

Commissioner Fanello: Right.

President Mosby: Okay.

Commissioner Crouch: Before we start moving forward out at Wansford Yards.

Commissioner Fanello: Well, yeah, and I was actually going to lead into New Business with another issue, but that's probably a perfect segue into the Community Corrections issue. Which, I think, we probably all read the newspaper this weekend that the building that currently houses the Safe House is up for sale. I think this is the perfect opportunity for us to come to a conclusion of how we want to spend the \$2 million that was given to us by the DOC. I know the Sheriff and I worked very hard on that money, and we don't want to see it go to waste. So, I think it's time for us to look at that. Probably looking for any thoughts that the Board has, but I think that we need to come back with a recommendation in the next couple of weeks how we want to move forward, you know, with either constructing a new facility, or how we want to handle this.

Commissioner Crouch: Did, isn't a Dr. Latessa supposed to be studying this, and coming forth with a report? I think, probably it would be wise to wait until we do get that report.

Brad Ellsworth: Right. Dr. Latessa is in the middle of doing an analysis of our system. Unfortunately they asked for an extension on the program, and I found out in the last week that it's going to be May before his final report is due. So, I'm not sure we're going to have the luxury of waiting for him, and if he'll be able to actually...we don't know if he's going to come out and say, here are ideal numbers for what size facility. I mean, I don't know if that's going to be in his report. The one thing that I did want to add when I was sitting there was that with the schematic design phase of the jail going on, the more we wait on deciding what we're going to

build out there adds to the problems for the architects. Like I said, they are finishing, and they are doing engineering, and electrical, and HVAC and that. The longer we delay on if we're going to add this other building, or pod, or whatever we want to call it, it's slowing the architect down on that. So, like I said, we might be able to wait till May, but I don't know if it's going to produce what, a number where Latessa comes in and says, you only need 150 beds. I think that might have to be a local decision between you all and the judiciary.

Commissioner Fanello: I think we've studied this issue long enough that we can come to that decision. I think the judges are in a place they know what we need. This Board has studied this issue, you know, we've had a study that the county paid for a couple of years ago, and I think we're at a point where there's no need to hold off this decision. The state wants a final plan by June 30th of how we will spend the \$2 million. I have asked our architects and engineers to give us some estimates over the next week or so. So, we will be getting those back. So, I think we're in a perfect position that we have enough information that we can make an intelligent decision.

Commissioner Crouch: Didn't the Community Corrections Board authorize this Dr. Latessa to do the study? Who's paying for that?

Brad Ellsworth: The DOC is actually paying for his study.

Commissioner Crouch: I would think that they would want us to consider that before they give us \$2 million. I don't know, but it seems if public money is being spent for this study, and I know in the past the argument has been made by this Commission that we need to wait until that study is done. I don't think that another month and a half, or, you know, is going to make a difference.

Commissioner Fanello: Well, it's actually more than a month a half, but I just feel like we've studied this issue to death. That's my personal opinion.

Brad Ellsworth: I can try for next week to see, contact Latessa's group and see if numbers might be in, you know, a number or, what I think you'll see out of that is possibly a recommendation on what type of inmates are actually sentenced out there, and what charges are appropriate for Community Corrections and what aren't. That may drive the numbers. I don't think he's going to come out and say you only need 150, or you only need 125. Over the last seven years of studying this, and after listening to the judges, I know what they think what we need. It's, I guess, it's going to involve the Council too, and what they are willing to spend on the size. That's your all's pleasure. I just know that Paul, the architect, has said it is slowing him down at this point, in his work, to not know if we're going to have this or not, so.

President Mosby: So, you're saying May before they can get us anything?

Brad Ellsworth: Before they are going to come in and do the report, they have asked for May.

President Mosby: I guess, my feeling is we could go ahead to try to decide what we want to do with the information we have. I mean, we've got plenty of information. I guess, we can make a somewhat of a decision, maybe not a final decision, but try to come to a conclusion on what we want and help the architects along here so that we don't have to go back and redo work that is going to end up costing us money.

Then incorporate Dr. Latessa's study into what we think we need, and see where we stand.

Brad Ellsworth: One thing that might drive it is that if we get a firm commitment from the Council. If \$2 million is the exact, I mean, they are not going to make this thing a \$4 million building regardless, then we know we have that much to build whatever came in. If \$2 million will build 150 beds, that's probably what we're going to get. Enough with office space for day reporting and all that. If \$2 million will build 500 beds, then maybe we need to relook at that, and rethink that, but if Paul comes back and says you're only going to get 125 beds for \$2 million, and the Council's not going to throw into that pot, then I think we know what we're going to end up with.

President Mosby: Was this supposed to be a matching grant? Or is it just \$2 million, do what you want?

Commissioner Fanello: I have the letter right here, and it says that;

"The \$2 million grant is a one time grant that will be utilized to build a residential facility that will serve both male and female Community Corrections offenders, exclusively replacing the current Safe House facility."

There is nothing in here about matching grant or anything like that.

Commissioner Crouch: Well, and, I guess, my feeling is, as I stated earlier, to have a local board authorize a study that public monies is being spent on, and then for us to have stated in the past that that study is important to the big picture, and then for us to move without that study being in, I think, is us missing a big element.

President Mosby: I don't think you can wait, in my opinion, I don't think you can wait for Dr. Latessa's study, and then have time to, basically, decide what you want to do, have time to, I mean, depending on the cost. I mean, if we contact Paul as late as May or June, and they give us a cost, and we find out it's more than \$2 million, it's going to be another 30 to 60 days before you can get into Council. By then you're into July and you're money is gone. I mean, if we wait till May, I mean, you know and I know the Council only meets once every month. If we need money, or if we're looking at additional money, or if we need to match this money, I mean, depending...we've got to start somewhere. We can't wait until May. You know, it could be July 1st before we get into Council.

Commissioner Crouch: I guess—

President Mosby: I would hate to lose \$2 million.

Commissioner Fanello: \$2 million, in the big scheme of things, from the state, who is in a financial crunch, at this point, is a big deal. We cannot afford to lose this \$2 million.

Commissioner Crouch: Have they told us we're going to lose it if we don't take action by—

Commissioner Fanello: We have until June 30th.

President Mosby: June 30th.

Commissioner Crouch: Right, but—

Commissioner Fanello: We will not have it after June 30th.

Commissioner Crouch: That's correct, but there's nothing about May 1st, if a decision hasn't been made.

Commissioner Fanello: But you don't have enough time to come up with a full blown plan if we wait until May 1st.

Brad Ellsworth: If I could, if I could contact Latessa's group this week, before next week's Commission, and see if...if the report comes back it's, their studies are called, "What Works". They may come back and say they're looking at our programming and saying, yeah, this is a great program, Community Service is not useful anymore and that. If that's the kind of thing this brings back, and they don't talk numbers or that, then we're going to have wasted time. If they say, yes, this will help you with determining the size of your Community Corrections, maybe that will be helpful. I can tell you next Monday night.

Commissioner Crouch: Yeah, could you ask them for something in writing as to what that report is going to...actually what kind of information is going to relay to us?

Brad Ellsworth: Right, and I'll review the contract on, the original contract that we signed with them. That was at the recommendation of the DOC. They said why don't you hire this guy and have him come down. It's kind of weird they're putting their money, the DOC, and people that buy into Latessa's program is where they're lending, that's where they're financing. So, that was kind of on their suggestion that we contracted with Latessa.

Commissioner Crouch: Can you also check with DOC to see if this report is crucial, or weighs in at all on their decision as to the \$2 million that they will allot us?

Brad Ellsworth: Right. I don't think it will. I've had enough discussion with Mike Brown and those people, that I don't think you're going to see...they know we're doing that. It's sideways. That's more of a report to help us, a check and balance that we're doing the right things out there for Community Corrections. I don't think, I mean, the meetings that we had—

Commissioner Fanello: Right.

Brad Ellsworth: —they never mentioned wait and see what he does. It was just, in fact, I think the fact that we were going through this, Latessa's program, helped influence that they would give us some money. That we were willing to go through that. I think we're going to fare well. I think, according to Major Woodall from the interviews with the graduate assistants that are down, is, they like our program. I don't think everything will be perfect, but I think we're going to be pleasantly surprised with what they see us doing out there.

Commissioner Fanello: Well, why don't you get back with us—

Brad Ellsworth: Let me see what I can find out this week.

Commissioner Fanello: —on that over the next week. In the meantime, I believe, we still need to be looking at the information we do, which is a report that the prior Commission paid for from PMSI, which did lay out the recommendations for

Community Corrections facility. So, that was \$100,000 spent right there, and I don't know why we can't take that information and use it.

Brad Ellsworth: It's been a long debate. You know I've had anywhere from 125 beds, up to 350 beds or more. We've argued that out for a couple years.

Commissioner Fanello: I think, really, the only thing that's going to drive it is what this county can afford.

Brad Ellsworth: Can afford.

Commissioner Fanello: I'm getting ready to inform this board of the discussion that was, that had taken place at the County Council meeting, at the last meeting.

President Mosby: Okay.

Commissioner Fanello: That kind of leads into that discussion that happened at the last Council meeting.

President Mosby: Okay.

Commissioner Fanello: Basically, as you know, the County Council had made a commitment to set aside \$2.7 million each year to help fund the jail project. That was done, basically, upon recommendations of the Council, and they thought that the \$35 million was what we could afford, and the \$2.7 would be the amount, which would probably equate to our lease payment. Unfortunately, the Council did announce at the last Council meeting that they would not be able to set aside the \$2.7 million this year. If everybody got, the Auditor put a financial statement in our packets last Friday, or last Monday, so everybody's had a chance to review it. You can kind of see where we're at right now, which is not a very good position. So, I think, you know, that with the Community Corrections issue, we're only going to be able to do what we can afford to do. I'm kind of concerned at this point that we're not setting aside the \$2.7 million, because I made my decision, basically, on the fact that the Council told us \$35 million is what we can afford. Now, I'm not sure we can afford this, and we're getting ready to issue a bond issue here in a couple of months. So, I'm very concerned about that, and would like to hear from the Board, from their feelings on the issue.

President Mosby: I mean, I would have to hear the Council's end of it. I mean, it might be that we have the Council President or the Finance Chairman come into the meeting...is it on? Have one of them come in and explain to us where they stand on the \$2.7 million, and they how they intend to go forward with this. You know, what their intent is. If we can afford the \$2.7 million. I don't know. I mean, the Auditor is here, but, and the former Auditor.

Commissioner Crouch: Well, unfortunately, Vanderburgh County has fallen victim to the same circumstances that the state and the national economy has. When your interest income is down, which is a major source of revenue to the General Fund, and your COIT's down, that can't help but have an impact. So, I mean, I think that things change that cause people to have to re-evaluate situations, and make judgements and determinations based upon those changing situations.

Commissioner Fanello: I think you had given us projections, I can't remember for how long, is it possible for, you know, our now County Auditor to go back and revise

those projections? I would kind of like to see where this county is going to be over the next three to five years, based on where we are right now in the economy. I'm very concerned, because we have a lot of projects on the table, and, you know, the city is going to build a new baseball stadium, we have the schools are going to issue, you know, taxes are going to go up because of the referendum. So, I don't think our seniors can afford much more. I'm very concerned about where we are.

Bill Fluty: Well, Catherine, as on the federal level or the state level, it's come to Evansville right now.

Commissioner Fanello: Right.

Bill Fluty: We seem to do well a lot longer than some of the other counties, but it's hit us at this point. There is some good news. We are just bonding out at \$35 million, instead of \$65 million, which was proposed at one time. The Council had the good fortune to put \$5 million away for over a two year period, and they actually set aside their COIT Windfall. So, they have been prudent in saving for hard times, and they are here now. So, we will have to be careful with our budget, and with our projects, that we do pick the right project, and do the best that we can. We will have to pick and choose from here on out.

Commissioner Fanello: Well, but as it stands right now, what concerns me is that we can't, it doesn't look from this that, you know, even next year they are probably going to be able to set aside the 2.7. So, that's why I'm asking you if maybe you could take the original projections that were given to us by the former Auditor, and revise those projections, and show us where, basically, what we're looking at financially.

Bill Fluty: You're working with a bond counsel currently. What are their suggestions to you at this time? Because I know you're ready to let this shortly, so you have some information. Can you share that with us?

Commissioner Fanello: Well, they had suggestions on how we should finance the project, but those are—

Bill Fluty: Well, I think that should be shared.

Commissioner Fanello: —weren't needed. But, what I'm referring to is what, Suzanne did some projections for us, and that's what the Council worked off of to be able to decide what they could afford. So, I guess, what I'm looking at, since things have changed, is if you could go back, and maybe revise those projections.

President Mosby: I think, if I'm not mistaken, the bond counsel, I think, at one time, said when we started this that we couldn't afford the \$2.7 million.

Commissioner Fanello: Right. We had a meeting with, you're correct.

President Mosby: I mean, they gave us that in writing.

Commissioner Fanello: Right.

President Mosby: That we were never going to be able to, but we could, yes, if everything else come to a stand still. I think that's what's happened here. I mean, and I understand everything you just said was pretty well correct, but when we were talking about building \$60 million, we were also talking about alternative financing. It was the Council that said they didn't want to do the \$60 million, they wanted to do

the \$35 million, because they could afford it. Now, it's come to the point, we can't even put \$2.7 million aside. It used to be we took Local Option Income Tax and put two or three million towards roads and streets too. Well, they cut that out a year or two ago. They cut it down to a million, and then to nothing. I mean, so, you know, they've taken that four or five million and shifted it. Now, they're saying we can't even put the jail money aside. So, I mean, you know, where are we? I think that's what we need to hear from, you know, the Council.

Commissioner Fanello: Just to let you know, there are other counties who are building jails right now who have looked at alternative financing, and one of them is Clark County, who looked at the, who has taken up the issue, and did exactly what we wanted to do when we took office, and what was proposed by the bond counsel. So, you know, the bond counsel was very frank with us when they met with us that, yes, we could probably set aside the \$2.7 million if we didn't, if expenses didn't go up, and we ran a very, very, very tight ship. I don't think that that's just feasible.

Commissioner Crouch: And revenues considered to grow—

Commissioner Fanello: Right.

Commissioner Crouch: —which hasn't happened. So, we're a victim of the economy. I think that perhaps what would be helpful is if President Mosby would contact President Raben and ask his thoughts on that, and report back to this Commission.

President Mosby: I mean, I'll be more than glad to ask him. I'll be more than glad to ask him to come down and speak with us, because, I mean, it concerns me when I look at the General Fund. I mean, there's not that much there in COIT Windfall. I mean, together is not going to handle what this county needs, plus \$2.7 million to be put aside for the jail. So, I mean, that's my biggest concern, I guess, at this point is to find out where we're heading.

Commissioner Fanello: I guess, I would maybe ask that you also maybe pass some information along to him of, you know, some suggestions from other people who talk about county budgets, and I think they need to look at, whenever they do the budget this year, they don't need to just look at 2004's budget. They need to be looking at three and four and five year budgets. Because I don't know that we're going to, the economy is going to quickly turn around, and we need to be planning for the next three, four, five years.

President Mosby: Is there any other questions? I'll contact Councilman Raben.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Changed)

Madelyn Grayson: Thank you.

President Mosby: Is there any other Old Business?

| |
|---------------------|
| New Business |
|---------------------|

President Mosby: Any New Business?

Commissioner Fanello: I've got a couple of things. Sorry.

President Mosby: Go ahead.

Commissioner Fanello: One thing that I did have that was, I will pass a copy to each of you. This is actually the suggestion of our Chief Deputy, Eric Williams, whenever we talked a few weeks ago about purchasing procedures, and bidding procedures, you know, I said that we have to have more communication, and we need to step up the involvement, and the review process. Chief Williams was kind enough to pass along an idea of a form that we could possibly use, and I think that this Board ought to think about doing that, and involving all of the offices whenever we advertise bids, and making sure that communication has taken place between each department. So, I'll give that to you for your consideration, and your thoughts on that. If you have any changes to it, just let us know.

Madelyn Grayson: Is there a copy for the record?

Commissioner Fanello: You can have David's copy. I had two other small things, Commissioner Mosby. I met with, excuse me, Mayor Lloyd a couple of weeks ago, and continuing our discussions about our contract with ACS, and he feels and I feel that we probably should have someone help us with the contract negotiations, because we are looking at a totally different contract with ACS. Something that is more in line with the services that we should be receiving. I can make a copy of this for everyone after the meeting. I forgot to make it before the meeting, but will give it to you to look at over the next week, and would like your input on it, and how you would like to proceed. So, I'll make sure that everybody gets a copy about that. I talked to Chief Williams before the meeting also about some ideas about handling the negotiations, and think it would be a good idea if we probably put together a small committee with Data Board members who would help move those negotiations along with Gartner, if we choose to hire Gartner to help us with the negotiations. I had one more thing. I contacted the County Attorney a couple of weeks ago about a couple of claims that the County Auditor was kind of hesitant about paying. Both of them are insurance items. One of them was insurance on the O'Day Discovery Lodge, which is a builders risk policy. One of them is title insurance for our property that we will be purchasing at Wansford Yard. Kevin can probably expound on the issue, but the fact of the matter is he has checked with the State Board of Accounts, and it is appropriate for us to pay both of these items out of the Insurance line item. I know that Bill had a little bit of a problem with that, and he may want to explain his position, but Kevin did bring this to me on Thursday or Friday to let me know that he had talked with the State Board of Accounts in Indianapolis, and that they were perfectly okay with us paying these out of the Insurance line item, since they were both insurance claims. So, they have not been paid, and I was concerned because they were still laying on our desk. I wanted to bring them to the Board to see exactly how they wanted to proceed on those.

Bill Fluty: Catherine, those claims are for title insurance, which is part of the project, the jail project, and the other one is builders risk. Builders risk we haven't paid before. Normally that's been done by the contractor. Title searches, title insurance has been paid at closing when the bonds are issued, historically. The 1300 account for Insurance is really for liability. It wasn't budgeted for that purpose. To keep our line item budgeting on track, we've asked to pay certain things from certain line

items. Already this year that account has fallen short, and one of the reasons was the P.O. that was put in place for that \$54,000—

Commissioner Fanello: That's not the reason, we still have \$50,000 in there.

Bill Fluty: Yes, that's true, but, it wouldn't have been as short as it was. I've talked to Tom Simpson with the State Board of Accounts, who's the head of the southern half of the audits for the counties. He's in agreement that that is not the proper place to pay it from. That either out of your Land money, the million one you have is a better place, or at the time of the closing for the bonds. I've talked to Allen Linnenweber, who's also here, and he's in that agreement. I did talk to Tammy White, she is in agreement with me that that is not the proper place to pay it, but she says you can. Ultimately, you can pay it out of that, and that was also the same remarks that Bruce Hartman with the State had. That, yes, you can, but it's not the thing you should be doing.

Commissioner Fanello: Well, it's really a mute point, because it gets reimbursed out of the bond issue. So, it's really actually a mute point.

Bill Fluty: We haven't had that discussion before, that it would be reimbursed.

Commissioner Fanello: The builders risk insurance, there is no reason why that can't be taken out of the Insurance account. Absolutely none.

Bill Fluty: They believe it would a better fit out of the project.

Commissioner Fanello: Well, that's different than the conversation that Mr. Winternheimer had. Maybe (Inaudible).

Kevin Winternheimer: When I talked to Tammy White she said it was the Commissioners call. They would not have a problem with taking it out of that account when they do their audit. That what monies are paid out of that account for what insurance items are the Commissioners call, not the Council's or the Auditor's. Interestingly enough, she agreed with me in that regard. I don't know what the two auditors here feel exactly, but that was the person I was directed to. I contacted the Indianapolis main office, and they said that was no one's call other than the Commissioners.

Bill Fluty: I actually talked to Tammy at length after I received your e-mail on Friday. What she told me is, she believes it's not the right account, not what you should be doing, but she agrees you can make that call, and actually pay it out of that account. Two different issues.

Commissioner Fanello: Why wouldn't it be appropriate to pay insurance out of an insurance account?

Bill Fluty: It should be paid out of the bond closing.

Commissioner Fanello: No, I'm talking about the builders risk on Burdette Park building.

President Mosby: There is no project—

Bill Fluty: It should be out of the project's fund, the CCD, the original cost.

President Mosby: The project is already \$250,000 short.

Commissioner Fanello: Right.

President Mosby: That actually was brought up at Council last month, and still is not resolved. So, I mean you have an Insurance account, why would you not pay insurance out of it?

Bill Fluty: It wasn't budgeted for that purpose.

Commissioner Fanello: Insurance is budgeted for insurance. We're the one's in control of our insurance budget.

Bill Fluty: There's a difference between budgeting for insurance and projects.

Commissioner Crouch: If I may jump in, as Auditor, what the State Board of Accounts would always advise us is, you know, there's a way to do it, and then there's another way. Sometimes they take exceptions to the other way, and sometimes they don't. But, ultimately, it's the Commissioners call on whether a claim is approved. That's why in the past claims have come before this body when there was a question, and then it's ultimately, at least that's how it was always explained to me. Whatever the Commission decides, is what is done. Is that not your understanding?

Bill Fluty: That's correct. You can decide to pay it out. We haven't gotten to that point. That was always something that we could have gotten to. We didn't discuss that, but, yes, that's true.

Commissioner Fanello: I kept getting the claims back. Tammy kept giving them back to me. So, that's why I gave it to Kevin, because I was concerned mainly, not as much about the title insurance, because that could wait, but, mainly concerned about the builders risk insurance for the O'Day Discovery Lodge. Especially, since it's under construction.

Commissioner Crouch: If you entertain a motion, and it's voted on by this body, it can be paid. The Auditor will have to pay it. I will vote against it, but if you ultimately make a motion, and you vote to have those paid, then the Auditor must pay them out of those accounts.

President Mosby: Can I ask you what your reason would be for voting against builders risk insurance?

Commissioner Crouch: What has always been the practice is that there must be consistency. If it hasn't been done in the past, then that is, that would be what I would rely upon with the State Board of Accounts, is consistency. If it's not been paid out of that line item, then that would be something, in terms of keeping better...what the State Board of Accounts is concerned about is keeping track of money, and keeping a good line item. We've encountered that many times with grant monies that we've had to kind of go around about in terms of having a paper trail for it. So, the consistency, and then the clear paper trail, and the clear accounting trail to a particular account would be the reasons.

President Mosby: Then where would you offer a suggestion for it to be paid from? What would be your suggestion? I mean, we need, we have to have builders risk insurance.

Commissioner Crouch: Well, I believe the Auditor said out of the project.

President Mosby: There is no money in the project.

Commissioner Crouch: Right, in the line item.

President Mosby: No, we just went back to Council last month, and Steve Craig is not here, but Gary is, we just asked for \$245,000, and they turned it down. Now, I mean, if you go back, and you should remember this project, it started well before I was here. We've tried, and tried, and tried to get this project off the ground. We finally did it with CCD money the first of January 2001 when we came into office. This project finally got off the ground, and they whacked \$435,000 out of it at that point in time. Steve Craig has in turn went from \$435,000 down to \$240,000, and that's what we're still short. So, I mean, there is no money to pay this. I mean, you have an insurance account. You have money in an insurance account, and you need builders risk insurance.

Commissioner Fanello: And I have a claim made out to ONB Insurance—

President Mosby: So, I mean, I don't understand that.

Bill Fluty: Just let me, I understand that you are short on money, but we are still trying to pay out of, we have a line item budget. There's a method of asking for more money through appropriations or transferring more money. That's how we do line items that are short, or funds that are short of money, we move money into those accounts.

President Mosby: Well, we just did that last month.

Bill Fluty: It's unfortunate you don't have money in there, but that's what we do.

Commissioner Fanello: Well, I'm going to be against paying an insurance item out of a building account. So, I will vote against that.

Commissioner Crouch: Well, why don't you make a motion, and we'll just move this along.

President Mosby: No, but, I mean, after what he just said. I mean, he was at the Council meeting last Wednesday. He knows that they turned the appropriation down.

Bill Fluty: Two separate issues, David.

President Mosby: Okay, but how can we pay something if we have no money? You're sitting there saying take it out of the project, and you know as well as I do they turned it down. We don't even have money to put the lighting up. We don't have money to do anything out there outside of build the building. I mean, I don't know where the money is going to come from.

Bill Fluty: I believe you've got an appropriation in this month for that.

President Mosby: Yeah, we'll see what happens.

Commissioner Fanello: Right, and that appropriation, I believe, was made out of COIT Windfall, which went in line with the February 6, 2002 minutes, which stated, or Councilman Raben stated that those extra items should be paid out of the COIT Windfall. Or could be paid out of the COIT Windfall.

President Mosby: I mean, I put a call in for Councilman Raben and Councilman Winnecke both last Friday. One of them was supposed to have gotten back to Tammy before 4:30, and neither one of them called. So, I mean, we filed the appropriation.

Commissioner Fanello: Well, I would like to make a motion to pay ONB Insurance for builders risk insurance out of the Commissioners Insurance line item.

President Mosby: Second, and so ordered.

Commissioner Fanello: And I have no problem holding up on the title insurance until we get closer to closing on the land. I don't have any problem doing that. But, I still think that it can be paid at that time, if the bond hasn't been issued, out of the Insurance account, because it's going to get reimbursed from the bond issue.

President Mosby: Any other New Business? Okay, department head reports.

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| County Engineer |
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President Mosby: County Engineer, John Stoll.

John Stoll: First item, I would like to request the Commissioners approve condemnation on the Greer parcel on the Mt. Pleasant Road Project. The original offer amount was \$5,650. Mr. Greer countered with \$12,500. The right-of-way buyer since contacted Mr. Greer, since we rejected the \$12,500 counter offer, and Mr. Greer stated that he is not willing to accept anything less than \$12,500. He provided no documentation to justify his additional \$6,850 that he is asking for. So, I would like to request that we proceed with condemnation on that parcel.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a temporary right-of-way form for the Commissioners to sign off on. This is on the Graff Road culvert installation project. This is for a temporary right-of-way off the property owned by James Riger. He's on the downstream end of this culvert we're going to install, and, basically, we need to do grading work, and rip rap placement on his property.

President Mosby: Okay. Is there a cost?

John Stoll: No.

President Mosby: Oh, well.

John Stoll: No, there's no cost on it.

President Mosby: There's no problem with that whatsoever.

John Stoll: It's a donation.

Commissioner Fanello: Do we need a motion?

President Mosby: Yeah.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a soils agreement with Alt & Witzig Engineering for an amount of \$4,000. This is for a soils investigation of the Oak Hill Road/St. George Road intersection project. It's requested that this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a modified agreement with Bernardin Lochmueller and Associates for changes to the access road to access the proposed jail site. This is for, this agreement is for an amount not to exceed \$126,000. The previous agreement was for \$141,900. They have since done \$7,500 worth of work. So, this agreement would be for a net savings of \$8,400. This agreement calls for Bernardin Lochmueller to change the scope of work to go from crossing the railroad tracks and accessing Highway 41, to going more straight north to tie into the existing portion of Harlan Avenue, and then also tie into St. George Road, as they proposed back in the, I don't remember what study it was, but the study they did last fall. They had three options, and this is one of those options that was presented then. I've got some aerial photos showing the proposed alignment, but, basically, this was an off-shoot of the meeting that was held out at the proposed railroad crossing site several weeks ago with INDOT and CSX officials. The CSX engineers were not in favor of the railroad crossing site. Primarily because there were two different crossings that would have to be constructed. The way it was set up previously the road was going to cross the tracks at this location right here. Because there was a separation, I believe it's 125' between the two tracks at CSX, initially we thought we would have to construct two separate crossings. At that meeting, the field check with the CSX and INDOT engineers, they had stated at that time that we needed to take this rail line and realign it so that way both tracks would be crossed with a single crossing, instead of having two crossings. So, that would, in effect, add about \$300,000 of track reconstruction to the project costs that was not foreseen previously. So, after that, other options were looked at, and that's why this was re-evaluated again. What this calls for is, basically, building new road from here on south. This would just upgrade the existing portion of Harlan Avenue. What they've called for is a 36' wide pavement here that would provide a parking lane for these cars that you can see that are parking out on the Vectren property right here. This road would also be a curb and gutter street with storm sewers. So, hopefully, it will alleviate some of the

drainage issues that are out there. I've spoken with Vectren representatives, and showed them these plans, and they have no problem with granting easements across their property to make this happen. Basically, that is in this area right here, and there's also a small segment down here by this other tower. Same with CSX, it's my understanding that they're willing to grant these additional easements to go from this point where it was originally going to cross the tracks, northward up, basically, in this area right through here. So, that's basically what the scope of work is for the revised agreement with Bernardin.

President Mosby: Also, I mean, I can add to this for you. We did meet, me and John went and met with the Mayor and Pat Keepes—

John Stoll: Jim Cameron.

President Mosby: —out of the Water and Sewer Utility. They are in agreement with this project also going down to St. George, because the Water and Sewer Utility is paying half of the cost of this whole project. They were going to pay half the cost of the project if we crossed the tracks. At one point, which was \$1.35 million, and then with the added expense of what INDOT and CSX was wanting us to realign the rail and run it parallel, was going to be anywhere from another \$250,000 to \$350,000. So, we can get into this whole project with contingencies for \$1.35 million. That's what renewing this agreement. Like I say, the Mayor is in favor of it. Jim Cameron is in favor of it. They are going to pay half the costs, and we've got Vectren's blessing, I believe, and waiting to hear back from CSX. But, initial contact with them is okay. They are going to dedicate their easement. There is no money exchanged between CSX or Vectren, either one. They are both doing it.

Commissioner Crouch: Have we notified the neighbors? Are they aware of this proposed change?

President Mosby: Not yet. I mean, that's something we were going to go out and try to hold, possibly, a meeting. We had talked about this last Friday to hold an on-site meeting with, I think there's 16 houses along Harlan.

John Stoll: I think there's 20.

President Mosby: 16-20 houses along Harlan Avenue. We wanted to get this from Bernardin Lochmueller. We wanted to present it to the Mayor, and make sure we had the okay of the Water and Sewer Utility, and that they would still do their 50%. They were all in agreement. We had to make sure we could get the easement right-of-ways from everybody, but it is our intent to send a letter to the neighbors out there, and hold some type of a meeting with the neighbors, and show them what we've got. I mean, that's why we went to the extent that we did on the 36', which gives everybody out there a parking lane. The road will be shifted 10' to the east to back it away from the houses. They will end up with 10' more green space. They will end up with 10' extensions on their driveways. I mean, as John said, they are going to get a storm sewer for once where it's flat land, and it's not draining very well. So, it's very much an improvement to the neighborhood. They are going to get a totally new street.

Commissioner Crouch: Well, and I certainly think it's admirable where we can look at a project and realize a cost savings, but, I think, when you have a decision that's going to impact people's homes and where they live and raise their families, we really need to have that input. I would suggest that we entertain having a public

hearing here at the Commission, perhaps, where it could be laid out for them. I mean, I think have a meeting there with them, certainly, but, I think, something that affects people this much, we probably ought to have a public hearing here at this Commission.

President Mosby: We can have it here. Our thought was we, there's a possibility we can get a place right out there by them where they won't have to travel very far. To hold it right out there in the neighborhood, to me, would be better than trying to run them down here, find a parking spot, maybe at an inconvenient time. It was our every bit first thought to look at the neighborhood and take their homes and lives into consideration, and that's exactly what we did. I mean, we even identified the drainage problem that they have, and we're willing to correct that too. So, I mean, they're going to, that is definitely our first intent, is to make sure it's okay with them. But, we have to do this because we're changing the scope of Bernardin's work now, and save what, \$15,000 to \$20,000 in doing it.

Commissioner Crouch: Would you...oh, I'm sorry, John.

John Stoll: I was going to say, the scope of work in there does define that Bernardin Lochmueller would provide the legal descriptions for the easements we need off of Vectren, as well as the legal descriptions for the easements from CSX. So, that way, it's my understanding, that's the hold up on being able to close on the property. So, at least it would allow that to proceed as well. In regard to the property owner notification, something else that we did last year too was, once the plans were developed for the Elmridge and Congress drainage project, we sent out a set of plans to every homeowner who was affected. So, in addition to any hearings we might hold, we can also get them a set of the plans, once we get to that stage.

Commissioner Crouch: If we agree to this tonight, and, just walk me through the process. If we agree to this tonight, to this change with Bernardin Lochmueller's agreement, and then, ultimately, the neighbors express enough concerns or enough points that we would want to reconsider that, will that be money that we will have wasted?

John Stoll: I would say potentially some of it could be, because anything that would be done north of the old proposal of tying into the tracks and Highway 41, anything north of there, if we backtrack and went back across the tracks over to 41, then anything north of that would be wasted. But, anything south of there, it would be basically the same road.

Commissioner Crouch: So, should we have a public hearing before we ultimately arrive at the decision and move forward?

Commissioner Fanello: I think they could be done concurrently, but we have to decide if we want to spend that extra money of moving across the tracks. I mean, we basically have a couple of options here, and we're trying to go with the least expensive option.

John Stoll: Another factor too, I mean, there may be some people up there that may not like this, but the request from CSX also said that they would want us to close three railroad crossings in exchange for us establishing one new crossing. So, if they held us to that commitment, it would impact quite a few more people as well. I don't know what three crossings we could even look at that would potentially not impact quite a few people.

Commissioner Crouch: I guess, with all the discussion about process in public projects, and the public's input with it, I really think it's the right thing to go ahead and have a hearing prior to arriving to a decision that is going to spend money.

Commissioner Fanello: Well, I mean, excuse me, what is your other option if all 20 houses object to a road? What is your other option?

Commissioner Crouch: Well, I think, we have to arrive at the decision, but to not allow people input is the wrong way to go about it.

Commissioner Fanello: I think, Commissioner Mosby specifically stated that we were going to, we want their input.

President Mosby: I'm more than willing, and we said that, me and John was talking about it the other day, and we told the Mayor we would go out and meet with them. You know, without going out and hearing their input. I mean, we have talked to Pat Keepes, we know what kind of drainage problems we have. We know it was put on the list with Clark Dietz when they did the storm water study back when I was still on the Council. I mean, we've looked at the improved lanes, we've looked at the parking, we know they were using the Vectren easement to park on. We're going to put curbs on it. I mean, there's no doubt we've looked at everything for that neighborhood. That's why we're shifting the road. That's why we're giving them more green space. We're giving them longer driveways. I mean, it's not like we haven't taken, you know, the neighborhood into consideration, because they are probably getting a lot more than in a lot of cases.

Commissioner Crouch: I'm not faulting that. I know you've spent a lot of time on it. I'm just saying that I think people's input on things that, on something that is their largest investment in their lives, deserves to be heard. I mean, we deserve to allow them a voice before we arrive at a decision that is going to ultimately affect them.

John Stoll: I was going to say, one other potential benefit that Sheriff Ellsworth pointed out, this may eliminate the need for having to construct the secondary access point off of Kentucky and Pfeiffer as well. So, there might be some cost savings with that, since this access point would not be blocked by trains, where the other one would have been.

Commissioner Fanello: You mentioned someone's name. I didn't hear the first part of that. Did you mention somebody's name that you talked to ?

John Stoll: The Sheriff.

Commissioner Fanello: Okay. I didn't hear what you said.

Commissioner Crouch: Well, could we, you know, would the Commission entertain a public hearing, not this coming Monday, but the following Monday, and move forward in that direction? At least notify the neighbors and allow them to come and to speak regarding the issue.

President Mosby: Do you want to do it here?

Commissioner Crouch: Well, the only concern would be having a place where, you know, have your sound system set up.

President Mosby: That's okay with me.

John Stoll: Do you want me to just notify the people immediately abutting the proposed road?

President Mosby: You know, the 16 or 20—

John Stoll: I just want to make sure we notify the right people.

President Mosby: The 16 or 20 along Harlan right here, is the one's that I would notify.

Commissioner Fanello: Because we've had several public hearings on the jail project itself in that area, and no one has come forward in that area.

John Stoll: Okay, so immediately—

President Mosby: Nobody else is going to be affected when it goes on down.

John Stoll: No. Nobody that wasn't already affected. The alignment's basically not changing south of the originally proposed railroad crossing. So, anything south of there, if those people would have been impacted they would have already had their opportunity to comment on it. So, no changes would occur there, but I can get a list of the owners, and send some notification out to them.

President Mosby: Or we can do it here. That's fine.

Commissioner Fanello: That's fine.

Commissioner Crouch: Okay.

Commissioner Fanello: Are we still going to proceed with the agreement so that Bernardin can get the legal descriptions together? Because we actually—

President Mosby: We need to.

Commissioner Crouch: I guess, I'm not comfortable voting on that until we allow people to have their input.

President Mosby: I'll make a motion we proceed.

Commissioner Fanello: I'll second, because I think Bernardin Lochmueller still needs to continue working. Whatever they do, I'm not going to, I think we're going to have very good dialogue with the neighbors. Depending on what that outcome is, I mean, we're not going to....we need the legal description so that we can close on the property.

John Stoll: I would say, ballpark guess would be that, for the most part, the next two weeks they might get the survey work completed, but I wouldn't see a whole lot of additional work that may potentially be wasted would be done. The last time that they did the survey from the proposed railroad crossing south, it took a couple of weeks to work that into their schedule. So, I would say the survey work would be about the extent of what might get done. That's what I'm hearing.

Commissioner Fanello: Well, knowing what budget crunches we're under, I mean, I would hate for us to move forward, I mean, obviously, the crossing of railroad tracks is a viable option, and it's definitely an option on the table, but I would really hate to spend an extra \$250,000 to \$325,000 when I know that we could do a road, you know, that would cost us less money. We have had I don't know how many public hearings on this jail project, so.

President Mosby: A motion and a second. So ordered.

Madelyn Grayson: Excuse me. Kevin, is that something that will require legal advertising on our part? The public hearing?

Kevin Winterheimer: No. He's going to directly contact the property owners by letter, I believe you said, John.

John Stoll: Yeah, I can do that.

Commissioner Fanello: Do we need to go ahead and make a motion about? We didn't really actually make a motion—

President Mosby: It would just be—

Commissioner Fanello: You did.

President Mosby: It's just going to be an agenda item, right? Or do you want to do it before the meeting?

John Stoll: However you want to do it, I'm okay with it.

President Mosby: Don't matter to me.

John Stoll: We can just set it up as an agenda item, if that works for you.

President Mosby: We'll just, Tammy, we'll just put it under action items, public hearing.

Commissioner Fanello: Did you make a motion for the public hearing, or a motion for the contract?

President Mosby: I made a motion for the contract to move along.

Commissioner Fanello: That's what I just asked him, did we have a motion for the public hearing.

President Mosby: We don't need a motion, it's just going to be on the discussion items.

Commissioner Fanello: Okay.

President Mosby: So, we'll just put it on for March 31st, and it will be first up on the agenda, and we'll just do it at 5:30.

John Stoll: Okay.

President Mosby: If you will, just go ahead and send the letters out, and anybody that wants to contact the office and ask what it's about, can contact you or us.

John Stoll: Okay. I'll get them sent out.

President Mosby: Okay.

Commissioner Fanello: If the neighbors have any questions before then, if they happen to call you, let them know that anyone of the Commissioners would be happy to sit down and talk with them.

President Mosby: If that happens, I'll just go out there. It's no problem.

John Stoll: I get the letters sent out.

President Mosby: Any other questions? Thank you, John.

John Stoll: That's all I had.

President Mosby: Okay, thanks.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure.

(Tape Changed)

Madelyn Grayson: Thank you.

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| County Highway |
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President Mosby: County Garage, Dennis Hudnall. County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I had spoke with Mr. Allen Brown of Pioneer Rail, well they call it Indiana Southwest and Pioneer Rail. Excuse me. Last week we discussed fixing three crossings; Allens Lane, or St. Joe, Boonville-New Harmony, and Mill Road railroad crossings. His proposal is that we, meaning the Commissioners, okay an expense of \$6,000 per crossing to buy concrete panels versus paving over them. So, we probably need to make a decision whether we want to spend the money. They are going to furnish all the labor and everything, but they want us to pay for the panels. Now, there is a 50' right-of-way from the center of the tracks each side. So, there is two scenarios, if you decide to buy the panels, all we have to do is get them delivered out, and they will furnish the material. The other scenario is I pave right over the railroad tracks. They meld them down after they're repaired.

President Mosby: I like the one paving over them. I do. I like the one of paving right over them.

Dennis Hudnall: And that's what we have done in the past, pave over them, and then they run the engine across them to free up the rail. They're looking for between \$7,000 and \$8,000 per crossing. I spoke with John Stoll, and I think John spoke with

Mr. Brown this week, and John and I agree that it would probably be more than that. It would be on the high end probably at \$10,000 a crossing.

John Stoll: I was going to say, the last estimate that Mr. Brown gave me was \$185 per foot for the pre-cast panels. So, if we needed, I think I figured around 35' ballpark for a crossing, that would be about \$6,500 for the panels. That was a price that he had given me late last year. So, I don't know if there have been any cost increases on those items since then.

Dennis Hudnall: He also added that there would be a delivery charge for the concrete panels. So, that would be added to the \$6,500.

Commissioner Crouch: You're in favor of not doing the concrete, David?

President Mosby: I don't see why the Vanderburgh County residents should be held responsible for railroad tracks. That bugs me. Why, you know, Pioneer Railroad cannot be, you know, liable for their tracks is what I'm saying. I mean, this is four tracks that we know of. How many other tracks will we end up fixing—

Commissioner Crouch: With other—

President Mosby: Well, with other railroads, or this company itself. I mean, I can see us opening, this could be a nightmare. We're going to set a precedent I'm afraid.

Commissioner Crouch: I'm not sure I disagree with you.

President Mosby: I mean, I don't know what other solution there is. I know these tracks are pitiful. I mean—

Dennis Hudnall: We've temporarily, right now, patched them to where they're cross able, but it's not going to last long. So, we need to either pave them, or do something. I'm getting a lot of complaints on them right now.

President Mosby: I mean, that's the thing. I feel sorry for the public. The taxpayer that has to drive over them, it's going to tear their car up. Why there's not some way of holding Pioneer liable. Kevin, is there anything that we can do legal wise?

Kevin Winternheimer: Yeah, there is a process out there to get them to repair them. The, what you run into typically is after you go through it, they will patch. It may be not be the repair you like, but if it sort of does the job minimally, that's all you can make them do. Other than that, it's up to the goodwill of the railroad as to how good a crossing they are actually going to make. I don't think you could make them do the concrete crossing, but you could make them patch it. That's about all you're going to get, if you're not willing to do more.

Dennis Hudnall: Well, they haven't responded to the request to patch them. That's why I went ahead and sent our crews out to do that. All three of them that I reviewed were in such bad shape that somebody's vehicle is going to get damaged pretty bad. So, we've got them cross able right now, but you're looking at probably a month, or a month and a half, that's all that's going to last, and I'm going to have to go do it again. So, in the past we've paved over them. It's, the longevity of the crossing is probably three or four years, versus concrete panels you're looking at ten years maybe. But, we still do all the approaches on the...we still have an expense to do part of them anyway.

Commissioner Crouch: I'm in agreement with President Mosby.

Commissioner Fanello: Just for the record, so am I. We're all in agreement.

President Mosby: Well, I mean, I don't know what else to do outside of, and I think we hold their feet to the fire. If we have to file whatever, you know, whatever the procedure is, I say we go ahead and file it.

Dennis Hudnall: Well, they wanted a decision, it doesn't make any difference, if you buy the panels, they put the panels in. If you don't buy the panels, we're going to pave over them. So, it's just a matter of getting a decision before you to see what avenue we would take. In the past we've paved them. It saves quite a bit of money.

President Mosby: Now do we pave them, or do they?

Dennis Hudnall: Well, we pave the approaches to them, but to get them smooth we'll just pave the approach and over the railroad tracks, and to the other approach also. So, we still have a little expense that we're helping out the railroad, but for our residents in the county it's a heck of a lot better than having them throw some patch in there, and it's still, you know, it will tear their cars up. Like Kevin said, they're only responsible to do minimum level of repairs on them.

Commissioner Crouch: Just out of curiosity, Kevin, if they would damage their car, who's liable for that?

Kevin Winternheimer: In my opinion, the railroad is. They are supposed to maintain them.

Commissioner Crouch: Of course, most of the residents that are crossing them don't realize that. They hold us responsible.

President Mosby: Exactly. Everybody thinks it's the county's responsibility. That's what we're going through at the Garage right now. What did you say they got, or John one said they have 50',

Dennis Hudnall: Madelyn had sent me some minutes from the past discussions on these, and I was reading, and it stated in there that the railroad was responsible for 50' from the center line of the railroad. We're responsible for the approaches after that.

President Mosby: Okay. Call them back and tell them we had discussion. I guess, pave over them.

Dennis Hudnall: Okay. I agree with that too.

President Mosby: Let them cut it, and then if there is anyway, if they come back out, I say we file suit against them for some type of a permanent fix, rather than us keep expending taxpayer money to take care of their right-of-way.

Dennis Hudnall: Okay. I'll give them a call. The second item is a few weeks ago we accepted bids on a flush truck, which we're going to need to meet the requirements of Indiana EPA. I reviewed the specs on them that we submitted to the bidders. Phil Lawrence had sent these out. The only one that responded to it was Deeds Equipment. They sent us two bids; one for a new flush truck, and one for an

alternate used flush truck. After reviewing the specs on it, the used one does not meet the specs, because it's got a smaller engine, less PSI when flushing out these culverts and things of that nature. So, my recommendation is to buy the new flush truck, and our budget will support that. It's going to be a piece of equipment that we're going to be required to use extensively from now on. Because we are going to have to clean out all the drain boxes, and things of that nature. So, my recommendation is the new flush truck.

Commissioner Fanello: What's the cost on that?

Dennis Hudnall: It's \$92,890.

Commissioner Crouch: And that will flush out drains?

Dennis Hudnall: What it does, we, any driveway culverts, or anything of that nature, we flush them out after they get clogged up. It's a high pressure hose, basically, that goes up into the pipes. Then it also has a vacuum on it that will vacuum out the drain boxes. Which is going to be an Indiana requirement, state requirement that we do.

Commissioner Crouch: So, if we approve this, then can you go to 7322 Greenbriar?

Dennis Hudnall: It's going to be used extensively, because it's, we're getting a lot of calls on them. We've been renting this piece of equipment, I really don't know how long, but the minimum rental on it is four hours, and it's \$600. So, if I use it one day, that's \$1,200. I think the break even point on paying for this piece of equipment is something like a year and four months, it's paid for.

Commissioner Fanello: I'll make a motion that we direct the Highway Superintendent to proceed purchasing the flush truck.

Commissioner Crouch: Second, and you will be in contact with the County Surveyor regarding that problem at 7322 Greenbriar? Are you aware? Did you get copied on that?

Dennis Hudnall: No, I don't think so.

Commissioner Fanello: We have, we can get you a copy. Each Commissioner got a copy.

Dennis Hudnall: Did it come by e-mail?

Commissioner Fanello: No, it was, I think—

Dennis Hudnall: My e-mail's been down because they've been working on our computers out there. So, if you could get me a copy of that, I would be glad to take care of it. The only other thing I had is to ask you if you received my report, and do you have any questions on that.

President Mosby: I don't have any questions.

Dennis Hudnall: Okay.

President Mosby: Any other questions? Thank you, Dennis.

Dennis Hudnall: Have a good evening.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: No report tonight.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I've got a couple of items. This afternoon Will Fosse brought to me a notice to proceed for the rebidding, or the re-roofing project. Once Midland Engineering receives that we will be proceeding with the re-roofing project, hopefully, should be up and going by the end of the month. Second thing, I think I put a copy at everyone's desk of the contract with Lichtenberger Construction for the remodeling of the bathrooms at the Old Courthouse. The Foundation did approve my request for the \$16,000. So, Will went ahead and drew up this contract. Kevin has given his okay, and now I just need yours.

Commissioner Fanello: Lichtenberger was the low bid on this project?

Tammy McKinney: Right.

Commissioner Fanello: I guess, we could approve it contingent on receiving the money from the Old Courthouse Foundation, because we still have to receive that in.

Tammy McKinney: Right, and I talked to Suzanne on Friday on how I'll go about putting that in the General, and then blue claiming it, and all that.

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: That's all I have.

Commissioner Crouch: Tammy, we got a letter about, a complaint from someone about polling places and smoking. Is that, did you get a copy of that, or were you aware of that?

Tammy McKinney: Uh-uh.

Commissioner Fanello: I just saw it today. I think it just came, I don't think she did get a copy. I think it just came to each Commissioner.

Commissioner Crouch: Some citizens have had some concerns about smoking at a polling place, and wanted us...they wanted the Election Board to take action regarding that. Then the Election Board referred them to us, because we're the

Commissioners. So, I don't know if that issue had come up in the past, or do we need to put, do we need to ask the Clerk to put a no smoking sign in the inspectors—

Tammy McKinney: Was it at a particular polling place or all of them, or?

Commissioner Crouch: I think it was one particular polling place.

President Mosby: I was going to say, a lot of them don't let them smoke inside, or the inspector will instruct them to walk outside the door.

Commissioner Crouch: Could we draft a letter maybe to the Commissioners, or to the Clerk asking that she put some kind of notice in the election supplies?

Tammy McKinney: Yeah.

Commissioner Crouch: So that—

President Mosby: If it happens in this upcoming election, we have nothing to do with it.

Commissioner Crouch: Right.

Tammy McKinney: Right, if it happens at the School Board, but as far as the May. If you can get me a copy of that, I'll look into it.

Commissioner Crouch: Okay.

President Mosby: Any other questions? Seeing none.

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| Burdette Park |
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President Mosby: Burdette Park.

Gary Hohman: I'm Gary Hohman, Burdette Park. All we have before you tonight is our work report. Any questions regarding it or any other business, I would be glad to answer any questions that you might have.

President Mosby: I don't have any. Any questions?

Gary Hohman: Thank you.

President Mosby: Thank you, Gary.

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| Soil and Water Conservation District |
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President Mosby: Soil and Water, Mike.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. In addition to my normal weekly report, one item that I wanted to touch base with you on is the Carpentier Creek Pavilion Subdivision. I met out there today with Mr. Owens and Morley and Associates, and it now is in compliance. It will be tomorrow before I can get the official letters out. I didn't have time by the time I got back to the office today. I've met with Mr. Owens several times, and I think he understands the importance

of keeping the maintenance of the project up. He's done a good job of getting it into compliance to this point. It is going to be a challenge though. There's a lot of area out there to cover, and there's a lot of fill going in there. So, but it is in compliance as of right now, and I will get the appropriate letters out tomorrow. If this cold don't kill me. Does anybody have any questions?

President Mosby: I don't.

Commissioner Crouch: I think that's an example of a lot of people working together to address an issue. Mr. Padget's here. Do you have anything to say?

Fred Padget: If you can give me a couple of minutes.

President Mosby: Okay.

Fred Padget: I'm Fred Padget with the Westside Improvement Association. I just wanted to take a couple of minutes and talk about this development a little bit. One of the main things I wanted to do tonight was express my appreciation for the Soil and Water Conservation District. I think it's been handled very professionally. It's technically competent. A lot of it's due to Mike. He's very knowledgeable of the regs and the local ordinances. He's a pretty much by-the-book kind of guy, and I think that's the right way to do it. I think he tries to be fair. I think the Soil and Water Conservation District, and Mike in particular, did an excellent job on this, and I wanted to express that to the Commission. We're glad the development's back in compliance. We appreciate the developer's effort in getting it back in compliance. I think Soil and Water Conservation District was instrumental in making it happen. It took a lot of effort from the developer to do that also, and we understand that. The compliance is really only at this point in time. That area out there, as we've talked about before, and as you well know, is an environmentally sensitive area. It's a major drainage area, and it has a lot of floodway. It will present the developer many more challenges during the balance of the project, and it will require much maintenance of areas that are currently disturbed, and much attention to the future work. By getting back into compliance, the developer has shown and proven that it can be in compliance. We hope that it will continue to remain in compliance, and will monitor that project to assure compliance, and that it becomes a real asset to this area of the country. But, again, we appreciate what the Soil and Water Conservation District did, and we also appreciate the efforts that the developer put into it.

President Mosby: Are there any questions of Mr. Padget? Mr. Owens, did you want to say anything?

Dennis Owens: Yes, I would also like to say that I think that they, Mike Wathen, did do a really good job. Fred's right, we do have a lot of challenges, but we think we're up to them. I'm happy that it turned out this way. We'll continue to do our best to stay in compliance, and work with the Westside Improvement Association, and to achieve an end that we can all be proud of. Thank you.

President Mosby: Thank you, Mr. Owens. Any other questions or comments? Thank you, Mike, appreciate what you did.

President Mosby: Ozone.

Commissioner Fanello: We don't have any, I have one thing. Joanne e-mailed me, to let me know that there is a meeting tomorrow, but it does not have the time in this e-mail. He said that each of the Commissioners received something on this meeting with IDEM, but I didn't receive anything on it. Not that I can remember anyway, but she is going to attend the meeting, but she was hoping that one Commissioner could be there, if it was possible.

Commissioner Crouch: Do we know where or when?

Commissioner Fanello: I don't have it in the e-mail. I can try and look back through my stuff, but I don't remember getting anything on the meeting.

Commissioner Crouch: I know there's a meeting with DNR tomorrow.

Commissioner Fanello: Right.

President Mosby: That's at 10:00 down here in 318. (Inaudible)

Commissioner Fanello: I guess, we could have Patty or Tammy, in the morning, call her and find out, but if anyone...I cannot attend tomorrow, but she is going to attend, but she was hoping a Commissioner could go too.

Commissioner Crouch: (Inaudible. Mike not on.)

Commissioner Fanello: You don't know a time?

Commissioner Crouch: Okay.

President Mosby: Can you try to find out. I'm going to try to go to DNR.

Commissioner Fanello: Other than that, I would make a motion that we accept the Ozone Officer's Report.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Consent Items |
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Commissioner Fanello: Motion to accept Consent Items

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.¹

¹Consent Items listed on Page 33.

**VANDERBURGH COUNTY
REZONING BOARD
MARCH 17, 2003**

The Vanderburgh County Rezoning Board met in session during their regular Commission meeting on March 17, 2003 at 6:50 p.m in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: We will, this shouldn't take very long at all really. We're going to move right in to the rezoning agenda. Do I have a motion to approve the minutes of the previous meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

First Readings:
VC-9-2003: Petitioner: Peter M. McCullough
Address: 2750 Allens Lane
Request: Change C-4 to C-2 with UDC

VC-10-2003: Petitioner: Fred H. Puckett
Address: 6318 Peacock Lane
Request: Ag change to C-2

President Mosby: First readings, VC-9-2003, petitioner, Pete McCullough, 2750 Allens Lane, Evansville, Indiana, change from C-4 to C-2 with use and development. VC-10-2003, petitioner, Fred Puckett, 6318 Peacock Lane, change request from agricultural to C-2. Do I have a motion to accept first readings?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Final Reading:
VC-7-2003: Petitioner: Onyx Waste Services, Inc.
Address: 12900 Warrick County Line Road
Request: Ag change to M-2
Action: Approved 3-0

President Mosby: Final reading. That's right we don't do second readings. Final reading, VC-7-2002*, petitioner, Inyx Waste Services, Incorporated, 12900 Warrick County Line Road, request change from Ag to M-2.

Commissioner Fanello: That's supposed to be Onyx, for the record.

President Mosby: That's what I thought, Onyx. I had never heard of Inyx. I thought maybe you were new.

Rick Klass: Hi, I'm Rick Klass. I'm the controller for Onyx Waste, currently located at 8136 Baumgart Road. We really have no information to add other than what you've received in your reports. We would like to highlight a few things, however. First the approved comprehensive plan calls for an area immediately adjacent to 164 for M zoning. That area, I don't know if you're familiar, we currently have a transfer station that we are looking to, just north of that transfer station we have acquired some additional property. The County Engineer, John Stoll, has raised the issue of road width, and entrance to the property off of County Line Road. Our plans are to, all trucks will enter in through the transfer station and cross into the area for parking. We will not have to have another road entrance further up for any trucks other than personal vehicles for employees to come to work. The third, I think the Planning Commission has said that in the last ten years of operation, that site as a waste hauling facility has not had one single citizen complaint. I'd like to say proudly that I don't think any other waste hauling facility in the state of Indiana can make that claim. In the efforts to do this rezoning that we have sent out letters to people that live in the neighborhood. We had an open house for three hours, we had residents, or a person there at the facility to answer any questions. The only response we had, and the only question we had was the tenant farmer wanted to know if he would be able to farm for another year. So, nobody else has shown any interest or concern at this point. We've also sent letters and asked anybody to call Area Plan or ourselves if they had any concerns, and we have, at this point, not received any calls. Again, our plan is to possibly move our Baumgart Road facility, which is office and garage facility and storage out to that location. That's really all we have in mind.

President Mosby: Any questions? Anybody in the audience that would like to speak? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-7-2002*, Ag to M-2.

Commissioner Crouch: I will second. Do we not get to hear from former Commissioner Mourdock?

Commissioner Fanello: I'm sure he wants to come forward, don't you?

President Mosby: I was going to say, I thought he was chomping at the bit back there. I kept watching him.

Richard Mourdock: I just wanted to prove that I could sit through a meeting without saying a word.

Madelyn Grayson: Could you please come to the microphone, sir?

President Mosby: Yes.

Richard Mourdock: I should have known.

President Mosby: I guess, that means the former Commissioner does not want to speak with us. So, we have a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Aye. There being three ayes, no nays, VC-7-2002* is hereby declared adopted.

Rick Klass: Thank you very much.

President Mosby: Thank you.

Madelyn Grayson: Sir, can you spell last name for the record

Rick Klass: K-l-a-s-s.

President Mosby: Is there any other business to come before the Board?

Commissioner Crouch: Motion to adjourn.

Commissioner Fanello: Second.

President Mosby: So ordered.

*Let the record reflect the correct rezoning document number was VC-7-2003.
(The meeting was adjourned at 6:55 p.m.)

CONSENT ITEMS:

Travel Requests:

| | | |
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| County Clerk | Health Department | Auditor |
| County Highway | Surveyor | County Assessor |

Employment Changes:

| | | |
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| Sheriff Department | County Clerk | Health Department |
| Auditor | Surveyor | Superior Court |

Request for Service: Pigeon Assessor.

Sheriff:

Weekly Jail and Community Corrections Reports.
HIPPA Compliance Agreement with Bamberger Law Firm.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Judy Weatherholt | Mike Lockard |
| Brad Ellsworth | John Stoll | Dennis Hudnall |
| Gary Hohman | Mike Wathen | Fred Padgett |
| Dennis Owens | Rick Klass | Richard Mourdock |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 24, 2003**

The Vanderburgh County Board of Commissioners met in session this 24th day of March, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I'd like to call to order the Board of Commissioners meeting of Vanderburgh County for March 24th, 2003. Introductions are as follows: Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Auditor Bill Fluty; and Recording Secretary this week is Teri Lukeman. Please stand and say the Pledge.

**Approval of March 17, 2003 Commission Minutes
and March 24, 2003 Executive Session Summary Minutes**

President Mosby: Motion to approve the March 17th, 2003 Commission minutes.

Commissioner Fanello: So moved.

President Mosby: Second and so ordered. Approval of March 24, 2003 Executive Session.

Commissioner Fanello: I'll move approval of the summary minutes. The Executive Session began at approximately 4:50 and I believe ended at 5:00, and discussed pending litigation.

President Mosby: Second and so ordered. Is there any bid advertisement and openings? Seeing none...

Public Road Hearing

President Mosby: This is a public road hearing tonight, so if we have anybody in the audience that is here regarding roads, now is the time to come forward

Clarence Weber: I'm Clarence Weber and I was here about a year ago and I petitioned for road improvements on Schutte Road. And I've got a few papers here I'd like to pass out. I live at 930 Schutte Road; I was born on Schutte Road in 1932. In 1932 it wasn't much of a road. In 1935 and 1936 my dad and two other neighbors got together with SIGECO and the WPA and got the road widened. Hopefully they got right-of-way and it was widened to the present width. Since then the road has been paved, the pavement has been paved but the ditches are in the same place and there is no shoulders. So on the petition we've got several other little items on the thing that we called for. And I talked to Richard Ray of the Corradino Group at the – and David's got a picture of me talking to him there, at Reitz High School on improvements at Schutte Road and the expressway. They have no idea what to do with Schutte Road at the expressway. It's too close to Eickhoff Road. They only thing that they know to do is to stop cross traffic and detour it down Clark Lane and use the Eickhoff overpass. That's what their idea was at the time. Of course, don't expect any improvements in there for a long time because they've got a lot more improvements to do first. So anyway, I sent a letter to Rose Zigenfus and it's been

a year and they've, well, the state has had some counters and I think the county has had some counters, and I was wondering whether they ever come up with anything on any type of improvements and I haven't heard anything. I lived on Schutte Road and I remember when we used to have between five and eight cars a day. Right now we've got between five and eight cars a minute. So, and the width is still the same, so I just wondered.. and I talked to Dave, and he said the best thing to do is to bring it up and they'd toss it around and see what could happen. So I thank you.

President Mosby: No problem. And I will refer this back to John Stoll. John's not here tonight, he's on vacation. And I know John is very aware of it –

Clarence Weber: And if possible, there was some discussion on right-of-way. Now in 1935 and 1936, there may be some record of right-of-way because SIGECO would not set any poles on the road right-of-ways. That's the reason the poles are where they're at. I thank you.

President Mosby: Okay. Thank you, Mr. Weber. Anybody else that wants to speak to any roads?

Jerald Jones: Good evening. I'm Jerald Jones. I live on Lyle Road. Just talking to Dennis, he said that Lyle Road was on the list and it was sort of like, there was something pending about the title search and don't know if, Kevin, if you know if that's been brought up to date on those properties out there for easement.

Kevin Winterheimer: I turned that over to the Bowers firm so their title people, there was two or three properties that had some unique situations, the best way to resolve that. I haven't been involved in discussions, John has been talking to the attorneys in that firm and I don't know where they stand with that, but they were working on that, I know.

Jerald Jones: Yeah, John told me last week that he didn't think it was a problem, that they're looking into it. And John's not here for me to ask, that's why I thought I'd ask. Okay, thank you.

President Mosby: Thank you. Is there anyone else in the audience that would like to speak? If not, that will conclude the road hearing for tonight.

Commissioner Fanello: I'll make a motion that we take under advisement the information submitted to us from our Highway Superintendent and then come back and with a decision later.

President Mosby: Second and so ordered to take under advisement the 2003 paving list.

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| <p>First reading of resolution surplus real property to a non-profit corporation</p> |
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President Mosby: First reading of resolution of surplus real property to a non-profit corporation.

Kevin Winterheimer: What this involves is, Tammy was contacted by several not-

for-profits, organizations wanting to purchase property that hasn't sold on our tax sales. And there is a statutory procedure for that. You have before you, and I don't have a copy – here's a copy here. You have four properties that she thinks may be suitable for this type of process. I'm not going to read the legals, but it's 105 Madison, 1114 North Second Avenue, 926 South Governor and 818 East Blackford. I developed a set of forms that the not-for-profits can use to submit their proposal. What this involves is, you do not sell it necessarily on who bids the highest, and that's not the criteria you use, although it's part of the criteria. If you decide to sell these to a not-for-profit it's what's best for the community, what use are they going to put it to that's best for the community. The price that they bid will be just one factor and not the major factor that will be involved. If all things are equal, the price they bid would be the determining factor, but it's generally what benefit are they going to put the property to that's going to benefit the public in general. So if you pass this resolution, it's a preliminary resolution and what it means is, you are interested in pursuing that with these four properties. It does not bind you to ultimately sell it to any group, it just says – essentially to start the process. There will have to be an advertisement placed in the newspaper ten days before the date that you set for getting the proposals in. We will advertise, we'll get the proposals in. I will just read, basically, probably who submitted proposals and then you'll have to look them over and see which ones that you think provide the greatest benefit to the community. We have another hearing, a hearing that anybody, the public can address and give you their comment as to whether or not these properties should be sold and to which of the not-for-profit groups that have submitted proposals, which one they think is best for the community. And at that time you can decide after hearing all the proposals and all that, what groups, if any, you're going to transfer the property to. Again, this is left over property, property she could not get rid of at the tax – did not bring what the taxes owed and this is a way to get rid of those, special provision for not-for-profits. This will be, only not-for-profits can submit a proposal.

Commissioner Fanello: Do I need to make a motion for this?

Kevin Winternheimer: Yes, and we need to, to get it started, have you figured up the dates that you want to get the proposals in and when to have the hearing?

Tammy McKinney: (Inaudible – microphone not turned on)

Kevin Winternheimer: We can set a date for them to submit the proposals and the hearing date, too, to get the advertisement. Do you know what you –

Tammy McKinney: No, because (Inaudible).

Kevin Winternheimer: We can come back next week with that hearing date. You can go ahead and approve the preliminary resolution essentially stating that you are interested in pursuing this process. We can give you those dates next week on when they'll have to submit the proposals and when the hearing will be.

Commissioner Fanello: Motion to approve preliminary resolution.

President Mosby: Second. We have a motion and a second. So ordered. Commission contracts, do we have anything? Public comment? Anybody from the public? Any old business?

Preliminary estimates on community corrections facility

Commissioner Fanello: Yes, Commissioner Mosby, I have one piece of old business. Last week we had our discussion on Community Corrections and I had said that our architects were working up some preliminary estimates on a community corrections facility and I have those estimates with me tonight, and would like to hand those to the board and one for the record. There is about, let's see, five estimates here. Originally, I had asked United to tell us what we could get for the \$2,000,000 that we have secured from the DOC and so they kind of worked backwards on a couple of them to tell us what we could get for \$2,000,000 and then they've given us five estimates all together, anywhere from 40 beds on up to 288 beds. So a wide range of figures to look at and I would suggest that we send a copy of this over to the County Council tomorrow morning with a letter letting them know of the estimates and then hopefully put a working group together to decide exactly what we intend to do with the Community Corrections facility. Did you have anything that you wanted to add?

Eric Williams: (Inaudible – comments made away from microphone)

Commissioner Fanello: Okay, that would be great.

Eric Williams: The Commission had asked – Eric Williams, Chief Deputy Sheriff's Office. The Commission had asked that we inquire with Dr. Latessa about speeding up the return on his investigation. He said that's highly unlikely that that will occur, but we had went ahead and posed a couple of questions to him and one of them was will this study be giving us any kind of numbers. His response was that was beyond the scope of our study. They could do that but what they would need is information like how big is the jail now, who's in it: felons, state, sentenced. And he was going to do the same math we went through with the Blue Ribbon Commission with the PMSI study, and it was the same standard formula we used then. So it's really not going to offer us numbers and then we've pulled the contract and basically the project goals of his study were to profile the Vanderburgh County Community Corrections system including programs, services and offenders to identify the strengths and weaknesses of Vanderburgh County Community Corrections system, to assess selected programs and services offered by both private and public service providers in Vanderburgh County, and to make recommendations to improve the Vanderburgh County Community Corrections system. So all of that being said, there is not going to be a report of finding on we need to have this many beds, or we need to have this many of this kind. They're going to tell us whether we're effectively programming or not and which programs are working and which ones are not, or which ones need improvement. So if you're waiting on Dr. Latessa's study to help make a determination on how big or what you need to build, that's probably ill-advised.

Commissioner Fanello: Thank you. Well, like I said, I would like to go ahead and send a letter over to the Council in the morning advising them of the estimates that we have here and also of what Deputy Chief Eric Williams has told us about the Dr. Latessa report and set a date where we can come back and make some kind of recommendations for how we want to proceed in spending the \$2,000,000 from the DOC. So if we need that in the form of a motion, I'll make it in the form of a motion.

President Mosby: Second. So ordered. Any other old business? Any new

business? Moving right along, department head reports.

County Engineer

President Mosby: John Stoll is not here. John had sent over a letter – I think we're all familiar with the FEMA maps that are supposed to be coming out here relatively soon. FEMA is updating all their flood maps and we seem to have a problem on the east side with the FEMA flood maps. One thing, through doing some additional hydraulic studies and contracting with Morley & Associates and Bernardin Lochmueller, we have identified a problem out on the east side on Stockwell Road near the Norfolk Southern Railroad. And it's going to call for us to put in a new structure out there. John's problem is in dealing – to solve the problem you're going to have to deal with FEMA, you're going to have to deal with the DNR, we're going to have to deal with Norfolk Southern. The DNR was in last week, we had about a four hour meeting with them and they've basically given us about six months to do this. If not, they said FEMA is going to go ahead and print up the maps and if that happens, we've got problems on the east side with everything being in the flood plain and everybody's going to have to purchase flood insurance. What John wants to do is get a contract with American Consulting as soon as possible to get them down here working on this to see if there is any way we can check the hydraulics and try to move this project along, construction and all, within six months. He thinks it's possible, so that's what John's asking. He couldn't be here tonight and I told him I'd bring it up.

Commissioner Fanello: And I did speak with John last Thursday or Friday and they were aware of the situation and he feels, like you said, we need to move very quickly on this. And the firm he's chosen to pursue a contract with has expertise in this area and that's why he's chosen this firm. I'll make a motion that we allow the County Engineer to pursue negotiations.

President Mosby: To get a contract?

Commissioner Fanello: Yes, to get a contract with American Consulting.

President Mosby: I will second that.

County Highway

President Mosby: County Highway, Dennis.

Dennis Hudnall: Dennis Hudnall, County Highway. The only thing I have is to answer any questions you might have on the weekly report.

Commissioner Fanello: I don't think I have anything. Oh, I know one thing I was going to ask you about. Did you get a copy of that letter on Greenbriar?

Dennis Hudnall: Yes. Let me fill you in. I went out to Greenbriar after last week's meeting. I had been out there prior, I just didn't recognize the address, I see so many of them. Those houses were built in 1968 and we had flushed that out on March the 7th, right before this last meeting. I talked to Mr. Hammonds out there over the phone. I explained to him that this subdivision, I guess back in 1968 it was permitted to channel a soil drain into these drain boxes, storm drain boxes. So

when I went out there, there was a lot of soap suds in two of the boxes. So what we propose to do is, there is a utility easement and we're going to free up – its about a 24 inch culvert going back to the creek, try to take care of this problem. The problem I have, if I start tearing out those drains, I don't know if I can get permits and I was checking with John Stoll, these residents would have to pay a great deal of money because they're going to have to reroute their soil drains. And when I say soil drains, its only drains that, like dish water or its not water closets or anything like that. But I'm going to be under requirement to clean these boxes and the EPA, the three that I looked at including Greenbriar this week, all the soil drains goes into the storm drains. And its creating a big problem for us. But Mr. Hammonds understands, I talked to him at length on the phone. If they're willing to reroute their septic systems or whatever, the soil drains that go into it, we'll be glad to put a couple of new boxes in there to take care of the water. And I do have some pictures of Greenbriar. When it rained the other day we ran out there to see if they did have a problem. The boxes can't take the water quick enough because it comes off of the road up above, which is Evergreen. And it runs down pretty quick. So if I free up the drain going back to the creek, I think it will take care of that. But we have to flush it out to see and then make our decision from there. But we have looked at it on several occasions and Mr. Hammonds understands. Thank you.

President Mosby: Any questions for Dennis? Seeing none, County Attorney.

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| County Attorney |
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Kevin Winternheimer: I just have three quick matters, the first of which is, about an hour before the meeting I received a call from Mrs. (Inaudible), just reminding you she's, wants to know if you want to sell them that property or not and I told them you were considering all the options and if we got to that point, I would let her know. Just wanted to keep that in mind. The next matter is, I have a settlement agreement, this is one we had discussed in the executive session a few weeks back and this is on cause #82D03-9803-CP-1044. It's a lawsuit going back to 1998, and the settlement agreement is as per what was relayed to you in the executive session and I need you to approve that and sign it. I have the original here. I think you all may have gotten a copy of this in the mail. If you'd go ahead and approve the settlement agreement.

Commissioner Fanello: Motion to approve settlement agreement.

President Mosby: Second and so ordered.

Kevin Winternheimer: The last item is – and Jay Ziemer contacted me about a lawsuit, I can't remember the name, but it's been pending for a number of years and he'd like about 15 minutes of your time just to give you an update. If you have a time next meeting, before the meeting, that would be fine. If not, some other time. But if you can do it next week, about 15 minutes is all he needs.

Commissioner Fanello: I'll move that we set an executive session at 5:00 for the next meeting.

President Mosby: Second. So ordered.

Kevin Winternheimer: And that's all I have.

President Mosby: Superintendent of County Buildings.

Superintendent of County Buildings

Tammy McKinney: I wanted to give you an update on the re-roofing project at the Old Courthouse. I spoke with Midland Engineering today. They will be in town Wednesday to meet with the scaffolding company. They expect to start scaffolding the Old Courthouse the second or third week in April. The project, hopefully, to begin the last week in April or first week in May.

Commissioner Fanello: Sounds good.

Tammy McKinney: So, just give you that update.

Commissioner Fanello: Thank you.

President Mosby: Any questions? Burdette Park.

Burdette Park

Steve Craig: Steve Craig, Manager of Burdette Park. I don't know, we tried to get it in time, but did you get something about cooling the pavilions?

President Mosby: It's on my desk.

Steve Craig: Did you have time to take a look at it?

President Mosby: No, I didn't.

Steve Craig: I know we got it in late so I didn't know if anybody had had time.

Commissioner Fanello: We can hold it until next meeting.

Steve Craig: Yeah, hold it until – I knew we handed it in late. Other than that and my worksheets, I really don't have anything to discuss this evening.

President Mosby: Questions? Steve, what are you doing with the batter's cages? I never did ask you.

Steve Craig: Pardon me?

President Mosby: What did you ever do with the batter's cages?

Steve Craig: We've got, I think, three estimates now and I've been dealing with Denny Feldhaus about going ahead and fixing it and we're going to run it in-house.

President Mosby: Okay, and then the other question I just had out of curiosity, why did we move our half price day from Wednesday to Tuesday?

Steve Craig: Because all of our day camps was on Monday, Wednesday and Friday

and it made it so crowded that we couldn't hardly manage them, so we put it on a day when the day camps wasn't using the pool.

Commissioner Fanello: Thanks, Steve.

President Mosby: Thank you.

Steve Craig: You're welcome.

**Acceptance of Soil & Water Conservation District
and Ozone Officer reports**

Commissioner Fanello: I don't think there's anyone here from Soil & Water or Ozone, so I'll make a motion that we accept their reports.

President Mosby: Second and so ordered.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: Motion to accept consent items.

President Mosby: Second and so ordered. Is there any other business to come before the Commission? Seeing none, we stand adjourned.

(The meeting was adjourned at 5:59 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department (2)
Surveyor

Highway
Soil & Water

Pigeon Assessor (2)
County Attorney

Employment Changes:

Circuit Court
Jail
Election Office

Recorder
County Assessor
County Clerk

Community Corrections
Burdette Park

Request for telephone service:

Safe House

Other reports/miscellaneous:

Sheriff/weekly jail report
County Clerk/monthly report December 2002
Treasurer/monthly report February 2003
Recorder/surplus equipment

Those in attendance:

David W. Mosby
Bill Fluty
Gloria Jones
Alan Teeple
Steve Craig
Eric Williams

Catherine Fanello
Tammy McKinney
Jerry Jones
Clarence Weber
Dennis Hudnall

Kevin Winternheimer
Teri Lukeman
Jerald Jones
David Henning
Evan Williams

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Teri Lukeman.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 31, 2003**

The Vanderburgh County Board of Commissioners met in session this 31st day of March, 2003 at 5:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioner meeting for Vanderburgh County for March 31, 2003. To my far right, Superintendent of Buildings, Tammy McKinney; Corporate Counsel, Kevin Winterheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Everybody please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of March 24, 2003 Commission Minutes

President Mosby: Approval of the March 24, 2003 Commission minutes.

Commissioner Fanello: So moved.

President Mosby: Second. So ordered.

Approval of March 31, 2003 Executive Session Summary Minutes

President Mosby: Approval of March 31st summary minutes for the Executive Session.

Commissioner Fanello: I'll move approval of the summary minutes of the Executive Session, which began at 5:00, and ended approximately 5:25, and discussed pending litigation only.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

**Opening of Bids VC026-2003#1-R: Towing and Disposition of
Wrecked, Nuisance and Impounded County Vehicles
VC026-2003#2-R: Temporary Storage of Nuisance, Wrecked and
Impounded County Vehicles
VC026-2003#3-R: Towing and Disposition of Abandoned
County Vehicles**

President Mosby: Bid advertisements, Phil Lawrence. Phil? There he is. That's advertisements and openings, sorry.

Phil Lawrence: I would like permission to open VC026-2003, #1, #2, and #3. Kevin has the bids.

Commissioner Fanello: I move that we open the bids.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to open the bids for VC-026-2003. Kevin.

Kevin Winternheimer: Any bids from the audience? Seeing none. Okay, the first one I've opened is from Mike's Towing Service from Evansville. I guess, we'll just read them across here. This is for the towing of nuisance, wrecked, impounded and county vehicles. The towing of automobiles, pick ups and passenger vans, all five categories, \$35. Towing of motorcycles, \$35. Towing of bicycles, \$10. Towing of a truck over one ton, \$35. Towing of semi-truck without trailer, \$55. These are all across, unless I note otherwise. Towing of semi-truck with trailer, \$55 also. Towing of bus and large RV, \$50. Towing of ATV, \$35. Tractors, backhoes, and trailers, \$35. Flatbeds, backhoes, and trailers, \$35. Per hour charge for recovery, \$30. That was on the non-county owned vehicles. Sorry about that. For the county owned vehicles, he's written N/C. I assume it's no charge for all the categories, except towing of trucks over one ton, he has \$45 across the page. Tractors, backhoes and trailers, he has \$30 across the page. A per mile charge of 50 cents. It looks like these others are just copies of the same bid. Okay, the next set of bids is also from Mike's Towing Service of Evansville. This is temporary storage of nuisance, wrecked, and impounded and county vehicles. Okay, this is wrecked and impounded, and it's non-county owned vehicles. For storage, \$3. As a matter of fact, his whole bid for motorcycles, trucks, semi-trucks, semi-trucks with trailers, bus, large RV, ATV, and tractors, backhoes, and trailers, are all \$3. For county owned vehicles, they have written zero in each category. I guess, that's all for that one. Okay, this is under the category of, the cover sheet says towing and disposition of abandoned county vehicles. This is from Mike's Towing Service. He's bid all across the page, each one of the five categories, and for towing of automobiles, pick up trucks, and passenger vans, \$35 across the page. Towing of motorcycles, \$35. Bicycles, \$10. Truck over one ton, \$35. Semi-truck without trailer, \$65. Semi-truck with trailer, \$65. Towing of bus and large RV, \$50. Towing of ATV, \$35. Tractors, backhoes, and trailers, \$40. Flatbeds and winching, \$10. The next set of bids is from Dallas Towing Company, Inc., of Evansville. This is for nuisance, wrecked, and impounded vehicles. First the non-county owned vehicles. Automobiles, pick ups, and passenger vans, \$3. Storage of motorcycles, \$2.50. Storage of a truck over one ton, \$5. Storage of semi-truck without trailer, \$5. Storage of semi-truck with trailer, \$5. Storage of bus and large RV, \$3. Storage of ATV, \$3. Storage of tractors, backhoes, and trailers, \$5. Under county owned vehicles they've written N/C. I assume that means no charge. These are all copies.

Phil Lawrence: He may have put all three of his bids in one package.

Kevin Winternheimer: Did he? Okay. Again, this is Dallas. This is, okay, the following, again, this is Dallas, this is towing of nuisance, wrecked, impounded and county vehicles. Again, the prices are going to be all the same across the board, unless I indicate otherwise. Automobiles, pick up trucks, and vans, \$35. Motorcycles, \$35. Bicycles, \$10. Truck over one ton, \$45. Towing of semi-truck without trailer, \$70. Towing of semi-truck with trailer, \$75. Towing of bus and large RV, \$40. Towing of ATV, \$30. Tractors, backhoes, and trailers, \$45. Flatbeds, backhoes, and trailers, \$45. Per hour charge for recovery, \$75. Those were all non-county vehicles. On county owned vehicles, he's got N/C. I assume that's no charge, all the way across on every item. Okay, for a charge for towing outside the county limits, he's got no additional charge. Prices are as above. Service runs for county vehicles, \$25 across. Jump starts, \$25 across. Okay, this is also Dallas, and

this is towing of abandoned vehicles. First the non-county vehicles. The prices are the same across. He's bid every slot. Towing of automobiles, pick up trucks, and vans, \$35. Motorcycles, \$35. Bicycles, \$10. Truck over one ton, \$45. Semi-truck without trailer, \$70. Semi-truck with trailer, \$75. Towing of bus and large RV, \$40. Towing of ATV, \$30. Tractors, backhoes, and trailers, \$45. Flatbeds and wenching, \$45. The next set is from St. Wendel Auto Parts and Service, from Evansville. They've got, first one I come to is wrecked and impounded vehicles. First the non-county owned. Storage of automobiles, pick up trucks, and vans, \$5. Motorcycles, \$3. Truck over one ton, \$10. Semi-truck without trailer, \$10. Semi-truck with trailer, \$15. Storage of bus and large RV, \$10. ATV, \$3. Tractors, backhoes, and trailers, \$10. Then for county owned vehicles they have zero in every slot. Same vendor for wrecked and impounded vehicles. First the non-county owned. Automobiles, trucks, and vans, \$5. This is storage, again. Automobiles, \$5. Storage of motorcycles, \$3. Trucks over one ton, \$10. Storage of semi-truck without trailer, \$10. Storage of semi-truck with trailer, \$15. Storage of bus and large RV, \$10. Storage of ATV, \$3. Storage of tractors, backhoes, and trailers, \$10. County vehicles, zero. Okay, the next envelope is from St. Wendel Auto Parts and Service again. This bid is for towing of nuisance, wrecked, impounded and county vehicles. First, the non-county vehicles. Towing of automobiles, pick up trucks, and passenger vans, and these are different. They only bid on categories one and four. They did not bid, it looks like, on any of the items on two, three, and five. For automobiles, category one, \$40. Category four, \$39. Motorcycles, category one, \$40. Four, \$39. Bicycles, category one, \$35. Number four, \$30. Towing of truck over one ton, category one, \$65. Category four, \$60. Towing of semi-truck without trailer, \$85. That's category one. Category four, \$85. Towing of semi-truck with trailer, \$125. That's for both categories one and four, same price. Towing of bus and large RV, both categories one and four, are \$135. Towing of ATV, \$35 for category one, and \$30 for four. Tractors, backhoes, and trailers, \$125 for both categories one and four. Flatbeds, backhoes, and trailers, \$125 for both categories one and four. Per hour charge, let's see, he's got see attached sheet. Let's see if I can find that real quick. It may be in here and I'm just not finding it. That was non-county vehicles. County owned vehicles, again, he only bid in categories one and four. These are county owned vehicles, automobiles, trucks, and vans, \$35 category one. Category four, \$30. Motorcycles, category one, \$35. Category four, \$30. Bicycles, category one, \$25. Category four, \$20. Truck over one ton, category one, \$50, both one and four. Semi-truck without trailer, both categories one and four, \$70. Semi truck with trailer, both categories one and four are \$110. Towing of bus and large RV, both one and four, \$110. Towing of ATV, \$25 for category one. Category four is \$20. Tractors, backhoes, and trailers, \$100 for both categories one and four. Then on flatbeds and wenching, per hour, he's got see attached sheet again. Let's see, okay, under recovery, per mile charge for towing outside the county limits, again, he only bid categories one and four, is \$1.50 for each one of those. Service run for county vehicles, \$25 for category one. \$20 for category four. Jump starts, changing flats and so forth, category one, \$25. Category four, \$20. The next envelope is from St. Wendel Auto Parts and Service again. This is for towing of abandoned vehicles. Non-county vehicles, again he bid only categories one and four. Towing of automobiles, trucks, and vans, category one, \$40. Category four, \$39. Motorcycles, category one, \$40. Category four, \$39. Bicycles, category one, \$35. Category four, \$30. Truck over one ton, category one, \$65. Category four, \$60. Towing of semi truck without trailer, \$85 for both categories. Towing of semi truck with trailer, \$125 for both categories. Bus and large RV, \$135 for both categories. ATV, \$35 for category one, and \$30 for category four. Tractors, backhoes, and trailers, \$125 for both categories. Flatbeds and wenching, he's got see attached sheet again. That was all, let's see, this is a copy. That's a copy. Okay, the next set of bids is from

Hamrick's Recovery of Evansville. Okay, the first set is for towing of nuisance, wrecked, impounded, and county vehicles. I'm going to start with the non-county vehicles first. They bid all items across, and they will be the same unless I indicate otherwise. Again, this is non-county vehicles; automobiles, trucks, and vans, \$35. Motorcycles, \$35. Bicycles, no charge. Truck over one ton, \$35. Semi-truck without trailer, \$35. Semi-truck with trailer, \$35. Bus and large RV, \$35. ATV, \$30. Tractors, backhoes, and trailers, \$35. Let's see, flatbeds, backhoes, and trailers, \$35. Per hour charge, \$35. Then the county owned vehicles, he has N/C, no charge across the board. For the per mile charge for towing outside the county is 50 cents. Service runs for county vehicles, no charge. Jump starts, changing flats, so forth, no charge. That's it for that. I think that's a copy.

Phil Lawrence: Those are copies.

Kevin Winternheimer: Those are all copies?

Phil Lawrence: Yes.

Kevin Winternheimer: It's hard to tell when they stick them all in the same envelope. Okay, the next set is also from Hamrick's Recovery, Inc. of Evansville. Here we go, this is for wrecked and impounded vehicles. First the non-county owned vehicles. This is for storage; automobiles, trucks, and vans, \$3. Motorcycles, \$3. Trucks over one ton, \$3. Semi-truck without trailers, \$3. As a matter of fact, everyone of these in this category is \$3. Under county owned vehicles, N/C, which I assume is no charge. These are all copies. I have one more envelope here. This is also from Hamrick's Recovery, Inc. I know it's here somewhere. Here we go. Okay, this is for the towing of abandoned vehicles. First the non-county vehicles, and, again, it looks like they've bid across the board on all the items. Towing of automobiles, trucks, and vans, \$35. Motorcycles, \$35. Bicycles, no charge. Truck over one ton, \$35. Semi-truck without trailer, \$35. Semi-truck with trailer, \$35. Bus and large RV, \$35. ATV, \$30. Tractors, backhoes, and trailers, \$35. Flatbeds and wenching, \$35. I believe that is it. I believe these are copies. Yeah, looks like the rest are all copies. That's all I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: A motion and a second to take bids under advisement. So ordered.

Madelyn Grayson: And may we change the tape please?

President Mosby: Sure.

(Tape Changed)

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| Sherman Greer: Homeland Security Grant Agreements |
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Madelyn Grayson: Thank you.

President Mosby: Next, Sherman Greer, Homeland Security funding.

Sherman Greer: Good evening. Christine is putting out some information here on display to you. We made a national magazine for homeland protection for professionals. It featured Evansville as training the Community Emergency Response Team. She also has some brochures explaining the Community Emergency Response Teams. One of the grants that we receive from the Federal Government, it is FEMA federal fiscal year 2002 supplement funding grant. It's 2002 funds folks, so they're a little bit behind here. We'll spend 2002 money in 2003, and 2003 money in 2004, as long as we get it. The two agreements that I passed on to the County Commissioners, and also Mr. Winternheimer for his, for him to go over it and everything to see if there was anything that we needed to discuss with the state. These have to be in by April the 12th for this agreement. Let me explain to you on the planning sub-grant agreement is \$20,840.03. That's for, if we wanted to do option one to where that we would have another planning organization to come in and write our plan for us. We foreseen this happening a few months ago, and after we got finished with our terrorism plan in August, in October we started working on our plan, putting it together, and we've completed our plan. So, we are going for option two to where that we will meet all those measures ourselves that is put out in paragraph three for the plan. The only thing that we have to do right now is the hazards analysis has to be put in to the format that the state wants it to be put into, and we're in the process of doing that. I would say we're about half way through it as of right now. What we will do with that \$20,840.03 is in 2004 we have to have a mitigation plan that goes hand in hand with our Community Emergency Response Plan for federal approval again. So, we will more than likely use that \$20,845 to get the hazards mitigation plan written for the community for that, with the help of assistance from a vendor that we will seek out. Okay? The other agreement is for the Community Emergency Response Teams, which Evansville, there again, is at the forefront of having these teams already here within the Evansville area. The Evansville Fire Department has, along with the Disaster Resistance Community Corporation that Christine is the Executive Director of, has put on about five courses here within the Evansville area. We're in the process of targeting our neighborhood watch groups, our neighborhood organizations that are already formed, to have all 62 of them trained as emergency response teams. There again in a full blown disaster or emergency situation that we have within our communities, we will not have 171,000 people trying to get in touch with the Emergency Management Agency, or the fire department, or police department. These teams will be organized within the city, and also we're reaching out to the counties to have them organized to where that they will be able to take care of their own neighborhoods, or pods as they will be, and then it will make a quicker response to their needs at that time. Any type of emergency or disaster situation that we may have. What we needed from the County Commissioners, I put myself down as the contact person, I'm pretty sure that you wanted me to do that. Put myself down as the contact person, and what we need is a signature from the County Commissioners of the approval that we will abide to this agreement.

President Mosby: Any questions?

Commissioner Fanello: I just have one question. Is this a matching grant where we have to have money?

Sherman Greer: No.

Commissioner Fanello: It's just a full grant?

Sherman Greer: No, this is a full grant that I will have to get with the Auditor's office once this funding comes in so that we can set up a line item for this, so that we can track this funding as it's being used.

President Mosby: Okay. Any other questions?

Commissioner Fanello: I move approval of the two grants.

Commissioner Crouch: Second.

President Mosby: A motion and a second, approval of the two grants. So ordered. Thank you, Sherman.

Sherman Greer: I do have another grant that we were awarded through the citizens core group. That's a \$6,000 grant that we're going to be using for education and public outreach to the communities and everything. That's something else that I just went up Friday and met with the volunteerism, the council on volunteerism and everything. They threw us a curve ball up there. The \$6,000 grant that we got on that is that we will have to come up with the \$6,000 up front, and then they reimburse us as we do that. Now, we found out that also could be used to where if we were ordering materials, educational and public outreach materials, that we may be able to set that up to where that, and I have an account for publications, advertising publications for \$1,500. As long as I can show them an invoice of that, then we can keep rolling that in that way to where that we don't really have to come up with \$6,000. Just when we reach our max of \$6,000 we'll be able to use that. There again, I'll have to get with the, that's through the city and everything, but I'll have to get through the Controller's office and set that up to where they will be able to receive funds into that. Move it into maybe an 040 account. Okay? Just wanted to bring you aware of that.

President Mosby: Thank you very much.

Commissioner Fanello: Thank you, Sherman.

Sherman Greer: Thank you.

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| Azteca Land: DCP Program |
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President Mosby: Next we have the Azteca Land DCP program, Brian Rexing.

Brian Rexing: (Inaudible. Not at mike.) I guess, what I'm needing is a signature. Since there is a new farm bill out, we have to sign the property up. This land was not in the previous farm program, but is able to be enrolled now. I have done all the work as far as proving yields, and taken care of that. So, the County Commissioners are listed on the Farm Service Agency as the, I guess, owners of the property yet. So, we need your signatures to enroll the application, so the farm is enrolled in the farm program. I guess the reason we do want it enrolled, if there is any questions on it, is, you know, we receive government money, and this also allows us to do any conservation work, in cooperation with the Farm Service Agency, and the National Resources Conservation Service at the office. So, you know, if it is in the government program, it just gives us more variables.

President Mosby: Okay. Are there any questions? I had talked with Kevin about this. He's looked at it. So, Kevin if you want to comment.

Kevin Winternheimer: I assume that it's in the county's name due to an economic development bond. Which must be temporarily in the county's name to get the tax exempt status of the bond. But, technically, we're the owner, and as long as Azteca, I looked at the paper and I didn't have any problem with it, as long as Azteca is happy with it, because they are the true owners of the property.

Brian Rexing: Right.

Kevin Winternheimer: I have no problem, and this just facilitates his participation in this government program.

Brian Rexing: I also did include a power of attorney form to where it gives us the ability to sign this up year to year. That's the only ability it gives me is on the farm program. I didn't know if that would be able to be done also. So, otherwise I will be down here every year asking for your signatures.

Kevin Winternheimer: I looked at that, and it is limited to this farm program. That's, I have no problem with it, if you choose to execute this, it is limited to acting as the owner's representative, you might say, on these government farm programs. So, I don't see any problem with it. I think it's fine.

Brian Rexing: They had told me at the Farm Service Agency that, you know, the County Commissioners will be listed on there until they are notified otherwise.

Kevin Winternheimer: Right. Your name will be taken off the property when the bonds are all paid off.

President Mosby: Okay. Any other questions? Chair would entertain a motion.

Commissioner Fanello: Kevin, do I need two motions? One for the power of attorney?

Kevin Winternheimer: You can do it in one motion. Approve both documents.

Commissioner Fanello: Okay. I move that we approve the power of attorney document, and also the documents to go to the U.S. Department of Agriculture.

Commissioner Crouch: Second.

President Mosby: A motion and a second, excuse me. So ordered. Thank you.

Brian Rexing: Okay, will you, how will I, will they be mailed back? Or do I—

Madelyn Grayson: I will have the signed documents, Brian, tomorrow, and I will make copies for the record. Do you need the originals back to send to the state?

Brian Rexing: Yes. The copies I do not need, but the originals I will.

Madelyn Grayson: I will need to get your address then.

Brian Rexing: Okay. I'll write it down for you.

Madelyn Grayson: David, can I, oh, is this the document?

President Mosby: Yes, that is the document he just give us.

Brian Rexing: Thank you.

President Mosby: Thank you, Brian.

**Harlan Avenue Public Hearing:
Proposed Changes to Access Road for Jail Project**

President Mosby: Next, this was also advertised as a public hearing for Harlan Avenue. So, at this time this will be convened as a hearing for Harlan Avenue. Briefly, I will just say we held a meeting last Thursday at the airport at 5:30, which was fairly well attended. I believe, approximately some 30 or 35 people were there. The Sheriff attended it. The Chief Deputy, Eric Williams, attended it. I attended it myself. I guess, I ought to thank Eric for making me some notes here of what happened at last Thursday's meeting. There was several major concerns expressed at that meeting, and I will go through them real briefly. So, anybody that's here for the hearing for Harlan Avenue will know what was discussed, and, basically, a partial outcome. Anything new that wants to be added, we can have you come to the mike, one by one, state your name and address, and your concern. County Engineer, John Stoll, is with us here tonight too. So, he might be able to answer your question. Pat Keepes from the city is sitting over here to my right, he might be able to answer your question. Bob Tackett is in the back of the room for the Water and Sewer Utility. So, I believe all entities are covered here. One of the major concerns that were brought up last week was regarding the turn lane eastbound on St. George onto 41. That is something that neither the city or county has any jurisdiction over. I believe the state highway has jurisdiction so far back off of Highway 41, and it's really not, from what I understand, anything we can do with the turn lane. Correct me if I'm wrong. John Stoll is the County Engineer.

John Stoll: I believe the state's jurisdiction goes back to approximately the railroad tracks off of 41 heading west on St. George. Is that roughly correct, Pat, as far as you know?

Pat Keepes: I believe it is, yes.

John Stoll: Okay.

President Mosby: That's what I thought. One of the other concerns was street lights on Harlan Avenue. Right now there is three street lights on Harlan Avenue, and the city is willing to take a look to see if there is a need for additional street lights. There was a concern about the congestion at Harlan and St. George. There was several neighbors that reported at peak times that it took 15 to 20 minutes to get off of Harlan on to St. Joe. I have talked with Dave Savage last week. Dave Savage is the Traffic Engineer for the city. He is going to look at the timing of that light to see if during peak times, in the morning and in the afternoon, that anything can be done with that light to approximately put a few more seconds on St. George to get the traffic flowing on to 41, but taking into consideration that traffic on 41. There was traffic, or there was questions about the traffic generated by jail visitation. The Sheriff and the Chief Deputy explained that they are going to expand their visitation when we are in the new property, so that there won't be a big congestion of traffic

coming in at one time. Rather than having one or two days, or three days where everybody has to come at one certain time, visitation will be spread out over a longer period of time. So, there won't be near as much traffic coming in at one time. There was a misunderstanding about the parking lane that we were going to put in along Harlan Avenue. The misunderstanding being that people thought that this parking lane was for jail visitation. This parking lane along Harlan Avenue will be put in for the residents who live along Harlan Avenue. The jail, we explained to them, will be approximately a mile and a quarter still down the road. So, this parking lane is not for the jail, it's for the residents of Harlan Avenue. It will be on the west side of the street along your houses, where you can park in front of your houses. Another question was asked about sidewalks, the possibility of getting sidewalks along Harlan Avenue, which was not planned for the project. I have talked with Bernardin Lochmueller who are the engineers and architects working with John on this project. That is not a problem. We can put sidewalks along the west side of Harlan in front of the houses so that kids can ride their bicycles, residents can walk along the sidewalk, take dogs for a walk, or whatever. That was what was brought up. There was comments about designing the storm sewer system in a manner that would allow them to add it to other areas of neighborhoods, a possibility of Fares Avenue. I'm not sure what the size of that sewer is going to be, that we are going to put in for the neighbors along Harlan to run down. I don't know about the possibility of the city picking it up and running it over to the other streets, I'm not sure.

John Stoll: That is something that will have to be determined once the detailed design starts. As of right now those drainage calculations have not been done, but that is something we will have to coordinate with the city once the design progresses.

President Mosby: Okay. I mean, I didn't know how big that sewer was going to be.

John Stoll: At this point, I don't know either. We'll just have to work with Bernardin Lochmueller and see what they come up with as far as what drainage areas feed into the street as it's designed.

President Mosby: Okay, and then the only other question that was brought up is that the neighbors wanted to make sure that the curb cuts coming into the roadway were going to be wide enough for easy turning. I think they are standard curb cuts, of how many feet I'm not sure.

John Stoll: Typically what we've done on all of our other road projects is the throat width of the driveway will match whatever is out there. Then a radius would be provided leading up to that throat width. So, the overall width would be the same, and we will provide a radius that allows people to get in and out of the driveways easily.

President Mosby: Okay. These are questions and comments that were brought up the other night. One by one, if anybody has a concern, question, or comment, feel welcome to come up to the mike and we'll try to answer. Sure.

Helen Clements: It's an honor and a pleasure to meet you.

President Mosby: Thank you.

Helen Clements: My name is Helen Clements. I live on Stringtown Road, which I'm concerned about too, and I have a son that just bought a house on Harlan. He does live on St. George, and there were some things I didn't mention in my stuff here, was noise.

President Mosby: I mean, no more than traffic. I mean—

Helen Clements: Well, 250 more cars a day would be a little more noise, don't you think?

President Mosby: And one thing I will say that we discussed at the meeting the other night, somebody was wondering about is when police cars are going back to the facility. The Chief Deputy and the Sheriff explained, these vehicles that are hauling people into the facility, police cars, will not be running with their sirens. I mean, they will be coming from the scene of—

Helen Clements: Okay, now there are only like three accesses from Diamond Avenue, from Diamond it would be St. George, Petersburg, and Mt. Pleasant. So, don't you think we're going to get people coming down Stringtown, Mill Road, and coming around that way also?

President Mosby: I mean, I don't know what direction to say they will be coming from. I mean, whether they are coming from—

Helen Clements: Well, if they are coming from down here, they will.

Commissioner Fanello: Can we have John Stoll maybe address those concerns?

John Stoll: Let me make sure I understand the question correctly. You are saying that additional traffic would go up Stringtown, head down Pfeiffer—

Helen Clements: No, they would go Mill Road.

John Stoll: Okay, Mill Road, then to Kentucky, and then up around.

Helen Clements: St. George.

John Stoll: I guess, it's possible, but maybe the Sheriff would have a better answer on that. I would think that the most direct route would probably be going up 41.

Helen Clements: The direct, but it's short that way, that there would be a traffic jam often. If you have driven that much.

John Stoll: You're talking about where you turn left to go from Mill on to Kentucky?

Helen Clements: No, I'm talking about 41 on to St. George. It's a problem.

John Stoll: Okay. I would think, in general, that would be the faster route, but, I guess, it is possible that they could go the other way.

Helen Clements: Now, one other thing that I wanted to ask. Is the road you are going to propose, it's going to be higher isn't it, than the original?

President Mosby: I don't know that it would be higher. I mean, what do you mean by higher?

Helen Clements: Well, you know what I mean.

John Stoll: The elevation of the road.

Helen Clements: The elevation.

President Mosby: Well, we would take the old road out.

John Stoll: There again, I'm not sure until the design is completed. If the new road was higher than the old, then, basically, you could trap water on the property side. If that's the case, what the designers will have to provide is an area drain to pick up any water, if there is a higher road elevation than what's out there right now. Just to make sure everything drains properly. So, in the event it is higher, that would be the solution to address to any water concerns. They could just stick an area drain out there on the west side of the road.

Helen Clements: Well, if that works.

Commissioner Fanello: But, they will address that during design, correct?

President Mosby: Was you at the hearing the other night, Ma'am?

Helen Clements: No, sir, I'm sorry.

President Mosby: Okay. Well, the only thing that I wanted to tell you is to keep in mind, and we explained this at the hearing the other night, and the maps are over there, and they are shaded and marked. The road that we are proposing will be shifted 10' to the east, giving the neighbors more of a, a 10' green space. Now, we're proposing to put in a 4' sidewalk. There will be curbs on it, and there will be sewers installed.

Helen Clements: Okay, I understand that. I understand how the sewers work when we get 100 year rains, or 50 year rains, it doesn't always work. Which is, they are not designed for that. I think the other thing that maybe concerned me is that when the sewage treatment plant gets there, whatever it's called, then they will extend that road a little bit further, and then there will be trucks going down that road.

President Mosby: Mr. Tackett is here, and he addressed that the other night.

Helen Clements: Oh, I'm sorry.

President Mosby: No, that's okay. No.

Bob Tackett: If I could address—

President Mosby: Bob, you'll have to come up to here though.

Bob Tackett: I'm sorry. After the—

Madelyn Grayson: Could you please state your name for the record.

Bob Tackett: –right now there is only going to be about six employees out at the plant.

President Mosby: Bob Tackett, Water and Sewer.

Bob Tackett: Oh, sorry. There will be about six employees at that plant.

Helen Clements: Okay.

Bob Tackett: That would be 24 hours a day, seven days a week. Okay? Now during heavy construction time, as David and I talked yesterday, we're trying to get a temporary roadway in from 41, so there's no heavy construction traffic on it. If there is heavy construction, it's only going to be a limited time, and very limited. Once the equipment is moved back, then when it comes out, it will be very limited. So, there's not, the traffic for the waste water plant is going to be very, very minimal.

Helen Clements: Well, I thank you, but, it's still a government of the people, by the people, and for the people. Okay?

Rita Mengon: Hello, my name is Rita Mengon. I've lived on St. George Road since 1947. I don't think you've ever taken a traffic count out there, but that road virtually serves as a north side by-pass. We don't need anymore traffic out there. What I wish would happen is you would reconsider putting the jail right out back where it's convenient to the Civic Center. At least that was one plan that Frank McDonald did that was useful. He consolidated the city government, and had it all down here. You haven't decided to put it on the east side to see what those people would think. Or put it on the west side to see if those people want it. But, now you want to do it out here in our neighborhood, and it's been primarily a residential neighborhood. If it's cut in stone, what is wrong with making the entrance at Lynch Road? Lynch should be brought in, tied into North Kentucky, and down to Diamond Avenue, because we've got too many roads across town that don't connect with anything. So, it would be really important to consider another bridge across Pigeon Creek, to relieve Stringtown and 41, and to come straight in off of Lynch Road. I would like to hear what is the reason to go through the residential neighborhood, instead of going that route. Thank you.

President Mosby: Do you want to answer that, John? Or do you want me to attempt it?

John Stoll: I was going to say, in regard to Lynch Road, to get the crossings, to get across the CSX tracks, I don't remember how many, the exact number they have out there, but they have six, seven, eight tracks out there.

President Mosby: Seven, I think,

John Stoll: They've basically said, in no uncertain terms, no, they are not going to allow a public road crossing at that location. The only way it could happen is if the whole yard was moved, for all practical purposes, and there is no immediate plans for that. So, that, unfortunately, gets Lynch Road out of the picture, even though for the county's perspective it would be a whole lot cheaper if they could go that route, because it cuts a mile of road out of the picture for the county's funding side of things. So, with CSX not allowing it, that's really not an option right now. In regard to extending Kentucky Avenue, I guess, it could happen. There would have to be right-of-way acquired, and I don't know off the top of my head how many parcels of

right-of-way we would have to acquire in order to do that. The permitting process for a new bridge would be extremely long to get all the permits from DNR and all the applicable review agencies. It really wouldn't be a viable option in the time frames that the jail needs to be started under. So, I guess, it's a project that could be still pursued at a later date, but it couldn't be finished in time for the jail project.

Commissioner Fanello: Then can you tell me, are there any plans to do anything with St. George? Or does INDOT have any plans to do anything with that intersection there at 41 and St. George?

John Stoll: INDOT does have a proposed project to six lane 41 up to Mt. Pleasant Road. I believe their timetable on that is probably five to ten years from now. But, in conjunction with that, yes, they will come back and rework the intersection of St. George and 41. I don't think it's to the point where the limits of that have been defined, as far as the east-west limits on St. George, at this point, because it's just now been turned over to a consultant to begin design, I believe.

President Mosby: Okay.

Art Mengon: My name is Art Mengon. I live on St. George Road. If you go back and check your records, you'll find that those plans were in there to build a bridge over Pigeon Creek, and extend the road across to Diamond Avenue, back in the early 70's or 60's. Late 60's or early 70's.

John Stoll: I had heard that at one point that was a project, but as far as any data, or whether or not right-of-way was acquired or anything like that, off the top of my head, I don't know. Like the gentleman said, yes, I had heard that was a project that was being looked at, at one time.

Walter Clements: My name is Walter Clements. I live out in the north side. Is there some reason that they don't put the new access road, if you've got to put it out there, why you don't put it east of the utility lines? That way you get the road further away from the houses, and they could leave their street alone.

President Mosby: We don't have any right-of-way.

Walter Clements: Well, you could buy it.

President Mosby: Well, I mean, Killebrew Brick and them, from what I understand, I mean, this right-of-way, we have Harlan Avenue, and we have the rest of the right-of-way from Vectren is donated. I mean, it's all free, which makes the project a very reasonable project.

John Stoll: One other issue too, Bernardin Lochmueller looked at that possibility, and they could not meet the clearances away from the SIGECO poles that SIGECO requires to get the road in on the west side. They also—

Walter Clements: You could take a little land from Killebrew Brick. Their right-of-way is, you know, there's nothing really on it, except that metal building. The only thing is it gets it away from the residential area, and the residential people could maintain their street. You know, you were going to go across the railroad track, that was your original intent, and that would have cost a bundle. So, if you go this way, you're going down and you're going to go across Vectren's right-of-way anyway.

John Stoll: Correct.

Walter Clements: If you go this way, you don't have to cross Vectren's right-of-way.

John Stoll: We would be on them. CSX owns about a 20' strip there. Then we would be in Killebrew Brick, plus we would also get some of Vectren's property as well.

Walter Clements: Vectren goes out this way?

John Stoll: They've got a grand total of 60' through there.

Walter Clements: Well, then what they, there's 60' on the other side too? On this side?

John Stoll: Their easement, their poles are not centered within the easement—

Walter Clements: Well, that's typical of Vectren or SIGECO.

John Stoll: They've got, there's one other issue too in regard to running a new road out along the Killebrew property. We would end up with parallel roads only separated by roughly 60'. Which if you would get a car turning left off of Harlan Avenue to come out on St. George, plus you get a car, if a new road was built along the Killebrew Brick property, turning left, you would end up with a conflict where the two cars would end up crossing paths—

Walter Clements: There's a lot of conflicts there now of people trying to turn on to 41 anyway. So, you're not going to make it a heck of a lot worse.

John Stoll: Right, but it's something to try and avoid by creating another one.

Walter Clements: Well, it would be nice though if you didn't put your road in these people's lap, you'd go this way, which you could. I mean, all it takes is some access from Killebrew. Then it would be straight down there. Now, you're going under Vectren's lines, don't you have some kind of liability with your equipment going under their lines?

John Stoll: There again, we meet the clearances required by Vectren to get through there, so—

Walter Clements: With equipment going to the sewage treatment plant? Like cranes and things like that?

John Stoll: There again, like—

Walter Clements: No, wait a minute, you have to have cranes for maintenance at times.

John Stoll: Right, but—

President Mosby: We're hoping to get a construction entrance, yes.

Walter Clements: Yeah, but after you construct, you maintain. You have to maintain the sewage treatment plant.

President Mosby: Bob, do you have cranes coming in?

Bob Tackett: The cranes that we use are minimal, compared to how high those lines are (Inaudible).

Walter Clements: Well, it just appears that there should be a thought going down the other way, which gets it away from housing. You know, just because you want to take the easiest way, doesn't necessarily make it correct. Bernardin Lochmueller could do that too.

John Stoll: There again, it is an option, but the traffic conflicts that would be created, I don't think would be a desirable situation. Regardless of what conflicts are out there right now, if we run a parallel road next to Harlan Avenue, we'll be contributing to more problems.

Walter Clements: Or you could dead end Harlan here, and they have access on the other, to the other street to go one more street over. That way you could get rid of that intersection. I think really you ought to think about it anyway.

President Mosby: Was the third option that Bernardin looked at, was that on the other side of Killebrew?

John Stoll: It was on the east side of the Vectren line. So, it was right along the Killebrew property line.

President Mosby: Right. We looked at that. We looked at Harlan. Because we had three or four options from Bernardin. I mean, they didn't look at just one option.

Walter Clements: Well, you took the cheapest one, I'm sure, because you own the property. That's what he just said.

President Mosby: No, the property was donated by Vectren.

Walter Clements: No, you've got right-of-way property.

John Stoll: Right, we have the existing Harlan Avenue right-of-way, and then Vectren would give us an easement.

President Mosby: Vectren donated the other property.

Walter Clements: They could donate it on the other side too.

John Stoll: There again we'll be getting into an issue where we would have to acquire property from Killebrew.

Walter Clements: That's not too bad. That's just a brick yard. Well, I mean, you know, you could buy that property down there for the baseball diamond and just pay it, but, you know.

President Mosby: We didn't do that.

Walter Clements: Well, you were in on it eventually. You would have been.

Commissioner Fanello: No.

President Mosby: No, I spoke against it. If you've been watching the news. I spoke several times against it, so.

Walter Clements: But, you know, you were originally going to go across the railroad tracks, and I'm sure that CSX would have charged you plenty to get across the railroad tracks. Anyway, I still think you ought to look at it.

Unidentified: (Inaudible. Not at mike.)

President Mosby: We can't get in Lynch Road. They won't let us in.

Unidentified: (Inaudible. Not at mike.)

Melinda Ragsdale: Hi, I'm Melinda Ragsdale. I'm at 5500 North Harlan. My family is really happy about the extended lawns, and the sidewalks, and the sewers. We're just curious if the cost for the sewers and the sidewalks is going to fall on the homeowners.

President Mosby: No. We're paying the whole freight.

Melinda Ragsdale: Okay, can you, will you ever give that in writing, just so that my grandmother can settle.

President Mosby: Well, I mean, there's going to be no burden on her, and, I mean, when the project starts, we will pay the whole tab. I mean, you can assure her that we're not coming out to ask her for any money.

Melinda Ragsdale: Well, we are thrilled about the extended lawns.

President Mosby: Like I say, we're going to shift it 10'. Take part of Vectren's property, and we'll give curbs and sewers and everything.

Melinda Ragsdale: Okay, thanks.

President Mosby: And we will put back everything just the way it is right now.

Melinda Ragsdale: Okay.

President Mosby: So, whatever has to match up will match up, at no cost to her. We won't even come—

James Clements: I was at the meeting the other night. My name is James Clements. I live on St. George Road. The thing that's really, that worries me, you know, everybody's thinking of everybody going straight down Harlan, turning, you know, but there's a side road, and I live on the corner of Kerth and St. George, and I know for sure that people are not always, especially when Atlas, and whatever, the traffic jams up, they are going to start going down Ellen Road, going down Fares, and coming down Kerth, and they are going to back up past my house. Because the traffic, you know, and that's just my biggest concern. Then with this, you know, people are going to be looking around, and I'm almost guaranteeing the crime rate is going to rise. I mean, you can say the cops are going to be there, but, you know, it's easier to take something right out from under your nose than it is, you know, that's just my biggest concern. When, you know, can you promise me, or tell me that they are not going to do that?

Commissioner Fanello: The Sheriff (Inaudible).

President Mosby: I can't promise anybody's travel, you know, path of travel, but, I mean, we are working with a traffic engineer to try to relieve the pressure on St. George so that people won't feel a need to go another route to try to avoid the traffic. Dave Savage is going out there next week. I mean, he's had counters out there, and he is going to try to talk to a couple of people in the neighborhood. He told me he would try to talk to them to see exactly what they are seeing. If he can put additional seconds on the St. George side to let more traffic out at one time, and do that from a period from 3:00 to 6:00, then that traffic won't start backing up at 3:00 and 3:30, and get so bad.

James Clements: But, still the thing is people are going to be curious. They are going to start driving up and down the roads, you know, visitors and what not. Because, you can put another half hour on that light, and it's still going to back up, because more people are going to start coming down that way. It just gets worse and worse. The more they do to make it better, the more people come down the road. You know, it's a no win....that's why if you even give that 10', and blocked off the road, and maybe made the intersection at, both intersections to the new road and whatever, and run that, give us that 10' barrier where they couldn't cross over and get on Ellen Road and Christ Road and come on around and, you know, go around our neighborhood. That's—

President Mosby: Are you saying dead end the streets?

James Clements: No.

President Mosby: Oh, okay.

James Clements: You put both intersections together, instead of giving, you know, that 10', use that 10' as a divider of your new road to Ellen Road. Or not Ellen, but Harlan Road. You know, take that 10' and leave Harlan, and then build your new road 10' over, and then combine the intersections. I mean, there's not that much road or traffic on Harlan, but you are going to generate tons on your road. If you combine the intersections, you know, that just keeps a barrier between our neighborhood and the jail road. That's just something to think about.

President Mosby: Yeah, I understand what you're saying. I don't know how it would work. He's talking about not using Harlan and just putting in a whole separate road.

Commissioner Fanello: Right next to Harlan.

President Mosby: Two roads running parallel.

John Stoll: I think the potential would exist, end up getting clearance problems with Vectren's poles again, because we're barely getting the clearance that they've asked for.

James Clements: Yeah, but you've given up the parking lane and 10'. Okay?

President Mosby: He's saying don't give them 10', don't give them the parking lane.

James Clements: You can build a road right there. So, the road is there.

John Stoll: I guess—

James Clements: You know, I'm just wanting somebody, but see all this you're going to give up.

John Stoll: Right.

James Clements: Leave that alone, and build your road. You know, we don't need—

John Stoll: I guess, what kind of, I could see problems up here—

James Clements: You can combine, I mean, count how many cars go down this a day, and then compare it to that. There's hardly any traffic on this road, really, but all the traffic is going to be generated here, but if you combine intersections, it should still work. I mean, there should be a way that you could make that work.

John Stoll: I guess, you would have a barrier there, but you would still see all the traffic coming in front of your houses.

James Clements: But it's not going to be able to, you know, wander around. You know, they are going to have to come back around, you know. If they are just there to do jail business, then they are not going to want to drive around. That's just my concern, because I've seen it back up past my house, and I live on the corner, and, you know, if they see traffic here, they're coming down this way. They are going to go that way, and they are going to come that way, and then they are going to start backing up behind. Because traffic does back up at times past there. Prying eyes, you know, I would just as soon have them stay over here on this road, and go back on 41, and go wherever they came from.

John Stoll: I don't know if the Sheriff could maybe help out with that situation. What his concern is, in the event that there is a back up, and this entrance is blocked, that traffic accessing the jail will go up these side roads to get further away, so they won't be blocked up here. I don't know if there is anyway you could try and instruct your employees to specifically not do that.

James Clements: I'm not so much worried about the police, it's the visitors, and all the, basic traffic to the jail. You know, because they'll be coming down Ellen, they'll be coming down Christ, and they will be able to come up and jam up everything.

Brad Ellsworth: I don't think we can officially—

Unidentified: Taking the 10' away (Inaudible. Talking over each other.) Just do it a boulevard.

James Clements: If you had a barrier right there, they couldn't get over.

Unidentified: To keep them from turning that way, because their concern is not about people coming in, it's the people leaving. So, if you boulevarded it.

Brad Ellsworth: Right, and that was one of the options that we had drawn up. (Inaudible. Talking over each other.)

John Stoll: Some sort of island.

Unidentified: Yeah, an island right here, and that way then they can't (Inaudible).

John Stoll: The problem is (Inaudible).

President Mosby: We're having a hard time following this conversation on the mike, so.

John Stoll: One of the—

President Mosby: She's—

James Clements: But, you know what I'm talking about. Yeah, if you can relay it to him, but, you know, whatever you was going to give up, it looks like if you just leave that alone, at least, this road is here, and that road is there.

Madelyn Grayson: Mr. Clements, if we want to get your comments on the record, we're going to need you to speak one at a time into the microphone. Otherwise, we won't be able to type it verbatim.

James Clements: Okay, well, like I was saying, whatever they are wanting to give up, the parking deal, and the 10', if they left that alone, that would be the buffer zone between our road and the new road. That road would be expressly just for going to and from the jail, it won't be visiting or whatever, you know. That's my concern, because this whole neighborhood is going to be packed full of more cars. It's a residential area, and it doesn't have that much traffic as it is. Now, I can see a bunch more cars, and there's a lot of kids and whatever, and people walking dogs, and this and that and the other, and they are not going to be able to do it. I mean, it's great on this road here, but you're cheating Fares, or Evans, whatever, and Kerth. We're not getting anything out of this, but we're going to be burdened, or you know, brunting the load of traffic. So, that's just my concern. If, I don't know, if I could have got the word out, I could have told more people, and I'm sure they would have said the same thing, you know, because a lot of people like to walk, and stuff like that. With more traffic, they are not going to be able to do it. So, that's my concern. Thank you.

John Stoll: One thing that Eric Williams just suggested was whether or not there was a possibility of us going out to each of these intersections that will tie into Harlan, and providing some sort of median or island, which that would prohibit the traffic on Harlan from heading back in the neighborhood. That would help address the concern. The bad part about doing something like that is, that would also prohibit somebody from the neighborhood turning left to get out back on to Harlan. In regard to the issue of just leaving the existing road and having it parallel to the new road, right off the top of my head I don't see a good way of dealing with how the two would tie together up at St. George Road. I mean, if the neighborhood was acceptable to the idea of not having left turn access on to Harlan, I'm sure Bernardin Lochmueller could look at putting some sort of medians, or some sort of divider at the intersections that would prohibit people from making northbound lefts from Harlan to the neighborhood.

James Clements: I still say, you know, you're giving up this land, just keep it. You know, leave it green, leave it a road there, and you've got room to work there.

John Stoll: There again, though, up here, I don't know how you would split the two without creating an unsafe intersection by having two intersections, basically, one on top of another. Harlan with the new road, and then Harlan and St. George.

James Clements: You need to count the traffic on this road, I would guess. Then you'll have something to judge by, because there is not that much traffic. That's, and it looks like it would be a cheaper way of going, because you would have less that you would have to do.

President Mosby: John, how wide is Harlan now? Do you know?

John Stoll: I did. Off the top of my head, I don't remember.

President Mosby: What's the regular width? I mean, 20', or—

John Stoll: Pardon?

President Mosby: What is the normal width of it, 20'?

John Stoll: The right-of-way is 25'. So, I would guess that it's 20' tops.

President Mosby: I'm thinking two 20' roads, and 10' in between is 50'. We don't have that much. We've got a 36 and a 10' green space. We've only got 46' right now, because we have to stay off of them poles 7' to 8'. So, we're not going to have enough to get two roads and a 10' barrier down the middle.

James Clements: Well, if you're going to give up, well, how much is the parking area you're going to give up? How wide is that?

John Stoll: 8'.

James Clements: So, that's 18'. So, if you just divided 18' between there and there. Between the old road and this, it still wouldn't fit in there?

President Mosby: I'm just saying if we've got 46', and you take two 20' roads, and a 10', 20, 20 and 10 is 50. So, somewhere—

James Clements: Well, where are coming up with all the room?

John Stoll: I think that—

James Clements: If this is 20 and that's 20.

John Stoll: What you're getting at is that we would delete the parking lane—

James Clements: And the green area, and leave the road like it is. That gives you that extra room. I mean, we don't, well, I don't know, for myself, these people don't see what's going to happen. If you give up, just left it like it was, and gave that back green space and the parking lane as a divider, and then build your road. It's the same, it should be the same distance.

John Stoll: Which, yeah, I agree with you on that.

James Clements: It's like that. Then, I guess, your only concern is right here, but look at how you're opening that up anyhow. I mean—

John Stoll: I just can't think of a safe way to do two, two way streets that close together.

James Clements: It looks like it would be a pretty study. You know, put a flashing light in. I mean, they put lights everywhere else, there ought to be a socket in the ground somewhere. That's my concern, I mean, they could save money by not having to give up this and that and the other, and just build their road. So, thank you.

John Stoll: I can talk to Bernardin Lochmueller about that, but, like I said, off the top of my head, I just don't see a safe way of tying two parallel roads, two, two way parallel roads, separated by only 18', all together, up at the St. George intersection. That's not to say there might not be an option for that, but I don't see it right off the top of my head.

Walter Clements: You can dead end Harlan—

Madelyn Grayson: Sir, you are going to have to come to the microphone to make your comments.

Walter Clements: If you dead end—

Madelyn Grayson: Can you state your name for the record again?

Walter Clements: Walter Clements. If you dead end Harlan up here, these people could have access off the side roads anyway. You could dead end this and put your new road through here. Then the traffic through here wouldn't go to that road. There's not that much traffic on this road anyway. You could dead end it. That would make it easy, but if you put it over here on this side of Vectren's property, you wouldn't have to worry about it.

John Stoll: But there's no room over on the east side.

Walter Clements: There is if you buy the property.

John Stoll: Which would probably be a condemnation issue to acquire the west side of the Killebrew property.

Brad Ellsworth: One thing we talked about there also—

Walter Clements: (Inaudible. Not at mike.) Construction road anyway.

Brad Ellsworth: Brad Ellsworth, Vanderburgh County Sheriff's office. One of the things we talked about, there is a couple of things that I think somebody needs to remind the new residents here, we talked about it the other night. One thing was, as the cars, the shorter space here doesn't allow, when you get cars going left or right on to St. George, if they are stopping to turn left into this road, if we go before Killebrew Brick, then you've got less room here for a back up off of 41, and possibly backing up traffic on 41. I know it's a major problem anyway. I think an important thing that we talked about the other night was, I'm getting questions about what happened to the original plan of going across the tracks, and I think we need to

remind the new residents from here that, and I didn't know this at all, but every time that you eliminate a crossing, or you add a crossing, that they have to take three out.

President Mosby: Right.

Brad Ellsworth: So, in other words, this was going to require, the one, the light at Whirlpool was going to require two crossings, which meant somewhere in Vanderburgh County we were going to have to dead end six streets, I assume is what they meant. At tracks.

John Stoll: Well, they were going to make us relay up to about 2,000, 2,500 feet of track to make this a single crossing. So, in effect, we would just have to close three, not six, because ultimately they would have treated this as a single, new, at grade crossing, instead of two new ones. So, it would have just been three that would have had to have been closed. But, you are correct, there were closures that they would have asked for.

Brad Ellsworth: And trying to pick three streets in Vanderburgh County, you know, to close off would be pretty tough, I think. You know we get tired of waiting for trains the way it is. Another question I remember about Lynch, talking about extending Lynch over, is that by the time, and, of course, then you're dealing with INDOT, and getting permission from them in building this major road across. Because by the time it, by the time it came back down, if it was an overpass, and I think they even talked about an overpass, you wouldn't be able to empty off of it until you were back on to Kentucky Avenue anyway. Which by the time that, we would be off the property, and wouldn't be able to make the turns off of that. So, it was just, I remember talking, that was not feasible to do the Lynch thing at this time, based on the project. But, I understand your all's concerns, it was just—

Commissioner Fanello: And the fact that CSX will not let us use the Lynch Road entrance.

Brad Ellsworth: Right.

Commissioner Fanello: I mean, not without moving that rail yard. How much would it cost to move that rail yard?

John Stoll: One of the estimates that one of their engineers talked about at the field check was \$6 million plus.

Commissioner Fanello: Yeah.

President Mosby: Thank you, sir. Is there anybody else that wanted to speak?

Kevin Winternheimer: David, if I might add something, while I'm thinking of it.

President Mosby: Yes, go ahead.

Kevin Winternheimer: Just keep in mind the county will be a very good and very quiet neighbor. You must keep in mind that this property was going to go on the market. CSX was going to sell it. It is currently zoned where it would have been industrial or heavy commercial. So, you may not be talking about a jail with the car traffic, you may be talking about a factory with three shifts. You may be talking about heavy truck traffic, and all the other things that go along with things like warehouses,

heavy commercial, and industrial. I think you'll find that we're going to be a very good and very quiet neighbor in this neighborhood. Using this route is going to be very less obtrusive to the neighborhood than if they would have put it on the open market. It would have become a warehouse, a factory, any other heavy commercial operation that it was now properly zoned for.

Walter Clements: It's a shame we lost those jobs.

President Mosby: Is there any other comments? Seeing none. The chair would entertain a motion of some sort.

Commissioner Fanello: Does Commissioner Crouch have anything to add at this time?

President Mosby: Do you have anything that you want to say or add?

Commissioner Crouch: I think when you look at a road project with the county, or a government undertakes that impacts homeowners, that cost should not be a factor that drives your decision. There should be consideration given to the public process, and had people had the opportunity to voice their opinions and have input before officials arrive at a decision. I think the other factor has to be safety, and is safety going to be better, or is safety going to be worse as a result of this project?

I know that in terms of a jail being located in a neighborhood, or near a neighborhood, the concerns of the residents are safety. I have worked in the Civic Center for the past eight years, and have had a jail with me eight hours a day, with prisoners in and out, out of court, and quite honestly, the fact that that is here, I'm probably safer than if not, because of the concentration of our law enforcement individuals. I guess, I have a question for the County Engineer regarding safety and regarding cost. In your opinion, the safety issues that they perhaps brought up, and I would presume those would be your concern about traffic, and if the traffic flow is not moving properly then we are going to possibly, or potentially have a safety concern, is that an issue that you feel can be addressed, if in fact this road moves forward and is utilized as Harlan?

John Stoll: Part of it, like Mr. Mosby said, could potentially be addressed through signal timing changes. In regard to visitors to the jail, I don't know what your proposed visiting hours are going to be, but are they going to coincide with the peak morning times of 7:00 to 8:00 in the morning, and then peak evening times of, say 4:00 to 5:00? Give or take. Because I would think the traffic would be dispersed if the visiting hours for the jail were somewhere in between, say 9:00 to 3:00. Something like that. That way you won't have the peak of the people going to work or coming home from work coinciding with the peak of the people coming in to visit the jail, that visit the prisoners at the jail. So, depending on what the visiting hours are, that might help alleviate some of those problems.

Commissioner Crouch: Okay, hold that thought. Sheriff Ellsworth, can you address what you're thinking about in terms of visiting hours?

Brad Ellsworth: Well, that's optional. That's one thing that there's no law about that. That's what we can do, and work through, and see when that...obviously, at this point, our shifts are 7:00, 3:00, and 11:00. We can set those for any time. We do want to open that up, and spread it out other than the 12:30, the current visiting hours, because the design of the jail is going to allow us have a more free flowing visitation. That's with the stroke of a pen and a policy. We can set that there's no

visiting these hours, which would discourage people from coming at those times, at those peak hours.

Commissioner Crouch: And you're committed to doing that?

Brad Ellsworth: Absolutely. You know, you feel like the unloved one here. It's got to go somewhere. There's no good place for a jail. I don't know what, you know, that we want to be good neighbors, and we're going to work anyway we can. You also have to look at the price of the land. You know, this was \$25,000 an acre, versus, I think, South Kentucky the last thing I heard was \$2.1 million for that piece of property. So, you know, I understand, believe me, for 20 years of talking about jails, I've studied what people have gone through when they build jails. I mean, we know what people don't like. It's got to go somewhere. It's got to go somewhere in Vanderburgh County. There's a whole lot of things that went in to these decision makings and buying this land. Is it popular? Absolutely. Did we know it was going to be unpopular? Absolutely. You have to take, you know, the best of the worst. We're going to try to do the best we can with it. That's the stroke of a pen and a policy to make. We want it easy too. We want to be good neighbors.

Commissioner Crouch: So, you're committed to making visiting hours at non-peak driving time—

Brad Ellsworth: Sure.

Commissioner Crouch: —in order to alleviate any—

Brad Ellsworth: I'll do whatever it takes to get along with these people. Like I said, these are the same people that voted for me too, and entrusted me and my office to do what's right. That's what I'll do. I don't think there's anybody in this room that isn't committed to that. So, I don't, you know. Please don't infer we're going to do anything to, you know, against the neighbors will.

Commissioner Crouch: No, and that wasn't my inference.

Brad Ellsworth: I know, I worked too hard for them too, for a long time. Am I done?

Commissioner Crouch: John, what about the concern about the intersection there at St. George and 41, and traffic being backed up? You had stated that you would be working with—

John Stoll: I have not spoke to Dave Savage about that. Commissioner Mosby said he had, but I'm not sure how much of a signal timing change they could make. So, I don't know how much that back up can be remedied, at this point. The long term fix to that is going to be the state's Highway 41 project. When they add more lanes on 41, then that will free up more green time for the side streets. In the interim, maybe minor adjustments to the signal timings might help, but I couldn't say I could guarantee that that would be the case. I've, I just don't know at this point that you could fix that at the very peak times.

Commissioner Crouch: In your opinion, professional opinion, is it, would it be safer to have the, and this may not be a fair question, to have the entrance there at Harlan and St. George, or to have it come over the railroad tracks and be at 41?

John Stoll: Based on at grade railroad crossings, based on everyone of them is a potential accident. When those happen, when there's a wreck at an at grade railroad crossing, it's severe. So, the safety of that, while the accidents may not be frequent, they would be severe. If there were accidents at Harlan and St. George, they will probably be less severe, but maybe more frequent. It's a trade off. I don't really see that adding the extra traffic on Harlan Avenue is going to create a major safety issue with accidents occurring. So, I guess, in a nutshell, my answer to that would be, no. I think, probably the safest way to go, and the best way to go, would be going up Harlan Avenue.

Commissioner Crouch: Then, again, as cost savings shouldn't be driving this decision, but what would the cost savings be?

John Stoll: Probably in the neighborhood of \$150,000. The original estimate for going across the tracks was at \$1.35 million, which is what the estimate for this road construction is. That was prior to CSX and INDOT requiring an additional 2,000 feet of track to be relaid, to combine what was originally proposed to be two new crossings into a single new crossing. They were going to require that because of the safety concerns of getting somebody trapped between the two new crossings. So, that extra track work would add at least \$150,000 to the project. So, cost savings, it looks like it's going to be at least \$150,000. It could be even more based on what the final cost would have been for any improvements out on 41. Bernardin Lochmueller had done some estimates on that, and had included that in their original cost estimate, but until a final design is completed we wouldn't have known exactly what INDOT was going to require. So, \$150,000 minimum is the best estimate at this point, as far as the savings goes.

Commissioner Crouch: And that takes into consideration the improvements that have been proposed?

John Stoll: Yes, well, other than the sidewalks. Since the sidewalks weren't originally added in there, I guess, it would be \$130,000.

Commissioner Crouch: How many residents that live on Harlan Avenue are here this evening? I think they left, didn't they? Okay.

President Mosby: Did you have any, did you want to add a comment?

Commissioner Fanello: I would just say that I know we've looked at this numerous times, and I've spoken with the County Engineer numerous times, and we've spoken with the city, and we've tried to come up with the best plan possible. As the Sheriff said, you know, a jail project is not the most popular project in the world. I will say that my first choice was to put it down here at the Civic Center, but that didn't fly with all of the other officials down here. I wish it would have been here. That was my first choice, but it didn't go here. So, in light of that, and we were unable to reach an agreement with all officials involved to get that project down here, we had to pick, you know, the next choice, and this was the next choice. I would just say that I think John Stoll has worked very hard on this project. Bernardin and Lochmueller has worked very hard to come up with the best possible solutions. I would just say, you know, all the concerns involved, you know, safety, price, and just what we can do, you know, I think, you know, we can definitely look at this as an option.

John Stoll: One other thing the Sheriff pointed out too, was by going up Harlan Avenue, we would eliminate the need for a secondary entrance on the jail, an

emergency entrance. While I don't have a cost to assign to that right now, there is that extra cost savings as well.

Commissioner Fanello: And I would just add, my most major concern would have been closing three crossings somewhere in Vanderburgh County. You know, not only the cost of the coming off 41, but the closing three crossings somewhere. I think that would have had a much more huge detriment to the community, to close three crossings somewhere.

President Mosby: I'll just add, I've listened to a lot of things that were said here tonight, some questions that Commissioner Crouch had, and questions that were brought up with Lynch Road. I think every alternative has been explored since we started this back about four months ago, of just looking at an entrance to Wansford Yard. It was explored that we would even remove Wansford Yard completely, and take and store trains elsewhere. It just was not feasible. I mean, it was going to cost this city, I believe, \$3 million for a bridge that we were going to have to build, at one point, and then we were going to have to build the yard, that was explored. It was explored to come in at the parking lot down at Whirlpool, which was going to require crossing two crossings, or relaying, parallel, some track. Then we went to Harlan Avenue. I think the one thing that we've got to keep in mind is that we're going to spend, we're going to save approximately \$150,000 to \$200,000 by going this route, but we're also going to probably, well, not probably, we're also going to improve a street that elsewhere will probably never be improved. Will never have sewers put on it. Harlan Avenue was a problem when I sat on City Council. Harland Avenue fell as one of the top 100 drainage projects in this city. I got these pictures as late as last week that shows all the drainage problems on Harlan Avenue. So, we are probably getting a project, and I know the City Engineer is sitting here, you know, if he had to go out and rebuild that street, put curbs on it, and relay a sewer, or build a sewer, he would have to build a sewer, there is no sewer, we would be probably talking \$750,000 to do that project, plus a jail road. Why not incorporate two projects into one, save the taxpayers money, and get something \$150,000 cheaper. All this has been explored. I've looked at it. I did want the jail downtown. I voted to bring the jail downtown. I thought it should stay here. That was to no avail. You know, I mean, I guess somewhere along the line we have to make a decision to do what's best, and we have to keep in mind what is the best price for the taxpayer at that point. You know, how much can we put on the taxpayer. This is what has led us to this decision. I think it's a very good decision. I'm going to vote for it. If there is any other comment from any Commissioner, I'll entertain it at this time. If not, I'll entertain a motion.

Commissioner Fanello: Well, first of all, I'll just say thanks to Commissioner Mosby for holding the meeting with the residents last Thursday. I think, you know, it always improves the process when we can involve the residents. While they may not be happy with the decision, or all of them may not be happy with the decision, I think it's important to get everybody's input, and try to alleviate those concerns. I think we've made the best effort to do that. What I would like to do is to make a motion to explore the, or to move forward with the entrance off of St. George on to Harlan, and to try and continue to talk with Bernardin and Lochmueller, and see if there is anyway to alleviate some of the other concerns that have been addressed tonight. If there's anyway to do that, I would say that we explore that, but I would make a motion that we continue to explore the Harlan Road street.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to continue with the Harlan Avenue entrance. So ordered. Next we will have a jail presentation of the design development phase, which I believe we have with us Paul Summers—

Madelyn Grayson: May we make a tape change first?

President Mosby: I've been asked for a five minute recess.

Madelyn Grayson: That works even better.

President Mosby: Before, while these gentlemen are setting up, we have five minutes. I will recess at this point.

(The meeting was recessed for 5 minutes)

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| United/DLZ: Jail Design Development Presentation |
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President Mosby: Resume the Board of Commissioners meeting for Vanderburgh County for March 31st. We are going to have a presentation on the design development phase of the jail. We will have Paul Summers and John Staley with us tonight. John.

John Staley: Yes, thank you, Commissioner Mosby. As Commissioner Mosby stated, the design development phase of our project design is completed. The last time we were here we spoke about the schematic design, and how it would be developed and refined. We've taken three slides from, or three drawings from our design and developed those into this presentation. In this DD phase, what we have done is met with some of the state agencies to review where we are, and reviewed further construction assemblies, which we spoke about before, as regards to developing the project towards the next phase, which is construction documents. Paul is going to speak more in detail about that. I'll commence here with this first slide, which illustrates our site development. Again, we're showing our access coming from the frontage along the railroad tracks from the north, down to our site. Our main public parking lot here, at this location. The main entrance to the jail, and the public access here. The sally port in this area, and the staff parking. The proposed construction under this project, and our plan for future construction, located in this manner. The reason we've aligned this project in this fashion is to take advantage of the site for future expansion, and best accommodate it, and also, of course, we are fronting it closer to the railroad tracks and 41, preserving this other area here as a buffer to the rear property. At this point, I will turn this over to Paul, and he will speak further about the details of the plan. We've got a couple of slides that illustrate those aspects.

Paul Summers: Thanks, John. Paul Summers, United Consulting Engineers and Architects. The first is, the handout is a companion piece to this design document. Drawings, they are just indicative of the specification index, or what we are proposing, and a room finish schedule. What I'm going to present now are the first floor plan, and the second floor plan. These are representative of an updated schematic drawing. Architecturally there's not a lot of change between our schematics and our DD phase. What you see in the drawings that everyone has been given is where the electrical, structural, mechanical, plumbing have brought there's up to date, and are now in line with where the architecture is. So, what I'm going to do is do a brief run through of how the plan works. What we have is pod A,

and pod B. Not a lot to it. These are one, two, three, four, five, six, seven, eight housing units. Each pod is capable of having 250 some beds. Totally we have over 500 beds. The inmate and staff circulation is in this pale yellow color. The staff has access all the way back. Obviously, there are certain points where the inmates can't access. Up front is the inmate services, kitchen, commissary, laundry, mechanical, and warehouse. On the south side of the inmate circulation is the medical, with an isolation, and intake booking. On the south end is the sally port, this is where all the inmates enter the facility. Staff entrance is at this point. The public entrance is to the east. At this point there's a vestibule with a public lobby. The circulation for the public is from here, and there. Once they enter the second floor, what we're doing is bringing the visitation to the pods so as to limit the amount of circulation that the inmates are provided. The visitation occurs at each of the housing units, at that location. Then on the second floor is the Sheriff administration and locker rooms. At this point, are there any questions?

Commissioner Crouch: Are you finished?

Paul Summers: I am through.

President Mosby: Now you know how they get in.

Paul Summers: Short and sweet.

Commissioner Crouch: I like it.

President Mosby: You thought we were going to make you sit here a long time.

Commissioner Fanello: So, is there—

President Mosby: Is there—

Commissioner Fanello: Oh, I'm sorry.

President Mosby: Go ahead, no, I'm just asking if there is any questions.

Commissioner Fanello: Is there anything that we need to do? Do we need to instruct you to go into the next phase? Or is there anything that we need to sign? Or do?

Paul Summers: There is one full size set of design documents that we would like your signatures on. We are not going to pause in our design. We are still going to meet the July 31st schedule for complete documents, with a bidding period starting immediately there after.

Commissioner Fanello: Okay. So, would the board like to put this on the agenda to sign next week? Or do they feel comfortable signing the documents tonight?

Commissioner Crouch: I would like to look at them.

Commissioner Fanello: Okay, that's fine. We'll put it back on for next week.

Paul Summers: That's fine.

President Mosby: Is there any other questions by anybody? Sheriff, do you got any questions?

Brad Ellsworth: Actually, not a question, but a comment. As you know, and I'll be brief. A couple of years ago, when we were picking the architectural team, I recommended a different architect. Although, I think, probably anyone in the group could have done a job that bid. In my last two years of working with this team has just been phenomenal, on the input they have given us, as well as taking the office's, the Sheriff office's input to design a facility that is going to be, although I'll say state of the art, it's not going to be a Taj Mahal. It's going to have all the minimum square footage that is possible. We're squeezing every inch into this, out of this thing. John and Paul and their team have been wonderful to work with. They know, they've traveled with us to 30 different jails to get the best technology, and the best ideas to make this the most conservative place we can. So, I'm just, like I said, not here to political grandstand, everybody will forget about this in a couple of years anyway, but we've got a good team, and we're designing an efficient jail that was going to guard the most amount of people, with the least amount of guards. That's kind of my charge in this thing, is saving money in manpower. I would like to thank these guys, and the guys up in Indy that we work with on an every other week basis.

President Mosby: Chief. Chief Deputy Williams, did you want to add anything? You know, you've had a lot...thumbs up Chief Deputy says.

Kevin Winternheimer: Can I ask a question, Dave?

President Mosby: Yes.

Kevin Winternheimer: While they are here, and I get asked this by brother attorneys. Do you know yet how many meeting rooms for attorneys to meet with their clients there are going to be? Have you gotten that far? None? No, I assume there are going to be some.

Brad Ellsworth: We had to cut that out.

Kevin Winternheimer: I think that's a problem in the current jail right now. The space to do that, to handle that. I didn't know if you were that detailed yet.

Paul Summers: At this scale I don't think you can see them. They will be a lot more readable on the documents that the Commissioners have. At the visitation there are four windows for visitors at each housing unit. In addition there is an attorney-client booth right there, and right there. So, there are two booths per 64 beds.

Kevin Winternheimer: Oh, per 64 beds. Okay.

Paul Summers: It's non-contact.

Kevin Winternheimer: Okay.

Eric Williams: Kevin, I've been going to a lot of the meetings with the Bar, and talked about this, and each housing unit does have two closed ones, and there's an additional classroom in each one that will allow video visitation to the front, that an attorney could utilize. There is also going to be a classroom in each one of those that they can sit down and work a case out together. Plus there is some attorney-client rooms in the video arraignment area that we'll be able to utilize. I think we are going to be very well equipped in the area of having the attorneys be able to deal with their clients. One reason we took that and focused on it, is because that's one of the issues we constantly hear about, not being able to move people through the

system. It's an inability to communicate adequately and efficiently with your client. It causes a slow down. So, we focused on that. That should not be an issue any longer in this facility.

Kevin Winternheimer: Okay. Thank you.

President Mosby: Any other questions or comments? I guess, before we move on, I will say thanks to each of them. I think you've did a tremendous job, and it's been great working with you. Keep us on pace, and we'll be in good shape.

Commissioner Fanello: And under budget.

President Mosby: And under budget, that's right.

Paul Summers: On budget.

Commissioner Fanello: On budget. Under or on. I'll take both.

Paul Summers: Thank you.

President Mosby: Thank you.

Computer Services Negotiations

President Mosby: Next, Computer Services negotiations.

Commissioner Fanello: Yes, Commissioner Mosby. I believe it's been a couple of weeks ago that I passed out a proposed agreement with Gartner Consulting to assist us in the negotiation process of our Computer Services agreement. I want to add a couple of things tonight. First of all I want to pass out a document from Indianapolis from their Chief Information Officer. I kind of wanted to bring that scenario up, because Indianapolis went through the same situation that we're going through right now. They had looked, they had actually hired Gartner to do a needs assessment for them. They were looking at bidding out their computer services, and when they got into the situation, just as we did, they ran into some of the same concerns about cost, and, therefore, decided to renegotiate at that time, instead of bidding out. If you notice in the points that they make, which were some of the points that we've made over the past few weeks about, you know, possibly bidding out, and, you know, I came to this board and said I didn't think we had enough money to bid out the project right now, that we need to renegotiate in the best interest of our budget. But, they make some of the same arguments in there, that they estimated the cost of publishing and evaluating and awarding an RFP would be between a half a million and one million dollars. Which we were looking at between \$300,000 and \$500,000. They also hired Gartner to assist in their negotiations. They said we learned through their extensive sourcing research that if we decided to go through an RFP, the pricing that ACS or any other vendor would offer us could be considerably higher than renegotiation. Which if you tie that back to the needs assessment that Gartner did, they proposed that our cost could go up anywhere from \$3.3 million up to \$9 million, depending, based on what they learned through the needs assessment of what our people were asking for. I think right now, and Alan's in the audience, he can correct me if I'm wrong, but, between city and county we pay currently about \$1.5 million for contract services.

Alan Teeple: Current services?

Commissioner Fanello: Current services contract.

Alan Teeple: Yeah, and it's a good chance to correct that. That was in the paper in the other day. It's about \$1.2, \$1.3 million.

Commissioner Fanello: \$1.2? Okay.

Alan Teeple: Today—

Commissioner Fanello: Yeah, that answered my question. Thank you. I knew it was somewhere between \$1.2 and \$1.5. One of the, the third points that Michael Hine offers, he's the Chief Information Officer in Indy, is, his third point was, in this tight economy governments must find the best IT services they can afford, with current spending levels. Holding the line on property taxes also means holding the line on spending, and maximizing the value delivered with the dollars available. I felt that a slight increase in IT costs is easier to face than unknown proposed increased costs. Which means that he was willing to renegotiate with ACS, and maybe accept a slightly increased contract, rather than going out on the open market and accepting a several million dollar increase. So, I just kind of wanted to bring that to everybody's attention, because I think it mimicked, completely our situation here. You know, throughout the needs assessment that Gartner did, you know, they identified several weaknesses in our current IT services, but we also have to realize that our contract was originally done in 19, I believe, 1989. It has been kind of pasted and amended every since then, and we never really have brought that contract up to our increase in technology. So, I think, you know, we can go ahead with renegotiation with ACS at this time. Because I don't see how we can afford to incur the cost of forming an RFP, and putting it out on the open market, and possibly facing unknown costs from another vendor out there. I just don't think we can afford it. I have talked with Alan. I've asked him to look at several different things as we try to gear up for renegotiation here in the next couple of weeks. I've asked him to look at what we can possibly do in-house, which would allow them to concentrate their services on more difficult technical areas. So, I've asked him to look at those things. You know, as he does his proposal, I would like for him to tell me what can you realistically do right now for the price that we are paying right now? And then what kind of increase would we look at if we brought the service levels up to what everyone in this building expects? I think the other thing that we have to keep in mind in this building is, we cannot have the latest and greatest technology everyday. We cannot have something, just because it came out today, doesn't mean that we should go buy it. So, we have to live within a budget, and everybody needs to learn to sacrifice and work with the things that we have. So, that's kind of my spiel on why we're renegotiating. The document that I gave you from Gartner originally proposed their negotiation services for \$43,000. I have since talked with them, and they have lowered that price to \$34,500. I would like to make a motion that we move forward with Gartner. They would also work with our negotiation team, which was put together last Wednesday, I believe, at the Data Board meeting. That consists of four Data Board members. It consists of the County Council Finance Chair. It will consist of the City Controller, and I believe they will also have a representative from City Council. Then I would assist as the Commissioners appointee to the Data Board. So, I would like to make that in the form of a motion.

Commissioner Crouch: I do think that it's important as we move down this road that we recognize, or at least we share with Gartner, and I'm sure that that will be shared

that there are a number of functions that currently ACS did, that, perhaps now are being done by the GIS department. So, I think that needs to be at least recognized in terms of these negotiations. If there's work that's moved out of the realm of responsibility of our current vendor, our current provider, then that needs to be taken into consideration with the final negotiations for the contract.

Commissioner Fanello: And those were some of the things Alan and I talked about a week or so ago.

Alan Teeple: Let's also make it very clear that although GIS and Public Safety has picked up certain responsibilities, the level of manning that is in this current environment for Computer Services does not provide the level of, based on the Gartner recommendations, what this clientele desires. So, I felt that the proposal we have on the table, and delivered to the Commissioner and the Mayor on January 10th was a very fair proposal in the sense of the times that we are in, and as a partner to this community. So, yes, all of those things will be taken into account, but realizing, both ways, you're going from a 1989 contract, to hopefully a contract that is in the 21st century. Meaning SLA's. SLA means service level agreements. So, just so you're aware of that, and with service level agreements there is a level that you are going to require me to meet. With that comes a certain level of manning and expertise. So, all of those things, I would think, would be taken into account when we sit down and negotiate. We are now less than 13 weeks away from the end of this contract. June 30, 2003 this contract terminates. So, we need to do something. I think that we're looking, based on the discussions I've had, not only with Data Board members, but also with the Commissioner, and the Mayor to try to find a good solution today, for both of us. For both environments, both the client, and us, as your provider. My only, my only concern is that we are still not talking about the enterprise today. I hope that when you do go out and RFP, realizing that 18 months when I came on board here, I was the one that was the first one that said you need to go out and RFP, and you need to start now. And you didn't. For whatever reason, that did not occur. So, I was the biggest proponent of going out for RFP for two reasons; one, I think that you deserve, as a community, to have the environment that you demand, and an IT services that you demand, and an enterprise direction. That was item two. Any questions of me while I'm up here? Thank you.

President Mosby: Thank you. So, we have a motion on the floor.

Commissioner Crouch: Second.

President Mosby: And a second. I will say so ordered.

Commissioner Fanello: Chief Williams wants to say something.

Eric Williams: This doesn't have any bearing on your motion. Eric Williams, I'm up here, I'm representing the Data Board right now. I'm currently the President of the Data Board, and all the things that Alan said are entirely true. The information that Catherine provided is very valuable. But one of the interesting things about the information she provided is who authored it. That is the Chief Information Officer for Marion County. That's what we're lacking in this structure right here is some person to oversee it. We can negotiate the best contract in the world with ACS or any other vendor out there, but unless we have somebody who's on point for us, on our behalf, to monitor that, to make sure that those SLA's are maintained, that we're getting what we paid for, it's for naught. The Data Board authored a letter and sent it to all the Commissioners, the Councilmen, the Mayor, the City Council, stressing that

position that we think for this to be a success in the long run, we have to have that position. Now, when and how that becomes a reality, that's for bigger entities to worry about than the Data Board. We want to be a part of that. We were thrilled as a Data Board to be included in this process, and to have the negotiation committee based with several Data Board members. We feel like we have a very good working knowledge of what the user community needs. We've seen ACS' successes and failures. We know where the strengths and weaknesses are, and we think that we can have a very successful negotiation process. While it will be a very condensed timeline, we think we can come up with something that will work. As long as everybody remembers that we still stick to our guns in saying that that CIO position needs to exist in some point in the future.

Commissioner Fanello: We are probably one of the largest organizations that exists without a Chief Information Officer.

Alan Teeple: You are correct.

Commissioner Fanello: We have nobody in this building who can be the "go to" person who can be on our side all the time. Because, let's face it, ACS is a contract vendor, and they are here to make a profit. They are a business, they are here to survive as a business. We do not have a person in this building who could be our "go to" person. I hope it's something that the Council will explore, but it will all depend on what we can afford.

President Mosby: Thank you, Eric.

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| <p>Permission to Advertise Final Reading of Resolution of Surplus Real Property to a Non-Profit Corporation</p> |
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President Mosby: Next, permission to advertise final reading of resolution of surplus real property to a non-profit corporation.

Tammy McKinney: This is just an advertisement that needs to be placed in the paper this Friday saying that we're going to put the surplus properties up for non-profit proposals.

President Mosby: So, do we need a motion to this effect?

Kevin Winterheimer: Yes.

President Mosby: Okay.

Commissioner Fanello: Motion to advertise final reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise. So ordered.

Madelyn Grayson: I was just going to ask you that. Is that something that I need to place for you?

Tammy McKinney: I can e-mail it to you in the morning.

Madelyn Grayson: Okay.

Tammy McKinney: If you would get with the Courier for me?

Madelyn Grayson: Okay. I can do that.

Tammy McKinney: Okay. Thank you.

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| <p>Resolutions to Rescind TIF Replacement Levies for Azteca and Vanderburgh Industrial Park TIF Districts</p> |
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President Mosby: Next, we have the Auditor, resolution to rescind TIF replacement levies for the Azteca and Vanderburgh Industrial Park TIF Districts.

Bill Fluty: I spoke to all three Commissioners. Any questions on it?

Commissioner Fanello: Not at one time though, right?

Bill Fluty: One at a time.

President Mosby: Yeah, rephrase that. Separately.

Bill Fluty: Separately.

President Mosby: I don't have any questions.

Commissioner Crouch: The only thing is on these, the Vanderburgh Industrial Park TIF, and the Azteca TIF, what are you talking about in terms of lost revenue that will have to be made up with COIT?

Bill Fluty: We've already budgeted the money for this year. We are talking about this year. So, that money is already budgeted.

Commissioner Crouch: But what would it cost us?

Bill Fluty: \$469 for the VIP Park, and about, I think it was \$11,300 for the Azteca Milling.

Commissioner Fanello: And these were really, if I remember correctly, and I would have to pull out my Clifton Gunderson report, but really money we don't need in that fund. Isn't that correct?

Bill Fluty: I hate to say we don't need any money.

Commissioner Fanello: Right.

Bill Fluty: But, at this time Clifton Gunderson's, their opinion was to rescind these.

Commissioner Fanello: Right.

Bill Fluty: That was also Umbaugh's feeling on these two particular projects. Now this is something that you can look at from year to year.

Commissioner Crouch: Well, I guess, the only point is, is we have to make that \$11,300 up with COIT, whether it was budgeted or not. If the TIF money would be available, then we wouldn't have to use the COIT money. Because you don't always have to spend what's been budgeted.

Bill Fluty: That's correct. I think the point is, if we've already budgeted, so the tax rate is figured on—

Commissioner Fanello: Right.

Bill Fluty: —to that, so we would actually be doing it, I believe, twice, in a sense.

Commissioner Fanello: Would we be looking at this at budget time again?

Bill Fluty: Yes.

Commissioner Fanello: Is that when that comes up?

Bill Fluty: That is correct.

Commissioner Fanello: Okay. Alright, and we'll also look at the Burkhardt Road one also?

Bill Fluty: All of them. Also, the Pigeon TIF was rescinded by the city. So, this would be consistent at this particular year, with reassessment. To lessen the burden on the taxpayers.

Commissioner Fanello: I make a motion that we pass the resolutions to rescind the TIF replacement levies for Azteca and Vanderburgh Industrial Park.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| County Government Week Proclamation |
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President Mosby: Everybody should have a copy of the County Government Week Proclamation in their packet. I'll run through it real quick.

“National County Government Week, April 6-12, 2003. Counties provide critical services to the children and families that live in our great country. Counties provide medical services, public safety, and educational development. Counties provide immunizations to keep kids healthy, planning to keep parks safe places to play, maintenance to keeps roads and bridges fit for traveling, and clean environments and livable communities in which to grow. Counties provide needed elderly services for grandmothers and grandfathers, and healthcare to the disabled and the needy. When natural or manmade disasters strike, county emergency services keep children and their families safe, and informed until order can be restored. Counties provide many services that make America's communities stronger, safer places to live and raise families. County officials and employees use their role as local leaders to encourage better children's health, increase early childhood

development, and promote safe and effective parenting strategies. Counties have a long history of caring and providing for the nation's children. County governments are the citizens local government voice, providing solutions that bring communities together. In recognition of the leadership, innovations, and valuable services provided by our nations counties. Now, therefore, be it resolved that the Board of Commissioners of Vanderburgh County, Indiana, hereby proclaim April 6-12, 2003 National County Government Week."

Dated this 31st day of March, 2003.

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: I have a motion to accept, and a second. So ordered.

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| Public Comment |
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President Mosby: Do we have any contracts? Commissioner contracts? Any public comment? Seeing none.

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| Old Business |
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President Mosby: Old Business.

Commissioner Fanello: Excuse me. I have a couple of items of Old Business. On our bond issue, Kevin and I attended, last Thursday, a hearing at the Department of Government Finance regarding our execution of the proposed lease. That did pass at the Department of Government Finance. But, they had some very interesting questions. They did tell me that the minutes to that meeting would be available in about two to three weeks. I would say I got grilled for about 15 minutes of why we basically weren't building our jail bigger. So, of course, we did explain to them all the conversations that we went through, and all the examination of the budget, and the finances, but they were very curious as to why we weren't taking this as an opportunity to build it for the number of beds that we really needed. Because after we explained to them what our numbers were, and how high they had been, and what the target opening date was of this facility, I think they were quite curious as to why we weren't building it bigger. Kevin and I were kind of talking about it after the meeting. Just so you know, but I will get the minutes to that meeting.

President Mosby: Okay.

Commissioner Fanello: I thought that was interesting.

President Mosby: Should I say we tried.

Commissioner Fanello: We tried. We tried. So, they said, aren't you afraid it's going to be overcrowded the day you open it. I said, I think I've had that argument several times, so. The only other thing I would say, I did speak with Councilman Winnecke today, and he did say that they would be taking up our letter about Community Corrections at this Wednesday's meeting. Suzanne, you were on vacation when that letter went out, so, I think you got a copy of it.

Commissioner Crouch: I got a copy.

Commissioner Fanello: Okay. So, they would be appointing their representatives for us to meet with regarding Community Corrections.

President Mosby: Okay.

Commissioner Fanello: And I have one more, one more thing that I saw in the newspaper, I believe it was last Thursday or Friday, that there was a discussion, I don't know if it was at the last Council meeting, but I saw something in there regarding voting machines being in place by this November. That kind of alarmed me, because there's really been no talk with this board about a contract for voting machines. I'm not sure what the funding is, or how much money it's going to cost, but, in the big scheme of things, I think we need to prioritize and remember that these voting machines are not considered outdated until after the 2004 general election. So, we have until 2005. Well, actually, there will be no election in 2005, so, we have until the primary 2006 to get voting machines in place. So, I don't know if maybe our President could make an inquiry about what the Council is thinking about that.

President Mosby: I have no idea what they are thinking. I mean, I can make an inquiry. I was out of town too, and I got back and I read this. I guess, it was a very interesting article to read. I guess, in a sense that it fell in the Burdette Park article, that I read this, and it caught my attention. I can honestly say at this point, you know, that if this decision hinges on my vote, I am not ready to purchase any equipment. I think our equipment will get us through the 2002, or 2003 election, and hopefully through the 2004 election. I would like to take time, I'm not going to rush this decision. Number one, I would like for the technology of these new machines to get further out into the world and the public, so we can see which one's perform. From that I would say, flawlessly. If we're going to, and not that any of them will be flawlessly, but if we're going to purchase this equipment, you know, I don't really want to be the guinea pig of all this. So, I would, it's not my intent to jump out in the next two and three months and buy something, because we have to by 2005 comply. I'm not sure we wouldn't be smarter to take our money, spend it on some of the things that we need to spend it on today, and let's let everybody else experiment, and wait until we know exactly what's coming down, and then buy something. If it hinges on me, I'm just indicating that I'm not going to be the first to jump out there.

Commissioner Fanello: I'll just add a couple of quick things. Unless, you know, that decision has something to do with the state's reimbursement, which I have no idea about, and that's something we'll need to inquire about, but I definitely think it would be a great disservice to the voters to throw new voting machines on them in a general election. I would be concerned about that.

President Mosby: But, I guess, I could inquire.

Commissioner Fanello: We'll let you inquire.

President Mosby: Yeah.

Commissioner Fanello: Inquiring minds want to know.

President Mosby: Any other Old Business?

New Business

President Mosby: New Business? I have a couple of things of New Business to bring up. First I want to bring up, Steve, I think, sent everybody a memo or a letter, ARC Construction, who is doing the Discovery Center at Burdette Park, last week had asked for a 45 day extension. I talked with Steve about that today. He had a meeting with ARC, and I think all of his sub-contractors and everybody at Burdette Park. Basically said that we could give them a 30 day extension, if they were willing to put on two shifts. The money that we would have collected through damages, you know, would be used to pay an extra shift to work two shifts out there. We told them that this had...their original finish date was April 22nd. We've asked them to be done by May 23rd, because Day Camp starts out there after Memorial Day weekend. So, we really need this building done, so that we can start Day Camp. They have agreed to that, saying that they will work two shifts out there, take the money that would have been spent in damages to get this building completed for us, so it will be done by Memorial Day weekend.

Steve Craig: Steve Craig, Manager of Burdette. Yeah, in essence, what they said was that if we would agree to this 30 day, that they would put on a second shift, take that money and be working two shifts. Which he thought at that time, other than a few small items on a punch list that they would be going around doing, which he said they would do at night or on weekends and that, that they could have it ready so that the Day Camp could start on, I think it's May 26th. Maybe 27th. The day after Memorial Day. He rescinded the 45 days, and said the 30 days if we would not include the punitive damages at this time.

President Mosby: I need to know everybody's pleasure.

Commissioner Crouch: That's fine.

Commissioner Fanello: I make a motion to accept the 30 day extension.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept the 30 day extension. I totally agree with that. So ordered. One other thing that I wanted to bring up. It was brought to my attention that Vanderburgh County Commissioners can, we can set the Cumulative Bridge Tax Rate for the year of 2003. That rate right now is approximately .05. It has been noted through reassessment that this is going to bring in, well, an increased substantial amount of money. Probably some 64% more than what we had brought in last year. I had, I guess, four conversations with our County Engineer today, and some lengthy phone calls in trying to look to see what we could do with that Bridge Rate and what we thought would be a good point for the Bridge Rate. After talking with County Engineer, John Stoll, we are going to propose that this be dropped to .04. Just noting that there is some projects out there that we don't know how much money we are going to actually need. Then if the .04 is more than what we needed, we can always drop it back again, I guess, at budget hearings—

Bill Fluty: Next year.

President Mosby: Or next year, so. Right now I would propose that we drop the Bridge Rate from .05 to .04, which is going to mean right at a \$750,000 savings to

the taxpayers in this community. I've got some papers here that Bill, I'm sorry, Bill left on my desk. It's kind of a handout. Did you want this one to be—

Commissioner Crouch: (Inaudible. Mike not on.) that penny or part of it to the Cum Courthouse Fund. The County Council so that we would have some funding available for that.

President Mosby: I had that conversation with Todd on Friday.

Commissioner Fanello: I think that's an excellent idea that we ought to propose to the Council. Because, as you know, we visited that last year.

Commissioner Crouch: That would go a long way towards making a bond payment.

Commissioner Fanello: Right. Right. I think, at this time, because of the reassessment, and the assessed valuations going up, it just makes sense to do that at this time.

President Mosby: You mentioned that, and I will admit, I told Todd on, I guess, Bill, you were out of town, and you had tried to get a hold of me, and I told him, I said I definitely want to save the taxpayer all the money possible. I said you might want to get with the County Council Finance Chairman and see if they would want to...I think we talked about a penny last year, and it's going to save, I mean, it could be right in the neighborhood of \$748,000. With all of the projects that we've got at the Old Courthouse, and, I mean, we're doing the roof, which is a million, but we've got the windows, and all of the mechanicals. I think it would be an excellent idea. I think it would be a perfect opportunity for the County Council to pick this up.

Commissioner Crouch: Now, they can't do anything for this year, correct?

Bill Fluty: That is correct.

Commissioner Crouch: But, they could at budget time ask that that be set in for next year.

Commissioner Fanello: Right, and we, maybe even at budget time look at, you know, dropping the Bridge Tax even lower. I think there's still going to be a substantial savings to the taxpayer, no matter what we do.

Bill Fluty: I do want to mention we are on a tight deadline. I got my information back from the Local Government Finance, and that was on Tuesday, and we were looking at these, and I think the one paper shows that it did go up substantially. I know you were at road school and out of town last week, so I got with David, or Todd got with David Friday. So, we're on a fast pace to get this, due to reassessment. After you make a motion, or what you do tonight, I'll send it out Monday morning, or tomorrow morning. That is the last piece of that puzzle.

Commissioner Fanello: Before I make my motion, when are we, are we almost ready to wrap up reassessment? I mean, are we going to be able to get our tax bills out on time, do you think? Hopefully, maybe.

Bill Fluty: We are just a little bit behind schedule. Right now, they'll start doing the rest of the process. This is our first process. We had, all the units had this time to

look over their actual information and see if there was any changes that they wanted to make, and tomorrow is the deadline for those changes.

Commissioner Fanello: So, you've basically done all of your work, haven't you? We're really waiting for the state.

Bill Fluty: We have totaled our assessed valuations and moved those up. The equalization is done. We, once they get this process back, then they will actually finish the rest of the picture, which is the homestead credit and the PRC rates and move those back to us, and then it moves on to the Treasurer for the billing process. We are very close, and we're hopeful that we'll make our May 12th deadline. It's the 12th this year.

Commissioner Fanello: I make a motion—

President Mosby: I was going to say, roughly, or real quickly, when I talked to Todd today I asked him if we dropped this, and I know it has to be in by tomorrow, and we drop this to .04, that these figures that he's given me won't decrease drastically or something. He assured me that the figure, I guess, the figures are already set. Everything is certified. He feels confident that this figure is close, except for maybe a few appeals.

Bill Fluty: Historically, on collections we've collected up to 100%, 101, 99.98, so our figures, those figures are very solid.

President Mosby: I'm relying on the two Auditors. Tell me it's true.

Commissioner Crouch: On the, did the state allow for this process, or are they adjusting any of the other Cum Rates?

Bill Fluty: This was the only one that—

Commissioner Crouch: So CCD is going to stay at a dime?

Bill Fluty: Yes, that is correct.

Commissioner Crouch: Which will generate a lot more money.

President Mosby: Which, I'm sorry?

Commissioner Crouch: It should generate—

Commissioner Fanello: The Cumulative Capital Development Fund—

Commissioner Crouch: —considerably more money. If our A/V went up that high.

Commissioner Fanello: Right.

President Mosby: Well, I have a motion and a second. I think it's a great opportunity to give \$750,000 back. I say so ordered.

Commissioner Fanello: The taxpayers will be happy about that.

President Mosby: I gave Madelyn the paper, and we'll all sign it, so you'll have it for first thing in the morning.

Bill Fluty: Thank you.

President Mosby: Is there any other New Business?

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| County Engineer |
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President Mosby: County Engineer, John Stoll, with department head reports. I'm going to start putting you under department heads. So, that way...did you hear that, Alan? Alan, did you miss that?

Commissioner Fanello: We're going to start putting you under department heads.

Alan Teeple: Yeah.

President Mosby: I've got you...we do, I've got you down here, ACS. Okay, John.

John Stoll: The only item I've got is that I would like to request approval to contact Clark Dietz regarding a supplemental agreement for the Jobe's Lane Sewer Project. Their original agreement did not call for the preparation of legal descriptions for the easements that will be needed for the project. We're going to need those prepared in conjunction with submitting everything to the state for the grant money. If we can't get everything prepared in time for the April submittal, it will push it off till July, but this will be an attempt to at least to try and keep things on track for April.

Commissioner Fanello: What's the cost?

John Stoll: I'm just asking about approval—

Commissioner Fanello: Oh.

John Stoll: —to contact them. Then I can come back with a cost.

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

John Stoll: I'll bring back, hopefully, I'll have a dollar figure next Monday. That's all I have, unless you have any questions on anything.

President Mosby: No, thanks.

John Stoll: Thanks.

Commissioner Fanello: Nice, short report.

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| County Highway |
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President Mosby: County Highway.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. I want to make one comment for the record tonight on three railroad crossings that, one of them is Boonville-New Harmony Road, St. Joe Avenue, and Mill Road. I've made numerous attempts in contacting Pioneer to get these railroad crossings up and running, to expedite it in order for the county residents to benefit. I made one initial contact with them after I talked to the Commissioners one night, and told them of the plan to pave over the road. They okayed that, but I haven't been able to contact them since. They won't return my calls, and I need to get these crossings—

President Mosby: We can't just close them.

Dennis Hudnall: I know. They're in really bad shape right now. I was talking to John Stoll, and he's under the impression that Kevin was going to write a letter, or not? I don't remember that.

Kevin Winternheimer: Give me a name and an address, and I'll (Inaudible. Mike not on.)

Dennis Hudnall: Well, I can construct the letter, with your approval. It's fine. I spoke to these guys on the panels that we were going to, or they proposed for us to purchase. Then when we said we were going to pave across the railroad tracks, the communication is kind of at a stand still right now. The county residents are not going to benefit anything until we start getting these railroad crossings fixed. The residents have been writing letters to the Pioneer Rail, in an attempt to get them to expedite the repairs. So, I just want to go on record as saying that the county is doing everything they can to expedite this work. However, we need to, we're waiting right now on Pioneer Rail. That's basically it. If you want me to construct that letter, and then run it through you, that's fine.

Kevin Winternheimer: Yeah, that would be fine.

Dennis Hudnall: Okay. Thank you.

President Mosby: Any questions of Dennis? Thank you, Dennis.

County Attorney

President Mosby: City Attorney.

Kevin Winternheimer: County Attorney.

President Mosby: I'm sorry, County Attorney.

Kevin Winternheimer: I just have two quick matters. One is that Madelyn sent over a list of the polling places for the primary in May, and we need your permission to advertise those.

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The second item is I have a settlement agreement for your signature, it's 82D03-0204-PL-1648. This is one of the condemnations we discussed on several Executive Sessions. We have the agreement reduced to writing. It is as per we had discussed in Executive Session. Ask for your approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: That's all I have.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: Since the County Attorney did my permission to advertise the polling places, I have nothing.

President Mosby: Okay.

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| Burdette Park |
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President Mosby: Burdette Park, Steve Craig.

Commissioner Fanello: You're under pressure here, Steve, to make this short.

Steve Craig: Yes, ma'am. Steve Craig, Manager of Burdette. The only thing that I really want to talk about is keeping cool on the pavilion this summer. Talked to several people that say these things are wonderful, and one of them was just Eric saying that his father had them where they worked. Last year with the summer that we had, and as hot as it was, we had a couple of company picnics tell us that, you know, because it was so hot (Inaudible. Tape flipped to other side.) for another place to have their picnic. I think this would be an added thing to our pavilion that we would get some of these people back, and not have to worry about the hot summers like that.

Commissioner Fanello: And the price was?

Steve Craig: They're, in here it's \$2,695, but I haven't got them priced out yet. We would need two of them to do the pavilion, but that would be the maximum price it would be. I'm going to do a little shopping, but I know at least we can get them for that, because that's what the company had sent to us.

Commissioner Fanello: And we're purchasing these from the savings on one of the bids—

Steve Craig: On what we're doing on the pavilion. We came in way under.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Steve Craig: I have my work sheets.

President Mosby: Okay. Any questions?

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| SWCD & Ozone Officer Reports |
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Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer.

President Mosby: Thanks, Steve.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: Motion to approve Consent Items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 8:00 p.m.)

CONSENT ITEMS:

Travel Requests:

Superintendent of Buildings Auditor Health Department

Employment Changes:

County Clerk Prosecutor

Requests for Service:

VCCC Voters Registration

Sheriff: Weekly Jail and Community Corrections Report.

Health Department:

Meeting Room Agreement with Evansville Vanderburgh Public Library.
Substance Abuse Prevention and Treatment Grant Proposal.

Auditor:

Annual Report and Summary of 2002 Fixed Assets.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Sherman Greer |
| Brian Rexing | John Stoll | Helen Clements |
| Bob Tackett | Rita Mengon | Art Mengon |
| Walter Clements | James Clements | Melinda Ragsdale |
| Brad Ellsworth | Eric Williams | Alan Teeple |
| Dennis Hudnall | Steve Craig | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 7, 2003**

The Vanderburgh County Board of Commissioners met in session this 7th day of April, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County for April 7, 2003. Introductions are as follows, to my far right, Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of March 31, 2003 Commission Minutes

President Mosby: Motion to approve the minutes of the March 31st meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Opening of Title Search Bids for 2003 Expedited Tax Sale

President Mosby: Bid advertisements and opening, Auditor. We need permission to open bids for title searches.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Okay. Let me figure out what is what here. Okay, are there any bids from the audience on any of the items to be opened tonight? Seeing none. I believe, and going through the piles here, that we only have one bid. That is from Mills Land Title Corporation of Evansville. It says Mills Land Title Corporation is submitting a bid in the amount of \$250 per tax code parcel for the entire amount of tax sale jobs available, 119. That's the only one I have, I believe, for that.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Bill Fluty: Would you consider awarding that bid tonight? That is, historically, we've only had one person bid, and they've done the job for the last four years.

Kevin Winternheimer: Yeah, I don't have any problem with that, since it's the only bid.

Commissioner Fanello: I'll move that we approve (Inaudible. Mike level very low.)

Commissioner Crouch: I'll second it, but do you want to take a look at it, and make sure none of the wording or anything has changed?

Donna Krowl: Thank you.

President Mosby: We will revisit this item as soon as she checks the wording.

Opening of Bids for VC-9903-2003: Burdette Park Food & Beverage

President Mosby: In the meantime, if we could have permission to open VC-9903-2003, Burdette Park Foods, and VC-07-2003, Burdette Park t-shirts.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Would it be okay if I move over there, so I can put them back in there?

President Mosby: Sure.

Kevin Winternheimer: Okay, let's see, first you want to do foods? The first one is from Sara Lee Bakery Group, and their return address is Owensboro, Kentucky. Let me see, it appears they only bid the items under the category called "bread". The hamburger buns, hot dog buns, \$1.39. The steak buns, \$1.46. It appears that's the only items they bid. The next bidder is A & D Distributors of Evansville. They did not bid any items under "bread", "pizza", or "meats". What they did bid was, I'm just going to read total prices. Under "chips", it looks like \$342. Under "barbecue chips", \$342. "Corn chips and other assorted chips", \$12.15. "Cookies", \$54.72. "Crackers", \$13.68. "Miscellaneous snacks", \$18.90. That's the only items they bid. The next bidder is Weber Foods of Evansville. I'll read the items that they did bid. Under "nachos", their total is, it says \$17.55 per cs, whatever that is.

Phil Lawrence: Per case.

Kevin Winternheimer: What is that?

Phil Lawrence: A case.

Kevin Winternheimer: Case, okay. Under, that was "chips bulk". "Chips individual", \$19.80 per case. "Food nacho" something cheese, whatever, \$58.80 per case, that was bulk. The next item is "food nacho cheese individual", \$31.68 per case. They bid the plastic trays, that's under "nachos", \$24.50 per case. They bid the "liners for cheese warmer", \$80.20 per box. It looks like that's all they bid. The next bidder is Fischer Candy Company, Inc. of Evansville. Okay. Under "assorted candy/miscellaneous", they say see price list attached. I'm not going to read all these.

We've got two and a half pages of candy prices here. Oh, I take that back, we've got two and half more pages on top of that. Let's see what else they have. Roughly about six pages of candy items in there. Anybody that wants to see those, just contact Phil. The next is from, the bid is from Schwans Foods of Evansville. They bid "ice cream". Under "ice cream sandwiches", the total \$854.05. "Sundae cones and drumsticks", \$1,044.05. "Fudge bars", \$419.40. "Twin pops", \$299.40. "Red, white and blue pops", \$257.40. That appears to be the only items they bid. The next bid is from Diamond Foods, Inc. of Evansville. Okay, let's see. They bid quite a bit. I'm just going to read down the list here. Under "bread", "pita white bread", \$17.96. Under "pizza/pizza crust", \$24.80. "Red sauce", \$22.00. "Sliced pepperoni", \$20.97. "Sausage topping", \$6.92. "Beef topping", \$7.08. "Mozzarella cheese", \$49.00. "Chicken", it looks like "chicken breast" something, \$15.25. "Chopped beef steak", \$27.75. "Corn dog", \$19.86. "Hot dog", \$11.99. "Battered chicken nuggets", \$16.75. "Breast fillet", \$28.84. "Pork fritter", \$15.30. "Gyro slices", \$55.00. "Turkey", \$24.91. "Sliced beef", \$26.58. "Ham", \$22.31. "French fries", \$15.66. "Battered apple sticks", \$17.42. "Pork eggrolls", \$40.34. "Cheese slices", \$48.00. "Potato chips", \$22.30. "Chips", \$14.00. "Nachos", under the chips bulk, \$6.00. "Chips individual", \$22.10. "Chili with beans", \$37.72. Under "Nachos plastic trays", oh, wait a minute, going back up to the top, "peppers sliced", \$8.00. "Plastic trays", \$23.70. "Paper trays", \$17.91. "Ice cream sandwiches", \$23.50. "Cones, drumsticks", \$33.50. "Fudge bars", \$16.70. "Twin pops", \$14.00. "Pretzels-king size", \$17.09. "Cinnamon", \$13.96. "Ready baked goods", \$11.87. "Ketchup", \$14.28. "Mustard", \$8.66. "Relish", \$17.83. "Mayonnaise", \$16.28. "Big pickle-wrapped", \$12.13. "Vinegar", \$3.20. "Salad oil", \$5.20. "Onions", \$41.67. "Hamburger pickles", \$14.34. "(Inaudible) sauce", \$18.28. "Black olives", \$22.61. "Banana peppers", \$20.84. "Salt", \$8.68. "Salt individual", \$4.70. "Pepper", \$7.10. "Ketchup", \$14.20. "Mustard", \$6.50. "Relish", \$7.99. "Mayo", \$9.11. "Sugar", \$8.60. "Sweetner", \$14.95. "Honey", \$26.67. "Barbecue cups", barbecue cups, I guess, \$9.70. "Sweet and sour sauce", \$9.50. "Paper goods, napkins", \$23.40. "Cups, paper cups", \$61.00. "Twelve ounce lids", \$50.91. "Foam cups", \$11.38. "Paper plates", \$13.99. "Straws", \$31.00. "Unwrapped straws", \$39.31. Under "paper good miscellaneous", "paper food trays", \$13.00. "Waxed deli paper", \$12.00. "Heavy foil", \$29.00. "Plastic forks-medium weight", \$29.00. "Medium weight plastic spoons", \$6.30. "(Inaudible) forks and spoons", \$6.30. "More cups", \$43.00. "Plastic cups", \$30.00. "Paper souffle cups", \$32.00. "Food service gloves", \$6.00. "Serving dish", \$6.50. "Plastic hinged sandwich containers", \$35.11. "Cooking oil", \$14.00. "Sandwich bags", \$25.00. "Chicken nuggets", \$25.00. That's it, I believe. That's all we have on food products.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Opening of Bids for Burdette Day Camp T-Shirts

Kevin Winterheimer: T-shirts. Okay, t-shirts next. The first bidder is Siegel's Uniforms of Evansville. Okay. I guess these are unit prices. Under the "cardinal child", \$2.90. "Cardinal adult-small", \$3.00. All the "cardinals" are \$3.00. Under, the

next category is "navy", they are all \$3.00. "Light yellow" color with navy print, they are all \$2.80, except for the last category, "adult XX large" is \$4.00. Under t-shirts, these are "ash color-navy print", medium, large, \$2.80. XXX large, \$4.00. "White shirt-color logo", they are both \$2.25. "Lime green shirt", the first two are \$2.90 each. Then when you get down to the "adult XX large", \$4.00. "Collar polo-XX large", \$18.00. "Polo-XX large", \$20.00. "Henley" all three categories are \$9.50. "Munsingerwear", the denim, \$19.00. The tri-mountain is \$20.00. That last category was "adult X-large tall". Under "more collar polo, large/15 bulk categories" are \$15. "Hats", \$5.00. There's more t-shirts. "Collared", \$5.50. "T-shirt", \$3.50. That's it. The next bidder is Cintas, C-i-n-t-a-s, Corporation of Evansville. Okay. Starting at the top, the "cardinal child 10-12", \$576. I assume these are quantity totals. "Cardinal child 14-16", \$240. "Adult small", \$96. "Adult medium", \$240, as is the "adult large". The "adult extra large", \$48. Under the "navy" category. The first three are \$96.00. The last, "adult extra large" is \$48. Under the "light yellow", the first three are \$240. The second to last is \$280, and the last item, the "adult XX large" is \$120. Under "medium/large t-shirt", \$48. "XXX large t-shirt", \$36. This is "white/one color-logo t-shirt X-large", \$300. "T-shirt large", \$260. Under the "lime green, adult large", \$48. "X-large", \$96. "XX large", \$24. Under the "collar polo-large and X-large" is \$98. The "XX large" is \$80. Under the "henley", the "medium" is \$48. "Large", \$144. "X-large", \$48. Under the "Munsingwear denim", "adult X-large", \$240. "Adult X-large tall", \$135. "Collared polo-large", \$180. "X-large", \$90. "Hats", \$336. Under the "collar", \$324. "T-shirt", \$240. That's it, I believe. No, wait one more. I'm sorry. I got excited there. I thought I was done. One more bid. This is from ProMark of Evansville. I assume these are unit prices, instead of quantity totals. Under the "cardinal", the first two items are \$3.20. The last four are \$3.22. Under the "navy", they are all \$3.25. Under the "yellow", they are, the first four are \$3.40. The last is \$4.60. Going to the next page, under the "ash colored shirt/navy color print", "medium to large", \$3.40. "XXX large", \$5.40. The "t-shirt", this is a white shirt, one color logo. "X large", \$2.80. The "large" is \$2.80. The "lime green" shirt, the first two items are \$2.93. The last, the "XX large", \$4.43. Under the "polo", the first item is \$17.65, and the "XX large", \$19.15. Under the "henley", the first two are \$10.00. The last is \$11.50. Under the "Munsingwear denim", \$17.00. The "adult XX large tall", \$17.00. Under the "collared polo", \$16.00 for both items. Under the "hats", \$7.00. Under the "collared shirts", \$6.21. I assume they mean six dollars, twenty one cents. "T-shirt", \$3.40. That's it. That's all the bids we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Award Title Search Bid for 2003 Expedited Tax Sale |
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Kevin Winternheimer: I was given back the Mills Land Title. If you want to...she said it was okay. I guess, she left.

Bill Fluty: She...I did talk to her, and she said it is the same price that we had last year. Everything seems to be okay. If you'll make a motion to accept that one.

Commissioner Crouch: I think we already did.

Commissioner Fanello: Yeah, I made a motion to accept.

President Mosby: Okay, there was a motion on the floor, and a second to the motion to accept, and so ordered.

Madelyn Grayson: May I have that bid to take with me to give to Donna in the morning?

President Mosby: Sure.

Approval of Jail Design Plans

President Mosby: Next we have approval of the jail plans. Is there any questions?

Commissioner Fanello: I don't have any.

President Mosby: I don't either.

Commissioner Fanello: Motion to approve jail plans as presented last Monday.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Dispatcher's Week Proclamation

President Mosby: Next we have a proclamation that should have been in everybody's packet, that I will read real quick.

"Dispatcher's Week Proclamation. Whereas, the Central Dispatch System provides emergency dispatch to Vanderburgh County, utilizing the latest technology, equipment and training available; and whereas, the changing environment of the emergency response and the upgrade to new equipment requires a great deal of dedication to training and change; and, whereas the telecommunicators of the Centralized Dispatch for Evansville and Vanderburgh County have accepted the challenge of change and dedication; and whereas, in recognition of that dedication to the people they serve. Now, therefore, the Board of Commissioners of Vanderburgh County, Indiana, does hereby proclaim the week of April 13-19, 2003 as Dispatcher's Week in Vanderburgh County, Indiana."

Signed this 7th day of April, 2003. If we could have a motion to accept.

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

Crime Victims' Awareness Week Proclamation

President Mosby: Next we have Crime Victims' Awareness Week.

Commissioner Fanello: The Sheriff's office has sent up some information, and I asked Patty to put this on the agenda, so I can go ahead and read it.

"Whereas, crime and the threat of violence have profound and devastating effects on individuals, families, and communities in Indiana and America; and there are still over 24 million people in the United States who are victimized by crime each year; and whereas, the threat and reality of terrorism have challenged all Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and, whereas, crime in America results in significant physical, psychological, and financial effects on countless numerous victims; and, whereas, crime victims in every state have statutory rights to be kept informed of and involved in criminal and juvenile justice processes, and to be afforded protection, restitution, and accountability from their offenders; and, whereas, the voices of our nation's victims have had a powerful effect in changing laws, policies, and attitudes to promote victims' rights and services, and encouraging every person in America to take a stand and help crime victims; and, whereas, important partnerships have been formed among criminal and juvenile justice agencies, allied professionals, victims' services, and the private sector to ensure the crime victims are treated with the dignity and respect they deserve; and, whereas, our nation's commitment to crime victim assistance grows stronger with each passing year, with over 10,000 system and community based programs in place to provide help and hope to victims of crime. Therefore, be it resolved that the Board of Commissioners of Vanderburgh County joins the Indiana Criminal Justice Institute in proclaiming the week of April 6-12, 2003 to be Indiana Crime Victims' Week, and honors crime victims and those who serve them during this week and throughout the year; and be it further resolved that we set as our goal to continue to fill the promise of justice and compassion for crime victims as individuals and communities, and as a nation to justice for all."

I make a motion to accept.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Public Comment |
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President Mosby: I don't believe we have any contracts. Is there anybody in the public that would like to say anything? Seeing none.

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| Old Business |
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President Mosby: Old Business. Okay.

New Business

President Mosby: New Business. I'm going to make a comment on one thing that was in the paper this morning. It was also, I believe, on channel 25 that the Commissioners, or there was an oversight by the Commissioners to, I guess, advertise the polling places for the election tomorrow. I guess, the comment that I want to make is, I don't think it was an oversight by the Commissioners. This was all brought, I think, to our attention back around March the 10th, and that night I had stated that the Election Board, nor the County Clerk or the Voters Registration had made us aware of any of the polling places. We did question one of the polling places, which it was going to be at the County Garage. That's in the minutes of the meeting that I pulled off today to look at. I did make a couple of phone calls. I had talked to Terry Gamblin, a member of the school board that next morning, and he also had communication with the Superintendent of County Buildings, Tammy McKinney. Terry had informed me that he was going to be handling everything, and that if he needed our help on anything, that he would call, and ask for our advice. At that time, I told him our office was open, the Commissioners office would be open to them in any way, shape...anyway possible, shape, or form. We have never received any calls back. This body, I don't even believe was asked to look at the polling places, and accept them. I know they were sent to the Election Board. I know the Election Board approved them. This body never approved any other precincts this year, nor were we asked to do anything, or, you know, advertise the polling places. It was brought to my attention that there is, I guess, a law at the state that, and I'm not going to read all this, but one section of it here says, and I will skip through it, over it a little bit:

"The appellant school corporation shall advise each affected county election board of the date on which the appellant school corporation desires that the referendum be held, and, if practical, the referendum shall be held on the day specified by the school corporation. The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum."

So, it really appears to me, and I don't want anybody thinking that the County Commissioners dropped the ball in any way, because I don't think the ball was ever in our court. That's what I wanted to point out, and that we did bring this back up on March the 10th, and that I did have conversation at that time with Terry Gamblin the very next morning. I don't know if anybody else has got any comment.

Commissioner Fanello: Just to echo your sentiments. I just know that I spoke with our Superintendent, Tammy McKinney, who had informed me that she had conversation with Terry Gamblin also, and his words were that they were handling everything, and that we didn't need to worry about anything. So, like I said yesterday when I got called by the newspaper, I'm sure this board would have been more than happy to follow out the normal procedures that we usually carry out during election, which is to advertise polling places, but we were told that the School Corporation was handling everything. This legislation that Patty passed to me just a few minutes ago, and passed to you says it's effective January 1, 2003, and it does specifically address school referendum. So, it doesn't specifically say advertising in here, but it does say the election board shall take all steps necessary to carry out the referendum. So, to me that would be every step required by law to carry out a referendum. So, and I'm sure that would include advertising. So, whoever's

responsibility it was, this is the school board's deal, and I think that should have been a school board and an election board deal.

President Mosby: Any other comments? Any other New Business?

Commissioner Fanello: I have a couple of things. I wanted to get it on the record, and make the board aware, because it was brought to my attention last week by Ms. White in our office that Phil Lawrence had informed our office that, I guess, some special, I don't know if they are special notices, but 80,000 pieces of mail have to go out on April 17th. Are you aware of that, Bill?

Bill Fluty: Excuse me. I believe what he's talking about is the Form 11's that the Assessors send out with the assessed valuation notice.

Commissioner Fanello: Okay. Is that something we do every year?

Bill Fluty: Only in reassessment years.

Commissioner Fanello: Okay. Well, we weren't notified until, I found this out I believe Thursday or Friday. So, I wanted to make this board aware, because I don't know if we have enough money in our postage. This was never brought to our attention to make any additional appropriations. 80,000 pieces have to go out. So, I just wanted to get it on the record that I heard about this for the first time last Thursday or Friday. So, this could significantly affect our postage budget. I would ask that in the future, hopefully, we would have some better forewarning on something like that. I wish the Assessor's office would have brought it to our attention.

President Mosby: Any comments or questions? Okay.

Commissioner Fanello: I did have one other—

President Mosby: Okay.

Commissioner Fanello: I met this morning with Councilman Raben and Judge Niemeier regarding juvenile detention. We are looking at our options regarding juvenile detention, and Councilman Raben seemed very willing to look at some of those options. So, I just wanted the board to be aware that meetings have, I or did take place, and that we are looking at those options.

President Mosby: Any other New Business? Any comments or questions? Seeing none. Department head—

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| Public Comment Revisited |
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Unidentified: (Inaudible. Not at mike.)

President Mosby: Yes.

Unidentified: Do I have to stand up here?

President Mosby: Yes, sir.

Unidentified: This is my first time here.

President Mosby: That's okay. Give us your name and address.

Harold Divellez: My name is Harold Divellez, and I live on the west side on Sleepy Hollow. We've lived there about, I've lived there 31 years, and the road that we, in front of our home is about 35 years old, and it's never been repaved. It has several holes in it, and people do come out and patch the holes, but it's in terrible shape. I think it really needs to be looked at, and resurfaced this year, if at all possible.

President Mosby: Okay.

Harold Divellez: Any questions?

President Mosby: Sleepy Hollow?

Harold Divellez: That's off of Harmony Way on the west side, on the other side of Mater Dei.

President Mosby: I know exactly, okay, now I know where it's at. I tell you what, our Garage Superintendent is here, and we will have them check this tomorrow.

Harold Divellez: Okay. I appreciate it.

President Mosby: Not a problem. We'll get back with you. What's your phone number.

Harold Divellez: My phone number is 426–

President Mosby: Okay.

Harold Divellez: –2010.

President Mosby: 2010. We will check it and we'll get back with you.

Harold Divellez: Thank you, sir. Thank you for your time.

President Mosby: Thank you very much. Anybody else that would like to speak? Seeing none.

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| County Engineer |
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President Mosby: Department head reports. County Engineer, John Stoll.

John Stoll: The first item I've got is that I would like to request approval to have right-of-way offers made on phase three of Lynch Road. It's a grand total of \$973,900. The parcels are as follows; parcel 3, \$378,000; parcel 4, \$150; parcel 5 \$650; parcel 7, \$95,000; parcel 8, \$200,000; parcel 9, \$6,800; parcel 10, \$12,850; parcel 11, \$650; parcel 12, \$150; parcel 13, \$150; parcel 14, \$150; parcel 15, \$76,050; parcel 16, \$139,050; parcel 17, \$3,750; and parcel 18, \$60,500. That is all but two of the parcels on the Vanderburgh County portion of the road.

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That would be paid off of the TIF funds. Based on relocation costs that we've seen on University Parkway, it looks like rather than the \$1.25 million that we had originally estimated, this might be more in line with an estimate of about \$1.5 million. It's hard to say as of yet, but it may come in at that price, depending on how many condemnations we have. The remaining two parcels that we have are going to be about another \$100,000 total, and we have three relocations here, so, comparing that to University Parkway, those ran about \$60,000 for the highest. So, here would be another \$180,000. So, these parcels, plus those two extra parcels, plus the relocation costs get us to the \$1.25 million right off the bat. So, there may be some additional costs that we might need more than the original estimate of \$1.25 million, but that is just something that we'll just have to keep an eye on. The next item I've got is an agreement with American Consulting, Incorporated for the design of a culvert underneath Stockwell Road along the Norfolk Southern Railroad. This agreement would be to design a project and get all the permits for the project in order to lower the flood elevations out on the east side. This, as you know, the FEMA mapping is going to raise the flood elevations out on the east side, and the additional studies that were done to evaluate this problem indicated that a culvert underneath the railroad and Stockwell Road is an obstruction that helps keep the flood elevations 2' too high. The design of this culvert will allow the flood elevations to be lowered by 2' or more. The problem is FEMA has only given us six months to get this constructed. So, this agreement is for an amount not to exceed \$89,500. In that the survey work is \$25,000; the design is \$51,000; right-of-way services is estimated at \$10,000 for two parcels; and then soils work is estimated at \$3,500. Based on the timetables established in the agreement, and talking with the consultant, they feel that we can get this accomplished in the six months, but it's going to be very tough. They are required to get the permits in conjunction with this. I've had Kevin review the agreement, and it is requested this be approved.

President Mosby: Any questions?

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I did forget to mention that would be paid for out of the Cumulative Bridge Account. There is sufficient funding in that account now to cover the cost of that agreement. That's all I have.

President Mosby: Is there any questions of the County Engineer? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. The only thing I have is to ask if you have any questions on the report for this week.

President Mosby: Don't forget tomorrow is an election out there. So, somebody has to be there at 5:00 to open up.

Dennis Hudnall: Well, they switched it to Thompkins. You mean, the Garage.

President Mosby: Uh-huh.

Dennis Hudnall: My understanding is they switched it. I talked to the principal at Thompkins School today, and I'm going to hang a sign on the gate that says, you are now voting not at the County Highway, you're voting at Thompkins School.

Commissioner Fanello: Did they advertise that in the newspaper?

President Mosby: It's advertised in the newspaper at the County Garage, because I looked at it.

Dennis Hudnall: I spoke with him today. I thought it was going to be at the Garage, and we were preparing for it also.

Commissioner Fanello: Well, that will probably deter a few people from voting.

President Mosby: I'm just, I was just merely saying that off of what was in the newspaper this morning. I didn't want you to forget, but if that's what they told you.

Dennis Hudnall: Well, I communicated with the principal at Thompkins, and they said they've switched it from the County Highway Garage over to the Thompkins School. He's made a sign that says, now you vote at Thompkins.

Commissioner Fanello: I'm sure those people on their lunch hours will have time to run around and find another voting place.

President Mosby: Okay. I don't have any other questions or comments.

Dennis Hudnall: Okay, fine.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winterheimer: No report tonight. I do hope to have all your questions on the personnel policy to you by, ready for next Monday, hopefully. That's all.

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| County Engineer: Presentation of Right-of-Way Offer Sheets Lynch Road: Phase Three |
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President Mosby: County Engineer.

John Stoll: I just wanted to say that I forgot to give you these sheets to sign off on the right-of-way offers. So, I just want to present those.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings is not with us tonight.

Burdette Park

President Mosby: Burdette Park, Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. I guess, I've got a question. Nobody's voting at Burdette are they?

President Mosby: No. No, Union Township was listed to go to Daniel Wertz. So, normally—

Commissioner Fanello: Are you sure they're not going to hang a sign out there?

President Mosby: No.

Steve Craig: They didn't tell us to put a sign up or anything, so.

President Mosby: You were not listed, so.

Steve Craig: Okay. Just wanted to make sure. Our campground, the putting of the pedestals and that has been completed. Vectren changed a transformer over today, so most of it's open. We've got a little bit of patching and paving to do. Covering up what they tore up doing it, but we're about 99% complete, and are taking campers. So, we've got that project almost completely done. The pavilion, they are going to pour their last bit of concrete tomorrow. We get the fences put back up, and everything tidied up and painted, and then that project will be done too. Then we have, they are doing good on the Discovery Lodge. Working full crews. They are going to start working the night crews next Monday. When they get the heat turned on, they are going to start doing the drywall, painting, and doing that stuff at night, where they are out of the way. The pools coming along just fine also. So, those are my four projects that I got. Got my worksheets that I turned in, and other than that I don't have anything for you.

President Mosby: How's the batters boxes?

Steve Craig: Tom McCullough is building the braces and that to put on them. He came out and we measured it up and he's engineering something to stand it back up straight and get it to work, but we're working on it right now.

President Mosby: Okay. Any timetable? Does he have—

Steve Craig: This week.

President Mosby: This week?

Steve Craig: Yep.

President Mosby: Okay. That's good. Any questions? Thank you, Steve.

Steve Craig: Thank you.

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| SWCD & Ozone Officer Reports |
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Commissioner Fanello: I don't think there's anybody here.

President Mosby: I don't see Soil and Water or Ozone.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: Motion to accept Consents.

Commissioner Crouch: Second.

President Mosby: A motion and a second to accept Consent. So ordered. If there is no further business to come before the Commission, I will accept a motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered. We will have a special meeting of the Vanderburgh County Drainage Board to convene in five minutes.

(The meeting was adjourned at 6:18 p.m.)

CONSENT ITEMS:

Travel Requests:

Auditor

Health Department

SWCD

Employment Changes:

Health Department
County Clerk

Burdette Park
Sheriff Department

VCCC
Prosecutor

Sheriff:

Weekly Jail and Community Corrections Reports.
Interlocal Agreement for Transfer of Inmates with Breckinridge County.

County Clerk: Submit Monthly Report for January 2003.

Health Department:

HIPPA Business Associate Agreement with St. Mary's.

Those in Attendance:

David W. Mosby

Catherine Fanello

Suzanne M. Crouch

Kevin Winternheimer

Bill Fluty

Madelyn Grayson

Phil Lawrence

Harold Divellez

John Stoll

Dennis Hudnall

Steve Craig

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
DRAINAGE BOARD**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 14, 2003**

The Vanderburgh County Board of Commissioners met in session this 14th day of April, 2003 at 5:33p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, April 14, 2003. Roll call is as follows; far right Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If everybody would, please stand and we'll let the kids lead the Pledge. So, you start.

(The Pledge of Allegiance was given.)

Approval of April 7, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the April 7th meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Old Courthouse Coloring Contest Winners Presentation

President Mosby: Now, before we go into all the regular business, so that everybody don't have to sit here forever, we would like to pass out the certificates and passes to the winners of the coloring contest for the Old Courthouse. I would just say thank you, first of all, to all the kids that participated in this. There were some very good pictures, and we want to show our appreciation, and we appreciate you all coming to the County Day over at the Courthouse. I don't know if the other two Commissioners want to add anything before I do this, but, we really appreciate your participation.

Commissioner Fanello: The same, just appreciate your participation, and real good job on the pictures.

Commissioner Crouch: I think we have some budding artists in the group. I'll be following your careers as you grow older.

President Mosby: We'll start with the first grade, and the first place winner was Nicole Loehr. Is Nicole here? I should say that the first prize winners are all receiving five one-day pool passes to Burdette. The second and thirds are receiving three each. The grand prize winner will receive a family season pass. So, Nicole was from Corpus Christi. Second place in the first grade class was Megan Fulton, from Corpus Christi.

Unidentified: She's not here. She's sick.

President Mosby: That's not a problem. Thank you. Third place from Corpus Christi, first grade, Jacob Springer. In the second grade, first place from Corpus Christi, Tyler Walsh. Is Tyler here? Second place, Corpus Christi, Samantha Haas. Third place, second grade class, Corpus Christi, Wesley Conner. In the fifth grade class, first place, Adrian Small from Delaware. Is Adrian here? We'll hold his and get that over to Delaware. Second place, Maria Velit, from Delaware School. Third place from Delaware, Amanda Duncan. Is Amanda here? We'll get that over to her. The grand prize winner, from Corpus Christi, second grade, Alex Springer. Once again, I would just thank all the kids for participating, and the parents for what they have to go through to get them here, and everything else. We look forward to doing it again next year. It's a very successful thing we've had going on for the last two years, and, hopefully, we'll be able to continue this program. Thank you very much. You're welcome to sit and listen to this meeting.

Unidentified: Thanks, but no thanks.

President Mosby: Thank you. If you don't want, we understand.

Phil Hoy: I'm not staying either, okay.

President Mosby: When you can't even get a Councilman—

Commissioner Fanello: We're going to make you stay.

President Mosby: —to stay, you're in trouble. I think Alex and Jacob are going to stay.

Unidentified: Thank you.

President Mosby: Thank you.

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| <p>Permission to Open Surplus Property Applications from Non-Profit Organizations</p> |
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President Mosby: Next, we will go to bid advertisements and openings. Superintendent of County Buildings, permission to open surplus property bids from non-profit corporations.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: I have those. Are there anymore from the audience? Seeing none. I'm just, since this is not a price, but a, who has the best proposal to best benefit the county, I'm just going to read off who sent them in, and then we'll have to read them over, and then come back later with a recommendation. The first envelope is from the Evansville Black Coalition, and, let me see, which property?

Tammy McKinney: Right here.

Kevin Winternheimer: Okay. The property they're interested in, they submitted a proposal for is 105 Madison. The next proposal is also from the Evansville Black Coalition, and this is for property at 818 East Blackford Avenue. The next one is also from the Evansville Black Coalition, and this one is for property at 926 South Governor. I've got one more. This is also from the Evansville Black Coalition, and this is for property at 1114 North Second Avenue. That's all I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take surplus property bids under advisement. So ordered.

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| 2003 Paving List Approval |
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President Mosby: Next we have Commissioners item, 2003 paving list approval. Is there any questions by any member of the Commission? Dennis?

Dennis Hudnall: Did you have any questions on the paving list?

President Mosby: I don't really have a question. I think after conversation with you this morning, and conversation with John Stoll on Friday, and you can correct me if I'm wrong, it would be my thought that we would take Schissler Road off of here. The reason being, and I think John's brought us some pictures tonight, and you'll see as these pictures go around, this road is only approximately 10' wide. We had some major problems, from what I understand, when we paved the other part of this road. Without the right-of-way to actually make this a two lane road, I think we're inviting some problems. The pictures are going around. John's thought to me was that if we could get the right-of-way to make this, I guess, approximately 24', 22', somewhere in that area that, you know, then we could make it a nice two lane road to where we wouldn't have traffic coming head on. With the gravel road it slows them down a little bit. With the nice, freshly paved road, the Sheriff is going to spend more time out there, I believe. Have you seen it?

Brad Ellsworth: It's one of the scariest roads in the county.

President Mosby: Yeah. I mean, it's really something, and I don't think we want to invite, at this point in time.

John Stoll: One of the things that we recalled whenever we put the bridge in out there, probably six or eight years ago, the right-of-way was not very well documented. So, I think, we'll have a hard time finding anything out there. So, it will take quite a bit of work just to find out what we have to work with, and then where we go from there. Because, to make it a suitable road, not only does it need to be passable for two-way traffic, it also needs adequate drainage, and you can see from those pictures there are no roadside ditches. So, it's a major project to undertake, and paving it just really wouldn't solve all the problems with it.

President Mosby: I told John, my opinion is that these people keep calling and want this paved, let see if we can get their names and addresses, if they will donate the right-of-way, you know, we could possibly take this project on in the next year or two.

Dennis Hudnall: That's why it originally got on the paving list, because we've been called so much, probably every month you're called to grade it, and to rock it. It's only portions around the curves where you've got to reposition the rock, and things of that nature. So, that's why we put it on the list to try to avoid all that expense of going out there every month.

President Mosby: Okay. Other than that, is there any other questions or comments?

Commissioner Fanello: I was just going to say that I talked to Dennis today and John Stoll, and Mt. Pleasant Road, I guess, we won't be paving that until we see if we move forward with the improvements to Mt. Pleasant later this year. We're in the process of buying the right-of-way right now. So, we wouldn't want to pave it if we're going to go through it.

Dennis Hudnall: We'll be paving portions of it, up by, that's not going to be widened.

Commissioner Fanello: Okay.

Dennis Hudnall: Because it's in bad condition right now, as far as potholes.

John Stoll: In regard to the portion between Old State and 41 that will be widened, we've probably got half to two thirds of the right-of-way secured. So, we should have a better picture on when we can get that to construction here in the near future.

Commissioner Fanello: If there aren't any other questions, I would make a motion that we approve this as the final paving list for the 2003 season.

President Mosby: Can I have an exception? With an exception of Schissler.

Commissioner Fanello: Oh, yes. With the exception of Schissler Road.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the paving list, less Schissler Road. So ordered.

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| Central Dispatch: Addendum to SBC Contract |
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President Mosby: Next we have Central Dispatch. We have an addendum to the SBC contract. I'm going to let Joanne try to explain all that. No, it's not that bad.

Joanne Smith: No, it's not that bad. We're not asking for money.

President Mosby: That's right.

Joanne Smith: This is just an addendum to the 1999 contract that was signed with Ameritech, at the time. It's now with SBC. It is for movement of equipment from the dispatch building into the trailer, and then from the trailer back into the building. We are going to be re-carpeting and renovating the operations room. That's what this is for.

President Mosby: Are there any questions?

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve. So ordered. I would just say to the Commissioners, I took the proclamation out to Central Dispatch this morning—

Joanne Smith: Yes.

President Mosby: —that we passed last week—

Joanne Smith: Thank you very much.

President Mosby: —the dispatchers, tell them that we appreciate them. There is a deal Thursday at 1:30, I believe.

Joanne Smith: 1:30.

President Mosby: That everybody's invited to. It is telecommunicators week this week. Thank you, Joanne.

Joanne Smith: Thank you.

Madelyn Grayson: Ma'am, could you state your name for the record.

President Mosby: Joanne Smith.

Commissioner Fanello: Is that at the Dispatch Center?

President Mosby: Yes, it's at the Dispatch Center, 1:30, Thursday.

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| Computer Services: Contracts for Additional Sonet Ring Locations |
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President Mosby: Computer Services, Alan.

Alan Teeple: Alan Teeple, Computer Services. What you have in your packets are two additional DS1 contracts. One of them you have seen before that we had to make some modifications on. It has been through the lawyers. It was approved by BPW this morning. It is for the Airport and for the Sheriff's Training Center. Are there any questions?

Commissioner Fanello: Just one.

Alan Teeple: Uh-huh. I do have SBC here.

Commissioner Fanello: Good. We talked, Alan and I talked this morning, because when I looked at the one contract here for the Sheriff's Training Center it was a quote of \$226. All of our locations are quoted at \$98 per month. I believe this one was originally quoted at \$98 per month.

Alan Teeple: That is correct. Let me turn it over to Jeff, and let, and I've prepped him a little bit, so, state your name.

Jeff Maslanka: Jeff Maslanka from SBC. The particular contract that you're speaking of, when we draw a dial tone out of the central office, that determines whether there is mileage charge on it or not. That particular office being in the McCutchanville area was actually, when we did the quote, that was a clerical error, and it was brought out of the wrong central office. So, the additional charge is, there's a mileage charge on there that was missed through our contract management. It was an error on our part.

Commissioner Fanello: I guess, my question to Alan this morning, when we signed the original Sonet agreement a couple, well, it's been a few months ago, I believe, why wouldn't that have been a charge put in the contract that could have possibly come up in the future as a possible expenditure?

Jeff Maslanka: It should have been caught, and I apologize for that. It should have been caught by our contract management team.

Commissioner Fanello: The problem I have is, you know, we live on a budget around here.

Jeff Maslanka: I understand.

Commissioner Fanello: Our budget is pretty tight. We go off quotes, and we accept contracts, and we expect it to be a certain price. You know, we can't just move \$98 up to \$226 at a moments notice.

Jeff Maslanka: I fully understand your frustration over it. I can guarantee that it will never happen again. I can also, I was going to go to my manager and see if there's something down the road that we can do to compensate for that. I'm meeting with him tomorrow. I'll talk to him about it.

Commissioner Fanello: I would approve it, or I would make a motion to approve it contingent on your talking with your manager, and see if there is something we can do to either, maybe meet us halfway with the price.

Jeff Maslanka: Okay. That's fair.

Commissioner Fanello: That's a motion, yeah.

Commissioner Crouch: Second.

President Mosby: Okay, are you doing this on both contracts?

Commissioner Fanello: Well, the other contract is fine.

President Mosby: So, do we want to take these separately?

Commissioner Fanello: That probably would be better.

President Mosby: Will you withdraw your second.

Commissioner Crouch: Certainly.

President Mosby: Okay.

Commissioner Fanello: Okay, I will make a motion to approve the contract with the Airport for the Sheriff's Drug Task Force, as is.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: I'll make a motion to approve the Sheriff's Training Center contract for the Sonet Ring contingent upon Jeff speaking with his manager and seeing what we can do about the price, hopefully, meeting us halfway.

Commissioner Crouch: Second.

President Mosby: So ordered.

Jeff Maslanka: Thank you.

President Mosby: Thank you.

Alan Teeple: Thanks, Jeff. Thank you.

President Mosby: Thank you. Is there any other items to come before the Commissioners?

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| Public Comment |
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President Mosby: Any public comment?

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| Old Business |
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President Mosby: Any Old Business?

Commissioner Fanello: I have a couple of things of Old Business. I think Phil Lawrence is looking to us to make a decision about the postage for the reassessment mailings. I think we brought this up last week, so everybody is aware of it. I had asked the County Assessor if that could be taken from the Reassessment Fund, because it seems like that would be an appropriate expenditure from the Reassessment Fund. I sent Bill an e-mail earlier, he may not have gotten it. It was pretty late. I sent it a little while ago. I think we should really take those reassessment mailings from the Reassessment Budget. If they need to appropriate money, maybe they go in and turn in an appropriation tomorrow, or see (Inaudible) about that. But, other than that, we're going to have to take it from the General Fund, and, I think, it's going to be, the quotes I have here are about \$25,000. We always have to go back and ask for more postage money out of the General Fund because of all the mailings that we do in the county. So, I guess, I would just like to get the board's opinion on that.

Commissioner Crouch: I don't have a problem with that. I would support a motion.

Commissioner Fanello: Okay. I'll make a motion that we direct Phil Lawrence to work with the County Assessor to see that these mailings come from the Reassessment Fund.

Commissioner Crouch: Second.

President Mosby: So ordered. Let me write this down. Is there any other Old Business?

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| New Business |
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President Mosby: Is there any New Business?

Commissioner Fanello: We need to schedule an Executive Session for next week.

President Mosby: Okay.

Commissioner Fanello: Motion to schedule, I don't think we'll need very long.

Kevin Winternheimer: I was just going to suggest 5:00.

Commissioner Fanello: That would be fine.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other New Business?

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| County Engineer |
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President Mosby: Department Head reports. County Engineer, John Stoll.

John Stoll: First, I would like to request approval to go to County Council to appropriate \$90,000 in the Cumulative Bridge Other Contractual Account. That would replace the \$90,000 that we obligated with the contract last week for that Stockwell Road culvert design. We will need some contract money for the Rodenberg culvert, for one. That's just to replace what we obligated in that contract last week.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other item I have is a street plan approval request for Section Three of Liberty Estates Subdivision. This subdivision, okay, this sub is located off of Bergdolt Road, east of Oak Hill. This is the third section of Liberty. You can see here it ties into what they now call Mayflower Drive, which used to be Iroquois on the previous phase. This is just east of that drainage project we did last fall. I've taken a look at the street plans, and would request that they be approved. It's all asphalt streets with curb and gutter.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions on anything else.

President Mosby: Any questions by any member? I was going to say that we met with the city. I don't know if you want to tell them anything about the FEMA deal, and the bridge and that.

John Stoll: Oh, in regard to Stockwell.

President Mosby: The contract that we just talked about.

John Stoll: When was that, last Thursday? Wednesday?

President Mosby: I believe it was—

Commissioner Fanello: Friday.

President Mosby: —last Friday.

John Stoll: I'm lost. Like David said, we met with the city, and it sounds like all the city officials are committed to funding the remainder of the work needed out on that creek, not creek, the ditch out there on Stockwell. Basically, the city needs to open up a new ditch downstream from the culvert we will install, or they need to remove an existing sub-standard structure that's in the existing ditch. There were City Councilmen present, and the Mayor was present, and it sounds like everybody is committed to funding that to make sure that the money the county obligates towards the culvert will work. Basically, it gives a place for our culvert to drain downstream into.

President Mosby: I attended the meeting, and I told them my only concern was that if we put this culvert in, and they don't remove their part, ours goes nowhere. It was going to be ,basically, a waste of money. So, they are committed. I think they are on board, so, we're trying to move forward. We've got six months, five and a half months now to get this done.

John Stoll: It sounds like they will need to go to City Council to get an appropriation approved, just like we'll have to go back to County Council to get the money for the actual construction of the culvert. So, there's still some more money that has to be obligated, but it sounds like everybody is on board. The surveyors have already been out on the project to get the design moving. So, so far, so good.

President Mosby: Any other questions? Thanks, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: The only thing I have is to see if you have any questions on the weekly report. Basically, we've been pulling shoulders and trying to get all the things that we destroyed during the winter back up to snuff for the summer.

Commissioner Crouch: Dennis, where are we with Pioneer? Pioneer Railroad? Have you heard anymore from them?

Dennis Hudnall: Yes. They called today. I wrote the letter, and I received a call from an Allen Brown, and we're coordinating it right now as far as what he's going to do, and what the county is going to do for it. We had a discussion over the easement, what's his responsibility. He said it was one foot from the railroad track, but it's really 20' from the center. So, he wanted me to mill it down. The only thing that I offered to do for him was to pave it, once he's done his repairs. So, he understands that. I think the county residents would benefit greatly from us coordinating that with them.

Commissioner Crouch: Is there any kind of time table for that? I received a call from someone. So I wanted to get back with them.

Dennis Hudnall: Yeah, I spoke with him today, and I told him to make his schedule. What I would do is the road closings, the detours, and all the information the public needs for us to close the road. So, he said he would get back with me, and he would give me a week's notice. Now, he was talking two weeks at that time. I intend to call him again tomorrow to make sure we understand, you know, what's his responsibility and what's my responsibility there. It's going to have to be really coordinated. Once he finishes, I've got to have the paver out there to pave them.

President Mosby: Is there any other questions? Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Mosby: County Attorney, Kevin.

Kevin Winternheimer: No report. You probably noticed you did not get anything from me on your handbook. We're shooting for that next Monday. Hopefully, I'll get it to you so you can have it in your packets, and you can read it over the weekend. That's all I have.

President Mosby: Okay.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I've got a couple of things to talk about. I just wanted to let you know that I did talk with Midland Engineering. The scaffolding will start on the Courthouse Monday the 21st. Probably it will take about a week for the scaffolding, and then Midland will come in and start working on the roof. So, that's the update on that. I put in front of you tonight, it's the same verbal language as the other Jennings contract. He wanted to switch suites. He went to a larger room. This is going to be about 700 more dollars per month. So, I would like your permission to approve that new lease. I received a late request for service Friday afternoon. Which, it's from B.J. Farrell, but it's for the Election Office, and I don't know that she's in the Election Office, so I was kind of confused about it. She put a diagram where she says she needs a couple of phone lines, and a couple of new phones. I contacted Cinergy to see if the cost, I think it's going to be around \$1,500 to \$2,000 to do this. I'm just not sure why this came up all of a sudden, because Cindy Reed didn't contact me about any phone lines being down, or needed to be added. So,

I was kind of caught off guard. So, I need direction from the Commissioners on how to proceed with this.

Commissioner Fanello: Well, first thing, on the lease, Kevin, do we need to do anything to cancel the first lease? Like make a motion?

Kevin Winternheimer: Yeah, you could do that to terminate the first lease, and enter into this new lease.

Commissioner Fanello: Can I do that all in one motion?

Kevin Winternheimer: You can do it all in one motion.

Commissioner Fanello: I make a motion that we terminate the original agreement with Jon Jennings, and approve the revised agreement for a move to a new office suite.

Commissioner Crouch: Second.

President Mosby: So ordered. Is this, wouldn't that just be added to the Consent Item?.

Kevin Winternheimer: It doesn't matter.

President Mosby: Okay. Well, I was going to say, we could probably make that a part of your motion to add it to the Consent Items.

Commissioner Fanello: Since we approved it we don't need to.

Tammy McKinney: Then I need direction on the—

Commissioner Fanello: The second issue for telephone service is, I guess, B.J. is moving to the Election Office, but we haven't received a pink slip yet, to my knowledge. Second of all, I'm not in favor of spending money because people want to rearrange their offices. \$2,000 is a lot of money to spend, so, I would make a motion that we deny the request.

Commissioner Crouch: Question. How many employees are in the Election Office, or do they have in the Election Office at election time? Do we know, or do you have that information?

Tammy McKinney: I don't know. I'm not sure.

Commissioner Crouch: I mean, are we, are there people not, that are working that are not able to make calls, or receive calls?

Tammy McKinney: Not that I'm aware of. I mean, all I know is just what B.J. sent up. I mean, I can check and see how many employees they have, but I've never had a complaint before that, you know, about any phone issues, so. I mean, I can check with B.J. and see.

Commissioner Fanello: And it's really almost a mute point, because our telephone account, we cannot be adding phone lines this year. We just do not have enough money. I think we've turned down most everybody that's had a request unless it's

been something that's been detrimental. But, I just don't see where we have the money.

President Mosby: I mean, I do remember we just turned one down to Judge Trockman the other day. He was wanting to add a phone line, and we went over the account, and this phone budget is bare bones right now.

Commissioner Crouch: On these, there's some notes about need another phone number, are there maybe, have we looked at the cost of that, where perhaps if we can provide phones, there's a couple of, it looks like desks where they just need another phone number assigned. I can't imagine that that would be much money at all.

Tammy McKinney: Well, when I looked at that, I mean, and I assume that there's no phone line there. So, that would be then installing of a new line.

Commissioner Crouch: Well, it says phone number three at 5108, and then it says phone number two at 5122. So, based upon this diagram it kind of appears that there's a phone there. I'm just wondering if, perhaps, they share a phone number, and maybe there's not a rollover kind of service involved. Can you check into that?

Tammy McKinney: Sure.

Commissioner Crouch: I mean, would the Commissioners be agreeable to at least look and see if there's not a cost.

Commissioner Fanello: Sure. Check into something, if it doesn't have a cost, I'm all for it.

Commissioner Crouch: Yeah, I think—

Tammy McKinney: (Inaudible) the number, the only cost it would be like the monthly, and I have to check , but since it's after we signed the contract, it runs, I think, about \$20, 20 some odd a month.

Commissioner Crouch: Can you check on that?

Tammy McKinney: Sure.

Commissioner Crouch: Do you mind?

Tammy McKinney: No.

Commissioner Crouch: Then get back with us. If we can't afford, and I understand the cost is a problem on new phone lines, but perhaps we can solve part of the problem if there can be a second number put in.

Tammy McKinney: Sure. I can check with Ameritech tomorrow on that.

Commissioner Crouch: Okay.

Tammy McKinney: Okay.

Commissioner Crouch: So, defer this?

Commissioner Fanello: I'll make a motion to defer for one week.

Commissioner Crouch: Second.

President Mosby: So ordered. Do you have anything else, Tammy?

Tammy McKinney: No, that's all.

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| Burdette Park |
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President Mosby: Burdette Park, Gary.

Gary Hohman: We have nothing to add tonight other than our weekly work report.

President Mosby: Any questions?

Gary Hohman: Other than an awful lot of construction going on.

President Mosby: I was going to say, I was out there this afternoon. I just drove through. I did see you, but things are looking, they are going to come together, I believe.

Gary Hohman: We hope so. Thank you.

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| SWCD |
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Commissioner Fanello: I'll make a motion to approve the Soil and Water and Ozone Officer's Report.

President Mosby: I was just getting ready to say, we missed the Ozone.

Commissioner Fanello: It's not on there, but I'm pretty sure we have one.

Unidentified: (Inaudible. Not at mike.)

Commissioner Fanello: Oh, is she? So, it's not in here.

Patty White: No.

Commissioner Fanello: Okay. Soil and Water then. Sorry.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent Items. Any questions? Can I have a motion to approve?

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: The President has to so order. Second.

President Mosby: I just thought you all wanted to stay that's all. So ordered and so ordered. Motion to adjourn. So ordered.

(The meeting was adjourned at 6:06 p.m.)

CONSENT ITEMS:

Travel Requests:

| | | |
|-------------------|-----------------|-----------------|
| Health Department | Commissioners | County Assessor |
| Computer Services | County Engineer | |

Employment Changes:

| | | |
|----------------|-----------------|-------------------|
| Burdette Park | County Clerk | VCCC |
| County Council | The Centre | Health Department |
| County Highway | County Engineer | Knight Assessor |

Sheriff: Weekly Jail and Community Corrections Reports.

Auditor:

Submit Accounts Payable Vouchers.
Submit Bid/Contract for Vacuum/Flush Truck for County Highway.

Health Department:

(2) HIPPA Agreements (RANAC & Normal Life of Indiana)
Contract with Roche Labs.

Central Dispatch: Addendum to SBC Contract.

Juvenile Court: CASA Contract: Donna Markiewicz.

Those in Attendance:

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|---------------------|-------------------|---------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Joanne Smith | Dennis Hudnall |
| John Stoll | Alan Teeple | Jeff Maslanka |
| Gary Hohman | Brad Ellsworth | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 21, 2003**

The Vanderburgh County Board of Commissioners met in session this 21st day of April, 2003 at 5:51p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, April 21, 2003. Introductions are as follows, Tammy McKinney to my far right, Superintendent of Buildings; Kevin Winternheimer, our Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Everybody please stand and join us in the Pledge.

(The Pledge of Allegiance was given.)

Approval of April 14, 2003 Commission Minutes

President Mosby: Motion to approve the minutes of the April 14th meeting.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of April 21, 2003 Executive Session Summary Minutes

President Mosby: Approval of the April 21, 2003 Executive Session, earlier this afternoon.

Commissioner Fanello: I move approval of summary minutes of the Executive Session, which began at 5:03, ended at approximately 5:45, and discussed pending litigation and collective bargaining.

Commissioner Crouch: Second.

President Mosby: So ordered.

Award VC9903-2003: Burdette Park Foods

President Mosby: Bid opening and advertisements, Phil Lawrence, permission to award VC9903-2003 Burdette Foods, and VC-07-2003, Burdette Park T-Shirts.

Linda Nalley: I'm Linda Nalley. I'm with the Purchasing Department. I would like to award the bids for Burdette Park concessions. The number is VC9903-2003. The award goes to the low bidders based on their shaded category. Diamond Foods, Weber Foods, Sara Lee, Fischer and Schwan's. If you have the bid in front of you, they are shaded areas based on their category.

President Mosby: Does everybody have the shaded areas? Any questions or comments? Do I have a motion to entertain permission to award bids to the, on certain items to certain bidders?

Commissioner Fanello: I move approval that we award the bids to the low bidders on the Burdette Park Foods.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Award Bid VC-07-2003: Burdette Park T-Shirts |
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President Mosby: VC-07-2003.

Linda Nalley: Okay, the Burdette Park T-shirts, the award goes to the low bidder in each of their shaded categories, which was, basically, Siegel's for \$3,285.70, and then Pro Mark got a little bit of it, which was \$637.50.

President Mosby: Chair would entertain a motion.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered. Any questions? Thank you very much.

Linda Nalley: Thank you very much.

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| Award Surplus Properties to Non-Profit Organization: Evansville Black Coalition |
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President Mosby: Superintendent of County Buildings, permission to award surplus properties to non-profits.

Tammy McKinney: I wanted to make sure all the Commissioners had a chance to look over the proposals that we opened last week regarding the four addresses of the surplus properties, and how you want me to proceed with those.

Kevin Winternheimer: This is also the time and place for the public hearing to solicit public comment. The public has a right to voice their opinion on whether....I think we only had one proposal, from one organization.

Tammy McKinney: Right.

Kevin Winternheimer: If the public has any comments on whether they should or shouldn't be awarded to this one particular group, this would be the time to do it.

President Mosby: Is there anybody here that would like to speak to non-profits receiving surplus properties. Seeing none.

Commissioner Fanello: I move approval to award the bids to, I believe the correct name is Evansville Black Coalition?

Tammy McKinney: Correct.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to award bids to the Black Coalition. So ordered.

Kevin Winternheimer: I'll bring the deeds for the next meeting to be signed.

Emergency Management: Citizens Corp Council Grant

President Mosby: Next, Emergency Management, Citizens Corp Council Grant. I think everybody's got it in their packet. Are there any questions? Any comments?

Sherman Greer: No, just that this is the grant I told you that I would be back to see you this week on. So, I think we're finished for awhile here right now, but the more money we get in here, the better off we are.

President Mosby: I agree with that. The chair would entertain a motion.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: So ordered. Thank you, Sherman.

Sherman Greer: Thank you.

**Execution of Lease of Jail Project from
Evansville-Vanderburgh County Building Authority**

President Mosby: Execution of the lease of the jail project from the Evansville-Vanderburgh County Building Authority.

Commissioner Fanello: I believe you have in your packet, or not in your packets, but, I believe Madelyn has in the signature file the copies of the signature pages for the lease, which was executed at the Evansville-Vanderburgh County Building Authority meeting. So, we just need to execute our portion. I move approval.

Commissioner Crouch: I'll second. Just a couple of questions. Does County Council have any role in this? Do they need to budget or appropriate any money for the lease rental agreements?

Commissioner Fanello: They will not do that right now.

Commissioner Crouch: At some point in time?

Commissioner Fanello: They'll take care of that at their respective budget times, yes.

Commissioner Crouch: Okay. This just has the \$3.3 million as a maximum, is that not correct?

Commissioner Fanello: Right. Everything is calculated at a higher than—

Commissioner Crouch: Right.

Commissioner Fanello: —for a higher estimate, just to be safe.

Commissioner Crouch: So, the payments will support a \$35 million project? Thank you.

Commissioner Fanello: Hopefully, we'll get some really good interest rates if we can get it issued in the next couple of months.

President Mosby: I have a motion and a second on the Building Authority. So ordered.

Execution of Bonds and Closing Documents for Bond Refunding

President Mosby: Next we have execution of bonds and closing documents for bond refunding.

Commissioner Fanello: Madelyn also has those documents, and as you remember we recommended that we refund one of our bond issues. The Council took us up on that recommendation, and they did go through their appropriate motions, I believe, at their last meeting. Just to let you know what the outcome was of the refunding, we did get a decline of our interest rate from 5.64% to 2.72%, and our annual payments will decrease by \$180,000 on average over the remaining life of the bond, which is through January 1, 2010. So, we've been successful in saving the taxpayers approximately \$180,000 per year. So, I would move approval of executing the documents.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Contract Between Sheriff's Office and Teamsters: Detention Officers, Corrections Officers, and Civilian Staff

President Mosby: We have one contract between the Sheriff's office and the Teamsters. Is there any questions?

Commissioner Fanello: I move approval of the contract between the Sheriff's office and Teamsters.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Public Comment

President Mosby: Anybody in the public who would like to speak?

Old Business

President Mosby: Any New Business or Old...any New Business?

Commissioner Crouch: Just a little note. We published the polling places–

President Mosby: Oh, I'm sorry.

Commissioner Crouch: –and I believe we included the county in those. Will we be doing another publication? In the ad it had the city and the county polling places.

Tammy McKinney: No, I think we just published the city one's. Isn't that correct, Madelyn?

Madelyn Grayson: I have a copy of the ad here, but I was told by Voters Registration it was just up to Ward 6-16.

President Mosby: 6-17 should have been the last one.

Commissioner Crouch: I just got a call, and someone said that they saw in the paper that it was also county. So, I don't know if they were confused.

Kevin Winternheimer: You might want to check and make sure the paper put the right one in, and didn't run an old ad.

Madelyn Grayson: This copy does have Scott and Union in it, and that was not what was sent over to them.

Commissioner Fanello: No, because, I believe you copied us in on what you sent over, and they were just city polling places.

President Mosby: Is Scott and Union the only two that got–

Madelyn Grayson: No, there's Perry, German, they've got an old ad in here apparently. I'll have to check with the paper tomorrow. I didn't even notice that. It does run again this Friday, because we run it twice. So, I'll have to have them bring a proof over.

Commissioner Fanello: Okay.

Kevin Winternheimer: I don't think you really need a motion, because you approved the city polling places before. So, we just need to get the ad corrected is all.

President Mosby: So–

Commissioner Fanello: And we need to check and see if we'll get credit for that, since we did send over (Inaudible).

President Mosby: Well, not as much credit, as just have them run the new one twice, or run a correction.

Kevin Winternheimer: Yeah, that would probably be better, to not only run it Friday, but run a corrected ad too.

President Mosby: We, oh, will you call them tomorrow? Could you ask them to run a correction at their expense?

Madelyn Grayson: Yes, I will.

President Mosby: Because, I mean, they're the ones, I mean, as long as we got the correct copy.

Madelyn Grayson: I mean, I've got a copy of the ad that was sent over right here, and it doesn't have those on there.

President Mosby: Okay, well ask them if they'll run a correction on it.

Madelyn Grayson: Okay.

President Mosby: Then we got another one that runs Friday any how.

Madelyn Grayson: I will let you know tomorrow.

President Mosby: Okay. Thank you very much, Commissioner. I didn't see it, so. Is there any other Old Business?

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| New Business |
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President Mosby: Any New Business? Anybody in the audience?

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| County Engineer |
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President Mosby: Department head reports, County Engineer, John Stoll.

John Stoll: First item I have is a Notice to Bidders for contract number VC03-05-01, Repair and Repaving of Duesner Road and Roth Road. I would like to request that this be approved and advertised.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a set of street plans for Havenwood Meadows Subdivision. This is located on Hillsdale Road across from Bluegrass Farms Subdivision. This is for Section One of that subdivision. They are just platting this portion of the subdivision down to this heavy blue line here. As a part of this, they are proposing to put in a right turn deceleration lane, and a passing blister out on Hillsdale Road, because there's a crest of a hill right here, and they want to just try and improve the safety of the intersection. I request that the plans be approved, subject to them

providing final details of the passing blister, because they've got some drainage issues they are still trying to resolve. Everything else within the plans looks fine.

Commissioner Fanello: I'll move approval with the stipulations by John Stoll.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I have is in regard to the Mt. Pleasant Road Project. I have a supplemental agreement with Morley and Associates for additional work for a total of \$17,097. The reasons for the supplemental agreements are due to some design changes that we've been requested to make by some of the property owners, as well as the railroad. First of all, back when we met with CSX several weeks ago, they had requested that we just avoid working on their right-of-way at all. So, in doing that, we would need to taper the road back down to two lanes prior to getting on to the railroad right-of-way. It turns out that if we taper it back to two lanes before we get to the railroad right-of-way, we have a very short section of three lanes road. So, it gets to the point where it's not worth tapering out to three lanes just to turn around and send it back to two again. So, item number one in this supplemental agreement is for \$6,957 to redesign 785' of road back to two lanes, rather than three. That would keep us off the railroad right-of-way. In doing so, we'll save more in construction than the \$6,957. So, it will provide that benefit. The second part of the supplemental is due to a problem we have on one property. It's on the Smith property at the corner of Clear Creek Drive and Mt. Pleasant Road. The way the intersection was originally designed, it follows that taper there highlighted in green. The problem is the septic system for that property is located in the general facility of that area that is shaded in green. So, if we redesign and change it to a tighter radius, then we can miss the septic system. Otherwise, we'll have to either rebuild the septic system or provide sanitary sewer to this property. That part of the redesign is \$6,736. Here again, because there's no sanitary sewer immediately available to that property, this would be cheaper than the alternative of providing sewer. The final part of the supplemental is \$3,404, and that was for the Kelly property, which is located just west of the bridge on the south side of the road. They have a lake that they were concerned that they weren't going to have enough water draining into the lake, unless we made some design changes. We can make some design changes fairly easily. These would accommodate sending more water towards the Kelly property, as they had requested. The way the design currently was done, we have a couple of pipes stubbing out to manholes, and all this water drains to the north, and then out. If we eliminate these pipe connections here, and then add a pipe here, we can send more water towards the lake, which is located out in this area. That part of the supplemental is \$3,404, which is cheaper than if we had to go out and condemn that property. So, even though there's a pretty high price tag on the supplemental, the alternative, it's cheaper than the alternative in each of these three options. So, I would request that the supplemental be approved.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Any questions?

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all I want to discuss Pioneer Rail Corp, and where we stand right now, as far as getting the work done on three railroad crossings. One at Boonville-New Harmony, one at St. Joe, and one on Mill Road. I think Suzanne had talked to some people in the public, and finally we got a hold of Mr. Bruce, or Alan Brown from Pioneer Rail Corp. We kind of pinned him down to a date, and the date that he gave me was the 27th of May that we would start working on the rail at Boonville-New Harmony. We would have to close the road between, let's see, it's Highway 65 and Lutherbach for approximately one week. Then I have a meeting set up with him on May the 19th to discuss St. Joe and Mill Road, when we can proceed on those. So, I think that's the best time frame that we can hope for right now. So, the public has been calling me, I know they've called Suzanne. I don't know if they've called anyone else, but I think this will benefit the county by getting some of this work done. So, by probably the end of June we should have all three of them done.

President Mosby: Okay.

Dennis Hudnall: I did get a response from the letter that we wrote, and I think Suzanne got it. I didn't know it was a response, because it didn't come from the same person I wrote it to. So, but a response is better than none. Anybody have any questions?

Commissioner Crouch: Those dates are May 27th through—

Dennis Hudnall: I'm going to close the road from May 27th to June the 4th.

Commissioner Crouch: Okay, great, and I appreciate you staying with this. I know you had to be a little tenacious, but I know people appreciate it.

Dennis Hudnall: The squeaky ends gets the oil, I think. So, we're glad to get it done for the county residents. Anyone else have any questions?

President Mosby: Any questions?

Kevin Winterheimer: Do you want to go ahead and do a motion though to approve those dates and closings?

Dennis Hudnall: I request approval of those dates.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other questions or comments for Dennis? Thank you, Dennis.

Dennis Hudnall: Okay.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: No report tonight.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to ask permission to have a reprint of cards, voter cards, for Oaklyn Library. I can't think of the ward and precinct right now, but they added on, and it changed their address. So, five-five. Madelyn told me. So, we just need to reprint those cards.

Commissioner Fanello: Do we have to make a motion to do that? Is that not something Voter Registration can take care of?

Tammy McKinney: Tony and Connie wanted me to ask permission to reprint them, so.

Commissioner Fanello: I can make a motion that we allow them to reprint, but we don't really...Voter Registration takes care of that. We don't really have any jurisdiction over that.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Tammy McKinney: They just asked me, so, I told them I would. Also, I've been checking into the phone lines for the Election Office. They have actually six phone numbers that go to that office. So, and they are active. So, now I'm trying to find out where those lines are. So, that's where I am with that. I have phones, if I can find out where the lines go, we can set them up. So, it's kind of a mess.

Commissioner Fanello: So, we don't have to get any new phone lines?

Tammy McKinney: We don't have to get any phone lines.

Commissioner Crouch: (Inaudible. Mike not on.)

Tammy McKinney: Got to find them, and where the numbers are going to.

President Mosby: Sounds like we need to borrow one or two from them. Okay. Any questions? Comments? Anything else?

Tammy McKinney: Not unless you have any questions about my report. The scaffolding did start today at the Courthouse. I was over there at 7:00 with them, so.

President Mosby: Okay.

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. All we have is our work report before you tonight if you have any questions.

President Mosby: Any questions or comments for Gary? Thank you, Gary.

Gary Hohman: Thank you.

Soil and Water Conservation District

President Mosby: Is there anybody from Soil and Water or Ozone?

Norma Duckworth: Norma Duckworth, Soil and Water Conservation District. I don't have anything unusual to report. I think you have our reports. Are there any questions?

President Mosby: Questions? Thank you very much.

Ozone Officer's Report

Commissioner Fanello: Motion to accept the Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Consent Items

Commissioner Fanello: Motion to accept Consent Items.

Commissioner Crouch: Second.

President Mosby: A motion and a second to accept Consents.¹ So ordered. We will now go...we will entertain a five minute break, and we'll go right into zonings. So, we will be on break.

(There was a brief recess at 6:14 p.m.)

**VANDERBURGH COUNTY
REZONING BOARD
APRIL 21, 2003**

The Vanderburgh County Rezoning meeting for April 21, 2003 was held during the County Commission meeting in Room 307 of the Civic Center Complex with

¹Consent Items listed on Page 26.

President David Mosby presiding. The Rezoning petitions were heard beginning at 6:22 p.m.

Call to Order

President Mosby: I would like to reconvene the Board of Commissioners meeting, April 21, 2003. We were now at Rezoning.

First Reading: VC-11-2003
Petitioner: William L. Koester
Address: 13000 Warrick County Line Road
Request: Ag change to M-2

President Mosby: First reading, we have one rezoning tonight, VC-11-2003, petitioner, William Koester, 13000 Warrick County Line Road, request change from Ag to M-2. Do I have a motion to accept first readings?

Commissioner Fanello: Motion to approve first reading.

Commissioner Crouch: Second.

Final Readings: VC-5-2003
Petitioner: Charlestown Square LLC
Address: 730 Citadel Circle
Request: C-4 change to C-2
Action: Approved 3-0

President Mosby: That will bring us to the final reading of rezonings. First we have VC-5-2003, petitioner is Charlestown Square LLC, address 730 Citadel Circle, request change from C-4 to C-2, down zoning. Do we have any questions? Questions?

Les Shively: I would just correct one thing from last, from the Plan Commission meeting. At Plan Commission we said 192 units, and, by the way, Mr. Max Kendall, the developer of this project, is present, and I believe we're going to 220?

Unidentified: 224.

Les Shively: 224. Again, this is a down zoning, and all of the traffic projections and all that was done several years ago when it was assumed it was going to remain C-4.

President Mosby: Okay. Are there any questions by any member of the Commission?

Commissioner Fanello: Just one question.

Les Shively: Yes, ma'am.

Commissioner Fanello: I think there was a question at the Area Plan Commission about access. There's something here that says there's no access available to this site from roads within Vanderburgh County.

Les Shively: That's true.

Commissioner Fanello: Okay.

Les Shively: This is a property I'm very familiar with, it's on the other side of the lake from my office. The residents will have to do just like me, we'll have to go into Warrick County, and get on Eppworth Road, and go down Stahl Road, which has already been improved by the developers of Charlestown. They widened it, and have maintained it also in cooperation with Warrick County. If you've ever been down Stahl Road it's more than adequate to handle what's already out there, in terms of the commercial development. There is access, but it's just not in Vanderburgh County. Although, were you looking at another spot, maybe on Oak Grove, possibly?

Unidentified: (Inaudible. Not at mike.)

Les Shively: Yeah, the only thing that needs to be done...there will be only the one access point off of Stahl Road, which will involve completion of what's shown on the plat for the entryway. They are going to kind of extend that Stahl Road back into there.

President Mosby: Any other questions? Any remonstrators in the audience? Anybody that would like to speak to petition VC-5-2003, 730 Citadel Circle? Seeing none. Chair would entertain a motion.

Commissioner Fanello: I move approval of VC-5-2003, request to change from C-4 to C-2.

Commissioner Crouch: Second.

President Mosby: How about a motion to call the roll?

Commissioner Fanello: Motion to call roll.

Commissioner Crouch: Yes.

President Mosby: So ordered. Commissioner Crouch?

Commissioner Crouch: Yes. Oh, second.

President Mosby: I knew what you meant. Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three yes', no nays, VC-5-2003 is hereby declared adopted.

Final Reading: VC-8-2003
Petitioner: Moore Investments LLC
Address: 800 Schutte Road
Request: Ag to R-3
Action: Approved 3-0

President Mosby: Next VC-8-2003, petitioner Moore Investment LLC, 800 Schutte Road, request from Ag to R-3.

Les Shively: Mr. President, members of the Board of Commissioners, my name is Les Shively, representing the owners, the Betty J. Weber Trust, et al, as well as Moore Investments, the petitioner and ultimate developer of this property. Since we don't have the nice computerized photographic material, I'll give you the next best thing Mr. Morley gave me this evening, which is an aerial photo of the subject property. What we have superimposed on the aerial photo of the property is the proposed site plan and layout. Just briefly, this is a request, as I said, from Ag to R-3. About over a year ago there was a proposal before you to do a combination of C-4 and multi-family. There is no C-4 associated with this project. No commercial development, and this is a totally different developer, no connection. The only thing that is the same is the owners of the land and the location. The staff report from the Plan Commission indicates that this proposed use is consistent with the Comprehensive Land Use Plan. The specifics of this proposal would involve an 80 unit apartment complex. The way this would be done would be ten, eight unit buildings. Four on the first floor, four on the second floor. These would be two bedroom units. A couple of things from the development standpoint that I think are important for you to note. Because we have more than five acres involved here, we will have to file a drainage plan that will come before you, when you wear your other hats, that is as the County Drainage Board, you will have to approve that plan. In addition, we will be submitting this particular site plan with more details when we go for an improvement location permit. At that particular time, the County Highway Engineer and EUTS will have their complete report done, along with our traffic impact study, which will have been completed, and they will then determine what additional improvements need to be done in this particular area for ingress and egress. Commissioner Mosby contacted me last week, and indicated the county's desire, there may be an opportunity for them to avail themselves of some additional funds from the state to make improvements on Schutte Road, and asked me to explore with Moore Investments their agreement to provide additional right-of-way along that portion of their property that borders Schutte Road. They are agreeable to doing that. I talked with the County Highway Engineer, John Stoll, he doesn't know how much they are going to need, so Mr. Stoll said, I made the suggestion, and he thought this was the proper way to proceed as well, that the amount of right-of-way to be dedicated will be determined at the time that they go to site review. Which means that the dedication of the sufficient right-of-way will be a condition on their improvement location permit, which you know is the prerequisite for them to pull the rest of their permits. So, again, he will donate the right-of-way to be determined by the County Highway Engineer. We don't know if it's 10' or 15'.

President Mosby: That's fine.

Les Shively: Also, preliminarily it indicates that we can do that without affecting our meeting the requirements for off street parking. So, it's sort of a win-win proposition. To be quite honest with you, Mr. Moore is more than happy to do this, because I think the improvements at Schutte Road helps improve the quality of this project, if not the whole situation out there. While we're on traffic, if I could just take a moment. The buildings, the way we've located the buildings in proximity to the right-of-way for State Road 62 at that point, isn't it? State Road 62 is such that we're far enough back from the right-of-way, and there's sufficient right-of-way there that any improvements that would occur later to that portion of what we refer to as the Lloyd Expressway west, would not involve the acquisition of any of the buildings or those improvements. We have had discussions with the West Side Improvement

Association, and one of the things that they had requested, pardon me, was that we provide landscape buffering and screening, again, along that portion of the property along Schutte Road, so as to prevent lights from automobiles in the parking lot bleeding over, shining over to the residential properties to the west. We've put that in a covenant and restriction. I know you are not in the business of enforcing covenants and restrictions. So you have a complete picture, here is a copy of the proposed covenant restriction. It runs in favor of the adjacent landowner, yet as a request of the Westside Improvement Association we've also put in there....you will need a copy too? There you go. I always forget that. We put a provision in there that allows the Westside Improvement Association to enforce these covenants and restrictions. One other request that was made by the Westside Improvement Association has to do with students living in this particular project. We had stated our intention and our plan of Moore Investments to limit the number of students, in terms of a percentage of the total population of this community to 10%. They had requested we put that in a covenant and restriction, and I indicated at the Plan Commission meeting that I would look into it. Unfortunately, Geneva Capital, which is providing the financing for this project will not allow the developer to encumber the property with that restriction. However, we have represented to the Westside Improvement Association that, number one, all the tenants will have to sign a one year lease, which students don't like to do. There will be no sub-letting, and that all occupants, that is adult occupants, will have to be signatories to the lease. It is really in the interest of the landlord, and I'm not beating up on students here, but in the business of multi-family, especially this particular project with this limited number of units, you want low turnover. This is going to be in the upper rent category. You want tenants who are going to be there for a long term period. Students don't fit that profile. This is the best we can do. I told Mr. Padgett of the Westside Improvement Association I would give him a copy of the lease that we are going to use so that he knows what the provisions are in there. I would also note this, I'm not aware of any other restrictions that apply to any of the other apartment communities in that vicinity; Mission Viejo or Copper Creek, I don't believe has any restrictions, but we certainly understand the concerns. But, again, I think the provisions of the lease, and the intentions of this developer, stated at the Plan Commission will provide the necessary checks and balances for that particular use. Notwithstanding the fact that by making the right-of-way available will assist in improvements to Schutte Road, if in fact there is an increase in traffic. I would just note in final remarks that exclusive of land costs this will be a \$3.7 million project. Based upon the current tax rates, or assuming they are, I guess, the assessed valuation using rates we can work with. That means in annual tax revenue about \$5,200 per building, or \$52,000 in property tax revenue. So, at the end of the day if this rezoning is approved, not only do you get a project that's consistent with the Comprehensive Land Use Plan for the county, you get right-of-way donated for the improvements to Schutte Road, and an additional source of property tax revenue for local government operations. Again, I'm more than happy to answer any questions that you have at this time. Also with me this evening is Mr. Jim Morley, Jr. of Morley and Associates, they are the project engineer, and will see this project through, through the site review, etcetera, and Mr. Greg Moore of Moore Investments. Again, by the way, this received a vote of 11 in favor and one abstention at the Plan Commission meeting earlier this month.

President Mosby: Are there any questions at this time of Mr. Shively by any member of the Commission? Seeing none. Are there any remonstrators? Are you a remonstrator? Okay. You can come to the mike.

Kevin Flittner: I'm Kevin Flittner. I live at 7110 Broadway, which is down at the bottom where all the water will run to. One of the questions I have is, is where is the sewer going to go? Where is it going to come from?

President Mosby: Are you speaking of sanitary or are you speaking of storm?

Kevin Flittner: Sanitary, as well. I have a lot of concerns with this project.

President Mosby: Okay.

Kevin Flittner: That's just one of them. You said if there was any questions.

President Mosby: I don't know where they are going to be picking up a sanitary from, and I don't know if...you can answer it? Okay.

Jim Morley, Jr.: Do you want to do it as we go?

President Mosby: Yeah, let's go ahead and do it as we go.

Kevin Flittner: I have a few questions, so.

President Mosby: Okay, that's fine.

Jim Morley, Jr.: The sanitary sewers, there's sanitary sewers down there at the University. Then there is also sewers north of here, I believe. Either way, chances are we'll have to install a lift station, do a forced main, a pressurized system over the one that is currently existing, accepted sewer.

Kevin Flittner: Do you know how big the sewer system is? The existing sewer system?

Jim Morley, Jr.: Well, the minimum in the county standards would be an 8" line for a public line.

Kevin Flittner: Well, I'm sure it's a lot larger than that if it feeds from the school. It runs by my house, so, I think, it's 24" to 48". I also know that the school intends to grow and grow, and my question is, is does it, is it going to be cutting the school out of some of their sewer capacity?

Jim Morley, Jr.: No, and the way the public utility works, they don't reserve sewer capacity for any one person. The public utility works on a first come, first served basis, as far as sanitary sewers are concerned. However, the 80 apartment units, the amount of sanitary sewer that 80 units would require is minimal in the big picture as far as whether it would allow the University to expand or not. 80 apartment units would not drive the expansion of the unit.

Kevin Flittner: Alright, what about city water?

Jim Morley, Jr.: City water, I believe, there is water that runs down Schutte Road.

Kevin Flittner: Sure there is. I mean, how much does that take away from the residents and the school itself?

Jim Morley, Jr.: Again, it's a minimal amount. The water utility has a certain level of pressure that they maintain inside the lines, and would not allow us to tap it if it was going to adversely affect and make it so your faucet ran dry.

Kevin Flittner: I'm just looking at the growth of the west side of whether or not how much, how long it's going to take before they have to dig everything up and put in either a larger sewer line, or a larger city water line to keep the west side amply supplied. I understand that this is relatively a small unit. I understand that there is not, you haven't quite got all your fine details on this, but they are concerns.

Jim Morley, Jr.: On water and sewer both, on all the utilities across the board, an 80 unit project, I don't anticipate is one that would make or break any utility as far as their ability to serve other people in the area. I believe it's a good size water line that runs up Schutte Road. But, again, the water is the same as the sanitary sewer where it's on a first come, first served basis as far as who gets taps and who does not get taps.

Kevin Flittner: Okay. The other question I have is on how big the retaining pond is going to be, and how deep.

Jim Morley, Jr.: The retention basin will be based off of the Vanderburgh County drainage ordinance. The size of it has not been determined yet. However, there is ample room on the site to do what needs to be done. The retention basin will allow, will make it so the water that leaves this site now is no more than what the existing 10 year storm, a storm that happens once every ten years, whatever that leaves the site now—

Kevin Flittner: I understand that.

Jim Morley, Jr.: —so, that's all governed by the drainage ordinance.

Kevin Flittner: The retention pond is not going to be on the part you're trying to get rezoned. Is it on property that is going to be owned by this same affiliation?

Jim Morley, Jr.: Yeah, just because it was strictly a retention basin, we didn't feel a need to rezone it.

Kevin Flittner: Okay. I have other concerns. One is that there is a tract of land on the side of this that is not yet purchased. It is owned by somebody else that could basically be, and probably will be, again, rezoned for this, and can I show you what I'm talking about?

President Mosby: Sure.

Kevin Flittner: I brought this, this is where (Inaudible), this is what's left (Inaudible) brought down the road, and potentially be apartments as well. My main concern is runoff of all this. I have a flooding problem at my place, and have always had a somewhat of a flooding problem, but it keeps growing and growing. In the name of education I'll put up with it, but it's getting to the point where it's noticeable.

Jim Morley, Jr.: The property to the east of here, we can only drain our water in the same manner in which it's draining now, versus jumping watersheds and so on and so forth. It all drains to that channel.

Kevin Flittner: You know, I can show you some of these pictures. It may not matter. That's my farm. That's why I'm concerned.

Jim Morley, Jr.: Where are you at in the big picture? I don't know where you are at.

Kevin Flittner: I'm a mile and a half down the road, right down here.

Jim Morley, Jr.: Over here?

Kevin Flittner: Yeah, I'm here. Here. That's where all this runs, and this runs, and another thing is Catherine last year based your last vote on this on the fact that there had not been a water shed study done on this. On this area up here, and the county has spent \$190,000 on doing a watershed study on Carpentier Creek and Bayou Creek, but it may not even touch this yet, and that study is not even done yet. The worst, we, the west side, are still eating the problems from before of all the water flooding problems on the west side. So, I am concerned about that.

Jim Morley, Jr.: I don't—

Kevin Flittner: I understand.

Jim Morley, Jr.: I don't know what flood study you are referring to. I can tell you that any drainage will be done in accordance with the ordinances, and shouldn't have a negative impact on you whatsoever.

Kevin Flittner: Well, so far there isn't any negative impact, because that six acres you're wanting to rezone, and all this other field that could be rezoned soaks up water that would not have to run down there. I understand that you're going to let it out in a retention pond at a slower rate, but it's still coming. So, the drainage issue is a big issue with me.

President Mosby: What he's referring to is the Carpentier Creek study. It's just a study that we've conditioned with a consultant.

Kevin Flittner: Oh, okay.

President Mosby: To try and look at—

Kevin Flittner: It all feeds into Bayou Creek, and where my creek flows into, and your water off this apartment project will flow into as well. Your impervious surface runoff of such, vehicles and everything else up there is going to go into that retention pond. Oil floats. The first thing out is that oil. The first thing that's coming down on me with that oil is the other stuff. So, I have concerns about it. I'm not trying to say that I want this shut down. It's better to have apartments than it is commercial zoning, okay. It's just the lesser of the two evils, and I want to make sure that...I would rather see this delayed until the Drainage Board had a good meeting on this, or some of the other issues were heard, but I don't think that is going to happen. But, I do want to issue my concerns on the drainage.

Les Shively: Did Mr. Flittner state his name, his address for the record? Do we have that?

President Mosby: Yes, it was 7010 Broadway, I think.

Kevin Flittner: 7110.

President Mosby: 7110 Broadway.

Les Shively: (Inaudible) the Commissioners, but when this does come to Drainage Board, even though he is not an adjacent landowner, we will make sure that he receives notice so that he can participate in that hearing.

President Mosby: Okay. Are there any questions by any member of the Commission? Are there any, did you have some more comments?

Kevin Flittner: Other than the traffic issue, which I think they've done a good part on that. They are trying to help out on the traffic issue, and the security of it, and the buffer zones.

President Mosby: Yes, they addressed the buffer, and they are addressing the right-of-way, so that we don't have to buy the right-of-way, they've agreed to that, so.

Kevin Flittner: Right.

President Mosby: Are there any other remonstrators? Anybody else—

Fred Padget: I'm Fred Padget, and I represent the West Side Improvement Association. First of all the attorney, along with the developer did meet with the neighbors early on and we do appreciate that. We had concerns, we have concerns with the traffic and the southbound, northbound left and right turn lanes, but that will be addressed somewhere down the line, we understand that. Parking spaces, in the calculation we had some, I'm not sure it was calculated correctly, but, again, that will be handled down through site review somewhere. The one thing that I would say about parking spaces is that if there is a heavy student residence, each of them will have cars. So, I'm not sure the normal standards of two cars for one apartment would be applicable. There may be more parking required, or there may at least be a problem. The other thing, the attorney mentioned that as regarding lighting to the west, the way the parking lot, there was a covenant developed, and we very much appreciate that also. So, those are things that one way or another have been resolved. Our main concern at this point is still excessive student renters, and the disturbance that can be associated with it. Mr. Shively and I talked this evening to quite an extent, and we may have at least some comfort, but according to some of the people at USI their feeling is that the apartments will be totally student occupied within a period of a couple of years. Of course, we do support USI, it's mission, and the student body. We believe that's a tremendous asset to Vanderburgh County and to Southwestern Indiana and the surrounding region. We do have great concern about the apartment complex becoming an off-campus party house for USI students. The close proximity to the campus adds to this concern. The attorney talked about a 10% limit, at least in the minds of the developer, that was expressed at the Area Planning Commission. We've talked with the attorney about trying to develop a covenant, and that seems not realistic in their mind because of the financing considerations. We understand the one year lease, and that does deter students to some extent. We understand sub-letting and that's more or less kind of a normal provision of a contract anyway, or a lease. The other thing is all residents signing the lease would certainly be helpful. So, I guess, at this point, from my standpoint and from Westside Improvement's standpoint we're not totally convinced that the student housing, or that the student renters will be controlled. We do have great concerns about it. On the other hand it would probably be, maybe a little bit going

too far to withhold any thoughts of approval of projects. So, at this point, I guess, the thing that I would say is based on the commitments from the developer to try to maintain that 10% student housing, and to set up the leases such that it will help to deter student housing, then we really have no opposition to the project. Thank you.

President Mosby: Any questions by any member of the Commission?

Beverly Behme: David, may I say something?

President Mosby: Yes.

Beverly Behme: I think Mr. Flittner suggested that the zoning be postponed until the drainage approval. The permit processes are done in stages.

President Mosby: Right.

Beverly Behme: Zoning has to be first. Then site review, and that will bring in the drainage approval, but the zoning has to come first.

President Mosby: Okay. She was addressing your one concern. Okay. Is there any questions of Mr. Padget?

Commissioner Fanello: I just have one question. It will probably be for Mr. Shively. About the student housing—

Les Shively: Yes, ma'am.

Commissioner Fanello: —exactly, you can't discriminate against students, obviously.

Les Shively: Yeah, you can.

Commissioner Fanello: You can?

Les Shively: That's one of the few...we discussed it at the Plan Commission. That's one of the few types of residents you can discriminate. They are not protected under federal housing.

Commissioner Fanello: Could you just explain for the record how that—

Les Shively: How the law works?

Commissioner Fanello: Right.

Les Shively: Well, it's my understanding of the law, you're very strict in terms of, for example, you can't have restrictions based upon race, gender, ethnicity, family make-up, whatever the situation is. There are very strict rules. However, students aren't protected under those federal rules. Is that what you wanted me to explain? If you want me to explain why we can't put it in a covenant, first of all, we were initially requested to put it in a use and development commitment. The Plan Commission won't enforce that because that's not really land use. There's no way they can police that. How do they police it? You know, and so they asked about a private covenant, and, you know what they say the golden rule, he who has the gold makes the rule. The people who have the gold for this project is Geneva Capital. They don't want it encumbered. They don't, you know, it creating any

encumbrances that would affect their collateral. I can tell you having represented probably the largest apartment developer and management group in southern Indiana, the business of student housing is a totally different market. You build different structures. You don't spend \$30.7 million on 80 units that you're going to have student housing and that kind of turn over. You do a whole different deal. You don't do ten buildings spread around with eight units. I mean, you just don't lay it out this way. This is laid out for a top end rent, low turn over, long term leasing folks. That's how this is set up. You know, Moore Investments, they're not in the student housing business. They don't intend to be. They were more than willing to put that in there, but for the fact that their lender wouldn't let them do it. Again, the best we can do is share with the West Side Improvement Association the lease to show that there is no sub-letting, and one year leases, and all occupants have to be signatories on the lease. If that answers your question.

Commissioner Crouch: What will the rent be on these units?

Unidentified: \$750 per month.

Les Shively: \$750?

Commissioner Crouch: Do you know how that compares to the student housing on USI?

Unidentified: (Inaudible. Not at mike.)

Madelyn Grayson: Can you please come to the microphone sir, and identify yourself.

President Mosby: Yeah, I was going to say.

Les Shively: Give the range of the rents.

Greg Moore: I believe the student housing is somewhere right around \$200, maybe a little bit less. They get four people in per unit, on a two bedroom. They pay per semester. So, it's kind of tough to break that down exactly how much is going towards rent versus the other fees that they have over there.

President Mosby: Are there any other questions? Any other questions from...could you please state your name and address for the record?

Greg Moore: Greg Moore, 4455 Foxmoor Drive, Newburgh, Indiana, Moore Investment Group LLC.

President Mosby: Okay. Any other questions of Mr. Moore? Seeing none. Come on. You need to come to the mike.

Kevin Flittner: As far as that goes, the \$750 that's per unit?

Greg Moore: Yes.

Kevin Flittner: Now, there's a two bedroom unit right?

Greg Moore: Correct.

Kevin Flittner: Well, at USI the mass units are two bedroom units, and they put two guys, or two girls in each unit, or in each side of the unit, each bedroom. So, therefore that breaks down to where they could, the students could rent your apartments for less than \$200 a month. To me, that's pretty cheap rent.

Greg Moore: That it would be, but, you know, four guys or four girls moving into one apartment is going to throw up a red flag that they're most likely students.

Kevin Flittner: There isn't a covenant saying that they can't be students.

Greg Moore: No, but we are, the way the property is going to be marketed we're going to, basically, say no students allowed. You are going to have some students that just get in that, you know, are maybe older individuals going back to school for their masters or whatever, want to live near campus. Those are the type of individuals, that's why I want to keep it kind of at 10%.

Kevin Flittner: I couldn't afford to do that. I mean, without having a partner or something. It just sounds kind of fishy to me. I mean, it really does. You're \$750 for a two bedroom apartment in this town is not really that much.

Greg Moore: Market rent right now for all of Evansville is 67 cents per square foot on a one bedroom, and 62 cents per square foot on a two bedroom. At \$750 you're looking at 75 cents per square foot rent, which is considerably higher.

Kevin Flittner: You guys are leaving a lot of holes in this thing. Okay. I wanted to add something too about that drainage thing. Your elevation up there where you're building is like around 500'. 521 the highest point, 500 in the lower point, and you're going to knock down some, do some grading, right?

Greg Moore: Sure.

Kevin Flittner: So, you're about 500'? I'm about 370, that's 125' fall between your place and my place. Granted there's some distance between there, but you're talking rough terrain in between there too, and that water is still going to come down pretty fast. Even your retention ponds and so forth. If they give you the zoning to build these apartments, and they build more and more, and you're going to have to build, somebody is going to have to build other retention ponds. There is a security risk too I'm looking at as far as there's a buffer zone around the school that's all residential, not apartments, not apartments that's not even affiliated with the school or students. I'm just curious as to who you're going to be renting these apartments to.

Les Shively: Can I address that please? I didn't realize we were going to have Q & A here this evening, but—

Kevin Flittner: I'm just curious.

Les Shively: I will say this, we're going to be meeting the demand on the west side. Right now the apartment occupancy rate on the west side right now is at 97%. Right before you start hearing comments on this particular application there was a request before you for 220 units on the east side of high quality apartments from an investor from Indianapolis. There is a high demand in this community, both east and west, for high quality, multi-family, rental housing. Don't ask me to try to explain why, because we all still have low interest rates, and the housing market still seems to be

going strong. But, Mr. Kendall, if he would have stayed here could have shared with you this evening also, in his particular project, a lender came to him saying we want to invest in Evansville, Indiana, a multi-family, because we believe that's the market that has not, you know, reached a saturation point—

Kevin Flittner: Multi-family—

Les Shively: Sir, can I....yes, multi-family. So, the market speaks for itself. Again, just let me say from the student situation, if you were going to build something to accommodate students, you would build something like student housing. You wouldn't do ten buildings, spread apart with eight units in a building. You would do something totally different to maximize your cost, to maximize your return on investment. What is being proposed here is to meet the demand for high quality rental housing on the west side of Evansville, which Mission Viejo has a capacity. Copper Creek, which I think is your newest community is pretty well leased out, and those are both high quality end, they do not cater to students, although they don't have any restrictions that I'm aware of, but they are well patronized by people that are looking, young professionals, empty nesters, those sorts of people who are looking for that type of housing on the west side. I hope that answers your question.

President Mosby: It does. Thank you. Any other remonstrators?

Jim Seibert: I'll try to make it relatively quick. My name is Jim Seibert. I live at 7117 Walling Drive, which is approximately a half mile south of this development. I know the Webers, I go to church with them. Their son coached my son in basketball. You know, I've got nothing against developers wanting to build properties and earn a profit. I've been in the construction industry myself for over 20 years, and I've been involved in billions of dollars worth of projects. So, I understand wanting to go out and maximize your development dollars. However, it still doesn't alleviate my concerns about traffic. This is a residential area. We fought the traffic for years and years with USI. They finally built an overpass. We finally alleviated the traffic, now here we are going to dump probably 800 cars a day back out on to this highway, back out on to Schutte Road. I get that from 80 units. Apartment dwellers usually have approximately ten cars per apartment that make traffic out onto the road per day. I do have drainage concerns. It is a flash flood type situation down through that valley as it is. Last year we had remonstrators that live in that valley. They will tell you how high and how wide that water gets to screamin' down that valley when we have a good rain. This road, there is a culvert at this point where they are going to be putting in a retention basin that is approximately 6' to 7' below Schutte Road as it is. By the time you add free board on top of that to allow retainage for this storm water, you're probably looking at a top of pond that is 10' below Schutte Road, at that point in time. I think that makes a common nuisance as well. As well as the fact that I think it's going to become a big plug for everything that drains to the west of this road. I've heard they are saying that they would like to put limits on students. That they don't think it's a problem, however, I do know that this is going to be off campus. They won't have campus security patrolling these apartments. Students do get in there, it's going to be party central. I went to Purdue University, I saw what the housing near a campus goes for, especially when it's off campus. \$750 is cheap for off campus housing that close to there. So, I know that the students will be going after this housing. Other issues; light pollution, noise pollution, it's hard to see the sky at night out there as it is now. Now you're going to add another 80 units with outside lights, with area lighting. I know there are steps that can be taken to minimize this. However, it is just something that you have to take into account, noise pollution from vehicles, from more traffic on the road. All these things can be

engineered out. I'm a professional engineer myself, I know that. The biggest concern that I do have is, just look at your drive in from the east side of Evansville into Evansville. You've got shopping center after shopping center after apartment complex after dealership, automobile dealership, that's all you see until you get to downtown Evansville. You come in from the west side, you've got tree lined highways. It's a rural area, that's why we bought our homes out in that area. I'm just afraid that if you put this apartment complex at the corner of Schutte Road and the highway, the natural extension for these guys is to go next door to Felstead and the highway and put a big complex there. Then you can go down Felstead Road quite a bit, you can put more apartments there. Then if the Webers want to sell their properties, you can go up Schutte Road, or down Schutte Road south on it until you are all the way butted up against Clark Lane and the USI campus. There has been steps in the past to limit development at Boehne Camp Road. It's gone a little bit west of Boehne Camp Road now, but they have pretty much limited it there. You drive down there now you see promise of the Hahn development, and we look at the back end of restaurants, we look at air condition units, it's not a very pretty sight. They haven't done much as far as landscaping, seeding. Now we're looking at an empty Shyler's. You go a little bit further past that you're looking at an empty Dog 'n Suds, you're looking at an empty Kentucky Fried Chicken. You've already seen the results of over building closer to town. I'm just afraid that if you put this out there, before we know it, it's going to be completely built from USI all the way into town. That's why I just ask that you limit it to the Boehne Camp Road area, and not go any further west. If single family residents want to build on these type areas, I have no problem with that. Smaller condominium type developments want to build there, I have no problem with that, but I do have a problem with the high density residential apartments going in there. Thank you for your time.

President Mosby: Is there any questions of Mr. Seibert? Thank you very much.

Jim Seibert: I do want to remind you of one thing. Last year there was two separate issues that came before the board. One was for commercial and one was for residential. In separate votes, they were both voted down. It wasn't just strictly a commercial development that came before the county last year.

President Mosby: Is there anybody else that would like to speak? Seeing none. The chair would—

Les Shively: Just briefly, I'll be brief.

President Mosby: That's fine.

Les Shively: Just picking up on what Mr. Seibert said, I wasn't here last year, plus there are a lot more people here that are opposed to this project than you've heard from here this evening. You've heard from a lot of folks, and you've heard from the West Side Improvement Association, and you've heard their comments that are mostly favorable with regard to this particular project. All I can say is that because we are disturbing more than five acres, we're going to have to do the drainage plan. That has to follow your ordinance, the county's drainage ordinance. It has to be reviewed by Mr. Jeffers, and has to be voted upon by you after we give notice to all the affected landowners, including Mr. Flittner who we've agreed to give notice to. Traffic, traffic is going to be improved. There is a situation where you've got \$52,000 a year in additional property tax revenue and donated right-of-way to probably address a situation on Schutte Road that needs to be addressed now, if the funds are available and the right-of-way is available. This is a project greatly pared down

from last year, 80 units. We think it's consistent with the overall land use. The Plan Commission has said so. Mr. Seibert would like to see single family residential. The fact of the matter is the proximity of this property to the highway does not lend itself to single family development. I can, I would make this statement. If it was a property that the market place was looking at for favorable for single family development, since we have gone through one of the biggest housing booms, and Mr. Pedtke would attest to that from the Builders Association, unprecedented for this area, someone would have snatched that property up and subdivided it and built homes on it, at least within the last two or three years. That hasn't happened. The Webers have tried several different approaches to try to market this property. This is a win-win plan. It's a well thought out plan, and it's a plan, as Ms. Behme has indicated to you, this is just the beginning. We still have to go through the site review process. We still have to go through the County Drainage Board. At the end of the day you're going to have a high quality project, and additional resources to make improvements out there on the west side. We would respectfully, and, by the way, I think the Webers are here this evening. Could you stand up, folks? Thank you. We would ask for your favorable approval here this evening, and your assistance in seeing this project go forward. Thank you.

President Mosby: Thank you, Mr. Shively. Are there any other questions by any member of the Commission? The chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-8-2003, A change to R-3.

Commissioner Crouch: And I'll second.

President Mosby: This requires a roll call. Commissioner Crouch?

Commissioner Crouch: I have been out to Mr. Flittner's property, and I've talked to him several times on the phone, and I understand his issues in relation to drainage, and in relation to traffic and safety. While this may be an appropriate use of the land, there are issues that do need to be dealt with, and they do need to be resolved. As a homeowner in another part of the county that's very fast growing out on the north end, where we see a lot of development, and I live close to 41 and to 57, I'm always pleased when the residential development goes in, or a similar development, only because that tends to keep the commercial and industrial further from my home. It has to be a good development. I think that is the main concern with this, is that it must be a good development. So, the issues, as they relate to traffic, and the issues as they relate to drainage need to be dealt with by the appropriate boards, and need to be dealt with safely and thoroughly. I will be happy to go with Mr. Flittner, or Mr. Seibert to any of those boards, the drainage, when we meet with the Surveyor, the site plan, in order to ensure that their concerns are dealt with, and that they feel comfortable as we move forward. With saying that, I'll vote yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes, I would like to say that, you know, last year when we were presented with a development out there, I was not pleased with that development, and was not pleased how that whole process worked. I am against seeing any commercial in that area, but I do not have a problem with residential, because I do believe it stays consistent with the Comprehensive Plan for land use. As Commissioner Crouch stated, you know, the traffic concerns will be dealt with in site review, and we as a board will deal with the drainage plan. So, I think we still

have a long way to go on the project, and I think it will be a good project. I'm happy to say that I'm glad to see residential there and not commercial there. So, I vote yes.

President Mosby: Myself, I will just say that I'm committed to trying to upgrade the traffic out there. I've talked with John Stoll, I think, everyday for the last 365 days, and he's tired of talking to me. I had him again last Friday when I found out that the developer was willing to donate the right-of-way to try to improve the traffic out there. I am very happy to see residential going in this area, because I dealt with this same petition last year on the commercial, and the commercial and residential together, and that didn't seem to be of any favoritism to the public. So, I'm going to vote yes on this issue. We have three yes', no nays, and petition VC-8-2003 is hereby declared adopted.

Les Shively: Thank you very much.

President Mosby: Thank you. Is there any other business to come before the board?

Commissioner Fanello: Do we not have minutes to approve from last month's rezoning?

Madelyn Grayson: We combined those with the Commission minutes, so they were approved already.

Commissioner Fanello: Okay. Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 7:08 p.m.)

CONSENT ITEMS:

Travel Requests: Health Department (5)

Employment Changes:

| | | |
|--------------|-----------------|---------------|
| County Clerk | Center Assessor | Burdette Park |
| Recorder | County Council | |

Request for Service: Jail.

Sheriff: Weekly Jail and Community Corrections Reports.

Those in Attendance:

| | | |
|--------------------|-------------------|---------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winterheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Linda Nalley | Sherman Greer |
| John Stoll | Dennis Hudnall | Gary Hohman |
| Norman Duckworth | Les Shively | Kevin Flittner |
| Jim Morley, Jr. | Fred Padget | Beverly Behme |
| Greg Moore | Jim Seibert | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 28, 2003**

The Vanderburgh County Board of Commissioners met in session this 28th day of April, 2003 at 5:36 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County, April 28, 2003. Roll call is as follows; Tammy McKinney, Superintendent of Buildings; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of April 21, 2003 Commission and Rezoning Minutes

President Mosby: Thank you. Motion to approve the April 21, 2003 Commission meetings, and Rezoning minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Crowe Chizek Parity Engagement Letter

President Mosby: Discussion items, bid advertisements and openings, there is none. Discussion, Commissioners, Crowe Chizek parity engagement letter.

Commissioner Fanello: Yes, I would like to...this is on the refinancing. So, I would like to move approval of this engagement letter.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Resolution Concerning the Transfer of Real Property to a
Non-Profit Corporation**

President Mosby: County Attorney, resolution concerning the transfer of real property to a not-for-profit.

Kevin Winternheimer: Actually what I have...you approved the resolution, I believe, last week.

President Mosby: Right.

Kevin Winternheimer: What I have tonight for you are the sales disclosure that's required to be filed, when you file a deed, for your signature, and I have the four

deeds. I wanted to put it on the record here the conditions under which this is transferred. I put in each of the deeds, they read exactly the same:

“Grantee takes the property in an “AS IS” condition, and there are no warranties of fitness or habitability express or implied. This transfer is conditional upon the following: any structures on the property shall be secured from unlawful entry during construction and rehabilitation, rehabilitation work shall be commenced within 90 days from the date of transfer, and all rehabilitation work shall be done in accordance with applicable building codes. The structures shall be substantially up to code within one (1) year of the date of transfer. The title to the property shall revert to the Grantor if these conditions are not satisfied.”

I talked to Mr. Ogburn today, and he said he had no problem with those conditions on the transfer. They fully intend to have the properties up to code within one year. I told him if he ran into a problem with one of them or something to contact us before that time. But, those are the conditions, because the statute says you shall state in your deed what conditions you transfer, and those are the conditions. I put the 90 days was in his, in his bid, if that’s what you want to call it. His proposal said that they would start the work on them within 90 days, and they fully intend to do that. I have the four deeds and the sales disclosure for your signature tonight.

President Mosby: Are there any questions? Seeing none.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: Oh, I was going to say, I’ll second it. I have a motion and a second. So ordered.

Contract with Utility Department Regarding GIS

President Mosby: Contract with the Utility Department regarding GIS.

Commissioner Fanello: Yes, Commissioner. The Data Board voted last week that the Board of Commissioners send a letter to the Utility Board to begin revising our agreement with them concerning GIS. So, you have a copy of a letter that’s been drafted that we can send to them. Just, basically, kind of details some of the concerns that Data Board members have had, and other members throughout the city and county. So, we would just like to get those cleared up, and have a clear idea of what our deliverables and service levels are in that GIS agreement. So, I would move approval of the letter, if that’s okay.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered, to approve the letter to the Utility Department. Do we have any Commission contracts? Any other items?

Public Comment

President Mosby: Public comment. Anybody in the public here to speak?

Old Business

President Mosby: Old Business.

Commissioner Crouch: I just have a quick item. Where are we on our towing contract? I know that we opened those bids—

Kevin Winternheimer: Phil got that to me Thursday or Friday, all the documents, and I didn't get the contract put together to get in your packet. You will have it by Friday in your packets for next week.

Commissioner Crouch: Okay.

President Mosby: No problem. Any other Old Business?

Commissioner Fanello: Yes, Commissioner, I have one item, or actually two items. I'll start off with the first small item, I spoke with Dave Rector this morning about the space allocation plan, and he is hoping to have preliminary information for us tomorrow that would give us an idea of how we could lay out some of the offices within the building and allocate square footage. So, we'll look forward to seeing that. The next item that I would like to bring up is the issue that came up in the paper last week regarding the possibility of raising taxes on the jail project. I just wanted to clarify for everyone that I did speak with Mike Claytor from Crowe Chizek, and that he has told me that there is nothing that we need to budget for next year, or in 2005. The debt service payments will begin in January of 2006, and I'm assuming the jail project itself will be done in 2006, and that's....I see somebody crossing their fingers out there, Chief Williams. That's when we would begin budgeting for operations. I know that Chief Williams and the Sheriff are working on operational numbers, and staffing numbers, and all of that stuff right now. So, we're diligently working on those to be able to give the County Council an idea way ahead of time of what we'll need, excuse me, before 2006. Any interest that's accrued during the construction period, that is already allocated for in the bond issue. As you know, when you issue a bond you have capitalized interest, and that actually totals about \$4.6 million for the project, and that's based on a 4.35% interest rate. So, hopefully, I don't know what our interest rate is going to be yet. Hopefully, we'll know in the next 45 to 60 days what our interest rate is going to be. So, I just wanted to clarify for the record that, you know, we really weren't budgeting anything for next year, so, there would be no reason for the County Council to raise taxes for this project next year. I do know that, you know, they have been funding, what, in 2001 and 2002 they set aside \$2.7 million of Local Option Income Tax money. Actually our Road and Street money was reduced by \$2 million each of those years. Or in 2002 and 2003, so, \$4 million has been diverted from our road funding, possibly to go for this project. I don't specifically know where they allocated that money, but, I would just assume that they used that money to set aside. Now, I do know that they have not set aside any Local Option Income Tax money this year for the jail project. So, they were not able to set aside the \$2.7 million for various reasons, and they did discuss that at one of the Council meetings, and the Auditor knows everything that's going on with all of the funding issues right now. I just, you know, want to reiterate that, you know, it's good that they do have ample time to plan for this. They have several, not only have they known about it way before I even took office, but they do have, you know, this year, 2004 and 2005 to prepare for the 2006 budgets. So, it would be my suggestion that they look at the budgets very carefully this year, and that, you know, wherever we

have to tighten our belt, we have to tighten our belt, but there would be no issue of raising taxes for this project next year.

President Mosby: Any questions? Comments? Any other Old Business?

Commissioner Fanello: Oh, I have one more small thing to pass out for you. I came across an interesting article in Indiana News, it's put out by the Association of Indiana Counties. Oh, guess what, "Issues on Financing County Jails". It was very interesting, because I believe the first year when we started the jail project we made several recommendations about how we could possibly creatively finance some of the jail project costs, and a couple of those issues were mentioned in here, the biggest one being renting out beds.

"Going ahead and building your jail for the future, and rent those beds out to bring in money. While you may not need the beds today, you can rent them out to other counties and take money in, and then those beds would be there for you in the future."

I thought that was very, very interesting. The other interesting point was;

"If possible, choose a site that allows you to expand out and not up. Adding a floor results in extra elevator time, and may cause you to build an increment of capacity greater than you need. It is more efficient to add beds and pods sized for known demand."

So, I'm just, actually was kind of happy to see that article and know that we were on the right track in 2001, and continue to be on the right track with the Sheriff and the Chief on this project.

President Mosby: Do you have anything that you wanted to add? You're smiling.

Eric Williams: You said it all.

President Mosby: Okay. Said it all. Well, this is at least the direction we're heading. So, is there any other comments or questions? Old Business?

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| New Business |
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President Mosby: New Business, I would quickly say, it goes right hand in hand. We did go to the Board of Works today, this morning at 11:00, John Stoll, myself, and Kevin. We got preliminary approval on the road project from the Board of Works today, and we do have that submitted to the County Council, they meet this Wednesday, I guess, this Wednesday and next Wednesday. There is an appropriation set on the County Council agenda for \$1.4 million. We've asked to take that out of the Jail Fund, not out of the General Fund or Riverboat. The Jail Fund right now has approximately \$3.3 million in it. We'll be asking for \$1.4 million. \$700,000 of that is going to be paid by the Water and Sewer Utility. So, we will pay it up front, but they will reimburse us. There is also \$698,000 that is going to be reimbursed in that fund when the bond issue comes back in from the payment we made to United. There's also \$373,000 that will be reimbursed on the programming end of it. So, that fund will still have a sufficient amount of cash balance, probably \$4.2 million even after the road project. So, it's not like we're going to be depleting the fund. That appropriation is on for Wednesday, and if all goes well, CSX is ready to close. We have all of our other easements, and they did accept our addendum.

I know John is here somewhere, I talked to him about that. We amended, we sent one addendum over on the road project. Just for everybody's information, we had to move the road a little bit east just to get around a big ditch. It would have cost a lot more to go the other route. They accepted that. There's no problem with them, and we should have the letter Wednesday.

John Stoll: Like David said, the ditch was running longitudinal with the road. So, it would have had a substantial cost, and it was a 10 X 14 culvert, I believe. 10' X 14' culvert that would pass underneath it. So, to avoid that, Bernardin just shifted the alignment. So, it should work out fine.

President Mosby: If there's a curve in the road, it's not because we couldn't draw a straight line. Somebody will say, but that was the only reason was to save money. Everything else is still on target. Any other questions or comments? Any other New Business? Seeing none, department heads—

Commissioner Fanello: Commissioner?

President Mosby: Oh.

Commissioner Fanello: Next Monday is, I believe, the day before election, and I think we usually cancel the meeting the night before election. Is that the pleasure of the Board this year?

Commissioner Crouch: Is that a motion?

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: Were you going to make that motion? I was going to get one motion out of you.

Commissioner Fanello: Didn't have to twist your arm on that one, huh?

President Mosby: That's fine with me. I don't know of anything. Any department heads, do you have anything pressing?

Lee McClellan: Sir, when is that?

President Mosby: Next Monday.

Lee McClellan: This coming Monday?

Commissioner Fanello: Uh-huh.

President Mosby: Yes. Well, yes, a week from tonight.

Lee McClellan: Well, if you're going to cancel it (Inaudible. Not at mike.)

President Mosby: I mean, what did you have?

Lee McClellan: I'm not sure. We, I've been working with John Stoll—

Madelyn Grayson: Can you come to the microphone, sir? We need to get your comments on the record.

President Mosby: Yes, exactly.

Madelyn Grayson: Thank you.

Lee McClellan: My name is Lee McClellan with Morley and Associates. I represent Windham Hill LLC, Scott Railey, on the next section of Windham Hill at the corner of Kansas and Green River. We submitted some roadway plans to John along with some information on sight distance and information on a decel lane that was required at the APC meeting in November. I have a copy in my file, but it's in November of 2001 that decel lanes were required. We have done an engineering evaluation since then and determined that they do not meet EUTS warrants. The problem that we have is, and John just explained it to me tonight, and he's going to have to talk to Brad Mills, is that the developer, Mr. Railey, does not want to put in the decel lane at this time for, basically, two reasons, basically, three reasons. One is it's very expensive to put in a decel lane that's about 550' long. Number two is he would have to go in and completely relocate all the overhead electric and telephone utilities that are now right along the edge of the road, that he would have to do to widen the road to put in the decel. The third is right now there is already a growth of trees and vegetation that shield his property from road noise along Kansas Road. We will be in front of you later this evening for final drainage approval. We were hoping to get final roadway approval tonight, and get a discussion from this Board as to the necessity of a decel lane, because my understanding with talking with Brad Mills is that we, if, I will try to make it...if John Stoll tells you, or recommends to this board that a decel lane is required, and you agree with that position, then Mr. Railey has no choice but to install a decel lane. Should Mr. Stoll decide after looking at our engineering data that a decel lane is not necessary, then this Commission will need to have Mr. Stoll write a letter stating that a decel lane is not necessary. We have to file that letter with the Plan Commission so that we can go back in front of the Plan Commission on May the 7th and request the decel lane condition of their additional items be eliminated. So, if you cancel next week's meeting, and John says he's not prepared to discuss it this evening, then we're going to miss the May APC meeting, which means that pushes us into the June APC, and Mr. Railey plans on starting construction, basically, tomorrow, after he thought he was going to get road plan and drainage plan approval. We already have sewer and water approval. So, that does cause Mr. Railey a problem, and I hope John can address it. I mean, that's my only concern about a meeting, is that we won't make Plan Commission.

John Stoll: I guess, I was not aware of any of what Lee's talking about until just a few minutes ago, but the standard way that Area Plan Commission has placed conditions on subdivisions in the past, if a condition was removed, that person had to go back to Plan Commission. Well, the condition was placed on there, like Lee said, the decel lanes were required. It was my understanding they would have to go back to Plan Commission to get that removed, and then you would approve the road plans. I didn't ever consider that this was an issue for you. You didn't place the condition about the decel lanes on there. It was through Plan Commission, and it was through recommendations from me, and from EUTS to the Area Plan Commission. So, I never considered that it was an issue that had to be discussed this evening, for starters. I figured it would go back to Plan Commission first, and then we would get revised road plans, depending on what Plan Commission's actions were.

Commissioner Fanello: So, you are saying that you would take it up at next week's Area Plan Commission?

John Stoll: That was my understanding. Lee was telling me a while ago that the Area Plan Commission had said that he didn't have to meet a filing deadline or anything. He just had to show up at the meeting, which seemed contrary to what I'd seen in the past too. I thought they notified all the adjoining property owners as well when there was a change in conditions, because that way if a particular condition was of concern to a specific resident, at least they would know that that condition was being deleted. So, I may be wrong on all that, but I did not review Lee's plans for Windham Hills II, because two things, one, the drainage approval hadn't been granted, and I got a list of items from Bill Jeffers last week saying that the plans were insufficient. So, pending what changes were required by Drainage Board could affect the road plans. Two, I had not had an opportunity to get to them for that, plain and simple. We've got three other sets of plans that Morley and Associates had submitted that showed up first, and those were the three that I'd gotten to last week. So, that's why I wasn't prepared to discuss it this evening, but I just didn't consider it to be a Commissioners issue. I felt that it had to go back to Plan Commission first.

President Mosby: John, I guess, what you could do is call Area Plan. I mean, it's not a necessity that we cancel the meeting. Call Area Plan, because I find it interesting that they put the decel lane in, but they want us to take it out. So, I mean, if it was their stipulation, and they put it in, then the way I see it is they need to take it back out, and then bring it over to me and I'll sign off on it. But, now, I guess, they're saying, well, you take it out, and then bring it back to me and I'll okay it. I don't really buy that. So, but, I mean, you might talk to Area Plan, if they tell you it has to be done by next Wednesday to make their agenda, which, like I say, I'm not really sure what we're supposed to be doing here. I mean, I hate to say it, if they recommended to put it in there, I don't really see myself taking it out.

John Stoll: And Lee is correct that the traffic data could show that it's not warranted, based on some additional data that their office had provided for a traffic study across the street from Windham Hills. I think some changes need to be made to the data, but I still think it's possible that they will not be warranted. Which, if that's the case, I'll be more than happy to tell Plan Commission, no, you can change the condition. Then the plans that I would bring to you would not have the decel lane.

President Mosby: Right.

John Stoll: But, I guess, my understanding of the procedures, they required it, so therefore the set of road plans that I would bring to you this evening would have it in there.

President Mosby: Yeah. I would prefer you go back, and if it's not required, and the data shows different, let them take it out, and then you bring us a set of plans, and we'll sign off.

John Stoll: I can do that.

Commissioner Fanello: May I propose a change in time of the meeting? If we have to have one, could we have a morning meeting?

President Mosby: We can do any time you want. It's not advertised yet is it? Well, you would have to readvertise.

Kevin Winternheimer: Just notice the media.

Commissioner Fanello: We just send out a notice.

Kevin Winternheimer: You have to do that 48 hours ahead of time, excluding Saturday and Sunday. So, you would have to let them know by Thursday. You'll know something by then surely.

John Stoll: Yeah. I can find out tomorrow, the details.

President Mosby: Okay. If we have to have a meeting though, that's not a big deal.

John Stoll: It just seems to me that if that condition exists, and it will exist at least through May 7th—

President Mosby: That's what I'm thinking.

John Stoll: —that's what the plans would be that we would be approving next Monday.

President Mosby: I mean, I guess, my theory is you'll go back to Area Plan next Wednesday, if they want to take it off and say, no, we don't need it, and your info. and EUTS' info, you know, suffices that, then you can bring it back to us the following Monday and we would sign off. I don't see me signing off on something they required.

John Stoll: That was my understanding of how it's always worked in the past.

President Mosby: Okay.

John Stoll: Like I said, I could be wrong.

President Mosby: You might talk to Brad and see what's going on.

John Stoll: Okay.

President Mosby: So, we might have a meeting next Monday, and we might not. If we do, we'll do it earlier. Okay. Is there any other New Business? Seeing none.

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| County Engineer |
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President Mosby: Department head reports. County Engineer.

John Stoll: First I've got a street acceptance request for Section C of Spring Park Subdivision. This street was inspected last week by one of the inspectors in the office, and it was built generally in accordance with the approved plans, so, it's requested that that road be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The second item I've got is a supplemental agreement with Clark Dietz, Incorporated for the Jobe's Lane sewer project. This is an additional \$18,655. The need for this arises from the fact that in order to get the grants, we have to have legal descriptions and right-of-way plats drawn up for each parcel of property that we'll have to acquire. There was also additional consultant time associated with the paperwork to file for the grants. This also covers soil borings. It's requested that this also be approved.

Commissioner Fanello: Are we're going to be paying for that out of the Riverboat/Drainage.

John Stoll: Riverboat/ Infrastructure, yeah.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request approval to obtain quotes from contractors for the installation of a box culvert on Roth Road. This would be to get quotes submitted on May 12th. This would be for an 18' X 8' box culvert. Those plans will be before you for approval at Drainage Board this evening.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Madelyn Grayson: John, those don't require advertising, do they?

John Stoll: No.

Madelyn Grayson: Okay.

John Stoll: Next, I would like to request approval to make offers on two more parcels of right-of-way on Section Three of Lynch Road. This would be for parcel two, the Langford parcel, this would be, the amount would be \$37,680. Then on parcel six, it's owned by Skinner, the amount of the offer would be \$50,075.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I have is a request for approval of street plans for Section Six of Bridlewood Subdivision. This is a continuation of the previous sections of Bridlewood, which is located at the northwest corner of Fischer Road and Boonville-New Harmony Road. That is the section of the subdivision located right here. The street would all be asphalt streets, 29' in width, with curb and gutter. I'm also

requesting approval, we'll do that in a second, but also for Stonecrest, Section Six. What's happening with these two subdivisions is they are being connected, so, ultimately Bridlewood and Stonecrest traffic would pass through one another. So, that way you could have access from Petersburg Road out to Boonville-New Harmony without ever getting out on Petersburg or Boonville-New Harmony. So, this is one of the areas where we are requesting that the subdivisions be connected. Actually, they did get connected, and they will provide a link between the neighborhoods. I request right now that Section Six of Bridlewood, which is this on the east side of this line be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request approval of Section Six of Stonecrest, which is all this section of Stonecrest highlighted by this heavy blue line. Here again it would all be asphalt streets with curb and gutter. I would like to request that the approval be made subject to one condition, and that would be to add an additional inlet somewhere in this area, and another inlet somewhere in this area, because right now the drainage ordinance requires a maximum inlet spacing of 600', and this drainage runs from the intersection of what's shown here as road ten, down Rolling Meadows Drive, down to road nine, and that distance exceeds 600'. The same thing holds true between road nine and road eight. It's draining from here all down here. So, since the ordinance requires that, I had Kevin take a look at that, and I couldn't find any provisions for waivers for that 600' space. Kevin could not either. So, I request these plans be approved subject to additional inlets. One being added here, and one being added in this area.

Commissioner Fanello: So moved with the restrictions.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions on anything else.

President Mosby: Any questions of the County Engineer? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First, I received a call from a county resident that lives out on Eichel Road, right off of Peerless requesting that I review his road for paving. I did that, and his road is in pretty bad shape. So, I would like to request approval to remove Schissler Road from our paving list, which John Stoll had some concerns about paving, and add Eichel Road to that, which is .2 miles. It's just one pass. It's about \$8,000.

President Mosby: I think we just, we can add Eichel, but we removed Schissler when we voted last week.

Dennis Hudnall: Okay.

President Mosby: Or when we accepted we removed that.

Dennis Hudnall: Yeah, I haven't removed it from the list.

President Mosby: We can put it on and replace, but—

Dennis Hudnall: Okay.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add Eichel.

Dennis Hudnall: Thank you.

President Mosby: So ordered. I'm sorry.

Dennis Hudnall: The next item I have is I solicited some bids, we use D'limonene to clean our paving equipment and our trucks. I couldn't find three people that handled this solution. This D'limonene, we use about 2,800 gallons of it a year. It's bio-degradable. I received a bid from Busler Enterprises for \$9.40 a gallon. I received a bid from KRS for 2,800 gallons at \$9.43 a gallon. So, the lower bid is Busler Enterprises, and I request approval that I could purchase from Busler Enterprises.

Commissioner Fanello: What's the total we're going to spend this year on this?

Dennis Hudnall: It averages about something like \$28,000—

Commissioner Fanello: Okay.

Dennis Hudnall: -on D'limonene.

Commissioner Fanello: We don't have to bid it. I make a motion to accept Busler's as the low quote.

Commissioner Crouch: Second.

President Mosby: So ordered.

Madelyn Grayson: Dennis, do you have copies of those I can have for the record?

Dennis Hudnall: Sure. I can give you these copies. The next item is just my weekly report. Do you have any questions on it? We're starting to pave. We've pretty well got Old State Road completed, ready to start the next one. Right now we're just trying to prioritize which roads are the worst to get them, and I'll let you know which one of those roads we're going to start next.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: Yeah, I have, excuse me, a few items tonight to report on. First, on Lyle Road, I had hoped to have the thing done tonight, I'm about an hour away. It's rather lengthy, and we have parcels that are down 1/30 of the shares, but making good progress on it, we're on the downhill run on that one. Secondly, I've had a second inquiry on the property, I think it's 5000 Bayou Creek Road. Another neighbor out there expressed some interest in it, and she gave me her name and address in case we do put it up for sale. This is that, I think it's approximately 1.3 acres, and it was that property that was purchased under the federal flood program. We bought it and all that. The two parties are both neighbors out there. Apparently they are interested in it. They both understand that they can't build on it, that they will just be buying the land. So, I bring it up, if you want to proceed, the next step would be to, we'll have to get it appraised, to hire an appraiser. If we want to sell it, I was going to make a suggestion on how we do it, we used to do this in the Board of Works, so that the county won't lose money on this, I have no idea what the value of this land is, but you can't build on it. So, in any event that if you do put it up for sale, that we specify that the buyer, whoever the high bidder is, must reimburse the county for the legal ads that have to be run, the appraisers fee, and the deed preparation fee, and that their bid then is an amount on top of those fees. So, that's just my suggestion, because you never know what these things are going to sell for, and you always have the right to reject them if you don't feel you're getting a proper amount for them. We do have some interest out there on that property.

President Mosby: Kevin, I'm going to ask you a question on that real quick.

Kevin Winternheimer: Sure.

President Mosby: Is there anyway that we can bid it, and then do the appraisals and that?

Kevin Winternheimer: Yeah, actually we could, because the purpose of the appraisal, you're not allowed to sell government, local government property for less than 90% of the value, unless you post a notice to the public saying we are contemplating selling this property. It appraised for this, and the highest bid is not 90% of the appraised value, then the public has the right to come in and comment on whether or not you should sell it. So, actually we could, but we would need to do that before we awarded it.

President Mosby: The only reason I say that is I hate to spend taxpayer money, and then all of a sudden both bidders back out.

Kevin Winternheimer: Right.

President Mosby: I say let's bid it, high bidder gets to escrow their money, and we'll do the appraisals.

Kevin Winternheimer: Yeah, and we could do it that way, and I would put it in the notice that we're going to have it appraised, and that they would have to pay that appraised amount. We won't have a specific dollar for them.

President Mosby: That a way if they back out, we don't spend nothing.

Kevin Winternheimer: Right. It could be done that way, if you want.

President Mosby: Okay.

Commissioner Fanello: So, are you, are we looking at bidding this out? Are we looking for a motion to do that? Is that the pleasure of the Board?

President Mosby: That's what he's asking.

Kevin Winternheimer: If you want to, what I would ask for is just a motion to start the process, because I will need to put the paperwork together and all that, then bring it back to you, and we'll set up the bid dates. The way it would work is, we would have an initial bid opening at one of our Monday night meetings. Then for a period of time, at least one week, anybody could raise their bid, and then we would have a final cut off of the second Board meeting that following Monday, and that would be the final bids. Then whoever is high bidder, if you want to go ahead and sell. Like I said, you can always back out, but if you want, if you think you are getting enough money for the property, you can go ahead and sell it. So, initial bid, and then a final bid. They can bid in between if they want to. Most of the time they don't, but they just go for that second shot where everybody just puts their cards on the table, and this is it, this is the highest bid. You can sell it by auctioneer too. I don't know since it's a, like I said, a small tract of land, I don't know that it's really worth hiring an auctioneer for this kind of thing. Just do it in a public meeting in an open bid where they submit their bids, and I open them up like I do bids for other things. The high bid at the second, at the last, I should say the last bid opening wins.

Commissioner Fanello: I'll make, excuse me, I'll make a motion the County Engineer begin the process.

Commissioner Crouch: Second.

President Mosby: How about the County Attorney?

Commissioner Fanello: Oh, yes. I'm sorry. County Attorney.

Kevin Winternheimer: I'll need him too though.

President Mosby: I took it off of you, John.

Commissioner Fanello: Sorry, John.

President Mosby: He's done popped a sweat back there.

Commissioner Fanello: Didn't mean to give you another job.

President Mosby: We have a motion and a second for the County Attorney to start the paperwork. So ordered.

Kevin Winternheimer: Okay. We will not only advertise this legally, we will personally notify the two property owners out there who expressed interest, so they will know when and what to do. The next item is, a while back, earlier this year, on the Mill Terrace Subdivision, you had asked me to contact some law firms and try to get prices on what the bond counsel prices would be. I was waiting to get an estimate of what the project was going to cost. The estimate, these are just rough estimates, the construction estimate, because that would affect the bond counsel fees. The rough estimate was, I believe, \$225,000 on construction, \$25,000 on engineering. I contacted three firms, and one firm was Barnes and Thornburg, I talked to Jim Gutting with that firm, and he said that he couldn't really give a definitive price, but he estimated in the \$12,000 to \$15,000 range. I contacted Ice Miller and talked to Buddy Downs, he said they were not interested in doing a Barrett Law, or doing the bond work on a Barrett Law. He said the people out there really need to reconsider what they are doing. He reiterated what I had said in the meeting that this is the most expensive way to build a street was through the Barrett Law, because the associated costs and the elaborate procedure that you have to go through to do this that, they just weren't interested in even submitting a price for that, and suggested that the homeowners try something else. His suggestion was first, and it's exactly what I had said, he said if they could form some kind of association, and come up with the money themselves, and you guys set the construction standards, and let them build it, and then after we inspect it and accept it, that would be lot cheaper for them to do, and a lot easier for them. I said, well, apparently, we had discussed that, and that apparently the neighbors out there couldn't agree on that. That was his suggestion. Another idea he had was, he said you can do a general improvement bond, which is not a Barrett Law, but there is a lot of down sides to that. Essentially, everybody would have to agree to do it that way. The county would borrow the money, and they would agree to pay them back. The other down side of that is, in this particular case, I think there were three or four neighbors who refused to sign the petition, so I assume they are not going to go along. So, that probably throws a monkey wrench into that all together. The second thing is through a Barrett Law you have the priority that if somebody doesn't pay, along with taxes to get your money out of the property, you can bill them, and it's a priority lien just like property taxes are. Where as through this improvement bond, if somebody doesn't pay, you would either have to do a second mortgage, or just risk it. I explained how the county was very tight on their budgets right now, and I don't know that the county would consider just taking it on the good word of the people that they will pay these back over ten years. That's a lot of trust to do that. I didn't think these people would want to go through the process of a second mortgage. Because if they're going to do that, they might as well go to the bank and borrow the money and do it themselves, which would be cheaper in the long run. So, they were not interested in doing it, and wished us well. They said, he said that Indianapolis used to do these, but because of the expense and timely process you have to go through, they just dropped them all together. They are not doing any, and he didn't know anybody that was doing them right now in the state of Indiana. But the law is still on the books. The third firm I contacted was Bakers and Daniels, I talked to Tom Pittman, and he said they would do it on an hourly rate with a not to exceed a \$10,000. So, whatever the costs are, they would not exceed \$10,000. A lot of it depends on the neighbors themselves, how much they cooperate with us, and whether they want to fight it, do they want to protest or remonstrate. If not, then the bill may be somewhat less than that, but he said he would agree not to exceed \$10,000. I put together a little rough calculations on this. If you go \$225,000 in construction, we'll have to do a little slack there, because you never know what's going to happen when you go out for bids. \$25,000 in engineering. In case one of these neighbors would want to fight us in court, and there's a lot of legal work to do

on my end locally, and that's, all three of these understood that, that I would be sending out the notices, and doing all the work on this. They would be doing primarily the bond work on it. I estimated fees of \$15,000 local attorney fees in case somebody wants to take us to court on the thing. Hopefully, it will be a lot less, if everybody cooperates and everything goes real well. Legal ad and associated costs of about \$2,000. Abstract fees for these 31 lots, if we can get somebody to do it for \$250 a lot, that would be about \$7,750. Roughly, if you add all those up, you're looking at a \$285,000 project without any contingencies on the construction, and I think John will probably recommend some contingencies on that, in case the bids come in higher. If you stick, though, with the \$285,000 figure, you're roughly looking at, and these are very rough calculations. On a ten year pay back, the principal pay back would be about \$9,700. A property owner could come in and not have to pay any interest and write the county a check for whatever the fee is, roughly \$9,700 and they wouldn't owe anything else. If they elect to go the full ten years, then you would have to have the interest of the bonds, that we're going to have to pay on the bonds to that. They would pay that figure back over a ten year period. It would be divided into ten equal payments, over ten years. So, that's roughly where we're at with the Barrett Law project. I think that John has looked at the plans, I believe. I think right now you have an acceptable set of plans. Is that correct?

John Stoll: Yeah, Veach Nicholson did the plans and specs. We've taken a look at them and everything looks pretty good now. I've not brought them back to you for any kind of hearings as of yet, because I've been working with Kevin trying to figure out what the next step is. Right now the plans would be ready to go.

Kevin Winternheimer: So, roughly, and I don't know what John would allow on a contingent, but you would want some kind of contingency on the bids. Because you won't know until the project is ready to go out to bid what those, or we get the bids back what the actual costs are going to be. What you'll have to do is give everybody preliminary notices, and you have to estimate high, as I did on the legal fees, to make sure that you've got enough money. Because if you estimate an amount that's too low, then the county has two choices, you kill the project, or you start all over. Because one of the first things you do is get a sort of preliminary estimate on what it's going to cost each property owner. That sets the top cap. Either the county makes up the difference if it comes in over that, or you drop the project. So, that's where we're at.

John Stoll: We had, the very first Barrett Law project that we did when I was County Engineer came in too high, and we had to start over. Likewise, we, the last sewer project we did, we estimated high, and then we got some criticism from some of the neighbors, because they felt like we were running up their costs. So, there's a fine line to walk in there to try and get enough in there to cover the project, but not catch criticism from the people affected by it.

Kevin Winternheimer: If you want to proceed, the next step would be, I think, if you can, is to select a bond counsel. Because I will need to work with them, and set up a time table and all that. Then come back with a preliminary resolution, and notify the property owners this is what we, this is our figures, essentially, this is the project. Then we have a public hearing and decide whether or not we go from there. At that point you kind of get a taste for how many are really on board, and how many are not. I mean, they all signed a petition not knowing what the costs were, and it doesn't obligate them one way or another, it just showed that...I think there was 27 or 28 that were interested in it. Three or four were not.

John Stoll: Right.

Commissioner Fanello: I'll make a motion to accept the quote from Baker and Daniels.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Okay. I will contact them and be coming back whenever we meet again with probably a letter of engagement with them, and then start the preliminary resolution, and have them work up the time table on all this. I just might add on this, as one final thing, that one of the big processes in there, one of the things that make the thing go smoothly too is, this is not a particularly large bond issue, and they suggested that if we can work with a local bank, get them interested, and have the local bank buy the bonds, that will help a lot of time, trouble, and effort on getting the bond issue. This is not something that you'll put out for public bid on a bond, per se. Like you do with the big bonds, like for the jail bond. This, we want to make sure that we've got a local bank that will actually buy the bonds.

President Mosby: Okay.

Kevin Winternheimer: That's all I have to report tonight.

President Mosby: Any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to report.

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| Burdette Park |
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President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette. First thing I have was a report on the Discovery Lodge. After our meeting this morning it seems that we may be done in time. I'm not saying we'll be completely done with the whole punch list, but we will be able to use it functionally on the day we wanted. It's going to be down to the wire. The project on the swimming pool is going as well as the weather is allowing us. We got rained out a couple of days last week. Everyday that it rains, it makes it tighter on that schedule too, but we had talked to the people that's putting the actual lining in today, they came in from Indianapolis and that, and they're confident that they can be done. But, it will determine up to the weather if we'll be done right on the day. Other than that, I don't have anything except my work sheets.

President Mosby: Did you get all your water lines replaced?

Steve Craig: Uh-huh.

President Mosby: Okay. That's good. Any questions or comments? Thank you, Steve.

Steve Craig: You're welcome.

SWCD & Ozone Officer Reports

President Mosby: Soil and Water? I don't see anybody.

Commissioner Crouch: I'll move we accept Soil and Water and Ozone Officer reports.

Commissioner Fanello: Sorry. Second.

President Mosby: I have a motion to accept Soil and Water and Ozone, and department head reports, and move to Consent. So ordered.

Consent Items

Commissioner Fanello: Motion to accept Consent Items.

Commissioner Crouch: Second.

President Mosby: Motion to accept Consents. So ordered. Motion to—

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered. Drainage Board will start in, well, in either five minutes or when Bill Jeffers arrives.

(The meeting was adjourned at 6:25 p.m.)

CONSENT ITEMS:

Travel Requests:

| | | |
|-------------------|---------|----------------|
| County Engineer | Auditor | Perry Assessor |
| Health Department | | |

Employment Changes:

| | | |
|--------------------|---------------------|-----------------|
| Health Department | County Highway | Knight Assessor |
| Sheriff Department | Voters Registration | Burdette Park |

Request for Service: Election Office.

Sheriff: Weekly Jail and Community Correction Reports.

Commissioners: Retirement Letter for Fred Blair from County Highway.

Juvenile Court: Surplus of County Vehicle.

Treasurer: Submit Monthly Report for February 2003.

Health Department: Service Agreement with John Voliva.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Lee McClellan | John Stoll |
| Eric Williams | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 12, 2003**

The Vanderburgh County Board of Commissioners met in session this 12th day of May, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting for May 12, 2003. Introductions are as follows: to my far right, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor Bill Fluty and Recording Secretary Madelyn Grayson. At this time please stand and say the Pledge.

(The Pledge of Allegiance was given.)

President Mosby: I have somewhat of a cold tonight, so bear with me.

Approval of April 28, 2003 Commission minutes

President Mosby: Approval of the April 28, 2003 Commission minutes meeting.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

Presentation of Prudential Spirit of the Community Award

President Mosby: At this time we will suspend normal business, just for a second. Or this still is normal business, to make recognition of the Prudential Award winner. I have something I am going to read and then we will present the award. This will be easier.

“It is with great pleasure as President of the Vanderburgh County Commissioners to make a very special and important presentation on behalf of Prudential Financial. Prudential Financial in partnership with the National Association of Secondary School Principals sponsor a nationwide awards program to honor young Americans who care about the communities and actively look for ways to make them better places to live. They do that out of a belief that if we are going to meet the challenges that face our nation we all are going to have to get more involved in our communities and our greatest hope lies in young people like tonight’s honoree, Clinton Hasenour.”

Clinton, you can stand up now.

“Prudential believes that identifying and honoring young people who are community service role models is the key part of their mission to stress the importance of community involvement to our youth. More than 24,000 young people across the county were considered for

Prudential's Spirit of the Community Award this year. From all these a select few in each state have been selected for special recognition. Clinton Hasenour, a senior of Central High School and a member of the Vanderburgh County 4-H program, and one of Prudential's distinguished finalists."

Clinton, would you please...I done said that...come forward. I stepped ahead.

"Clinton has been singled out from all the high school and middle school level students in Indiana for extraordinary achievement. Not in academics, not in sports or the arts, but in service to his community. Clinton initiated a program through the Junior Mental Health Association that challenged teenage volunteers to make a difference in the lives of the area nursing home residents. He asked his parents and group members to make a commitment to give them what they need most, their time and attention. Clinton, your commitment and achievement represents the highest ideas of the service to our community. As the Board of Commissioners of Vanderburgh County we are extremely proud of what you have accomplished and we salute you as a 2003 Prudential Spirit of the Community distinguished finalist. To signify this honor I would like to present you with this Prudential Spirit of the Community bronze medallion for outstanding community service."

On behalf of Prudential and on behalf of the Vanderburgh County Commissioners I congratulate you on a well deserved honor.

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| Bid advertisements and openings |
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President Mosby: Under bid advertisements and openings, Phil Lawrence.

Phil Lawrence: Thank you, sir. I would like permission to advertise APA008-2003, that's the batteries for automotive and other equipment.

Commissioner Fanello: I'll make a motion to advertise.

Commissioner Crouch: Second.

President Mosby: Motion and a second to advertise bids, so ordered.

Phil Lawrence: Second item, permission to award VC026-2003, the towing contract. I think Kevin has copies of those.

Kevin Winternheimer: Yes, if I might pass these out. There should even be one for Madelyn. The first one is the towing of the nuisance, wrecked and other vehicles. The second one I am passing out, again there are four copies, is the towing of the abandoned vehicles and the last one is a contract for the storage of nuisance, wrecked, impounded and county vehicles. I received a call this afternoon or sometime today from Commissioner Fanello wanting some clarifications to the contract and I added additional language under the abandoned one. There is a new subsection 4.3 requiring every three months a list of the current vehicles, proof of insurance and proof of registration. That's to verify what is required in article two as far as equipment and insurance and so forth. On page four there is a statement that

no other fees other than those in the fee schedule may be charged by the contractor. Under the towing of the nuisance and other vehicles you'll find that same 4.3 and similar language about no other fees may be charged. And then in the storage contract, since there is no towing involved with the storage, it says that...added a statement that no other fees may be charged other than those in the schedule provided. Otherwise I present those contracts for your approval.

Les Shively: Mr. President, before you vote I would like to be heard on this particular matter.

President Mosby: Okay, as soon as...is there any questions by any members of the Board at this time?

Madelyn Grayson: I just had one question. Do these replace the ones that were in the signature file?

Kevin Winternheimer: Yes, yes.

President Mosby: And we can make that motion to adopt these before we vote? Mr. Shively, if you want to come forward.

Les Shively: Okay, thank you. Mr. President and members of the Board of Commissioners, I represent...my name is Les Shively and I represent Mike's Towing owner Anthony Jackson. Mr. Jackson's company, Mike's Towing, previously had the contract and they submitted a bid in this particular case. There are some concerns which we believe need to be addressed before the county awards this contract. Let me take these somewhat in reverse order in terms of following the contracts as they were delineated by Mr. Winternheimer. With regard to the storage contract under Article 1, Scope of Services/Specifications, number H it says:

"Storage facility must have a minimum of four acres in order to adequately store the number of vehicles towed at the request of the Sheriff's Department."

The only other bidder on this contract, which I believe is Hamrick's Service and Repair at 1277 Maxwell Avenue, their location...by the way, their location which was not zoned to legally be a storage facility until this year, in fact, was not probably zoned at the time they made application and was bid, I don't believe. Nonetheless, these are the records from Plan Commission that show that the land in question is only 2.589 acres.

Madelyn Grayson: Mr. Shively, do you have one for the record?

Les Shively: I did. I gave them my last one. It pretty well indicates that this property falls below the minimum required acreage. The location for Mike's Towing, most of you are familiar with its location there at the end of...I'm trying to recall...at the end of Boeke.

Unidentified: Weinbach.

Les Shively: Weinbach, excuse me, the end of Weinbach. You can see it there off I-164. I haven't gone out there with a surveying crew, but I can...by looking at it Mr. Jackson will attest it certainly is in excess of four acres and he has been a bidder before and met those same specifications. With regard to the other contracts there

is an equipment requirement. Mr. Jackson, when he submitted his bid for both the county and the city contract which are as you know handled through the same office, central Purchasing, combined Purchasing, provided a copy of his insurance policy along with the exhibit to that policy which identifies all of the vehicles by serial number, etc., to show that not only they are insured, but he has the requisite vehicles to meet the terms of the contract. I think it was 12 wreckers at minimum. Smaller wreckers, the everyday wreckers we see that are required and access to one of the heavy duty rigs. Mike's Towing has made that information available to Mr. Lawrence's office. In review of the documents that were filed, at least of record thus far we're not aware that the other bidder in the case has made that information available to the county. I also would note, and I realize that the contract that you award is separate from the city, but you depend upon the same offices to somewhat scrutinize these bids and to provide information and counsel before you award these bids. Back in February of this year on behalf of Mike's Towing I brought to the attention of the Board of Public Safety deficiencies with regard to the bid by Mr. Hamrick, not the least of which, and I provided to the Board of Safety, a copy of an invoice from Mr. Hamrick's operation which incidentally coincides with what Mr. Winternheimer talked about or at least the modification of the contract regarding adding additional charges. As you know, your contract is very clear of what can be charged to the public and this particular invoice indicated that there are other charges that were not allowed under contract, the city contract which is very similar to your requirements, being charged by Mr. Hamrick's company. What I would ask, and especially in view of the fact that there are going to be some changes to this contract, I would ask that you take some time here, at least one more week, look into these matters to determine whether in fact Mr. Hamrick is in fact a qualified bidder in this particular situation in view of these facts. If he doesn't have the requisite four acres for example there is no way that he can have the storage contract or even bid on the storage contract. So we would really ask that the Board of Commissioners, its proper departments, Mr. Lawrence's office or whomever, look into these matters before a decision is made in terms of awarding this contract. Again, I am more than happy to answer any questions you have at this time and my client is here as well.

President Mosby: Are there any questions by any member of the Commission?

Commissioner Fanello: I guess I would defer to our county attorney and ask his opinion on what we should do.

Kevin Winternheimer: You might want to—

President Mosby: I guess my question would be to Mr. Lawrence.

Phil Lawrence: The information that was provided to the...in the bids was the insurance and the vehicle requirements. The acreage have never...that's something we've never checked. I understand Mr. Hamrick has the ability to utilize another yard somewhere else. I'm not certain which yard that is. Okay, it's in the file in the office, but I know that he has a lease at another facility, Liberty Auto, where he can store additional vehicles.

Commissioner Fanello: And how many acres is that?

Phil Lawrence: I don't know.

President Mosby: Okay, then I guess my question would be to our counsel now. He is storing off-site, I think the contract says it has to be under his security at all times.

Now he is saying he has an off-site spot.

Kevin Winternheimer: That's a very good question. I wish I had the specs in front of me. I don't have the answers to your question. I don't have the specs and I would have to take another look at them. I last looked at them last week when I put together the contract, so I don't have an answer for you right now.

Commissioner Fanello: Mr. Shively has it for you.

Kevin Winternheimer: It also goes on to give the specifications for storage of nuisance and county vehicles. It must be adequate size to store a minimum of 300 vehicles in an orderly and secure fashion. I don't know how many vehicles you get to an acre.

Phil Lawrence: Right, yeah.

Kevin Winternheimer: I don't know—

Phil Lawrence: I think that's up for interpretation as far as do you have to have four acres or can your facility handle 400 cars. I mean, that is certainly up to the Commissioners whether they would...

President Mosby: That's a whole different deal, it's across the street. I'm just reading this. Storage facility must have a minimum of four acres of storage space in order to adequately store the number vehicles.

Commissioner Fanello: But 1.7 says the storage facility shall be located at 1277 Maxwell Avenue.

President Mosby: Exactly.

Phil Lawrence: Okay.

Les Shively: Mr. President, I'll just call your...I'll point out to Mr. Winternheimer paragraph M regarding 24 hours. It's in the same section as specifications is.

President Mosby: Well, I'm looking in the contract he wrote.

Kevin Winternheimer: What he is referring to is it says, I'll just read it, it says:

“The storage facility shall be manned 24 hours a day, seven days a week and insure that adequate security is available so as to prevent theft and destruction from or to vehicles towed and stored as requested by the Sheriff's Department.”

President Mosby: That's what I had read earlier somewhere and that is what I was referring to.

Phil Lawrence: The only question that is up is whether it is four acres. I mean, I don't see any other—

Commissioner Fanello: No, that is not the question. The question is 1.7 according to Kevin's contract says the storage facility shall be located at 1277 Maxwell Avenue.

Phil Lawrence: With four acres?

Commissioner Fanello: Yes.

Phil Lawrence: Yeah, that's what I meant was whether it has four acres at that site. Mr. Hamrick is here.

President Mosby: Well, his document says 2.589.

Commissioner Fanello: Well, could we send our...somebody from our County Engineering Department go out and measure?

Phil Lawrence: Mr. Hamrick contends that's four acres, so I mean, I think perhaps maybe the engineer can go out. That's up to you. I (inaudible) survey.

Commissioner Fanello: I mean, we were prepared to pass contracts tonight for Hamrick's Towing. Those were the three contracts that the county attorney prepared. But in order to make everybody feel more comfortable I'll make a motion that we defer for one week and have the county engineer go out and measure the property if that is acceptable.

Kevin Winternheimer: Yeah, I can't verify the facts.

President Mosby: I can't either. I mean, I'm just giving what I was looking at.

Kevin Winternheimer: And if the contract needs to be changed in some manner, but yes it does say at 1277 Maxwell and so forth and I don't know whether this second facility is a secured facility or any of that, so that all, I think, needs to be checked out.

Commissioner Crouch: I will second the motion, but I hope every bid that comes before this Commission is looked at with the scrutiny that this one is.

Commissioner Fanello: I would hope so, too, when we are spending taxpayer dollars.

Commissioner Crouch: Yes, and I also would hope that the contract when it is signed, if it is ever signed with Mr. Hamrick, runs for two years from the day it is signed because he has not had, nor anyone other than Mike's Towing has had the business since the first of the year because we haven't signed a contract.

Commissioner Fanello: Well, Kevin does have in the contract that it would run for one full year, so the date that we sign it he has in it for one full year—

President Mosby: It will go for a full year.

Commissioner Fanello: —with an option to extend for one year.

President Mosby: So I have a motion and a second, so ordered. This will be back on the agenda next Monday.

Phil Lawrence: Alright, thank you.

Morley & Associates - Permission to advertise

President Mosby: Morley & Associates.

Madelyn Grayson: I don't know that there is a representative here.

President Mosby: Okay, permission to advertise notice of public hearing regarding the vacation of a public right-of-way. We have it in our packet.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second, so ordered.

**Open quotes - VC03-05-02
Concrete repairs in Willow Creek Subdivision**

President Mosby: County Engineer, open quotes for VC03-05-02, concrete repairs in Willow Creek Subdivision. Also open quotes...should we take all three of these at the same time?

Kevin Winternheimer: Let's do one at a time.

President Mosby: Let's do one at a time. Concrete repair at Willow Creek.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Anybody in the audience have any bids on any of the projects tonight before I start opening? Seeing none.

President Mosby: The three projects are Willow Creek Subdivision, Roth Road culvert and repair and repaving of Duesner and Roth roads.

Kevin Winternheimer: The first set will be the Willow Creek Subdivision, VC03-05-02. The first bid is from Deig Brothers Lumber & Construction Company, Inc. of Evansville and their total quote is \$28,239. The next bid is from Concrete Pavers, Inc. of Evansville. Their total is \$22,218.70. I have one more. The last one is from J.H. Rudolph & Company, Inc. of Evansville. Their total appears to be \$27,390. That's all the bids I have on that project.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Open quotes - VC03-05-03
Roth Road culvert #1537 replacement**

Commissioner Fanello: Motion to open quotes for Roth Road culvert.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The first bid is from CCC of Evansville, Inc. I'll find the total. Their total is \$38,487.08. The next bidder is Koberstein Trucking, Inc. from Princeton. Their total \$45,384. The next bid is from Accurate Underground Utilities, Inc. from Evansville. Their total \$40,879. The next one is from Deig Brothers Lumber & Construction Company, Inc. of Evansville. Their total \$45,624.50.

Commissioner Fanello: Motion to take under advisement.

Kevin Winternheimer: Wait, I've got one more.

Commissioner Fanello: Sorry.

Kevin Winternheimer: One more. The last one is from J.H. Rudolph & Company, Inc. of Evansville and their total \$45,670 and that's all we have.

Commissioner Fanello: Now a motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Open quotes - VC03-05-01
Repair and repaving of Duesner and Roth roads**

President Mosby: Next we'll open paving for Duesner and Roth Road.

Commissioner Fanello: Motion to open bids.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The first bid is...oh, okay. I'll find out. This is divided into sections it looks like. The bid is from J.H. Rudolph & Company, Inc. Their total...let me...I guess this is divided into two. Road number one, Duesner Road, \$134,353.20. The second road, Roth Road, \$103,847.84. I believe that is a total of \$238,201.04. We have one more bid. The last bid is from E & B Paving, Inc. of Evansville. Okay. For Duesner Road, \$149,120.85. Roth Road, \$109,020.42 for a total \$258,141.27. That's all the bids I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Madelyn Grayson: May we make a quick tape change?

Tape change

Madelyn Grayson: Thank you.

Airport Authority Board appointment

President Mosby: Next we have Commissioners' Airport Authority Board appointment.

Commissioner Fanello: Yes, our appointment, June Folz, was appointed, I believe, last year to fulfill the term of Mr. Ossenberg and her appointment is up so I would like to make a motion to reappoint June Folz.

Commissioner Crouch: Second.

President Mosby: So ordered. While we're on the discussion of board appointments I was contacted by John Dunn, I believe it was, who is heading the consolidation discussion panel and he has asked that each one of the Commissioners make an appointment to that board, so if we could possibly next week. If you have a name we could take a name to submit to Mr. Dunn.

SCT - DS1 Contract pricing amendment

President Mosby: Next, Computer Services, Kansas Road DS1 contract pricing amendment.

Commissioner Fanello: This was the one that was brought to us a couple of weeks ago and we were trying to get a better price on it and they did lower the price by \$75.00, so I'll make a motion to approve the contract.

Commissioner Crouch: Second.

President Mosby: A motion and a second to approve, so ordered.

Recognition of Teamsters - County Clerk's Office

President Mosby: The next item, recognition of a contract for the bargaining unit for the Clerk's Office, we will hold that. The officeholder is out of town today and I have not had a chance to contact her, so we will put this off till our next scheduled meeting. I'll get back with you on a date.

Baker & Daniels - Bond counsel services for Barrett Law bond

President Mosby: Commission contracts, Baker & Daniels, bond counsel services for Barrett Law.

Kevin Winternheimer: I did not bring that one with me.

Commissioner Fanello: Here.

Kevin Winternheimer: She has a copy here, good. That is on the Barrett Law–

President Mosby: Yes.

Kevin Winternheimer: –Mill Terrace Subdivision and it is a cap of \$10,000 fixed fee and plus out of pocket expenses which they say are not expected to exceed \$750. As I reported before this was the lowest price of three law firms. Actually, two firms gave prices and a third one said they were not interested in even giving a price. So I would ask for your approval and then we'll get started on this.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve, so ordered. Is there any other items to come before the Commission?

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President Mosby: Public comment. Anybody from the public?

Laura Koewler: Hi, my name is Laura Koewler and I live at 5621 New Harmony Road. The problem I am having is the next door neighbor's culvert is either clogged or caved in and it is causing drainage problems in my home. My basement is flooding and I am asking the county to fix the culvert. It is also causing problems at the second home and it has broke through now, but I'm still getting the water in my basement and it is causing standing water on the neighbor on the other side's property also. I would just like the county to take a look at it and see if they could repair it.

President Mosby: Okay, what was your last name?

Laura Koewler: Koewler.

President Mosby: Laura Koewler.

Laura Koewler: K-o-e-w-l-e-r.

President Mosby: Okay. We have a garage superintendent with us tonight and he has a brand new flush truck, so he would be more than glad to go out there and practice.

Unidentified: No, he is not going to practice.

President Mosby: We will turn this over to him tonight so that he can come out in the morning and look at the culvert and we'll try to flush through it and if there happens to be more extensive problems we'll let you know.

Laura Koewler: Thanks.

President Mosby: Thank you.

John Stoll: One thing that we've look at in regard to that problem, and we've been trying to determine whether or not that pipe out there in front of the property is in the right-of-way. So far the deeds that we've found have just said subject to existing rights-of-way, so we haven't been able to define a specific width. It appears it is in the right-of-way we just haven't found any documents to support that as of yet, so that is the only unknown as far as where the pipe lies relative to the county's obligations.

President Mosby: Okay. Is there anybody else that would like to speak. Anybody from the public? Anybody has anything they want to bring up? Seeing none, old business.

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President Mosby: Is there any old business to come before the Commission.

Commissioner Fanello: I believe we probably need to talk about the decision made in the Council last week to not fund the road to the jail and sewage treatment plant.

President Mosby: That's the one thing I had on my agenda. Well, I mean I can start out by saying, and I'm sure Commissioner Crouch is aware of everything that has happened. Last Wednesday we went for funding on the road project to the Council for the \$1.4 million which I was under the interpretation that they had said once before when we was buying the land that they knew we would have to fund the road and they would fund that. It so happens they do not want to fund it out of the Jail Fund which I think is what the Jail Fund was initially set up for in case and they would prefer that we take it out of the Local Roads & Streets. In numerous conversations with the county engineer and going over some of the road projects and looking at what EUTS has on their plate it is very obvious that \$1.9 is not going to go very far. I mean, there is, I guess, some \$9 million plus identified this year through EUTS, if I remember correctly. There is some \$2.5 million identified the following year, two and a half the following and about \$12 million unknown through Local Roads & Streets. The fund only brings in approximately \$1.7 million a year. Right now the county engineer has hopefully two projects that are going to go by the end of the year which will total close to \$800,000. So if you take the \$800,000 from \$1.9 it's going to leave you approximately \$1.1. It's going to be hard to get \$1.4 out of \$1.1. The math don't add up to me. We were left, I guess, with no other decision. My decision, I will say, was to have a news conference Friday and it is my belief at this time that for the second time that this project has started the Council has once again cut this project. I mean, this project started at some 650 beds, went to 512 beds and will probably now go to some 440 to 450 beds taking off one housing unit at 64 beds. It's my belief, I talked with the engineers and architects on Thursday, we lose one housing unit and we lose 64 beds and it becomes a bid, an add alternate. So if there is any other conversation I would be glad to hear it.

Commissioner Fanello: Well, I just to reiterate what you just said, I sit on the EUTS Board and we received our draft of our 2004 through 2006 Transportation Improvement Program. And as you said, I mean, those numbers...or we've got about \$9.4 million of projects in 2004. Now these are all local funding. These are not state funds, these are not federal funds, these are local funds. A lot of those for 2004 are funded, but some of them are not. In 2005 we have \$2.1, 2006 almost \$2.6 million and for illustrative purpose there are \$12.3 million worth of road projects identified that we don't know where the funding is coming from, so I am not going to

take funding from Local Roads & Streets which benefits all resident throughout this entire county to fund one road project for the jail when there sits \$3.7 million in a Jail Fund that could be used for that project. You know, if we were paying for the entire \$1.4 million I could understand the Council being a little bit hesitant about it, but we are getting reimbursed 50 percent from the Utility Department. I would just remind this Commission, and I went ahead and put this spreadsheet together for everybody, but I would remind this Commission that the Council has denied us \$4 million worth of funding over the past two years in the Local Road & Street Fund. Under the prior administration they received \$2.5 to \$3 million in COIT money for this fund. Since this administration took over that COIT money dropped to \$1 million. Our fund last year ended up dipping into the cash balance by \$705,000 because the Council failed to fund the entire budget with revenue to cover the entire budget. This year it will probably end up between \$700,000 to \$1 million dipping into the cash balances. Now this is not proper planning. Long-term planning dictates that you keep appropriate cash reserves and that you plan for future projects three and five years down the road and I would hope that the Council would understand that and start looking at these projects with some seriousness because they benefit all residents.

President Mosby: Is there any other comments. I know you are very familiar with this.

Commissioner Crouch: Well, unfortunately governments have to deal with actions at other levels that effect money. The state legislature constantly is making decisions that impacts the amount of money that we receive. If Council voted not to fund that money out of the jail construction then I don't think there is any option but to downscale the size of the jail unless there is money available some place else.

Commissioner Fanello: But that's not planning for the long-term because that size jail will open in 2006 and will be overcrowded the day we open it and that is not long-term planning and it is not responsible use of taxpayer dollars.

Commissioner Crouch: But our available monies are shrinking and I'm sure that's what Council has on their minds. All of us have to do the best we can with less resources.

Commissioner Fanello: If we didn't have over \$3 million sitting in a Jail Fund right now I would agree with you, but we do have money available to fund this. You know, our share is seven hundred and some thousand dollars. The money is there to fund it without taking it away from all of the residents throughout the county and other road projects that have been on the books for quite a long time.

Commissioner Crouch: I do believe though the jail plan as it is...has been presented allows for future expansion, so that opportunity is always there when resources become a little more available.

President Mosby: And I guess I would say one thing in comment to what you just said. And I heard Councilman Raben and Councilman Winnecke both say that you need to live within your means and I think when we accepted the \$35 million we had said we would live within our means and we would get the best that we could get for that \$35 million. It's a very known fact that we tried to go right outside that window and build on property that we already owned and that seemed to have ruffled a lot of feathers throughout the Civic Center, I'll say. We were asked at that point in time to please look outside of the Civic Center. We looked at a 15.3 acre lot that was going to cost us almost \$3 million and the Council said if that's what we had to do

so be it. In turn we found 37 acres for \$1 million and the road is only \$1.4 million. Now we can get 37 acres for \$2.4 million or we could have bought 15.3 for \$3 million and I do remember it being said and I've talked to other people that said I heard it, you know, they realized we had to pay a million dollars for land and they knew we had to build a road and they said come back when you know the cost of the road. They gave us the \$170,000 for the engineering and said bring us a total. Now we get here today and it's live within your means and they want us to scale back a project that is no way going to be adequate. I mean, just because we build it, I'm not sure we're doing it justice. I guess it's like a husband and wife and four kids building a two bedroom home. You know, it wouldn't make any sense and I guess that is what aggravates me, but once again we can live within our means and we'll build something that was good for 30 years ago and decide when we open it what we do with it.

Commissioner Crouch: Well, if the husband and wife and four kids only have money to build a two bedroom home that is hopefully what they do.

President Mosby: I doubt they would build it. I really do. They probably wouldn't be as wasteful as our Council.

Commissioner Fanello: And I'll just make one more comment. You know, there are problems throughout every state in this nation. I mean, the economy is suffering everywhere. We're not the only state. That is why it is important to plan for the long-term and that is why I feel this Council administration has not planned for the long-term or else we would not be facing some of the budget constraints that we are facing today. Budgets should be planned out three and five years ahead of time. Not tomorrow and, you know, you don't plan for just the next month you plan for the next 24, 36 and 60 months. That's what...I'll say that's what the private businesses in the world do. Corporations don't plan for one year, they plan for three and five years. We could probably take a lesson.

President Mosby: Do we need a motion to this affect? To put this in as an add alternate since we accepted the design?

Kevin Winternheimer: If it is going to require design changes, yeah, you need to.

President Mosby: It's going to require a design.

Kevin Winternheimer: You need to direct the architects to work accordingly.

Commissioner Fanello: I'll make a motion that we direct the architects to take the 64 beds and add them on as a bid alternate instead of making it a part of the original bid.

Commissioner Crouch: Second.

President Mosby: So ordered. Is there any other discussion? Any other old business?

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President Mosby: Any new business? Okay.

John Stoll - County Engineer

President Mosby: Department head reports, County Engineer.

John Stoll: First I have a change order on the St. Wendel Road bridge project. This is contract number VC02-12-01. It's for a net increase of \$7,810.79. We have sufficient funds in the account to cover this change order. The need for the change order arises from the fact that we had overruns and under runs on numerous items. The largest increases were we added an extra beam to increase the width of the bridge and we also had some extra rip-rap we placed. On the under runs we...I take that back. We had under runs on rip-rap. We had some overruns on other stone, but on the decrease side we had a decrease in rip-rap and we also used less piling, but the net change, like is said, was the increase of \$7,810.79. It's requested that this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request to go before County Council for two appropriations in the Cum Bridge Fund. The first is for \$100,000 for the Darmstadt Road Bridge No. 410. That is the timber bridge that was authorized last year and the design is now complete and we're trying to get the right-of-way. It's on Darmstadt just a few hundred feet of Inglefield. The other appropriation is I would like to request \$82,000 be appropriated into the Fulton Avenue Bridge account. This would cover what we believe is the remainder of what INDOT will invoice us for this project. Last week we received another invoice from INDOT as they are proceeding with their audits and that invoice was for \$37,500. We went back and checked what the total project cost was based on Bernardin's final cost estimates and compared that to what we've paid INDOT and we owed...it appears we owe INDOT another eighty-one thousand some odd dollars so I would like to request that we appropriate \$82,000 to hopefully cover the balance of what we owe INDOT.

Commissioner Fanello: Do we still have \$50,000 budgeted in CCD?

John Stoll: I don't believe anything was encumbered. I'll check that.

Commissioner Fanello: Check that because I know I think we did have something in there last year, but check that.

John Stoll: If it is I will lower that request to \$32,000 on the Cum Bridge Fund.

Commissioner Fanello: I'll make the motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Any questions?

John Stoll: Thanks.

President Mosby: Thanks, John.

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| Dennis Hudnall - County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I would like to ask your permission to go out for some bids on some dump truck beds. Every year we try to do preventive maintenance on all these trucks to make them last longer and the trucks are in really, really good shape, but the beds are rusted out from the salt. Last year we replaced three of them and this year we need three more and that should bring the fleet up to pretty good shape and it is cheaper to replace the beds than it is the whole truck. Last year I think the bids were \$6,300 a piece. It is in the budget to do that, so I would like to solicit bids to try to get the three trucks up to shape or in shape.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Dennis Hudnall: And second, we're a little bit behind on the grass. We've had a lot of requests and if you get a call on the weed projects along the highways we are back on it. Last week the weather kind of hindered us in getting out in some of the scheduled places, but we are doing it as quickly as we can. That's all I have for tonight unless you have any questions on my report.

President Mosby: I guess you talked to Laura?

Dennis Hudnall: Yes, I'll go out there in the morning.

President Mosby: And John is going to let you know about right-of-way.

Madelyn Grayson: David, I just had a question on the dump truck bid. Is that something that I'll be advertising for you or will you go through Purchasing?

Dennis Hudnall: They're \$6,300 a piece. Now if I put them all together that is \$18,000 so I can solicit the bids.

Kevin Winternheimer: You can get quotes. If you think you're going to go over \$25,000 then they'll need to be sealed quotes we open up here, but if you're going to stay under \$25,000 you can get those quotes and report back.

Dennis Hudnall: Yeah.

Kevin Winternheimer: The vendor and the prices that they gave you.

Dennis Hudnall: I tentatively called three places that have them and last year they're gonna...they're pretty well holding the same price that they did last year, all three of them.

Kevin Winternheimer: It does not need to be advertised is the answer to your question.

President Mosby: Thank you. Any other questions of Dennis? Thanks, Dennis.

Dennis Hudnall: Have a good night.

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| Kevin Winternheimer - County Attorney |
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President Mosby: County Attorney, Kevin.

Kevin Winternheimer: Yes, I have one matter to bring up and I want to make sure that you all were aware that we had won the Three I property lawsuit. As you'll recall this is a question that come...an appeal is made from a denial or rezoning and the Superior Court in Warrick County had ruled that in essence among many things that you had failed to adopt findings of fact to substantiate your decision to turn down a rezoning. I can let you know that I have talked to people from around the state who have been watching this because that court's ruling was contrary to the past 60 or 70 years of zoning law in the state of Indiana. You are not required to make specific findings and had it of been upheld it would have been quite a serious matter. The courts have long said that zoning matters, whether to zone property or not, is a legislative decision and you don't have to justify it by is there more evidence for or against it, it's what you thought was best for the community as a whole, your own opinion. The Court of Appeals reversed the trial court in Warrick County saying you were right and just as a point of information I've got copies of the case you can read, but I wanted to point out that essentially what the Court of Appeals is saying is that in a rezoning decision if there is any rational basis for your decision that decision should be upheld. Any basis, it doesn't require you to make special findings of fact. It doesn't require any weighing of the evidence and that's what the Court of Appeals said the court in Warrick County did is they reweighed the zoning and decided what they thought was best, what the judge thought was best, and that's not the role of the courts. Zoning decisions are here, not in the courts. So as long as you have a basis your decision will stand according to the Court of Appeals and in that particular case they noted you had many reasons including traffic, safety and so forth. So I just wanted to point that out. I don't know whether it will be appealed. We'll know probably in the next 30 days whether or not they are going to appeal it, but I wanted to let you know that your decision was upheld in the Court of Appeals. I wanted to give recognition to Rob Faulkner who handled this. He did an excellent job, and as I said, there were attorneys in communities from all the state because it would have effected not only Board of Commissioners in Vanderburgh County and in other counties, but it effects the counsel decisions as well, so everybody is watching this and everybody is hoping that they would reverse and they did. If anything further happens I'll let you know. Other than that bit of good news I don't have anything further.

Madelyn Grayson: Kevin, do you have a copy of that decision for the record?

Kevin Winternheimer: We'll get you one. I only made three, but we'll get you one. You can have that. We'll get you one. That's all I had.

President Mosby: Are there any questions of Kevin?

Tammy McKinney - Superintendent of County Buildings

President Mosby: Seeing none, Superintendent of County Buildings.

Tammy McKinney: I just have one thing. I need to take a couple of the travel requests off the consent items. Soil & Water and the Commissioners need to be taken off and then that is all I have.

President Mosby: Soil & Water?

Tammy McKinney: Yeah, Soil & Water and then the Commissioners off the travel requests.

Commissioner Fanello: I'll make a motion to remove those two from the consent items.

Commissioner Crouch: Second.

President Mosby: So ordered. Okay.

Gary Hohman - Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. We have our work report before you and that's all we have unless you have some questions for us.

President Mosby: Any questions? Thanks, Gary.

Soil & Water Conservation/Ozone Officer

President Mosby: I don't see anybody from Soil & Water.

Commissioner Fanello: I'll make a motion to accept the Soil & Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion to accept Soil & Water and Ozone, so ordered.

Consent items

President Mosby: Consent items.

Commissioner Crouch: Question. On the employment changes, and I don't know if this is an issue or not, but on the Sheriff's salary normally Sandie Deig signs off on every one. There was no signature on that or initials. Is there an issue that we know of or is that just something she overlooked?

Commissioner Fanello: Tammy, do you know?

President Mosby: Pardon?

Commissioner Crouch: Must be an oversight.

President Mosby: I was going to say, according to Tammy she is saying that she brought them over so maybe she just forgot to sign off, I'm not sure.

Commissioner Crouch: The other question is on the Sheriff contract with AJA would there be money in the Commissary Fund to pay for that? The contract with AJA.

Eric Williams: (Inaudible comments made away from mike.)

Commissioner Crouch: Great, thanks.

Eric Williams: (Inaudible comments made away from mike.)

Commissioner Crouch: Good.

Commissioner Fanello: And just for clarification, \$6,400, right?

Eric Williams: That is correct.

Commissioner Fanello: Not \$63,000 as was previously reported? Just clarifying.

President Mosby: That's okay. It had me concerned though.

Commissioner Fanello: John, you gave me a heart attack that day.

Bill Fluty: David, on Sheriff Ellsworth's contract I gave some information to Kevin to research on if we can change an elected official's base salary after it has been advertised in the salary ordinance when you go through next year and maybe that might be the reason it was not signed off on. That is something we've had trouble with in the past. It may be a little different for him because of the contract in his base salary.

Kevin Winterheimer: Right, this was a merger of the two, his...I can't think of the proper...tax collection contract was merged into one document. If there is any problem with getting State Board of Accounts to understand what we are doing maybe we can add some language, but I think it should be okay the way it is because it was merging two different ones into one document. Actually there was really no change. The salary contract and the tax collection in one document.

Bill Fluty: You actually reduced his salary by \$853, so there—

Kevin Winterheimer: Good.

Bill Fluty: —was a change and I think that is where the problem lies.

Kevin Winterheimer: Okay.

Bill Fluty: We've had that problem in the past.

Commissioner Crouch: So are you saying that we shouldn't because we'll be cited by State Board of Accounts?

Bill Fluty: I think that was...we had this same issue last year on, I think, some elected officials that they were trying to give a stipend for which they couldn't late in the year. They couldn't pay them in December because their salaries were already set for last year and they had to actually do that in the next year for 2003 and that's where that first came up if you remember that.

Commissioner Crouch: Right, but are you advising us not to?

Bill Fluty: I'm just explaining that may be one of the reasons she didn't sign off on that since her initials are usually on there and they are not now.

Kevin Winternheimer: Well, we can find out.

Bill Fluty: It's just up for discussion. I gave you that paperwork and was hoping to get some input on that.

Eric Williams: If it matters Sheriff...this is Chief Deputy Eric Williams. Sheriff Ellsworth is aware of the reduction and is okay with that.

Bill Fluty: I believe he is aware and he is okay with it, but I'm not sure we can do it.

Kevin Winternheimer: Well, we'll check into and see why.

President Mosby: Is there any other—

Commissioner Crouch: Well, I guess my concern is or my question is if we sign this who is going to get cited by State Board of Accounts if in effect we can't raise their salary? Is it the Auditor's Office or is it the County Commissioners?

Bill Fluty: Even if you sign it I won't change it without getting permission further on up, so I'll have to check with the State Board to see if I can do that ultimately.

Commissioner Crouch: Then are we going to be cited for trying to do something that the law doesn't or State Board of Accounts (inaudible) by taking action?

Commissioner Fanello: What have you done for the previous...how many years has he been the Sheriff?

Bill Fluty: What we're doing is you're trying to change his salary in mid year and that's the problem.

Commissioner Fanello: But haven't you all...hasn't he always had these contracts for the past three years?

Kevin Winternheimer: They were two separate contracts.

Bill Fluty: See you're reducing his salary which is the problem. You can keep his salary the same. But you can't...when the salary...once you do the salary ordinance you can't change an elected official's salary.

Commissioner Fanello: Right.

Bill Fluty: If you say \$50,000 is what you're going to get for 2003 that's it. There is no lower or changing.

President Mosby: Can we just get him to write us a check and we won't have to go through all this? I mean, it sounds like it would be simpler.

Commissioner Fanello: Uh-huh.

Bill Fluty: I think it's just procedure, but we can check into it.

Eric Williams: There was some reason for those numbers.

Commissioner Crouch: Well, I don't have a problem with it.

President Mosby: I was going to say if we're getting money back, I mean I don't have no problem.

Kevin Winternheimer: If they say there is something wrong we can redo the contract and we won't be cited because we'll change it before it gets that far, so if they don't like the way we structured it we can structure it differently and keep them satisfied, I'm sure. I'll break it...one document and break it down in salary and payment in lieu of the tax collection money. If that satisfies that's fine.

Bill Fluty: That was the direction I was asking when I gave you that a couple of weeks ago.

Kevin Winternheimer: I don't have any problem. I think you can go ahead and approve it and if they have a problem with it I'll come back with an amended version. It's not a problem.

Commissioner Crouch: Okay.

President Mosby: I didn't know it was so hard to get money back.

Commissioner Crouch: Didn't know it was so hard to get money back. And then do we need to amend to include the Sheriff's public auction of the seized equipment?

Commissioner Fanello: Oh, that's right.

Commissioner Crouch: Was there an amended agenda for that?

Commissioner Fanello: I didn't see that in there. We have a letter from the Sheriff.

Commissioner Crouch: Seized property.

Commissioner Fanello: Yeah. I'll go ahead and...have you seen this?

President Mosby: No.

Kevin Winternheimer: I haven't seen it, but I don't have any problem with this. He is just asking permission to surplus these items right? Then there is going to be an auction.

Commissioner Fanello: Oh, it's under other reports. Sheriff - Permission for auction.

Commissioner Crouch: Okay.

Commissioner Fanello: I'll make a motion to approve consent items.

President Mosby: As amended?

Commissioner Fanello: As amended.

Commissioner Crouch: Second.

President Mosby: Second, okay. So ordered. There being no further business we stand adjourned.

(The meeting was adjourned at 6:34 p.m.)

CONSENT ITEMS:

Travel requests:

Veterans Service (1) Health Dept. (4)

Employment changes:

| | | |
|----------------|---------------|--------------|
| Sheriff's Dept | Burdette Park | County Clerk |
| Prosecutor | Circuit Court | |

Request for telephone service

Pass-thru items

Sheriff - Jail report
Auditor - AP Vouchers
Sheriff - Auction
Election office - surplus

Contract approvals from other departments

Sheriff - AJA contract
Sheriff - Maintenance agreement
Area Plan - Intern agreement

THOSE IN ATTENDANCE:

| | | |
|---------------------|-------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Clinton Hasenour | Phil Lawrence |
| Les Shively | Laura Koewler | John Stoll |
| Dennis Hudnall | Gary Hohman | Eric Williams |
| Others unidentified | Members of media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded by Madelyn Grayson. Transcribed by Charlene Timmons

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 19, 2003**

The Vanderburgh County Board of Commissioners met in session this 19th day of May, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, May 19, 2003. Introductions are as follows: Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and join us in the Pledge.

(The Pledge of Allegiance was given.)

Approval of May 12, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the May 12, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Award VC026-2003: Towing Contracts

President Mosby: The next item on the agenda is the towing contract. I was contacted by Tony, he wants to move it down further on the agenda because his attorney is running behind. So, I will move it down under discussion of refunding lease. At that point we will have to hear it if he's not present.

Sherman Greer: EMA Facility

President Mosby: Next will be Sherman Greer, EMA.

Sherman Greer: Good evening. We sent you a resolution for leasing of a new facility for the Emergency Management Agency. I guess you are all aware that the American Red Cross is building a new facility, and they will be moving out, more than likely the first part of October, I think it is, or the latter part of November. I'm not really for sure, but it's sometime within that time frame they are going to be moving. We need to find a new facility. I also have copies of a proposal on a facility that we're looking at right now that's 708-710 Stanley. I would like to give you copies of that. If you have any questions, I would be more than happy to answer those for you. That ten year term is negotiable. Mr. Harrison looked at that, and he said it was fine, but still yet it is negotiable with the leasing, with the owner, and also the realtor.

Commissioner Fanello: So, you're just, you just have a resolution here, I guess, authorizing you to pursue—

Sherman Greer: Pursue the funding and everything for this—

Commissioner Fanello: Okay. So, we're not, I mean, we're not signing a lease tonight?

Sherman Greer: —through the County Commissioners. No, no, no.

Commissioner Fanello: Are you comfortable with that, Kevin?

Kevin Winternheimer: Yes. I was just commenting that I hadn't seen the lease, but we're not that far yet.

Sherman Greer: No, no.

Kevin Winternheimer: Okay.

Sherman Greer: We're looking to go from here to the County Council to see whether or not we can get the funding, because it is going to take some funding to go from what we already have presently, present to upgrading our facility, and our ability to be able to coordinate with the downtown, which we are not right now. We are not on line or anything with them. So, it's going to take some funding for us to be able to get those things done.

Commissioner Fanello: Do you know, do you have any estimates of about how much that will take?

Sherman Greer: Roughly, right now, probably anywhere from \$120,000 to \$150,000 for us to be able to move in, and bring our, upgrade our facility to what it's not right now. Especially with the new phase of the Homeland Security and everything, we need to bring this up. For the last 13 years that I've been in this job we've gotten variances from the state, you know, not having a generator hooked up to the facility, and not having a lot of the other things that we've needed before, and we need to bring that up to power as of right now. There is a lot of things that we've gotten by on, but right now to get additional funding as it comes down through the Homeland Security Act and everything, we're going to have to make the grade.

Commissioner Fanello: Do you foresee asking for an additional appropriation for this money, or putting it in the budget for next year?

Sherman Greer: Well, since we have to move this year, before the end of this year, we would be looking for an appropriation.

Commissioner Fanello: Okay, I didn't know if you had to make the upgrades this year, or if it could be something that was budgeted for in 2003.

Sherman Greer: No, we asked for it...in, for 2003's budget we had \$250,000 for a new facility, and we didn't get that. So, there again, this is something that we would have to appropriate the funding and everything for this. Since we're a 50/50, I mean, it's a city/county operation and everything, it would be 50% from each one. If they allow that.

President Mosby: Any other questions?

Commissioner Crouch: I haven't seen the space allocation drawings that Dave Rector put together. I'm supposed to look at those tomorrow. Is there any space? I know we had looked at this a long time ago, but that would be suitable for—

Commissioner Fanello: Not with, and I met Dave Rector last week. I mean, from what I saw, and Commissioner Mosby may have a different opinion, but from what I saw, I don't see where there would be any space for EMA in this building.

Sherman Greer: We would have to do—

President Mosby: Not the type of operation they run. I mean, what we've got here is not going to fit their—

Sherman Greer: And just for your education on this part and everything, we do not want to, and it's highly recommended, especially after 9/11, you do not want your emergency operations back up system in the same place as you have your local government operations and everything. You want to have those in a separate place for the simple reason, if something was to happen here, we have another place to go to, to operate out of, and have the capabilities of not interfering with the day-to-day operations. So, there again, it's just one of those things that we...even our emergency operations trailer, back up trailer that we've got, we keep that on one end of town, where we're on the other end of town so that, there again, if our emergency operations is knocked out, then we've got another facility to go to. Then Central Dispatch is our third facility to be able to go to. So, we try to keep it to where we'll be operational at any time when the worst things could happen to our community.

President Mosby: In looking at what Dave is putting together, he's eating up all the space by what people are requiring. So, it's still going to be tight. Is there any other questions?

Commissioner Fanello: I'll make a motion. I'm sorry.

President Mosby: No, the chair would entertain a motion to approve them to go forward.

Commissioner Fanello: I'll make a motion to allow EMA to pursue a leasing arrangement at 708-710 Stanley Avenue.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Sherman Greer: Thank you.

President Mosby: You're welcome. Thank you, Sherman.

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| Health Department: Wellness Program |
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President Mosby: Next is the wellness program.

Commissioner Fanello: Yes, we have been talking with the Health Department, and Mary Jo is here from the Health Department, about setting up a wellness program

within the city, or withing the county offices. Due to the rise in health insurance costs it's widely known that if you have like a wellness committee, or if you implement some wellness type programs you can reduce your insurance costs. Our insurance agent has told us that we could actually receive about a half percent of a discount, which may not seem like a lot, but with the amount of money we pay out for health insurance, it does add up. So, I guess, what I would like to do is just pursue from this Commission the authority to continue with Mary Jo, and she is here to answer any questions that you might have. To set up a wellness committee, and we get some things going like a newsletter, and just some educational opportunities about health and fitness.

Commissioner Crouch: The Health Department did have a newsletter at one time, has that been discontinued?

President Mosby: Do you want to come forward?

Mary Jo Borowiecki: Sure. Yes, I'm Mary Jo Borowiecki, Supervisor of Health Ed with the Health Department. We did have it for awhile, and then it kind of got put aside, and, basically, because the word wasn't getting out to all the offices, I think this would be a win-win situation, because we have the contacts with you to disperse the information and get the newsletters out there. So, that would be nice. Anything else?

President Mosby: I mean, what all would it include?

Mary Jo Borowiecki: The wellness program or the newsletter?

President Mosby: No, the wellness program.

Mary Jo Borowiecki: The wellness program? We'll start off small, okay? The first thing that we would do is form a committee, a wellness committee. Then we would do a needs assessment, and pass out a survey to all the county employees to see what their interests are. You know, do they want stress management? Do they want weight management programs, smoking cessation? Whatever their needs are, we'll try to meet those needs. The good thing is that the Health Department will have the resources to do most of this stuff free of charge, you know, because we're putting on those programs now. So, then after the needs assessment, then we will do actual programs, starting probably in the fall.

President Mosby: Okay. Any other questions?

Commissioner Fanello: I would make a motion that we pursue setting up a wellness committee, and working with the Health Department in a wellness program.

Commissioner Crouch: Second.

Mary Jo Borowiecki: Thank you.

President Mosby: A motion and a second. So ordered. Thank you, Mary Jo.

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| Resolution Regarding Refunding of Lease Rental Bonds for the Centre |
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President Mosby: Refunding of lease rental bonds for the Centre.

Commissioner Fanello: Okay, I've got another refunding for us. Basically this is a refunding on the Centre's debt, which was a \$35 million bond issue. Our financial advisors have identified approximately \$5.8 million in savings if we refund this issue at today's interest rates. Basically, what we would do is we have about \$4 million sitting in the Food and Beverage Fund right now that is basically sitting there earning a little over 1% interest. If we were to take about \$3.7 or \$3.3 to \$4 million and pay down on the debt whenever we refund it, we can pay the issue off three years early, also lower our payment a little bit, but, you know, we have a savings to the taxpayers of about \$5.8 million over the life of the issue. They did provide us with a resolution tonight to sign if we are interested in pursuing that. I did talk to the Auditor today who is aware of everything and feels comfortable with leaving a little bit of money in that Food and Beverage account. So, I believe I feel comfortable leaving about \$600,000 or \$700,000 in there, and taking the rest of it and paying down on the debt. We're still going to see approximately \$5.5 million in savings if we do that.

Commissioner Crouch: Now, would Council have to take any action on this?

Commissioner Fanello: Yes, they will. We pass a resolution and they'll work with the Council and the Building Authority to complete the transaction.

President Mosby: Any other questions? It's my understanding that we can't use this Food and Beverage money for nothing else.

Commissioner Fanello: No, that money, by statute it can only be used to pay off the Centre's debt. So, it's kind of just sitting there doing nothing at this point. We have the opportunity to do this with it. So, if everybody is okay, I'll make a motion that we pass the resolution and move forward with the refunding.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Revisit Awarding of VC026-2003: Towing Contracts |
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President Mosby: Which brings us back now to the towing contract. I see Mr. Shively has arrived. Questions by any member of Council, Commission first? Kevin, do you want to tell us what you did on this? We've got new contracts here.

Kevin Winterheimer: On the storage contract, very simply, I added in the second location, which Purchasing tells me is down the road from the current, his other facility. If I might comment, there was mention in the paper, I believe, over the weekend about the first contract containing the location as in the original agreement, as if there was something ominous in that. That's a standard way of doing business to put that in the contract. The only reason the second location was not mentioned was that I didn't know there was a second location. Nobody had mentioned that he was going to use another lot. So, had I known I would have put it in there. There was nothing, I want to assure the Commissioner there was nothing ominous in the omission of that second lot from the first draft. I just didn't know there was a second lot. I talked to Phil Lawrence, he assures me that the second facility meets the requirements of the specifications. He also assures me that if anybody wants to redeem their vehicle, they report to the original lot, the address escapes me, off the top of my head, and they will be able to recover or let somebody reclaim their car

from the second lot. It's just right down the street. So, with that I would recommend the three contracts for your approval.

President Mosby: Are there any questions?

Commissioner Crouch: I'll make a motion that we award the bid.

Commissioner Fanello: (Inaudible. Mike not on.)

President Mosby: I was going to say we have somebody that's wanting to speak.

Commissioner Crouch: (Inaudible. Mike not on.)

Les Shively: That's fine. Go ahead. Do whatever you all want to do.

Commissioner Fanello: Either way. I was going to make the motion, but she made it first, so that's fine.

Les Shively: Okay.

President Mosby: It's hard to let somebody speak if you've already passed it.

Commissioner Crouch: A lot of times you make motions and seconds, and then have discussion.

President Mosby: Well, yeah, you can do that. I don't have to say so ordered.

Commissioner Fanello: I'll second the motion.

President Mosby: Okay. We've got a motion on the floor now.

Les Shively: Thank you Mr. President, members of the Commission. I apologize for being late. A little late getting out of Indianapolis. Thank you for giving me the additional time to be here this evening. For the record, my name is Les Shively, representing Mike's Towing. I suspect the question that I have is that with regard to the second location, do we have an address, and what is that address? Has the, Mr. Lawrence verified that either there is, or that Hamrick's either owns the property or has a valid long term lease to the property? Has that been determined?

Kevin Winternheimer: Well, Phil's looking it up, I'll give you the address. Yes, it's in the contract. It's 1064 E. Morgan Avenue, Liberty Auto Salvage. Then Phil will have to address the second part.

Les Shively: Okay. The only reason I ask this is that at the time Mr. Hamrick, and I know this does not, this involves a contract that's already been awarded, but is under a cloud at this particular point, and that is the city contract. At the time Mr. Hamrick bid on the city contract, his Maxwell Avenue location was not zoned correctly. In fact was zoned after he got the contract. So, that's why I would be curious to know what the...and that was the only address that was identified, as I know of, in reviewing the submissions to the city, which was towards the end of last year. That was the only address that was identified was the Maxwell Avenue. Notwithstanding that fact, I would like for Mr. Lawrence to at least state for the record what kind of contractual arrangement or lease arrangement exists with Hamrick and Liberty Auto Salvage.

Phil Lawrence: The letter that was submitted to me was submitted September of 2002 that shows Hamrick's, and I faxed, I only had one copy and I faxed it to Kevin, that the lease, it doesn't state how many years that the lease has been signed. I've spoken with Mr. Maurer at Liberty Auto, the owner, and he assures me that Hamrick has 24 hour access. He has his key to a certain spot where he puts those particular cars. I don't think that any cars have been over there, been delivered there yet, but he has access 24 hours a day to that service.

President Mosby: Does that answer your question?

Les Shively: I guess the only other question that I would have is (Inaudible) specification article one, specification (m), I believe, (h) is the one that sets forth the acreage, and (m) sets forth the security, 24 hour security arrangement. I realize Mr. Lawrence stated that Mr. Hamrick has 24 access to Liberty, but what are the security, manned security arrangements for that second location? I mean, I haven't heard anything that shows that that is....because that's owned by another business. I don't know what the hours of that business are, but I know Liberty Auto Salvage is not open 24 hours a day. At least I don't think that it is. What arrangements are there for 24 hour security?

Phil Lawrence: Mr. Maurer has 24 hour security, but, basically, what he said was that he has a space that is secure and available for Hamrick's. Hamrick's has the keys to the facility to get in and out of 24 hours a day, seven days a week. That's the part of the arrangement that he has.

Les Shively: How many acres is it?

Phil Lawrence: It's, total he's got six acres, but it's a little over two acres is the part that he has set aside for Hamrick's.

President Mosby: Are there any other questions? Any other comments or questions?

Madelyn Grayson: I would just like to ask Phil if I could make a copy of that letter for the record?

Phil Lawrence: Sure.

Les Shively: (Inaudible. Not at mike.) is the letter, not the lease? There is no lease copy (Inaudible)?

Phil Lawrence: Not that I'm aware of.

President Mosby: I'm going to be under the impression that Mr. Lawrence has got all this in line.

Phil Lawrence: Yeah.

President Mosby: So, you know, we have the contract in front of us which states both lots, and says that the storage facility shall be manned 24 hours a day. So, I'm going to take it that they are going to have somebody there.

Phil Lawrence: Yeah.

President Mosby: I mean, they'll have to abide by the contract. I guess, my only comment would be on this, and I know it's been a long time, and I read the article in Saturday morning's paper, and I guess I was like Kevin, I was under the impression that somebody wants to say that there is something funny going on here. I can tell you in no means, in no way have I ever had anything that I've tried to hide from anybody. When I read some of the comments that were in the paper, as far as Saturday morning, it says this contract should have been let long ago. You know, I have a responsibility to the taxpayer of this community, maybe other people sitting up here don't feel that way. Maybe they don't feel they have much of a responsibility to look over these contracts, and to make sure that this county is getting the best possible service. I had several comments, and I relayed and shared every one of them with you about billing and everything else. So, nothing was ever hidden, on the agenda. Yes, I mean, I will agree my cousin did own this business, I think six or seven years ago, which I see plays no part in this whatsoever. He would have liked to have been here tonight, he really would have, but he's in Jacksonville having an operation on his heart. He took offense to that too. For his sake, I take offense to it, because he has no part in this contract. I will say so ordered.

Commissioner Crouch: My only comment is that I believe that this has really undermined the confidence that the public has in our whole bidding process. I hope that in the future that we can move through that process a little quicker, and a little better.

President Mosby: I will remind you of one thing, if you remember why the first contract wasn't signed, it was because Mr. Hamrick didn't bid it right. We could have threw his bid out, and went ahead and signed with Mike's. But, no, we rebid a second time for that reason.

Commissioner Fanello: Me and Commissioner Mourdock were the one's who voted to rebid it. So, Commissioner Mourdock felt the same way.

President Mosby: If you're going to make statements and accusations, you ought to get them all right, really.

Commissioner Fanello: I think those accusations are unwarranted, and those are the kind of accusations that undermine what goes on up here. We have a duty to the taxpayers, as Commissioner Mosby said, to read every contract, word for word, and make sure it matches bid specifications. If we don't do that, then there's no reason for us to sit up here and sign these contracts every Monday night.

President Mosby: You're done.

Phil Lawrence: I'm done? Thank you.

President Mosby: Sure. Commission contracts, do we have anything to sign? Board appointments—

Les Shively: Mr. President? What about the other two contracts?

Kevin Winternheimer: That was including all three, wasn't it?

Commissioner Fanello: Yeah.

Kevin Winternheimer: The two towing and the storage.

President Mosby: Yeah, all contracts, all contracts were included in one.

Les Shively: I misunderstood.

President Mosby: I'm sorry.

Les Shively: If I could just—

Unidentified: (Inaudible) under a motion.

President Mosby: No, there was a motion and a second made before the vote. Or before I said so ordered.

Les Shively: There are three separate contracts. It's my understanding that the motion was on the storage contract. I thought you were going to have a further discussion on the other two contracts, and that's why I held off on my additional comments pertaining to the other contracts.

President Mosby: Okay.

Commissioner Crouch: Well, I think the motion was to award the bid.

Les Shively: There are three contracts. Three bids.

Commissioner Crouch: Well, there were three contracts made out of the bid.

Commissioner Fanello: Well, they were actually three separate bids though.

President Mosby: Okay, let me go back for just a second. What Phil Lawrence proposed to us is to accept the bid from Hamrick's Towing, including all three. So, that was a single motion to accept his recommendation. If you want to speak to the other two to put something on the record, that's fine.

Les Shively: I would. If I could. This is something that basically, I think, you need to have Mr. Lawrence look into to verify. Specification (k) of the other two contracts, the actual towing contracts, states that the contractor shall maintain a fleet of at least 12 one ton wreckers capable of providing services regarding automobiles. This is exhibit B, we believe to the Hamrick's recovery bid, and Mr. Jackson has identified...the top 14 vehicles are the wrecker vehicles—

President Mosby: We're back on towing. You might want to hang around.

Phil Lawrence: Okay.

Les Shively: (Inaudible) this whole line here on up are the wreckers. Fourteen of them identified here, only six of the 14 identified meet the one ton, what we call small wrecker specification. Maybe there's been an addendum, but if this is in fact the fleet that he will be utilizing to provide service under this contract, then he's not in compliance with that contract.

Commissioner Fanello: Les, just for your information, we did have Kevin include a section in there where, on a quarterly basis we would receive a listing of all vehicles from Hamrick's.

Les Shively: Including verification of insurance? Excuse me.

Commissioner Fanello: Yes.

Les Shively: Okay.

Commissioner Fanello: And registration.

President Mosby: Did you need this back? If not, I'm going to give it to Madelyn for the minutes. Pardon? Okay. Is there any other comments?

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape change)

Madelyn Grayson: Thank you.

President Mosby: We're back on the record.

Eric Williams: Chief Deputy, Eric Williams, Sheriff's office. Mine is just a point of clarification for switching towing vendors. It is not the first of the year, which traditionally has been the case, we will need some transition time, and I need to know what kind of deadline we have to get all of our information transitioned over to switch vendors. How soon do we have to be in compliance with the new contract? Can we have until the end of the week to get everything transitioned over in the dispatch system?

President Mosby: Oh, I don't have a problem with that?

Unidentified: You see, we're doing runs right now with the county.

Eric Williams: Officially for us to be transitioned, I just want to know.

President Mosby: Okay, yeah, I mean—

Eric Williams: The end of the week will be okay? Nobody's going to give us any grief over that?

Commissioner Fanello: I'm not.

Eric Williams: Alright.

President Mosby: Is there any other contracts? Other items.

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| Board Appointments |
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President Mosby: Do we have any board appointments? Do you have an appointment for the consolidation?

Commissioner Fanello: (Inaudible. Mike not on.)

President Mosby: Okay.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: I've got a meeting Wednesday. John Dunn called again. He was wanting to try to get... I will make one. I have talked with a gentleman by the name of Pat Martin, who works at Kight Lumber Company, who lives on Hogue Road. I will appoint, or make my recommendation is Pat Martin to serve on this board.

Commissioner Fanello: I have a recommendation, I guess, I can go ahead and make it, and see if he accepts it. I make a motion to appoint Billy Long.

President Mosby: Okay. Bill Long. I guess, I'll get a hold of John and just tell him we'll have another one, if you can do it by next Monday. I got a motion on Pat Martin, do I have a second?

Commissioner Crouch: Second.

President Mosby: So ordered. You made a motion on Billy Long, I'll second.

Commissioner Crouch: Second.

President Mosby: So ordered. So, I'll have Patty or Tammy one get a hold of John Dunn tomorrow. Yeah, you're done. You're all taken care...all three are done voted on. To submit these two names, tell him we'll have one more. Any other board appointments? Seeing none.

Public Comment

President Mosby: Public comment.

Old Business

President Mosby: Old Business. Do we have any Old Business?

Commissioner Fanello: Are we having a meeting next week? I know we don't have one on Memorial Day, but do we have a Drainage Board? Patty thought we had Drainage Board scheduled.

Madelyn Grayson: Drainage Board is scheduled Tuesday at 4:30.

Commissioner Fanello: 4:30.

President Mosby: Is there any other Old Business?

New Business

President Mosby: Any New Business?

Commissioner Fanello: I have one thing. Redevelopment Commission, I believe, meets tomorrow, and I've been approached by several individuals about the discussion that will take place. More specifically the spending of the Aztar money

into more meeting rooms. I don't know if any of the Commissioners plan on attending that, but I do feel strongly about it that we have several facilities downtown already with the Centre and the Victory Theater. You know, we have meeting room space available, and I'm very concerned that putting more money into meeting rooms is really going to hamper our success at those facilities. I know there is a lot of other things that that money could be used for, maybe some housing rehab, or something like that, but I would just like to say that I'm opposed to that.

Unidentified: I have something that I would like to say (Inaudible. Not at mike.)

Commissioner Fanello: Did you want to come to the—

President Mosby: Yeah, I'll get you in just a second, David. Did you have any comments?

Commissioner Fanello: So, does anybody plan on attending the meeting?

President Mosby: I hadn't planned on attending at this point, but I have had conversation, I guess, I'll...Mr. Vezosso over at the Executive Inn called me the other day, and I told him that I would be opposed to any type of money that the Redevelopment let Aztar spend towards meeting rooms or any type of a convention center knowing that this Commission and the city itself, I think, put some \$3 million into the Executive Inn, and we built the walk over to the Centre trying to get the motel back open. It's obvious that if that motel is not open, and we don't have a convention hotel, we will be probably back to the same place we were when that one closed down, and we lost several good conventions at that point in time. One of them being the county convention of about 800 people, or 1,800 people. We have been fortunate enough to get that back for next year, but it would be my fear that if they build convention rooms and meeting rooms down at the Aztar that it is definitely going to be detrimental to the Centre and the Executive Inn. So, if you're going to the meeting, I will express that interest, and I'll make it in the form of a motion, if you want to speak to it. I don't care.

Commissioner Fanello: You're going to go?

President Mosby: No, I can't go.

Commissioner Fanello: Okay, I'll be more than happy to attend. I mean, it's nothing personal against Aztar, I think they've made some wonderful contributions to our community, but, you know, thinking of the big picture, there's a lot more better uses for that money. So, I will attend the meeting.

President Mosby: David, do you want to come forward?

David Coker: My name is David Coker. I'm speaking strictly as a private citizen. I've been working with a group of people from the Jacobsville Neighborhood Association over the past couple of years, as some of you may recall about the total cosmetic restoration of Garvin Park, which was announced last September 11th in an anniversary ceremony where we planted a freedom tree with Mayor Lloyd and Attorney General, Steve Carter, and a number of other people that came out for a ceremony that we had to commemorate the loss of life on September 11th two years ago. I was prepared to attend the Redevelopment Board meeting that was held Monday last, as I recall. I showed up as it was announced in the newspaper at 11:00, only to find out that they had changed the meeting time to 9:30 the previous

Thursday, and apparently it was posted, but it never made it's way into the newspaper. As a result, I was not able to speak at that meeting. It was kind of disturbing. If you're going to attend that meeting you might convey my concern about this group. There's a lot of cynicism in this community right now about the expenditure of public money. This pool of money is very important, and can be used for quality of life issues, in addition to economic development projects. I don't think that there is another more deserving project in this entire community than Garvin Park. I would like to try to see some of that money spent for the restoration of Garvin Park. I got the impression from some of the people that sit on that board, and that are affiliated with it that they really don't want to hear much public input about how that money is going to be spent. That's very concerning to me. It, you know, the public is very concerned about how these resources are being used. We would like to see them used for things that actually benefit people. If you have ever spent any time over at Garvin Park, you'll see exactly what I mean. The conditions over there are bad, and simply getting worse as time goes on. I realize it's not specific to the county, but it does have to do with the expenditure of this money, and you do have an input on how that money is spent. That's all I have to say. Thank you.

Commissioner Fanello: Thank you, Mr. Coker.

President Mosby: Is there any other comments? Seeing none. Is there any other New Business? Does Kevin have a resolution?

Kevin Winternheimer: Yes, I didn't know if you wanted to do it under my report or now. We can do it now. I'm going to pass out to you, I hope we've got enough copies for everyone, including Madelyn here. It's a resolution, and I apologize for just getting it to the office today, but I've been having extensive conversations with representatives of CSX, and it looks like we're going to try to close on the 37 acres this Friday, if all goes well. We've been exchanging a lot of documents and so forth, and we're working toward that end very vigorously. Let me just read the resolution into the record. Excuse me. This is CO.R-05-03-013.

"A resolution of the Board of Commissioners of Vanderburgh County, Indiana, authorizing the President of the Board to execute documents upon the closing of the 37 acres for the new jail. Whereas the Board of Commissioners of Vanderburgh County, Indiana, has entered into an agreement with the CSX Railroad to purchase 37 acres, more particularly described in Exhibit A, attached hereto, for the new jail project. Whereas the closing upon the real estate is set for, on or about May 23, 2002, at which time there is expected to be documents to be signed by the parties relative to the purchase; and now, therefore be it resolved by the Board of Commissioners of Vanderburgh County, Indiana as follows: The Board of Commissioners of Vanderburgh County, Indiana, hereby authorizes it's President, David Mosby, to execute any and all necessary documents to effectuate the purchase and closing on the 37 acres described in Exhibit A, attached hereto and incorporated herein, along with the easement for access from CSX Railroad"

I do not know exactly what documents that may entail. Closings can involve many different things. At the very least we will have to sign a disclosure document to file the deed, disclosing the price, which is \$925,000, of which \$825,000 is the balance on that. Without having all the documents, and you not having them yet, and you not knowing what they may want us to sign. I know we're not having a meeting Monday,

we're going to have one Tuesday for the Drainage Board, and in working to that end, and I do not know how much of a stickler they are going to be for signing documents.

But, if there are documents to be signed to effectuate the closing, and to avoid from having all three of you there, I would like the Board to adopt this resolution, authorizing our Board President to execute any documents to effectuate the sale. Again, the balance on the purchase is \$825,000, and I'll speak more about how we're going to pay that in a minute, but—

Commissioner Fanello: I think it's a little more than that.

Kevin Winternheimer: Is it?

Commissioner Fanello: I think it's \$837,500.

Kevin Winternheimer: How much is it?

Commissioner Fanello: \$837,500.

Kevin Winternheimer: Oh, I'm sorry, \$837,500, okay. Okay. Whatever the balance is on that, I've only been dealing with the paperwork part of it, but in any event, I'm asking that you adopt this resolution. That way if they insist that a resolution be adopted authorizing this signature on any documents, we can show them that we do have a resolution. We can record it, if necessary, if that—

President Mosby: Any questions? Chair would entertain a motion.

Commissioner Fanello: Motion to approve the resolution.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Okay. Now, the second matter, I do not have a written document for this, but in my discussions with them, rather than issuing a check, they would ask that we wire the money to one of their accounts. I do not have that exact information, they are going to supply that. I don't know that it necessarily takes Board action, but I would ask for it anyway. So, that we can facilitate payment of this. Rather than issuing a standard check, that we wire the money directly from our account to their designated account. I think it might be helpful, if the Board chooses to, that it pass a motion to that affect authorizing wiring of the money to pay for the 37 acres, as opposed to issuing a check. If that's what CSX desires.

Commissioner Fanello: Is that okay, Bill?

Bill Fluty: We can do that.

Commissioner Fanello: Okay. I'll make a motion that we wire the money instead of issuing a check.

Commissioner Crouch: Second.

President Mosby: Have they, let me ask you a question, just because of the way she made the motion.

Kevin Winternheimer: Sure.

President Mosby: Have they said they want us to wire it?

Kevin Winternheimer: That's what I was told today.

President Mosby: Okay.

Kevin Winternheimer: That they would prefer that it be wired. They wanted us to just wire them the money, and upon their acknowledgment that I go ahead and record the deeds, the deed for the property. I said that I didn't see a problem, and I would check with our Auditor and all that. But, that's the way they wanted to handle it was just to wire the money.

President Mosby: She made a motion, and she seconded, so ordered.

Kevin Winternheimer: Okay.

President Mosby: We're okay there.

Kevin Winternheimer: If you would like a copy, I have a copy of the special warranty deed. I've already had them add to, for the grantee, they put Vanderburgh County, which is fine. I said I would prefer it say Vanderburgh County, Indiana. They said they would make that change, but I do have a draft of the warranty deed, and that includes their easement. I forgot what it was, roughly nine acres that they are giving for the easement.

President Mosby: Almost ten.

Kevin Winternheimer: Almost ten. Nine point something acres. It does include that. We are in the process of getting the Vectren, I believe that's just about to be...I've seen the draft, but I haven't seen the signed version, that we're about to do that, I believe, any day now. We did get a draft copy of the easement.

John Stoll: I spoke to Vectren this afternoon, and they said they would try to get all the necessary signatures in the next couple of days. They said one of the problems that they might have is one of their people, one of the Vice Presidents is out of town, but they said they would do everything they could to get the documents signed by Friday.

Commissioner Fanello: We do have a draft, and they are in agreement though?

John Stoll: Yes. Right.

Kevin Winternheimer: The document mentions that we have 60 days to get the Vectren easement, it's surely not going to be that long. We have no problem with complying with that, and given the verbal assurance from Vectren that as soon as they get all the parties to sign we will have that. So, if you would like a copy, I have several copies here.

President Mosby: I think, didn't CSX include a copy of their Vectren easement on the back side? They obtained that.

Kevin Winternheimer: Yes, I don't remember whether it's in here. I've got that. I believe it is. We've been passing so many documents back and forth, but in any event, here's some more, if you need them.

President Mosby: I just passed her one. Do you got one?

Kevin Winternheimer: Incidentally, I've been, today I e-mailed our title insurance people these documents, they are looking them over as well as some others for the closing to make sure they are satisfied. I want to make sure that our title insurance people are all satisfied, because to get the bond, we will have to have title insurance on the property. I expect to hear back from them anytime. That's where we stand on the purchase of the land for the jail project.

President Mosby: Are there any questions or comments? Seeing none. Any other New Business?

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President Mosby: Department head reports, County Engineer.

John Stoll: First I have a recommendation to award the Roth Road Culvert Installation to CCC of Evansville for the amount of \$38,487.08. They were the low bidder on the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Then next I would like to recommend that the Willow Creek Street Repairs Project be awarded to Concrete Pavers for the amount of \$22,218.70. Here again they were the low bidder on the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next bid is for the Repair and Repaving of Duesner and Roth Roads, and request that this be awarded to J.H. Rudolph in the amount of \$238,201.04.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Fanello: So ordered.

John Stoll: The next item I have, I would like to request that the streets be accepted in Sections II and III of Heartland Ridge Subdivision. These streets are Hope Crossing, which is 706 linear feet, and Hope Court, which is 427'. These streets

were inspected, and they were constructed in general accordance with the approved plans, so it's requested these be accepted for maintenance by the county.

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

John Stoll: The next item I have, I would like to request approval of the street plans for the soccer complex out on North Green River Road. There are two sections of street that need approved. One would be an access road that will run south from the site, and tie into Heckel Road, and the other would be widening of Green River Road at the entrance to the soccer complex.

Commissioner Fanello: So moved.

John Stoll: Here's the south boundary of the soccer complex, and all this portion of road will be constructed in conjunction with this, assuming that it comes in within their budgets. It is set up as alternate bid, but their intent is to provide this road. I've reviewed these plans, and would request these be approved for this portion of the road as is. The designer, Bernardin Lochumeller Associates, have made the changes that have been requested. So, everything looks fine on that. Then the other portion that affects the county is out here on Green River Road. Here you can see they are providing a northbound left turn lane into the site, as well as a southbound right turn lane into the site. So, there will be some pretty extensive improvements out here on Green River Road. They'll start, we've got a small bridge up here on Green River Road, and once the DNR permit is obtained, then the improvements will start all the way back here. Until that permit is obtained, initially, they will start the taper down in this location, and make the turn as shown. So, it may end up being a two phase improvement process, but once that permit is issued it will extend all the way back to the bridge. This will be widened, overlaid, and striped as shown. Here again, I've reviewed these plans and request that they be approved also.

Commissioner Fanello: I have a question.

President Mosby: Go ahead.

Commissioner Fanello: Do any of these plans affect our planned improvement to North Green River Road between Lynch and Heckel?

John Stoll: This is (Inaudible) Heckel.

Commissioner Fanello: Okay.

John Stoll: So, that wouldn't. (Inaudible) Green River widening would extend further north beyond Heckel. (Inaudible) we would have to acquire, additionally acquire additional property in front of the soccer complex, but (Inaudible) have anything to set back the right-of-way off of. Right now there is (Inaudible) right-of-way on this side. (Inaudible) this amount of right-of-way (Inaudible) don't know what the cross section would be. (Inaudible) without all that, we really didn't have (Inaudible). It won't affect Heckel, but someday whenever we're widening further north, yes, it could. The whole road will have to be raised, because this road is in the flood plain

at this location. So, when it is done, it would need to be raised. There again, that's off in the future where we don't have any plans, as of yet.

Commissioner Fanello: Well, do you think it would be prudent if we went ahead and set some?

John Stoll: We've tried to keep some additional space where we're not getting into the lake. They'll have a lake at this location. I don't know what distance to say to set aside without having a set of plans. I don't know what Kevin's thoughts might be on that as far as what we could do without a known set of plans to go off of.

Kevin Winternheimer: I didn't catch all that, I guess. Say it again.

John Stoll: The question was about whether or not additional right-of-way needed to be set aside in conjunction with the soccer complex development. At this point, we don't have a set of plans for any widening up here. Like I said a minute ago, the road will be raised, probably in the neighborhood of three feet, but depending on, I guess, what the regulations are at that time would dictate how much right-of-way would be needed. Any number of things, I guess, could be done to keep it out of the lake. If the slopes have to be run off quite a bit flatter, like the retaining walls or something, but I didn't really have any idea of what number to pick without a known set of plans at this stage of the game.

Commissioner Fanello: Does Bernardin have any thoughts on that?

John Stoll: There again without knowing what width of the road, what elevation to pick, it's kind of hard to say. I mean, we discussed it, but another option, potentially, would be the widening could be shifted further to the east to avoid the lake in the event the lake became an issue later. It was just that if we had a set of plans it would be easy. We could say you need to set aside "x" number of feet, what five, ten or zero, but without the set of plans, we didn't know what number to choose to ask.

Commissioner Fanello: Just trying to avoid some of the disastrous road projects we've had in the past.

John Stoll: Unfortunately, if this was a federal aid project, just by the park being there it will be an issue in the environmental stage, because anytime a federal aid project touches park property it becomes an issue that has to be dealt with in the environmental process. It's not something that's desirable, but it will happen since this complex is going to go, will go here. That's why, worst case they can shift it to the east to avoid any impacts to the park property. That's not necessarily a great answer because the people on the east side of the road would think that the burden of the project is being sent their way. So, there are trade offs all around.

Unidentified: (Inaudible. Not at mike.)

John Stoll: Yes. Then all of the traffic would use this entrance.

Unidentified: (Inaudible. Not at mike.)

John Stoll: Right.

Commissioner Fanello: Which really speeds up the priority of the project we're talking about. Doesn't it?

John Stoll: And beyond. All that through here.

Commissioner Fanello: That's why I'm worried about the right-of-way.

John Stoll: We had discussed it. I had discussed that with Jim Farney, and we didn't really have any good indication on what to do with it, because we didn't have a set of plans. That was the biggest problem of all.

Jim Farney: I mean, I don't think...the question is—

Madelyn Grayson: Mr. Farney, can you please make sure your comments are on the record.

President Mosby: He can use this mike. Just state your name.

Jim Farney: My name is Jim Farney. I'm with Bernardin Lochmueller. The question is, is the Parks Board willing to dedicate additional right-of-way across here. Mike Madriaga is here also.

Commissioner Fanello: He was.

Jim Farney: He just stepped out to go to City Council, but he'll be back. I'm sure it's not a problem to dedicate all the way back literally to this...this is the first, the nearest improvement we're actually making, which is a security fence. I don't know what that is another 15'. So, it might be wise to go ahead and have the Parks Department dedicate another 10' or 15' strip all the way through there. I would think Mike would probably do that.

Commissioner Fanello: My first impression would be yes.

John Stoll: That, at least another 10', that would give us 50' on the (Inaudible). Right-of-way for Green River south (Inaudible). That would potentially (Inaudible). Ten on the other side.

Jim Farney: That would put you at (Inaudible).

Commissioner Fanello: Well, why don't, why don't we ask him if he could do that.

President Mosby: Well, he's not here.

Commissioner Fanello: Well, can we hold it until maybe he steps back in.

Jim Farney: We can hold that. He was going to try to run back and forth between meetings. When he comes back, I think he would probably (Inaudible).

Commissioner Fanello: Okay.

Jim Farney: I mean, we are widening, everything we're doing is already on the west side. So, I would think that any future widening of Green River Road would be more so the east side than the west side. Otherwise you're going to have to take all of Green River Road and shove it, you're going to put a misalignment in Green River

Road. On the other hand, as John is saying, it would, you know, for down the road, as he said, environmentally, it could become a bigger problem, because you're dealing with a park facility. So, any kind of environmental document might want to be more protective of that real estate. It might be to your best interest to ask Mike if he would be willing to grant you that now, then there would be the likely possibility you wouldn't have to get on the Parks property when you're widening Green River Road at all.

Commissioner Fanello: Right.

Jim Farney: Then you could avoid making that part of an environmental document.

Commissioner Fanello: Okay.

President Mosby: (Inaudible. Mike not on.)

John Stoll: Here's the bridge right here.

President Mosby: (Inaudible. Mike not on.)

John Stoll: Yeah, long term, this would be the taper. This dark line here is the flood way line. (Inaudible), so until they can obtain their DNR permit, that's as far as they can go. Ultimately, once they get the permit than they can build that whole taper in their.

President Mosby: Are they going to have the permit and have all this built before this complex opens?

Jim Farney: The answer to that, the best that I can give you, yes, that's the idea. The problem we've got is DNR is currently doing the study of Furley Creek, and their study is not final. Until their study is final, we can't get a flood way permit. So, what that does this summer is prevent us from building this last 200' or 300' here. But, it's still in the contract to build it. So, if the contractors can't complete it under the other completion schedule for the project, then he will have to come back and complete that in the spring. I don't know of any planned use for this facility until next spring.

President Mosby: Okay, because my concern would be is that if this don't go as an add alternate on Heckel, and then all of a sudden we're using this as the only entrance and we don't have the road completely done, there's going to be a mess. I mean, you are going to have everything shoved right there at Green River Road, and you're not going to have it built.

Jim Farney: If everything...if we don't have the Heckel Road access, which is over here (Inaudible), this is the entrance. It is a four lane entrance, if I can leave it that way. EUTS is trying to downgrade that, but if I get my way, it will be a four lane entrance (Inaudible). They only have two really official tournaments a year, one is in the early spring, and one is in late fall, and at those events they still promote that they would have secured, you know, police out on the street controlling traffic during those two events. Other than that, really the main use for this (Inaudible) on those two given days when they have those tournaments, definitely even with this plan it's (Inaudible). They currently use police when they have tournaments. They said they would also do that out here.

John Stoll: In order to do this, Jim's working on getting all the easement descriptions together to make it happen, but that would be, I guess, (Inaudible). We would have to have all the easement documents, which Jim is already in the process of getting those prepared. Long term, the owner of this property is planning, I guess, a commercial subdivision, but since these plans are in advance of that subdivision, the right-of-way would have to be dedicated separate from any subdivision plat. But, Jim is aware of that. That's one of the things he's working on to at least make sure we have all the necessary right-of-way and easements to make that happen in the event the funding is there.

Commissioner Fanello: If Mr. Madriaga doesn't come back I could make the motion contingent on the Parks Department giving us the additional. I think she went to look for him. Is that what—

John Stoll: One other thing I need to point out too, and it's not in regard to the Parks project, but it's in regard to this potential future subdivision. My recommendation for approval is based solely on this road. It's not based on these two future road connections, because at the time they actually pursue the subdivision plat, I think one access point will be adequate to serve this, not two. So, I don't want you to be thinking my recommendation for approval we're approving these two connections. That's something we'll have to deal with when the subdivision comes in at a later date. I think two are unnecessary. Back a few years ago when EUTS and Area Plan Commission and I are working on some master planning for this area, there was only a single access point to Green River Road called out in this location. So, all that combined, I don't want you to think that my recommendation says, yes, let's go ahead with two future road connections when this subdivision comes in. That is entirely separate.

Unidentified: (Inaudible. Not at mike.)

John Stoll: Yeah, just the north-south portion, not these two east-west connectors.

President Mosby: I would truly like to see them build that road. I think you're going to throw a lot of traffic to Green River Road if they don't. Oh, here he comes. Well, now we can make our motions.

Mike Madriaga: Thank you for calling me over. I was getting beat up over there.

Commissioner Fanello: Well, we're not going to beat you up over here. We're just going to ask you for something.

Mike Madriaga: You want 15'. I really think if...Jim just gave me a thumbnail sketch of this—

John Stoll: This area—

Jim Farney: This 15' outside the fence here.

Mike Madriaga: Okay.

President Mosby: Is that what you got left, Jim, is 15? Is that the most you've got?

Jim Farney: I'm not sure.

John Stoll: It looks like (Inaudible).

Jim Farney: It looks like roughly that.

President Mosby: Can we make a motion that we get 20 or whatever is left?

Commissioner Fanello: At least 15?

Jim Farney: How about everything outside the fence, whatever that is? I think it's roughly 15'.

President Mosby: If you promise not to go back and move the fence.

Jim Farney: I promise.

John Stoll: The scale here is (Inaudible), so there's a mark showing 15', so (Inaudible).

Jim Farney: How about if we say 15' is a minimum, or to the fence. If the fence happens to be more.

President Mosby: I can go for that.

Commissioner Fanello: I'll go with that.

Jim Farney: Okay.

Commissioner Fanello: I make a motion to that effect.

Commissioner Crouch: Second.

President Mosby: We have a motion to the effect that we get 15 or whatever it is to the fence. So ordered.

Commissioner Fanello: Fifteen at a minimum.

President Mosby: At a minimum, 15 at a minimum, or whatever is left to the fence.

Mike Madriaga: Yes.

President Mosby: A motion and a second. So ordered. My only concern to John was while you were out of the room, is that I would really like to see you all build that road going out to Heckel, if at all possible.

Mike Madriaga: Yes, and I think that's pretty much the desire of everyone, if we can. Thank you.

President Mosby: Thank you, Mike.

Commissioner Fanello: Thank you.

John Stoll: Next I also have another set of subdivision plans. This is for Carrington Meadows subdivision, which is located on Petersburg Road, probably about half a mile or so north of Boonville-New Harmony. As you can see it's a large subdivision.

Down here it will connect to the existing portion of Carrington Subdivision. So, even though this section only has one access point out to Petersburg Road, they will connect and be able to get out to Petersburg through this other portion that's already being constructed. The plans have been reviewed, and would request that these be approved, subject to these areas shown in orange. We think that the structures that they are tying their pipes into may be too small. They are showing some pre-cast concrete inlet boxes, and given the pipe diameters that they've got, we think that they might need to increase the size of those and make them manholes rather than boxes. But that is something we'll work out with the designer, but on that basis, subject to them making whatever changes are needed, I request that these plans be approved.

Commissioner Fanello: Motion to that effect.

Commissioner Crouch: Second.

President Mosby: I have a motion that plans be approved subject to the changes that the County Engineer has documented. So ordered.

John Stoll: The last set of plans I have is for Section Two of Windham Hills Subdivision. This is located near the intersection of Green River and Kansas. Here's Kansas, here's Green River. This section of the subdivision accesses solely off Kansas Road, but as this road heads south it does curve and tie into Green River Road. So, it has multiple access points. Here again, we've reviewed the plans, and the designers have made the changes we had requested. So, it's requested that these plans be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you've got any questions.

President Mosby: That's it. Any questions for John?

John Stoll: Thanks.

President Mosby: Thank you, John. Dennis, County Highway.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Yeah.

(Tape change)

Madelyn Grayson: Thank you.

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President Mosby: You're on.

Dennis Hudnall: Dennis Hudnall, County Highway. On the paving priority list that I sent you about a week ago, we have Old State Road completed, and by the end of the week we'll have Mt. Pleasant Road between Whispering Tree and Darmstadt completed. The next road will be Orchard Road from 65 to St. Joe. On Friday of this week I will close Boonville-New Harmony Road for railroad repair for Pioneer Rail Corp., and it will closed till June the 4th for rail crossing repair on Boonville-New Harmony. Besides that, all I have is my report, if you have any questions.

President Mosby: Any questions of Dennis? I think you went out to see Laura Koewler from last week, and you're going to try to do something with that this week.

Dennis Hudnall: Yes. We'll get out there by Friday. What you have to understand is a lot of times when you dig, before you dig any dirt you have to get all the locations located by Ameritech and Vectren. So, sometimes it takes a little bit of time to get those things completed. But, we will have it by the end of the week.

President Mosby: Okay. Laura was the girl that was here last week at the mike. So, they've been out there. Thank you, Dennis.

Dennis Hudnall: Thank you.

County Attorney

President Mosby: Kevin.

Kevin Winternheimer: Yeah, we talked about most of what I had to report today already, but in case you're wondering what in the world you're County Attorney is doing intervening in a murder trial, if you read the paper over the weekend, and I was quite surprised as well. I got a call from the Sheriff's office shortly before noon on Friday, and said can you come over to court. I said, sure, and I go over there and all of a sudden I find out we're in the midst of a hearing in a murder trial, but I think all went well, all things considered. In case you didn't see the article, that involved a prisoner who was not eating, and was not wanting to be medicated so that he would eat. But, the court came up with a very good and a very wise decision in that matter. The only other thing I have is, as I think all of you know, my wife is my secretary, and she had a little bump on the knee, and so I took her to the doctor this morning and she comes out with a leg brace, as you do from a doctor, an orthopedic doctor. So, I don't know what's going to happen there. He thinks she ought to keep this leg brace on for a week or so, and keep it elevated. I think she can do that just fine at the office, but we'll see. My point is, if I don't answer the phone, I haven't left town, it may be that I'm not in the office. Leave a voice mail, and I'll get back to you as soon as I can. So, that's all I have to report.

Unidentified: (Inaudible. Mike not on.) workman's comp.

Kevin Winternheimer: No, it was not an on-the-job injury. No.

President Mosby: Are there any questions of Kevin? Seeing none.

Superintendent of Buildings

President Mosby: Superintendent of Buildings.

Tammy McKinney: I need to add two travel requests to the Consent Items. I have one from Soil and Water, and one from the County Highway. Since we don't have a meeting next Monday, I need for these to be approved tonight.

Commissioner Fanello: Motion to add to Consent Items.

Commissioner Crouch: Second.

Tammy McKinney: That's all I have.

President Mosby: I have a motion and a second to add to Consent Items. So ordered.

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| Burdette Park |
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President Mosby: Okay, Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. Well, we're at that time of the year. We're trying to get everything wrapped up so that we can get open. Very busy. I had a meeting on the Discovery Lodge, and I would probably put it at about 95% finished right now. With them trying to do the last 5% this week. There's going to be a few things that they're going to be working after work and that to finish up like the chinking and that, and some of the work on the doors and that. Yesterday we had a tour we put on with the Historical Society, and I would like to put on the record to thank Dennis Au and the Historical Society for helping us with this tour, because it was a great success. Had a good turn out even though it rained. The swimming pool is coming along. Not as fast as we want it to. We're waiting on the people to put the liner in, and they've been tied up in Fayetteville, Arkansas. They're supposed to be in town some time this week. They were supposed to be in town last Wednesday, and they didn't make it, because they weren't finished with their job down there in Arkansas. I talked to the guy today, and he said they were on their way here now. Other than that and my worksheets, that's about all I got.

President Mosby: Are there any questions? So, how long after they get here are we looking at?

Steve Craig: He said with the regular crew it was two weeks, which would put us a week behind, but they are going to bring the third crew in out of Illinois somewhere Monday to help them. So, they are going to try to wrap it up next week. By the end of next week. I will have to see it to believe it though. It just seems like an awful big project to be wrapping up that quick.

President Mosby: And we have penalties?

Steve Craig: Yes, sir.

President Mosby: Okay. I don't have any other questions. Thanks, Steve.

Steve Craig: Thank you.

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| Soil and Water Conservation District |
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President Mosby: Soil and Water, Mike.

Mike Wathen: Mike Wathen, Soil and Water. You guys have our weekly reports. If you have any questions, I will be happy to answer them. One other note that I wanted to bring up to you, I went out to Benny Kunkel's today, which I think, as you'll remember when you guys were in your Drainage Board meeting, we discussed some things that needed to be done out there. From an erosion control stand point, as of today, we're satisfied with the effort that's been put forth. But, from a drainage stand point, in my conversation with Mr. Jeffers, there's still some issues that need to be resolved. I would concur with Mr. Jeffers on the issues that he's pointed out, but I also felt like I had to go by the letter of the law, and what the erosion control ordinance said, and going with that, he's in compliance as of today. So, I'll be getting a letter out to that effect. I also plan on meeting probably with the four neighbors that filed complaints on that, and explain that very, the status of it to them so they understand the difference between the erosion control compliance versus the drainage compliance. Because I think there's some confusion out there between a couple of them.

President Mosby: Okay. Any questions? Thank you, Mike.

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| Ozone Officer |
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President Mosby: Ozone, I don't see anybody.

Commissioner Fanello: I don't see anyone from the Ozone office. I'll make a motion to accept Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: Motion to accept Consent Items, with additions.

Commissioner Crouch: Second.

President Mosby: So ordered.¹

¹Consent Items listed on Page 31.

**VANDERBURGH COUNTY
REZONING BOARD
MAY 19, 2003**

The Vanderburgh County Rezoning Board met in session this 19th day of May, 2003 during the regular Vanderburgh County Commissioner meeting. The rezoning petitions were heard beginning at 6:46 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: Which brings us to Rezonings. We will just continue right on, since we only have one.

**Final Reading: VC-9-2003
Petitioner: Peter M. McCullough
Address: 2750 Allens Lane
Request: C-4 Change to C-2 with UDC
Action: Approved 3-0**

President Mosby: Rezonings for May 19, 2003 we have no first readings. Final reading includes VC-9-2003, petitioner, Pete Mc Cullough, 2750 Allens Lane. The request is to down zone from change C-4 to C-2 with use and development.

Tom Bodkin: Tom Bodkin, 100 Water Street, Newburgh. Also counsel for the petitioner. My office is here in Evansville. As you know this is a down zoning from C-4 to C-2. Down here on the floor is a big map, and I'll try to hold it as I talk. As you can see this is a parcel of ground located between Allens Lane and Mesker Park. Basically it's on the south side of Allens, about halfway between those two areas. Let's step around and do it this way.

President Mosby: Sure.

Tom Bodkin: Let's see if it works. The area in green, where the buildings are at is not in the flood plain. The area in green here basically is flood plain, and the area in the white with the trees is flood way. There will be no construction in the flood way, very little, if any, in the flood plain, at least with these stages. In order to build in the flood plain, the client would have to fill it, and that would require us to deal with the drainage people anyway. Now the buildings, as you can see here, are going to be residential structures. They are going to be very, very similar to what Pete has built here in West Creek just across Locust Creek. Those units have been highly successful. They are full. They have a waiting list for them, and that's great, and we want to build this in order to utilize that same structure and approach for the folks who live in West Creek. This will be an adult community. No children. The area here, kind of in the center at the top is a community center where we hope to have food service available for the residents who live there. Perhaps some other kind of amenities they would utilize. That's the reason from going, partly, from C-4 to C-2. We'll be bringing water and sewer to the location. Not a problem with that. You have in your material a use and development commitment that we have proposed, which would not only, not only are we going from a C-4 to a C-2, but we're also limiting them to a number of the C-2 uses that would otherwise be permitted on this site. We've worked with the County Highway Department with regard, County Engineer with regard to ingress and egress..that's, worked with him. Again, water and sewer will be brought there. We're working with the city utility department with regard to where a lift station has to go. That will have to go in that area somewhere as well. It's a good development. I can tell you that at the Planning Commission, Fred Padgett of the West Side Improvement Association was there, and spoke in favor of the project. Ms. Crouch was there, and can confirm that. He would have been here tonight, but he's, I think, involved with something else, somewhere else, but did indicate we could tell you they have no objection to the proposal. In fact, he did stand up in favor of it. The Plan Commission has proposed it to you. What 10-0-1, unanimously accepted. The Commissioner correctly held her vote, because she gets to vote tonight. Pete McCullough's here with me, if you have questions specific to the project. Pete would be glad to answer them for you. We think this is an excellent down zoning. Going from a heavy C-4 to a much lighter C-2, with predominant residential use. It lets us make use of some land that, a big chunk of which is in the flood way, and therefore we protect that flood way with a fairly light residential use. We would ask that you pass the ordinance. If you have questions, I will try to answer them. Again, Pete is here, he'll be glad to answer any you may have as well.

President Mosby: Questions by any member of the Commission?

Commissioner Fanello: I would just say, for the record, what Tom just said about the West Side Improvement, I did receive an e-mail from them.

Tom Bodkin: Ah, yes, Fred said he was going to do that.

President Mosby: I read it in the Area Plan minutes, so, I knew it was in there. I guess, the only question I'm going to ask John or I can see it, do we have excel/decel lanes on here? I mean, I see the little indentations. It don't look like there is very much there.

John Stoll: Yeah, they're--

Tom Bodkin: I'm sorry, John. Am I blocking you?

John Stoll: That's okay.

Tom Bodkin: I wouldn't want to do that.

John Stoll: I just want to hold it so that Madelyn can hear. The decel lanes are shown. When it comes to site review, we can make sure it meets all the applicable length standards. But, no final site plan has been approved as of yet. So, we can get that taken care of.

President Mosby: They'll for sure have them though, right? I mean—

John Stoll: I was going to say, I don't remember what the total lot count, I mean the total unit count is, but—

Tom Bodkin: There's 29 buildings with four units per building. I think (Inaudible) units. The total units is 188.

John Stoll: The EUTS manual calls for right turn lanes based on 30 peak hour turns. I would suspect that this would meet it. So, chances are, yes, it would meet the warrant for it, and we would be requesting that. Which, since it's shown on their overall concept drawing, it shouldn't be a problem to make sure we get it the correct length.

President Mosby: Okay. I guess, my only other question, what are these structures made of? I'll let—

Tom Bodkin: I'll let him describe them (Inaudible) the guy that's going to be building (Inaudible).

President Mosby: I'm only saying that, because everybody keeps saying they're pole barns.

Pete McCullough: They are post frame. Pete McCullough. They are post frame, Mr. Mosby. They, there's actually, for the state of Indiana, they are approved for such, of course, they had to be, otherwise Roger Lehman would not have allowed them. Actually, that's kind of the business I'm in. If you were to look at a standard construction, much the same as any of you all's home, typically you have concrete block with anchor bolt every six foot on center. If anyone here has ever had a reason, Bill Fluty might have, to take a back hoe and pull up a plate, you'll only pull up about one and a half block that will connect to that plate. This here we have posts in the ground every eight foot on center, and in other places more, four foot anchored in concrete. Typically, buildings in this part of the country are subject to uplift and wind. So, we by far exceed the standard for that. The word pole barn gets a bad connotation because most people have an 80 by 100 with 20 foot sidewalls and big doors sitting out in the middle of a big field with no interior walls. They run real light loads, so they are subject to wind side loading. But, that's not our problem. Did that answer your question?

President Mosby: Yeah.

Pete McCullough: It's not a pole barn, David.

President Mosby: I kept hearing that phrase, and I'm like, the Building Commissioner won't let them do that. So, is there any other questions? Is there anybody in the audience that would like to speak? Seeing none. The chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-09-2003, request C-4 change to C-2 with use and development commitment.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. This requires a roll call. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. We have three yes', no nays.

Tom Bodkin: Thank you ladies and gentleman.

President Mosby: Petition VC-09-2003 is hereby declared adopted. Any other business to come before the Commission?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: Seeing none. We have a motion and a second. So ordered

The meeting was adjourned at 6:54 p.m.

CONSENT ITEMS:

Travel Requests:

| | | |
|----------------|-------------------|-----------------|
| Perry Assessor | Health Department | County Engineer |
| County Highway | SWCD | |

Employment Changes:

| | | |
|---------------|--------------------|-------------------|
| Circuit Court | Co-Op Extension | Health Department |
| Burdette Park | Sheriff Department | County Clerk |
| PTABOA | | |

Request for Service: Superior Court: Small Claims.

Sheriff: Request for Vehicle Purchase.

Commissioners: Room lease at the Centre.

Those in Attendance:

| | | |
|---------------------|-------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Sherman Greer |
| Mary Jo Borowiecki | Les Shively | Eric Williams |
| David Coker | Jim Farney | John Stoll |
| Mike Madriaga | Dennis Hudnall | Steve Craig |
| Mike Wathen | Tom Bodkin | Pete McCullough |

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
MAY 29, 2003**

The Vanderburgh County Board of Commissioners met in session this 29th day of May, 2003 at 2:18 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

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| Call to Order |
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President Mosby: – roll call is as follows: Superintendent of Buildings, Tammy McKinney; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and – Teri Lukeman. I looked down there and I thought, that's not Madelyn. That's right, Madelyn is on vacation. Thank you, Teri. Everybody please stand and say the Pledge.

(Pledge of Allegiance was given)

President Mosby: I think the first thing is Corporate Counsel would like to address the issue of the special meeting and I will hold my thoughts until after that.

Kevin Winternheimer: Okay, yeah, as I'm sure you read in this morning's paper, there was an issue raised as to whether or not we can have special meetings without giving six days notice. As you know, under the Indiana Public Meeting Law, there is 48 hours notice required to the media and to the public, which was given. The question comes under a special statute of the County Executive, the County Commissioners, which says six days notice of the meeting must be given unless its an emergency. The intent of the statute, and this probably arose in some county long ago, but was to give six days notice to the Commissioners whenever a special meeting, meaning a non-regularly scheduled meeting is called. How they came up with six days or what county this arose that the legislature saw fit to impose a six day notice rule, I do not know and have not been able to find out. But in any event, the Commissioners are entitled to six days notice unless it's an emergency meeting. Again, this is not notice to the public, this is notice to the Commissioners themselves. There's two ways that we can have this meeting since we did not have six days notice. The first is if the County Commissioners each individually will waive the six day requirement. If they do not, then we can have the Commission declare this an emergency situation under Indiana Code 5-14-1.5-5, and just to go over that briefly, if we get to that point, it's an emergency if there's threatened injury to property or threatened injury to an individual or a disruption of governmental activity. Today we're here for two issues: one having to do with the bond financing for the new jail and the second for the roof project itself. Concerning the bond issue for the new jail, it's my understanding that the county has the opportunity to save millions of dollars and subsequently I've learned it's maybe as much as five to ten million dollars. Although dollars itself may not create an emergency, as we all know, we live on a very fixed budget system here. There's just so much in the pot, so if we do not save the five to ten million, there may be governmental activities that are threatened. But more importantly and more directly to the point is the fact that if we do not meet today, it's my understanding that the County Council will not have enough time to take the matter up at their next meeting next week, which would delay this till the end of June. It's been my understanding that we've been trying to close these bonds on or before July. If we do not get the approval until late in June, that could very possibly delay that process which means delaying the bidding of the project, which means delaying the actual completion of the project. So does it

threaten governmental activity? Yes, very much so. It threatens issuing the bonds, it threatens getting the new jail done, if we don't get this done. And I'm sure if, at the very least, the correction officers and the deputies as well as the 329 people we have in jail would all concur that delaying this project is not the thing to do. We have a jail that's designed for 269 prisoners. We have about 329 there and we are striving to live up to the standards for jail facilities even with the extra 60 people that we have in there and sometimes, occasionally for periods of time, have more than that. So does it meet that criteria? My feeling is yes, it does quite clearly, because it does threaten the project itself. And delaying the project is a threat to the project. The second thing that we're here for today is to discuss the roof. When I was contacted about this I was informed that there were, I guess for lack of a better way of describing it, sections of the roof, the center dome, that had pulled apart the outer covering, that it was, in effect, leaking. If you all have had any experience with leaking roofs even at your house, if there's an access point to your roofing, water travels in many and varied ways throughout a separation in the outer covering. It threatens the decking to the material as well as other structures in the facility and equally important in this particular case, I'm informed that to do this repair it would be necessary to set scaffolding on the roof itself, the lower roof, I guess, for lack of a better term. That lower roof is set to be completed soon, so if we're going to fix the upper part, we do not want to risk damage to a brand new roof and further leaks in the roof by waiting and delaying this until after the lower roof is repaired. The time to do it, if we're going to do it is soon, before that lower roof is put on and secondly, as soon as possible to prevent further damage to our roof. Anytime you've got open weather, like I said, water coming in, that's a very bad thing and it may travel in many different ways and to many different places before it's damaged. So does it meet the requirement of an emergency? Yes, I think it does. But we may not even get to that point if the Commissioners themselves will waive their, individually waive their six day notice that they're entitled to for not an emergency. If you will not all of you waive the six day notice, then I will ask you to declare it an emergency on the basis that I've described for these two projects.

Commissioner Crouch: President Mosby? I'm still not sure that this meeting as it was noticed is a special meeting, which is the notice that the media received or whether it's an emergency meeting which is what County Attorney Winternheimer advised me in a conversation. I do know that the Indiana Code is very specific in its definition of an emergency meeting. In fact, this emergency must be serious enough to waive all normal notice requirements to the public. However, the law states that the media be given the same notice as is given to the members of the governing body. I have had I.C. 36-2-2-8 and 5-14-1.5-5 researched and I do not believe that this meets the requirements of that law. If I am correct, any action taken today would be null and void. If this meeting is determined to be legal, I think it represents a lack of communication, cooperation and sharing of information. So my question, County Attorney Winternheimer, is this a special meeting or is this an emergency meeting?

President Mosby: My question is to you, do you want to waive your six days? If you waive your six days –

Commissioner Crouch: Out of common courtesy, I'd like my question to be answered.

President Mosby: Well, I can answer your question once you tell me if you're

waiving your six days.

Commissioner Crouch: No, the meeting currently that we're at. Is it a special meeting or an emergency meeting?

Kevin Winternheimer: Mr. President, if I may. It's a special meeting – one is not mutually exclusive of another. A special meeting is any meeting that is not regularly scheduled, so since this was not one of our regular Monday night meetings, it is a special meeting. However, it may qualify, and I believe it does, as an emergency meeting thereby negating not notice to the public, but notice to the Commissioners. We did give notice to the public 48 hours ahead of time as we are required by virtue of giving notice to the media. But is it an emergency, which is a special subunit of special meetings, I believe it is, but as I said, if you all individually waive your right to six days notice of a special meeting, then we don't get into the subclass of an emergency special meeting, I guess would be the terminology. Although the statute does not use that terminology, it seems to be appropriate. It would be a special emergency meeting.

President Mosby: As far as I'm concerned, I'll go ahead and declare it an emergency meeting. Nobody has to waive their six days rights –

Commissioner Fanello: Well, I'd like to know, --

President Mosby: – and I would do that on the basis of about three different things. Commissioner Crouch said that she didn't receive information. You know, we didn't receive information until approximately Thursday or Friday. Monday was a holiday so Tuesday was as quick as I could get into the office to have Patty immediately call the news media and say we're going to have a meeting. Whether it's an emergency meeting or a special meeting, it's not hard for me to take 30 minutes out of my day to come down here and do county business. County business does not run on Monday nights only. When I've got somebody telling me that I have a problem with the roof at the courthouse and they're getting ready to go ahead and put the slate on, and once they put the slate on it's going to cost me a half a million dollars more to come back and finish that center dome, that's an emergency. When I have bonds that need to be sold by June the 17th, and it's going to save the taxpayers of this community some eight million dollars, that's an emergency. It's not hard for me to take 30 minutes out of my day to save this community eight and a half million dollars. If you have a problem with that, then it's your problem. But my 30 minutes is well spent right here today.

Commissioner Crouch: And I'm not questioning the validity of the projects we're talking about. What I am questioning is the notice to the public and following the law.

President Mosby: I followed the law. I give the 48 hours notice.

Commissioner Crouch: And we are not, this body is not above the law. We need to follow it just like everyone else.

President Mosby: No, we are – and we gave the 48 hour notice. That's why I immediately came in here Tuesday morning. I did not have the luxury of coming in here Monday. Monday was a holiday for everybody. So Tuesday morning

everybody was notified. You were (inaudible) to call. I told Patty right away, call both Commissioners, tell them I need a special meeting. That's as quick as I could do it.

Commissioner Crouch: And I was notified and I asked if there was – about the six days requirement of notice to a special meeting –

President Mosby: I don't have six days. You know, I talked to three Councilmembers last night: Lloyd Winnecke, Jimmy Raben and Phil Hoy, right out there in that hall and all three of them said, most definitely, would you please have the meeting and get the information over to us. This is something we cannot review Wednesday morning and do Wednesday afternoon. And I said yes, I said we're trying to have a special meeting right now and, hopefully, I will have that information to you by Friday morning. And they will have all weekend to look at it and look at the same thing Steve Meno has sent you and me. But I didn't have this a week ago. And this is all on a timetable.

Commissioner Crouch: I believe the issue here is allowing the public to know about our meetings and allowing them to participate, and allowing other Commissioners to know about the meeting. I was notified that the meeting was at 10:00 by e-mail. After five requests to this office yesterday I finally received the agenda and the information, and happened to notice about two hours later that the meeting time had been changed to 2:15 and I was never noticed on the 2:15 meeting.

Commissioner Fanello: Well, I want to comment on a couple of those things because our assistant, Patty White, has a tremendous problem in getting hold of you. You do not return the e-mails, you do not answer the phone, and she has no cell phone number to contact you in case of an emergency, so she does her best to get hold of you and I think she does a good job at it. The other thing is, Steve Meno contacted Mike Clater on Friday and I received this information late Friday afternoon, which was not enough time for me to review the information or have any kind of contact with anyone. As soon as I talked to Steve Meno I asked him for more information. That information was given to us Wednesday afternoon and it was forwarded to Patty White as soon as it was given, and it was forwarded to you immediately. In fact, you even got it faster than Commissioner Mosby. So you've had the information. I know that you were not in the office yesterday but that Patty did contact you by e-mail and got you the information as soon as Steve Meno got us the latest spreadsheet. So all the information was given, the notice was given to the public, according to our County Attorney, in the time frame required by the statute. Now we're having this meeting today for the benefit of the Council. Actually, we could have made this decision ourselves and not even involved the Council, but I thought it important enough when I had my conversation with Steve Meno, that the Council be involved in this decision because this affects the taxpayers and affects saving the taxpayers anywhere, as you see on this sheet, up to 10 million dollars. This is important enough to have a meeting.

Commissioner Crouch: And Monday is before the Council meeting on Wednesday.

Commissioner Fanello: Monday is, but that does not give the Council enough time to confer with the County Auditor. The County Council is the fiscal body as you know. You were the Auditor for eight years. That gives them enough time to confer with the Auditor about what they should do. We're not the fiscal body here but we

can make recommendations and I feel like I have a little bit of an advantage because I deal in financial situations all the time because I'm an accountant. So I have a little bit of an advantage over maybe some of the other members. But it's not my decision, it is the County Council's decision and they deserve the time to meet with the Auditor to go over this information. Now, this needs to be to Steve Meno by June 5th, so that it can be put in the preliminary official statement before the bonds are issued, before the bonds are sold on June 17th. The preliminary official statement is a document, if you're not familiar with it, that goes to all those who are interested in purchasing the bonds.

Commissioner Crouch: Commissioner Fanello, I'm not arguing with you on that. What I am talking about is the law and us obeying the law and abiding by the law and the public being aware of everything that goes on with this body.

Commissioner Fanello: How does – we've noticed the public 48 hours in advance as the County Attorney said we needed to do. This meeting is held in the Civic Center in front of the public, we have the news media here, so I believe we've done our duty to hold this in the public.

Bill Fluty: I'd just say, it is a public meeting, but actually, they're here to report the decision that's made. You haven't given enough time to the public to –

Commissioner Fanello: We're not making the decision, Bill. We're not making the decision. You will make that decision with the Council.

Bill Fluty: No decision is to be made today?

Commissioner Fanello: We are making a recommendation to the Council, what they should do. The Council, the ultimate decision is up to the County Council. They need to set the payment, not us. We are making a recommendation.

Bill Fluty: Rather than put a cloud over this meeting, I think we have a scheduled meeting for Monday. We could just put this in that time line of Monday and Tuesday for the Council to have that information rather than to put a cloud over what needs to be decided today. Because we have an issue –

Commissioner Fanello: We're not making any decisions today. We're making a recommendation to save the taxpayers 7.1 million dollars, 8.2 million dollars, 9.2 million dollars, however you want to look at it. And if you all are not interested in us being involved in saving the taxpayers umpteen million dollars, then maybe you need to re-evaluate why we're here.

Bill Fluty: Catherine, we all want to save the taxpayers money but we sure do want to follow the law and give the public notice. I spent last week at the Auditor's conference, we spent 45 minutes on legal advertising. They say special meetings should be six days out and, of course, an emergency meeting is different. This was presented as a special meeting at the beginning, so it doesn't meet the letter of the law, I believe. I've talked to Bruce Hartman on this subject. He says, actually what we're trying to do is to relay what decisions we make, what action we're taking, what we're discussing to the public. And I think we need to follow that.

President Mosby: You know, I'm not sure where this six days comes from but in that

case, we would never have a special meeting. We meet every Monday, we're here every seven days. So if I had to turn around on Tuesday and give a six day notice we'd be back to Monday. So I don't know who that law affects. You know, maybe it's for counties that meet every two weeks or once a month or something, I'm not sure. But as far as I'm concerned, the law says that I can have an emergency meeting if I give a 48 hour notice, so there's no cloud, as you're saying, over whatever. Because I legally, and as Commissioner Crouch stated, this meeting was originally scheduled for 10:00 and then moved back to 2:15, I did that for the 48 hour reason because of all the questions that arose. I mean, originally, I called Patty at 8:00, told her to schedule it for 10:00, have the 48 hour out to the news media. Commissioner Crouch, at that time, was balking, so we went back and researched everything. At 12:30, 1:00 we decided let's give another 48 hours and we'll move it to 2:15. That's why we're here at 2:15 instead of 10:00, because of your questions. And so as far as I'm concerned, it's legal, I'll declare it an emergency meeting. I feel like all this falls under emergency because there's not time to continue to deal with this. I mean, the people are here from South Bend putting the roof on. We've got June 5th deadlines that need to be met and I've got Councilmen that stood in that hall yesterday and told me, get me that information as quick as possible.

Commissioner Fanello: And I did speak with Councilman Winnecke this morning and they were very – he was very appreciative that we were going to take the matter under advisement and forward the information to them as soon as possible.

Commissioner Crouch: The only thing I'd like to add is the six day notice was the opinion of County Attorney Winternheimer at the May 20th meeting of last year, regarding special meetings. And since this is a special meeting and the six day notice was not met...

Kevin Winternheimer: Again, if I could ask you on the record for each one of you to state whether you waive your six day notice. If you waive your six day notice, we can proceed to try to save the taxpayers eight million dollars. If not, then we will have to declare it an emergency meeting. It is not a violation of the law if it's an emergency meeting. It is not a violation, it is a right you have. But as a right you have, you may waive it. You are not waiving it for the public. The public got their legally entitled to notice, by notice to the media. But it's your individual right, and if you'll waive that on the record, I would ask that you do that, then clearly nothing is, there is no cloud, there is no issue here on the meeting. And we don't even have to proceed to the emergency part. So I'd ask that each one of you state whether you waive your individual right to six day notice.

President Mosby: At this time I will ask that each Commissioner, on a roll call vote, waive their right for the six day meeting. Commissioner Crouch?

Commissioner Crouch: I think it's important that we abide by the law. I vote no.

President Mosby: Commissioner Fanello?

Commissioner Fanello: I'm here to serve the taxpayers 24 hours a day. I waive my six day requirement.

President Mosby: Commissioner Mosby? I called the meeting and I definitely waive

my six day notice.

Kevin Winternheimer: I couldn't hear Commissioner Crouch?

President Mosby: She voted no.

Kevin Winternheimer: Okay, then I would ask that you declare it an emergency.

President Mosby: At this time I will ask for a motion to declare this an emergency meeting.

Commissioner Crouch: No.

Commissioner Fanello: Yes, in order to save the taxpayers millions of dollars.

President Mosby: I need a motion.

Commissioner Crouch: Motion to declare --

Commissioner Fanello: Oh, motion to declare an emergency meeting.

President Mosby: Second and so ordered.

Kevin Winternheimer: Now you may proceed. Thank you.

Commissioner Fanello: I'd like a roll call vote on that.

President Mosby: Commissioner Crouch, roll call vote on emergency meeting.

Commissioner Crouch: I do not believe that both of these items meet that criteria. No.

President Mosby: Commissioner Fanello?

Commissioner Fanello: I believe a leaking roof at the Old Courthouse and saving the taxpayers approximately anywhere from one to ten million dollars is an emergency and needs to get to the Council as soon as possible, so yes.

President Mosby: Commissioner Mosby, I vote yes.

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| OLD COURTHOUSE ROOF |
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President Mosby: The first order of business, Old Courthouse roof. I will give you a document and a picture which I have at this time, one for the record. What this is, is it was brought to my attention Thursday afternoon, Friday morning by Midland Construction, who was over doing the Old Courthouse roof at the Old Courthouse. When we bid this roof, the four corner domes and the decking and slate roof were all to be replaced in the 1.1 million dollar roof project. It was, at that time, just left out, I guess, I don't know if it's an oversight on Will Fosse's part or whoever, that we do not replace the center dome upon starting the repairs over at the Old Courthouse. Midland discovered and in the picture as best as we could get, you will

see where there's parts of that center dome that are gone. Tammy has been over to the Old Courthouse as late as Thursday and she, at that time, has taken pictures of this and that's as best as we can get. She climbed the scaffold and went to the roof and tried to take pictures of the dome. What you will also have in front of you is a document, and this is a document that I had asked Midland back when they first started this job, when they pointed out to me that the center dome was not a part of this project. Do you want us to look at the center dome? And I said if it's not a part of the project, look at it, see if you see any flaws in it. If you do, go ahead and work up a price, see what it would cost to replace the center dome. While you're there, what it's going to cost five years down the road. Well, upon starting the roof project and noticing that there is sections of the center dome missing, they immediately brought it to my attention, Tammy's attention, that's why we took the pictures. What it amounts to, if we replace it now while the project is going, and this has to be done within the next week or two because they are already putting slate on, we can do it for a cost of about \$300,000. If we come back after the project is done and we try to do this, as Midland stated, you will in turn have to build another \$125,000 worth of scaffolding from ground to roof, you'll have to build approximately \$125,000 worth of scaffolding from the roof to the top of the dome, at that time you will have to take all the slate back off. Slate cannot be walked on, it cannot be built on. And what they are doing right now is they're working outside of areas of the center dome. If we want to do this, they can go ahead and build the scaffolding, the materials and the labor, that's the \$300,000. If we don't, five years down the road we come back, take it all off, rebuild all the scaffolding, we're looking at \$550,000. That's the one thing that they need to know immediately. I called Councilman Raben, who's president of the Council. He accepted a late transfer from the Commissioner's office. What we have done is taken the \$300,000 that we put in the budget for parking for the Old Courthouse. Since we've got the trailers moved in over there, all the scaffolding is moved in over there, we are not going to be in any way, shape or form ready to start the parking at the Old Courthouse this year because of all the construction going on. So we're going to transfer the \$300,000 from the parking over to the roof, go ahead and get the roof completely done, center dome and all, and then we can come back next year in CCD and re-appropriate the parking lot when they're done and still do the parking. That is the reason for this, that's the reason for the transfer going into the Council and for us to give Midland some type of indication within the next week or two, so they'll go ahead and start around the dome.

Commissioner Crouch: So we filed the late transfer?

President Mosby: We filed the late transfer, it was on the agenda yesterday and I will speak to that next Wednesday at the meeting.

Commissioner Crouch: Well, I'm glad that – do we need to or are you looking for some kind of a motion of support, or –

President Mosby: I need a motion from this Commission that, you know, outside of just me, this is what we want to do. But, I mean, I did call Councilman Raben and ask him to accept the transfer and he said, with all these details, most definitely he would take it.

Commissioner Crouch: Well, I mean, I'm very encouraged that we're doing that because as long as I've sat on here as a Commissioner, we have never come to

this body for approval on appropriations or transfers. And quite honestly, that probably needs to happen before they do go to Council, so I'm encouraged that we're starting that practice now. And I'll make a motion that we support the late transfer.

Commissioner Fanello: I'll second that motion and just as an additional comment to – I talked to Tammy McKinney, our superintendent, this morning about maybe why this wasn't in the original specs and she explained to me why that was, and the fact that, obviously, nobody can get up there to even look at this. And now that they're up there with the scaffolding, they can see everything in detail. And so there probably would have been no way that we could have known about it when we did the original specs.

President Mosby: I have a motion on the floor and a second to support the transfer from Old Courthouse parking to Old Courthouse roof and I will say so ordered to that issue. And it was on the Council's agenda yesterday and I will go to Council and give them our recommendation next week.

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| JAIL FINANCING |
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President Mosby: The second issue is jail financing and you should have a letter from Steve Meno from Fifth Third and you should also have a handout on a spreadsheet on what terms, estimated annual payments will be, total interest, total estimated tax impact and our current average interest rate, and our payment adjustments. Any questions?

Commissioner Fanello: I was just going to say, I spoke with Steve Meno again and went over this information. And originally, if you remember whenever you file your paperwork with the Department of Government Finance, you always look at maximum numbers. And so the maximum annual lease payment that was approved for Vanderburgh County was 3.3 million. Well, with all of the good interest rates that we have right now, and these are outstanding interest rates on here, the 25 year payment term actually results in a \$2,455,000 payment, and results in \$22,000,000 worth of interest which is a lot better than what we were originally looking at, which was approximately \$32,000,000 in interest. So even right off the top, we're in a better situation than our original estimates. But I would just say that I've gone over it and looked at the county's financial information and I would just make a – I would like for this body to pass a recommendation that the Council accept a higher payment and pay off this bond issue earlier. And I would suggest that they look at making a \$3,000,000 payment and pay this off in 19 or 18 years, whichever one they choose. And we could save anywhere from 7.1 to 8.2 million dollars.

Commissioner Crouch: You know, I do believe it's extremely important to save money and I know that this Commission does it every chance they can, as does the Council. In fact, we have recently refinanced our bond issues to save money and to pay them off earlier. And, in fact, the USI, this is the second time its been refinanced, so I do support that. However, I do believe in these economic times with most people in this county and city facing higher property taxes, I can only support that plan that has the least impact on them, and hope that in the future we will be able to refinance and shorten the terms as we've done on all of our issues.

So at this point in time, I would only be supportive of that term which has the least impact on the taxpayers.

President Mosby: And I guess I will just say, I know we originally talked about a 2.6 - 2.7 million dollar annual payment when we originally started this, and the Commissioners have stuck to the \$35,000,000 issue in every case and scenario that has come in front of us. We have done whatever we had to do to save taxpayer money and to be competent to the taxpayer and I don't think we're ever going to find a time in the near future where interest rates are going to be this good, that we could be refunding this bond any time soon. If anything, I think interest rates will get higher, times are going to get better. I'm sure it will be a long ways out before we could ever look at saving seven or eight million dollars again. The 2.7 as opposed to the 2.9, I don't think is a substantial hike when we knew we could go as high as 3.3 at one point. I think that the County Council could tighten their belt and they could find the \$200,000 needed to save this community either 7.1 or 8.2 million dollars. That is also the reason I thought this meeting was of such importance and the Council needs these documents to look at, and I'm sure, being prudent, they're going to look at the same thing I'm looking at and hopefully, keep the interests of the taxpayers in mind here. And we will get a good interest rate and we can be looking at an 18 or 19 year issuance rather than a 25 year issuance. And I would have to say that I favor one of the two, and if they want to go for the 19 instead of the 18, it's \$125,000 more, but that's up to them. But I would favor looking at one of them two and saving the 7.1 or 8.2 million.

Commissioner Fanello: And I would just add that all of the scenarios here given, give a very low tax impact and I don't think the difference between the 25 year and the 19 year is too excessive. And I believe the taxpayers would probably like to save over 7 or 8 million dollars over the next 20 years. So I think that's a better savings to them. I'm going to make a motion that we recommend to the County Council to accept the either 19 year scenario or the 18 year scenario, which results in either a \$3,000,000 payment or a little above a \$3,000,000 payment, so that we can save that 7 or 8 million dollars. And I make that in the form of a motion.

President Mosby: Keep in mind, they have \$4,000,000 they haven't touched. So, I mean, we've got one or two years payments in advance. I mean, we paid for the road out of the bond issue. Which one did you go?

Commissioner Fanello: Well, I would, you know, anything that – I think they ought to, quite frankly, I think they ought to accept the 18 year lease term, which that pays the debt off seven years early, results in a \$3,075,000 payment and saves approximately 8.2 million dollars in interest. That would be my first choice. The second choice would be the 19 year scenario, which is a little bit less of a payment and results in a 7.1 million dollar savings. So either one of those, I think, are very good scenarios. And I think that they could structure the budget next year. It's a matter of going through the budget and tightening the budget, and finding that extra – granted, remember, we don't start paying this off until 2006. So this is not even something that they really have to consider next year, but they know about it now so that they can start planning next year, and in 2005, so they've got time to maybe kind of tweak their budgets over the next couple of years to be able to afford that. So I think with that much time frame given, that they can tweak the budget enough over the next couple of years to come up with the \$3,000,000 payment.

President Mosby: I will second the motion that we look at 18 first and 19 second. That's fine with me. And with a motion and a second, I'll say – any other discussion? So ordered. That concludes this meeting. There's no other business been advertised on this agenda, so I will accept a motion to adjourn.

Commissioner Fanello: Before we do that, will you instruct Patty White to send these documents over to Sandie Deig so she can get them to the County Council?

President Mosby: Yes, I will instruct that we have Patty, as soon as possible, and I told President Raben and his Finance Chairman Winnecke that we would try to get them over this afternoon or first thing in the morning. So I will instruct that she...

Commissioner Fanello: Motion to adjourn.

President Mosby: Okay. So ordered.

(Meeting adjourned at 2:53 p.m.)

Those in Attendance:

David W. Mosby
Kevin Winterheimer
Teri Lukeman
Brad Ellsworth
Members of Media

Catherine Fanello
Bill Fluty
Eric Williams
Dan Dowell

Suzanne M. Crouch
Tammy McKinney
Dave Rector
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Teri Lukeman.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 2, 2003**

The Vanderburgh County Board of Commissioners met in session this 2nd day of June, 2003 at 5:36 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, June 2, 2003. Roll call is as follows; Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of May 19, 2003 Commission & Rezoning Minutes

President Mosby: Do I have a motion to approve the May 19th Commissioner and Rezoning minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Approval of May 29, 2003 Special Meeting Minutes

President Mosby: A motion to approve the May 29, 2003 special meeting minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Approval of June 2, 2003 Executive Session Summary Minutes

Madelyn Grayson: David, the Executive Session summary minutes aren't on there, but do you want to approve them?

President Mosby: Right, I was going to say, and then I need a motion to approve the Executive Session summary minutes from tonight.

Commissioner Fanello: I'll make a motion to approve the Executive Session summary minutes. The Executive Session began at approximately 5:15, and ended at 5:25, and discussed pending litigation.

Kevin Winternheimer: And the initiation of litigation.

Commissioner Fanello: And the initiation of pending litigation.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Permission to Advertise: APA013-2003: Tires and Tubes &
APA041-2003: Road Salt**

President Mosby: Phil Lawrence, is Phil with us? There he is. Permission to advertise tires and tubes and road salt.

Phil Lawrence: Yeah, I've got the advertisements for both. Road salt is...we're going, the city has bumped theirs up to 1,000, I mean, 6,000, they want to add an additional 1,000 because of the new salt barn that they put in. But, if the county wants to stay at five, and here's the rest of it.

President Mosby: Are you—

Phil Lawrence: I've also, oh—

President Mosby: Go ahead.

Phil Lawrence: I've also sent out a notice to all the department heads that if they had anything they wanted to add, please to let me know. Got about four days to get all that together.

Commissioner Fanello: Okay. Chief Deputy Williams, do you, are you involved in the tire bid at all?

Eric Williams: He did send it to us, and I will review it.

Commissioner Fanello: Okay. Dennis Hudnall, salt bid, will you be reviewing that? Okay. I'll make a motion to advertise.

Commissioner Crouch: Second.

President Mosby: I have a motion to advertise APA013-2003 and APA041-2003. A motion and a second. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

**Public Hearing Regarding the Vacation of a Public Right-of-Way:
Drexel Drive
Petitioners: Gail Sinclair & David and Debra Williams**

President Mosby: Next item, public hearing regarding the vacation of public right-of-way, Drexel Drive. Is somebody from Morley here tonight?

Bret Sermersheim: My name is Bret Sermersheim with Morley and Associates. I'm representing Gail Sinclair and David and Debra Williams. They are the adjoining properties to Drexel Drive. It's in the plat of Lutterbach. It was platted in 1965, and currently Drexel Drive has never been developed as a roadway. They have been

maintaining this right-of-way, and they are just wishing to vacate it, and then they would get title to that.

President Mosby: Okay. Is there any questions of any member of this Board? Do we have any remonstrators that would like to speak to this issue?

Bret Sermersheim: I would like to add—

President Mosby: Do you have your problem worked out then?

Bret Sermersheim: What we've got, that's Mr. Rohner—

President Mosby: Oh, okay. Go on.

Bret Sermersheim: —he is the south, he is the southeast adjoiner. He adjoins Mr. Sinclair. I've come up with an agreement that just in case he would ever want water and sewer to his property, Mr. Sinclair has agreed to let him come across his property. I've got this agreement with that.

President Mosby: Briefly, for the Board, Mr. Rohner had talked to me the other day, and he lives, like I say, near this property, and they would have had to bring water and sewer in from another direction, which might have hindered him. This is, I guess, the agreement he's given us. Are you a remonstrator?

Unidentified: I guess I am.

President Mosby: Okay. Yes, you can go ahead and speak.

Stan Blaszczyk: My name is Stan Blaszczyk. I have the property right next to the individual over there. My concern is the same thing, in terms of having the ability to go to Mel's Drive with water and sewer, if that needed to be the case. I don't have an agreement with anyone to do that. That would be my only objection.

President Mosby: Then, I guess, my question for the gentleman from Morley, when you bring it back to Mr. Rohner, is there any type of right-of-way or easement there where he can come down to his property?

Bret Sermersheim: There is an easement along the back of lots—

Madelyn Grayson: Bret, can you please make your comments at the microphone.

President Mosby: Yes.

Bret Sermersheim: There is an easement from the plat on the east side of lots eight and nine. Once this is vacated the easement should extend, so there would be, you know, if we got it back to Mr. Rohner's property, they could go up 6' along the backs, or along the east side of lots eight and nine.

President Mosby: Which lot does this gentleman live in?

Bret Sermersheim: He does not own a lot. Where lot nine is, he is to the east of that. Based upon the Assessor's website, his property, where Mel's Drive comes, or Drexel Drive, where the northeast corner of where we're vacating, his corner is, his

southwest corner is real close to that. Just another note, the Evansville Water and Sewer, in their response letter they said there were—

President Mosby: This is David Williams. David and Debra, lot nine.

Stan Blaszczyk: This is mine.

President Mosby: Oh, you're over here. Okay.

Bret Sermersheim: The Evansville Water and Sewer, in their response letter, I guess, there is already water over to his place. They said there were better, there was a better route to go, because they did think about, you know, trying to reserve an easement through there, but they decided not to, because they thought there would be a better route. That's in their response letter from Herb Butler.

Stan Blaszczyk: To my house?

Bret Sermersheim: Yes.

Stan Blaszczyk: What would be a better route?

Bret Sermersheim: I do not know.

Stan Blaszczyk: I mean, the only other way to go to another street is probably a quarter mile away.

Bret Sermersheim: But you can always...if they would want to get an easement from some other route, they could come through the other route.

President Mosby: I mean, that's, what he's saying is exactly what Mr. Butler has written. It says:

“We have reviewed this potential and found that this particular route would not be the most acceptable route for extension of sewer service, and the property to the east is already served by water facilities.”

Stan Blaszczyk: We are not served by any water.

President Mosby: “Other more beneficial routes could be used for sewer extension.”

You have no water?

Stan Blaszczyk: I have well water, that's all.

President Mosby: You have water. That's what he's saying. You are already served by water.

Stan Blaszczyk: Okay.

President Mosby: And other more beneficial routes could be used for sewer. I mean, I don't know what the situation is out there. I know Mr. Rohner had expressed an interest to me. Do you live next to Mr. Rohner?

Stan Blaszczyk: He has a vacant property, so, his property is next to mine, yes.

President Mosby: So, he would be—

Stan Blaszczyk: He doesn't live there. It's a woods there.

President Mosby: So, he would be lot 23, and you're lot 24? What you just showed me. You're to the east?

Stan Blaszczyk: That's his, this is mine.

President Mosby: Okay. So, if you're going to bring a line up to him, I don't see what the problem would be to add this gentleman to the agreement.

Bret Sermersheim: I mean, that's, you know, between Mr. Sinclair and Mr. Williams.

President Mosby: Right, but, I mean, you're coming to this lot, and he's just directing—

Bret Sermersheim: Right, and like I said, this easement on the back, I don't know if I show that...do you see where the six...on the plat, where it shows the 6' easement.

President Mosby: Is this what you're looking at?

Bret Sermersheim: Yes, sir.

President Mosby: Okay.

Bret Sermersheim: That line would extend through there. So, if, let's say sewer was extended back to Mr. Rohner's property, they could go up through that easement. So, there is, there would be an easement to get through there.

President Mosby: That's what I'm saying.

Bret Sermersheim: You know, before they could get it through there, you know, the Evansville City and Water they would have to put it in, get it accepted, you know, get it accepted and put it in an easement before they would accept it.

Stan Blaszczyk: My concern is that he doesn't have any building on that property there, and he may build and he may not build, and I already have a house there.

President Mosby: Exactly. My concern is that this agreement is with Mr. Rohner. To come back, this easement, if Mr. Rohner were to ever sell, you would have nothing in writing then for this gentleman.

Bret Sermersheim: That's correct.

President Mosby: So, I mean, I would ask that you amend your petition to include him.

Bret Sermersheim: Okay.

Gail Sinclair: I have no problem with that.

President Mosby: Okay.

Gail Sinclair: But, if, you know, if he ever sells the property–

Madelyn Grayson: Mr. Sinclair, can you come to the microphone please?

Gail Sinclair: Oh, I'm sorry. I'm Gail Sinclair. I have no problem with that, but, just like we said here in the letter, if he ever sells this property then it's nixed. You know, it's just an agreement between us, okay?

President Mosby: Right. It's an agreement for Mr. Rohner and him.

Gail Sinclair: Yeah, it's not a wholesale deal for anybody, you know, if somebody else buys the property, okay?

President Mosby: I don't have a problem with that. I'm just looking at the two lots that are affected. We'll add your name to the petition. Or, I mean, you'll have to say it's okay, and then we'll have to do it, I guess, an amendment, right, Kevin?

Kevin Winternheimer: Well, he'll need, I assume you're going to do an agreement for this gentleman just like you did for the other one? Is that what you're going to do?

Bret Sermersheim: I could do a totally separate document, or, I guess, that would probably be easiest where we can address it, cross reference it to both the deeds. You know, just do a totally separate document. Then the Rohner's don't have to get involved again, and come back and sign it.

Kevin Winternheimer: I don't have any problem with that if he's satisfied with that.

Commissioner Fanello: Do we need a.....excuse me, do we need a motion to defer?

Kevin Winternheimer: Is this first reading or second reading on this?

Commissioner Fanello: Should be first reading?

Kevin Winternheimer: This is just first reading?

Commissioner Fanello: Uh-huh.

Kevin Winternheimer: Okay. Then you could approve it on first reading subject to them coming back for second reading with the agreement as you've all talked about here.

President Mosby: Second and final. We'll have a final reading.

Bret Sermersheim: Okay, when would that be? Next week?

Kevin Winternheimer: That's fine. I think you could do it next week.

President Mosby: Yeah, we could do that next week. That's not a problem. You're Mr. and Mrs. Neal, right?

Stan Blaszczyk: Blaszczyk.

President Mosby: Blaszczyk. Oh, okay. That's not what it said on here. Okay, I had block 24 as Janice and Brody Neal.

Stan Blaszczyk: No, I'm—

Commissioner Fanello: He's on the other side.

Stan Blaszczyk: I'm over here. I'm sorry. Right there. 725 Eichoff.

President Mosby: Oh, okay. Okay, so, I guess, Mr. Blaszczyk.

Commissioner Fanello: I'll make a motion that we—

Bret Sermersheim: Excuse me.

Commissioner Fanello: Yes.

Bret Sermersheim: I may need to...in the agreement with the Rohner's it was stated that they would be totally liable and responsible for any installation of the sewer and the water lines. So, I may need to revise the language in that, because if he's going to, if Mr. Blaszczyk is going to take it back to, you know, if he wants to take it back, and it's just for him, and Mr. Rohner never wants to develop, there's no reason for Mr. Rohner to pay that whole cost. I don't know if I need to come up with, you know, half and half. I don't know how I should address that. I guess, I need to talk with Mr. Rohner and Mr. Blaszczyk and they can decide what to do.

Commissioner Fanello: Would it be better to make a motion to defer it?

Kevin Winternheimer: Whatever.

President Mosby: Then we've got to come back and do a first reading.

Commissioner Fanello: Oh. Well, I'll make a motion to approve the first reading subject to revised agreements being worked out between the parties involved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept public hearing right-of-way on Drexel Drive subject to agreements being worked out. So ordered.

Kevin Winternheimer: Now, when do you want them to come back? Is a week enough? Or do you think you need more time to work that out?

Bret Sermersheim: That should be fine.

Commissioner Fanello: We need to set the second hearing?

Kevin Winternheimer: Yeah, you can, if you want to. That way they know when to come back. If you don't work out an agreement, call the office and they can defer it.

Bret Sermersheim: Okay.

President Mosby: We'll just set the hearing for June the 9th, which would be next week at 5:30. It will be on this agenda. If for some reason you can't get it worked out, and you need more time, we can do it on the 16th, and you just need to notify us.

Bret Sermersheim: Okay. Alright. Thank you.

President Mosby: Was there any other remonstrators?

Stan Blaszczyk: Thank you.

President Mosby: Okay.

Resolution Establishing Jail Bond Fund

President Mosby: Next we have resolution establishing jail bond fund.

Commissioner Fanello: This is a routine matter. When issuing bonds that a separate fund be set up with the appropriate lease payment accounts and construction accounts. So, I would move approval of the resolution.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the resolution. So ordered.

Perfect Choice Products Corporation

President Mosby: Next we have approval for Perfect Choice Products Corporation. Real briefly, this is a deal we've been working on. It went to the Council last week. It's with Carolyn Moisson and her husband, who will personally own this. They have bought this business back, I think, about five or six months ago. They want to move it to VIP. It is a, it will be retention of 16 jobs, I believe it is, with the addition of 34 over five years. For approximately 51 jobs, this does carry an additional benefit package of about 48.2%. What this Commission has participated in, or is participating in at this time is a buy down on the land, and approximately \$40,000 to extend rail to this property. We have rail at the property next door already, which we did with Graham Packaging back last year, I think it was. Or the year before. It is to make this attractable. The Moisson's own several companies in Missouri, and Missouri had competed very heavily for this for them to move this over to Missouri. So, after working with the Moisson's and DMD and Vision 2000, and everybody else involved, I would recommend that this Commission approve this. If there is any questions, I will try to answer them.

Commissioner Fanello: I think, are we approving \$100,000 plus...I spoke with Carolyn Moisson last week, \$100,000 plus \$45,000 for rail?

President Mosby: Yes.

Commissioner Fanello: So, the total package would actually be \$145,000 from the county?

President Mosby: Right.

Commissioner Crouch: That would be paid out of Economic Development and Infrastructure?

Commissioner Fanello: Riverboat, yes. Riverboat/Economic Development.

President Mosby: The money is already in place. There is also participation on the rail by the state and the city. We've had to do this in three different ways.

Commissioner Fanello: If there are no other questions, I would make a motion to approve the economic development incentive for Perfect Choice Products Corporation of \$145,000.

Commissioner Crouch: Second.

President Mosby: So ordered.

Elderly and Handicap Transportation Services Agreement

President Mosby: Contract with elderly and handicap transportation services agreements.

Commissioner Fanello: We've been working on this for quite a while. Originally we had tried to negotiate a contract with AMR, but the costs were outside of our budget. So, Tri-State has decided to negotiate a contract with us, and for the amount that we currently have in our budget. So, there will be no budget increase. So, I would make a motion that we approve this agreement for elderly and handicap transportation services.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve agreement. So ordered.

Public Comment

President Mosby: Is there anybody from the public that would like to comment?

Commissioner Fanello: We have two.

Bill Pedtke: Commissioners, my name is Bill Pedtke, and I represent the Builders Association, the Southwestern Indiana Builders Association. Earlier a letter was written by our organization and sent to you, and I want to touch a little bit on this issue. The Southwestern Indiana Builders Association is petitioning the Commissioners to open discussion and begin the process of removing the regulatory oversight of soil erosion at construction sites from the Soil and Water Conservation District, and to bring all such authority under the purview of the County Commissioners. Bringing the construction industry under the County Commissioners purview would give the oversight to a governing body more familiar with the development process. The County Commissioners also serve as the county's Drainage Board and a Commissioner serves on the Area Plan Commission. Moving the construction industry from Soil and Water Conservation District's domain would prevent one industry, agriculture, from regulating another industry, construction. Bringing the construction industry under the County Commissioners adds a new level of checks and balances, as the Commissioners are elected and

answer to the voters. This isn't something that I think we can ignore, because we have Rule 13 coming forward. It's an erosion related regulation created by IDEM, and it will require the county to establish an MS4 entity sometime this year, to regulate all construction sites greater than one acre. The Builders Association wants us to open the discussion and begin this process. We are willing to meet anybody, anywhere, anytime to get it going. I've got a couple of builders and developers here that would be happy to help me answer any questions about this. I've got Bart Schutz and Jeff Hatfield in the audience. So, if you have any questions.

President Mosby: Questions?

Commissioner Crouch: Do we know what the process is by which that would transfer from Soil and Water to the Commissioners?

Commissioner Fanello: We would have to do it--

Bill Pedtke: I'm not the attorney.

Kevin Winternheimer: We would have to amend our ordinance.

Bill Pedtke: We would have to amend the ordinance. So, it would take a regulatory mechanism.

Commissioner Fanello: Well, I've had discussions with Bill a few times about this subject and new storm water regulations, and I am very supportive of us looking in this direction. So, I would make a motion that we explore the direction that Bill has laid out in his letter, and see if we can come to an agreement on an ordinance.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Bill Pedtke: Thank you very much.

President Mosby: We'll start exploring. Is there anybody else from the public?

Greg Fehn: First of all, I was unaware that I was going to be speaking tonight, so please excuse the inappropriateness of my attire. My name is Greg Fehn. I am president of the Goosetown Neighborhood Association. I have been president now for a little over six years. One of the most difficult things that face Goosetown is the removal and the loss of a lot of the historic homes that are down there. We see the loss of a lot of those historic homes as unnecessary. Especially when it's local income tax dollars that are used to knock the houses down in that particular area. A couple of years ago I began, maybe just under a couple of years ago, I began to work with the late Michael Osborne who was in town, to try to come up with some kind of solutions to figure out what we might be able to do with that. One of the things that we were able to get initiated was receivership. It's off to a slow start, but there's a few good examples in that. The second thing was, that I was kind of excited about was the opening of a conduit between DMD and the County Commissioners. There have been some properties that were moved before surplus sale, but after the tax, the expedited tax sale to DMD for the purpose of being rehabbed. One of those properties is in my neighborhood, and that's 39 Blackford Avenue. I have heard that the city has made the decision to go ahead and tear that house down. I'm not sure why they've come to that decision, because I know that

there are individuals that are still interested in that house. I am here tonight to ask the County Commissioners to send a letter to DMD and request that that property be returned to the county. I believe the county could be successful in finding someone who wishes to rehab that house, keep a large, two story house on the market. More appropriate for some of the families that live in that area, and produce a higher tax revenue for the city.

President Mosby: Is this a house that we've done sold?

Tammy McKinney: It was one of the houses, I believe it was last year that we transferred. We transferred two to DMD. One was 39 Blackford, the other one was 900 Lincoln.

Commissioner Fanello: We transferred those, I think, with the condition that they were going to take those and try to either renovate them, or find people to renovate them, if I'm correct. That's was one of the reasons that we transferred them.

Greg Fehn: You guys have, oh, sorry.

President Mosby: Go ahead.

Greg Fehn: The County Commissioners, sorry about that, you've also restarted a process by which, you know, not-for-profits can get these unwanted houses, right? I believe you've transferred some to them, the Black Coalition. Maybe that's an opportunity there.

Commissioner Fanello: That's true.

Greg Fehn: Instead of using \$10,000 plus to knock it down.

Commissioner Crouch: I guess a legal question, once the title is transferred, I mean, can we take it back? Don't they have to transfer it back to us?

Kevin Winternheimer: I'm trying to remember. It's been a while since we did those deeds. I don't think we put any conditions on them, did we? Can you recall? I'm assuming we did not put any conditions, so it would be a request. We could not demand that they give them back, or take them back. They would have to voluntarily give them up. I don't think we put any conditions to the city. We had a number of conditions on the one we transferred to the not-for-profit to make sure they rehabbed them within a certain period of time and so forth and so on. I think the one's in the city were not conditional.

President Mosby: Have you talked with DMD? I mean, are they willing to sell them to you to rehab? I mean, if we gave them to DMD to find people to rehab.

Tammy McKinney: Right, we did that when Michael Osborne was in office. So, I'm not sure where those properties are in the DMD cycle. I don't know if they are up for receivership or exactly where they are. I don't know if you've spoken with them or not, Greg.

Greg Fehn: I haven't spoken to them directly. I had a conversation with a very critical source that said that he had spoke to Peggy, and that they had made a decision to go ahead and tear it down.

President Mosby: Well, I mean, it seems like that's not what we had given it to them for. I mean, we give them for them to find somebody to rehab them. So, I'm wondering if we can't get them back. If they're not intending to find somebody to rehab them. Then if there's somebody that wants to rehab them, you know, we could do like we did with the non-profits. Only we could sell them, instead of give them away.

Tammy McKinney: Right. I think something else that we need to look at also is that since we did that over a year ago, and since they have been out of our possession, I don't know what has happened to those houses. I don't know if someone has trespassed and done more damage structurally, or vandalism.

Greg Fehn: They are very, both of those houses, 900 and 39...I'm sorry to interrupt you. 39 and the one are Lincoln, both of them are very well secured. They are in pretty good shape right now.

Tammy McKinney: That's something that I would like to look into just to make sure that, you know, damage hasn't been done by vandalism or anything else. I mean, I'm willing to work with DMD if the Commissioners, if that's something that they want me to do.

Commissioner Fanello: Well, I would make a motion that Tammy McKinney contact DMD tomorrow morning and get the scoop on what's happening, and if we need to...if it is their intent to tear them down, that we make a request that they give them back to the county.

Commissioner Crouch: Second.

Greg Fehn: Okay, thank you very much.

President Mosby: I have a motion and a second. So ordered. I guess, you can talk to Tammy, give her a couple of days, she'll work with DMD, we'll see what the process is, where they're at, and see if we can get them back.

Greg Fehn: Alright. Thank you very much.

President Mosby: Thank you. Any other public comment? Anybody from the public that would like to speak?

Don Burton: Good evening, Commissioners. My name is Don Burton. I represent the homeowners at Mill Terrace, which is Westchester Drive and Whitman Drive. We were here approximately on 5/5 of this year about the Barrett Law for repairs on those streets. I guess, basically, this question goes to Mr. Winternheimer. I know we have been, or the bond people has been accepted and approved. Just wondering how much farther we have gotten as far as verifying the tax codes for each property owner, and where we stand right now.

Kevin Winternheimer: That's the next step. We have to verify who is currently living there, and then we do the preliminary resolution. That has not been done yet. Hopefully, it will be done very soon.

Don Burton: Okay. Okay, thank you.

President Mosby: Thank you. Is there anybody else from the public that would like to speak?

Madelyn Grayson: May we make a tape change, David?

President Mosby: Sure.

(Tape Change)

Old Business

President Mosby: Seeing no other public comment, do we have any Old Business?

Commissioner Crouch: I would like to make an appointment to the Consolidation Board of Fred Padgett.

President Mosby: Okay. We have a motion to add Fred Padgett–

Commissioner Fanello: Second.

President Mosby: –to Consolidation. I have a motion and a second. So ordered. Could you get the name to Patty or Tammy so they can call Mr. Dunn. Or we just need to get the name and a number to Mr. Dunn, so that they can add him to the group.

Commissioner Fanello: I was going to say just a reminder that the County Council is supposed to take up the issue of Community Corrections at this Wednesday's meeting. If you remember, we do need to get an answer back to the DOC by June 30th of what we plan to do, so.

President Mosby: Are there any questions? Any other Old Business?

New Business

President Mosby: Any New Business? Seeing none. Department head reports, John Stoll, County Engineer.

Commissioner Fanello: Excuse me, Commissioner Mosby, I just picked up my memo here. We do need to make appointments to the Wage Scale Committee for the road that will be bid out for the jail. I have three appointments, if that's okay.

President Mosby: Okay, for the jail road.

Commissioner Fanello: Two of these appointments were on the Wage Scale Committee before. One has moved, and so we need to appoint someone else. The three members are Matt Singer as the Owner/Taxpayer Rep; Barry Russell as the Awarding Agency Rep; Jerry Ramsey as the County Commissioner/Taxpayer Rep. I make a motion to appoint those three individuals.

Commissioner Crouch: Second.

Kevin Winternheimer: Before you vote. That's for the whole jail project, right? You mentioned something about the road.

Commissioner Fanello: Right. Should we go ahead and say the whole jail project?

Kevin Winternheimer: Yes.

Commissioner Fanello: I'll revise my motion to include this as for the whole jail project.

President Mosby: Okay, so we eliminated road. Okay, I have a motion to appoint the board for the jail project; Matt Singer, Barry Russell and Jerry Ramsey. I have a motion and a second. So ordered. Any other business?

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| County Engineer |
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President Mosby: John Stoll, County Engineer.

John Stoll: First I have the deeds for the right-of-way grant for the extension of Harlan Avenue across the Vectren property. This is for the construction of the jail road. These were approved by Vectren officials, and they just need the Commissioners signatures, and they can proceed with getting them recorded.

Commissioner Fanello: Do we need to make a motion, Kevin?

Kevin Winternheimer: Yes, motion to execute the, and accept...is it styled as an easement or—

John Stoll: Right-of-way.

Kevin Winternheimer: Right-of-way, right-of-way from Vectren.

Commissioner Fanello: So moved to that effect.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Also in regard to the jail project, in your folders there should be a copy of a letter to INDOT to withdraw the railroad crossing petition that was filed late last year. This just needs to be filed with INDOT to let them know that now that everything's been worked out to widen and extend Harlan Avenue that petition can be withdrawn. So, I would like to request the Commissioners approve signing that letter.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request approval to pursue condemnations on parcels eight and ten on Mt. Pleasant Road. These two parcels are owned by the Kramers, and we're at an impasse, basically, so further negotiations don't seem like they are going to get us anywhere. So, I would like to request that we proceed with condemnation.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got a set of street plans for East Pointe Business Park. This is located off of Telephone Road, immediately east of I-164. There's the location map. You can see it's just the northeast quadrant of the Morgan and I-164 interchange, but the access comes in off of Telephone Road. The street that they are going to construct in section two is just a short section. It's only a few hundred feet, but it will be an asphalt street with curb and gutter. It will serve as access to three additional lots. If they are going to record with section, basically, the lot, it doesn't show up very well on this, but here's the lot lines right here. So, they will have lots seven, eight, and not eleven, the one before that. I was thinking it was six. Yes, lot six. The asphalt streets will be in excess of the county's minimum standards due to truck traffic, since this will be a commercial/industrial park. Would request that these street plans be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is a request in regard to the speed limits on Green River Road. I received a request from Industrial Contractors to reduce the speed limit on Green River Road throughout the duration of the construction of the soccer complex. The request from the contractor was to reduce the speed limit from 50 down to 30. In my opinion, that is unrealistic. I don't think there would be anybody that would follow that. I did a little more research and found that the Manual on Uniform Traffic Control Devices recommends maximum reductions of ten miles an hour. So, on that basis, and on the basis of the ordinance, section 10.16.010 (f), it allows temporary reductions in speed limits based upon Commissioners taking action, and the County Engineer making a recommendation. The reductions in speed limits are only good for 30 days at a time. So, we would have to, I guess, renew this if you vote to reduce the speed limits, throughout the duration of the construction of this project. If the speed limit is going to be reduced, I would recommend that it be reduced to 40 miles an hour for the construction. That the contractor be responsible for providing a plan showing all signs, and that the plan be in conformance with standards identified in the Manual on Uniform Traffic Control Devices, and that the Parks Department and the contractor be responsible for all costs of maintaining those signs throughout the duration of the project.

President Mosby: I totally agree.

Commissioner Fanello: Very good, John. I'll make a motion that we reduce it to 40 with the contingencies John has placed.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

John Stoll: The last item I've got is in regard to the Darmstadt Road/ Mohr Road intersection. There was quite a bit of discussion about this intersection in regard to a subdivision that was presented at the Area Plan Commission the past few months. I saw in the newspaper that a judge had ordered that the subdivision will be approved by the Plan Commission, which I'm assuming will occur at this Wednesday's meeting. If the subdivision is going to be approved, these concerns were addressed that basically said that there were safety concerns at that intersection. What we did was looked at some alternatives on how that could be re-constructed. What you see there outlined in red are the three houses on the inside of the curve. The current speed limit on Darmstadt Road is 40 miles an hour, so, what we did was had a radius for a curve plotted for 40 miles an hour. That's shown in orange. The next one, shown in green, is for 35 miles an hour. The next one in blue is 30 miles an hour. You can see that the 30 mile an hour one pretty much matches the existing alignment of the road. So, our advisory warning speeds of 20 miles an hour, anybody that's following that, or even going ten miles an hour above the warning speeds, still should be safe, because it does meet a standard for 30 mile an hour curve. Anyway, back to the 40 mile an hour, you can see that we go through two houses, and we'd be real close if not taking the northern most house on that curve as well. The reason that I wanted to bring this to your attention was, due to all that discussion, and knowing that the subdivision is going to be approved, I didn't know what action we needed to take in regard to this issue. I spoke to Kevin about this, because I know of no funding to address any such project like this. If we had to acquire two houses we would probably have \$400,000 to \$500,000 in right-of-way alone, just for the two houses. That would exclude anything, any additional property we would need to make those curves work out there. Those curves were drawn on the basis of accepted highway standards. Basically, it's the Association of State Highway and Transportation Officials design criteria for curves at intersections. So, that's what we would need to do, as far as we know, to address the issue to make the curve meet current standards. Realistically, that's not an option given the current funding restraints, as far as I know.

Commissioner Fanello: What would the funding level be for—

John Stoll: I'm sorry, I didn't hear.

Commissioner Fanello: What would the funding level be for a project like this?

John Stoll: The two houses would cost us \$400,000 to \$500,000. If we got into a third, add another \$200,000, \$250,000. We could have a million dollar project real easily.

Kevin Winternheimer: Mr. President, if I may.

President Mosby: Go ahead.

Kevin Winternheimer: I've asked John when he has situations similar to this where he has received notice on a claims, serious claims that there may be a hazardous situation, I've asked him to bring it to the Board. One, for your consideration and input, but, secondly, under the Indiana Tort Claims Act you have discretion whether to take action or not to take action. So long as this Board has considered the action, and no matter which way it votes, to vote to do something or not to do something, as long as you've considered it, and taken some sort of action on it, should there be a lawsuit or a claim arising out of this particular section of roadway, we should have immunity from liability. That's why I've asked him to bring it to you. You'll find, I'm

sure you've already seen the many situations around the county, that there may be areas that need improvement, but, obviously, we live within limited funds. The law recognizes that, and you prioritize what gets done. Recognizing you can't do everything at one time, or in one year. So, as long as you've taken a look at it, and whatever your decision may be, and I think John is saying it's not in our budget this year, that you take no action to make any changes out there, because this is potentially a million dollar project. We just simply don't have the money. If that be your decision, then if we get, if there's an accident out there we should have protection from any lawsuit or claim that arises out of that particular situation. This is, this is not unusual. I used to do this with the city all time. They have similar situations where citizens always have recommendations for improvements at intersections, the hundreds of them that they have throughout the city. If they get, if someone actually wants them to take a look at it, they take it to the Board of Public Safety, and they actually take a vote to do something, or not to do something. Unfortunately, many times that comes down to budget constraints, but at least they considered it, and that provides you your tort immunity, if you are sued, or if there is a claim. I think his recommendation is not to do anything, because there simply isn't sufficient budget to do that.

John Stoll: Right.

Kevin Winternheimer: And there are higher priority projects out there with your Road Funds.

John Stoll: Right, and there again on the basis that if you follow the posted advisory speeds, the curve itself is not hazardous. I know there were numerous other issues brought up at the Plan Commission, and I've just now got a copy of the traffic study. I question some of the assumptions that were made in that, and the validity of some of that, but the curve itself, if you follow the posted speeds, the advisory speeds on the warning signs, you can make it. I mean, we showed right there that you can make it at 30. Further up, once you get to the intersection of Mohr and Darmstadt, you can see from that orange line as we come in there, that would open up a much greater line of sight for people sitting on the Mohr Road approach to the Darmstadt intersection, if the road followed that orange alignment. Which would help out some of the other concerns that were brought up at the Plan Commission meeting. There again, like Kevin said, since there is no funding, then I don't know what action we could take other than postpone this until there is sufficient funds available to do such a project.

President Mosby: Any questions by any member of the Commission?

Commissioner Fanello: So, do we need to make a motion then?

Kevin Winternheimer: Yeah, I would prefer that you actually make a motion not to make any changes at this particular area.

Commissioner Fanello: I'll make a motion not to make any changes at this time.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions on anything else.

Kevin Winternheimer: If you could, send me a copy of that Vectren easement. I need to send it to the railroad people in Florida.

John Stoll: Okay. Do you need a recorded copy?

Kevin Winternheimer: A signed copy.

John Stoll: A signed copy will do? Okay.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. About three weeks ago Ms. Laura Koewler came in and was asking the Commissioners to review some work that she needed done in front of her house, between Red Bank and Highway 65. We have ditched that. We've got one more culvert to flush out, and that work will be completed. So, I talked to her last week and she's satisfied with the work, so.

President Mosby: Thank you.

Dennis Hudnall: Another item, Pioneer Rail Corp, Mr. Marlin Grossman and a Kelly Maasberg, I think she talked to Suzanne, has called Pioneer Rail Corp and requested that they fix their portion of the railroad track. Mr. Grossman called me today after he spoke with them. He said he was hard to get a hold of, but he finally made an appointment to get to talk to Allen Brown there. It's back in, he informed Mr. Grossman that I was to call him at 2:00 on Friday to set up a time of June the 13th or June the 23rd, in order to close the road and start construction on this crossing. So, I just want it a matter of public record, in case it gets cancelled again, because this has been on-going for quite a while. So, the county residents are getting into the game to try to get this rail crossing fixed, and I really appreciate it. Besides that, that's all I have. Do you have any questions on my weekly report?

President Mosby: Any questions? If there's no questions, thank you, Dennis.

Dennis Hudnall: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, I have several items tonight. First of all, just to thank the County Highway Garage. I called in a chuck hole, and was very shocked to find that they fixed it the next day, and several that I hadn't reported along the way. I've gotten several comments from people saying they did an outstanding job, and could not believe the speed with which they made the repairs. Moving on to other items, but I wanted to thank them. They really did a good job on that. The other item that I wanted to mention is, we haven't had a general public meeting since you became the owners of 37 acres at Wansford Yards. As of May 23, 2003 you own the property. We closed on the property. There were many different hurdles. Anybody that's every dealt with a railroad, large corporations in general, and they being one of the largest around, anytime you deal with the real estate with a large corporation,

particularly a railroad, it can be quite an ordeal. We did get it closed. By the way this should help the city if they continue with their purchase and become our neighbors. We cleared up many, many, many title problems with that property that will also affect the property to the south of us. Not the least of which is long standing mortgages, one going back to 1922 by a predecessor corporate entity of the railroad. Many tax liens that were out there. They are one of the largest property owners around, as far as different parcels of property. Obviously, they traverse the county in many different directions. We got all that cleared up, and you are the owner of 37 acres out there. Hopefully, I'll have more time for some of these other projects now that that's behind us. Next, I wanted to get approval on two matters that we discussed in our Executive Session; litigation involving, a two part, two pieces of litigation. One that we referred to as the Nurrenbern property, that's University Parkway. We've worked out a settlement agreement, and I would recommend your approval on that. Do you want to take them one at a time?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The next parcel is the, I believe it's Marvin Wright, the Wright property. This is also on University Parkway. We've come to an amicable agreement on that one, and I ask for your approval on that.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The next matter is...I will check on the ordinance, it's been some time since I wrote it that John talked about on setting the speed limits. I was thinking that the 30 days was his own setting of the speed limits, 30 days at a time. So he doesn't have to come back, if he'll, if he's here, remind me and I'll check on the wording of that ordinance. Because we may, once you've approved the reduction of the speed limit, I'm not so sure you have to come back every month, but I'll check on that. Lastly, I was asked, and I think you had a letter in your file on Mr. Fred Blair, how to calculate the buy out, or what have you, upon his retirement from the County Garage. The Auditor's office has asked that to make sure you agree with that interpretation, and that be your understanding, your rule as to how vacation is to be bought out once somebody retires in that type of situation. I don't know if you have any questions.

Commissioner Crouch: I'd mentioned to Kevin before the meeting that Sandie Deig had called and asked that she be able to speak to Kevin prior to us doing that. I guess, she had some questions about the actual working of it. So, she had asked that we consider holding it until next week. I don't know what the...until she has a chance to talk to Kevin.

Commissioner Fanello: Well, we're holding up this gentleman's PERF retirement. This is exactly the language that was worked out in the Teamster contract. It pays for only vacation that is accumulated and earned when you leave employment. So,

I don't know why we couldn't act on it tonight. I don't really like holding up this gentleman's retirement and PERF money.

President Mosby: If anything, I would say we pass it. Kevin, if you could get a hold of Sandie in the morning–

Kevin Winternheimer: Sure.

President Mosby: –and see what her questions are. Commissioner Crouch, briefly made some comments to me this afternoon, and I'm thinking that maybe she thinks we're going to overspend a line item.

Commissioner Fanello: Well, I don't see how, I mean, I've had that discussion also with her office and Bill and Dennis Hudnall. I don't see how that could happen. It could only happen if we allow it to happen. I believe Dennis understands how to handle, you know, the situation. The fact is, the contract states that after you earn, after you work so many years, you get so much vacation. So, after I work five years, I get, for example, three weeks vacation. So, at the end of the fifth year, at the beginning of the next year I have earned five years, or three weeks of vacation. So, if I left in March of 2003, I earned my vacation in 2002, and then I've earned up to the time that I leave in 2003. I don't really understand where the–

President Mosby: Where the problem is, and we've just got to make sure that every department head understands. If somebody has six weeks of buy out, we don't hire anybody for six weeks.

Commissioner Fanello: That was the practice that we had in the city, which worked very well, and kept us in budget. So, and I'm in agreement with that practice. I think it's a practice we ought to adopt in the county.

President Mosby: Do I have a motion? Or is there any other discussion?

Commissioner Fanello: Plus, you're not going to run into a situation, I would say, where you're going to have, you know, a ton of people leaving at one time. So, I don't see where the budget situation could come into play.

Bill Fluty: For all union employees, is that correct?

Commissioner Fanello: Just for union employees. I make a motion that we approve the memo. I'll just add to that motion, if Kevin has any serious problems in the morning that maybe he contact each Commissioner if Sandie has raised some serious concerns. We can leave that up to his discretion in the morning when he contacts her.

Commissioner Crouch: I'll second with, you know, Kevin talking to Sandie and getting whatever worked out.

Commissioner Fanello: I just don't want to hold up this gentleman's PERF money.

Bill Fluty: Just to make sure I'm clear on this, because I'll have to do the paperwork tomorrow that actually would buy him out for his time that he's worked this year, plus his sick, or his vacation bank from five years, or whatever stage he's in right now. If he's three weeks, four weeks, five weeks, or six weeks. Is that correct? Your interpretation of that.

Commissioner Fanello: How it is written in the memo from Kevin.

Bill Fluty: So, I am expecting that if he's a four week vacation, he'll be bought out that time, plus any time that he's earned this year?

President Mosby: Right.

Bill Fluty: Okay.

President Mosby: Less whatever he's used.

Bill Fluty: Correct. Okay, just for clarification. Thank you.

President Mosby: Any other questions? Seeing none. A motion and a second. So ordered.

Kevin Winternheimer: That's all I have. Thank you.

President Mosby: Any questions of Kevin? I would take the opportunity to thank Kevin and John both for all the work they did on the jail project. I know how many calls I made with CSX, and it couldn't have been half of what you guys were making. Now that we have acquired the land, thank you two very much.

Kevin Winternheimer: As the gentleman from Florida said, and I dealt with many people down there, they said they know our numbers by heart, and I know theirs, including their fax numbers.

President Mosby: I've got their cell phone numbers and everything else, so.

Commissioner Crouch: I also want to thank Dennis for fixing the pothole on Browning Road.

President Mosby: Yes.

Commissioner Fanello: We have such good employees.

President Mosby: Is there any other questions? Seeing none.

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| Superintendent of Buildings |
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President Mosby: Tammy, Superintendent of County Buildings.

Tammy McKinney: I don't have anything.

President Mosby: Any questions of Tammy?

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| Burdette Park |
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President Mosby: Burdette Park, Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. The new plumbing, gutters, and liners have been installed at the pool, and we're presently filling the swimming pools.

Tomorrow morning when I go in we're going to fire the pumps up, and see how they faired through the winter, but they were running good when we shut them down.

Commissioner Fanello: Now, if we can just get some really warm weather.

Steve Craig: Yeah, I'm not in a real hurry this week. It was 42 yesterday, so. Our pavilion project is done. That included a new floor which was badly needed with a drainage underneath it. Put handicap ramps, handicap railing, and, of course, our new air conditioners, which we haven't had to use them either. It's been cool enough to do it without it. The Discovery Lodge is now housing our Day Camp, and it has a few finishing touches which still need to be done by the contractors, but the kids are having a good time, and it's working out well with them the way it's set up for the classrooms and that. The campground renovation is completely done, and the park looked pretty good this weekend when it was all mowed and everything. Other than my work sheet that's all I have.

President Mosby: Any questions?

Commissioner Crouch: Steve, in the advisory board minutes it indicated that full time employees were going to get a 50% discount on swim passes. Is that for all county employees?

Steve Craig: Well, I don't, Gary had brought this up and asked them, and it was, the way the minutes read, it was for Burdette employees, because they didn't get the swimming passes or anything. He wanted to know if he could get a half price pass, I think, for one of his grandsons, or two of his grandsons, and they voted on it and passed it.

Commissioner Fanello: Is that not something we should ratify in this meeting?

Steve Craig: That would be something that I thought would come to you, and if you would not agree with that, that would be something that you would act on.

Commissioner Fanello: Refresh my memory, what did we give out as , we gave something to all the employees?

Steve Craig: They all get passes for the swimming pool, and for the miniature golf, and, I guess, that's a mute point for Burdette employees that work there.

Commissioner Fanello: Right.

Steve Craig: It was just something that he brought up at the meeting, and it was passed by the board, which I said is up for review by you.

Commissioner Crouch: Is that something we've done in the past?

Steve Craig: No.

Commissioner Fanello: I almost think that if we did that for them, we would need to do it for everybody, or it wouldn't be fair, would be my personal thought. I mean, that's not fair to other county employees, just because they work at Burdette they get a discount, if all the other county employees don't get the same kind of discount.

Commissioner Crouch: I agree.

Commissioner Fanello: So, maybe if we want to explore giving all full time county employees a discount of some sort.

President Mosby: I would say that this is an item we need to take under consideration.

Commissioner Fanello: I can't hear you.

President Mosby: I think it's an item we need to take under consideration, and have more discussion on it.

Commissioner Fanello: Well, why don't we take it under advisement for a week, and maybe come back with a decision next week, some recommendations.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take advisement under consideration. So ordered. How many kids have we got in the Day Camp, Steve?

Steve Craig: I think it's about 130, but they're still adding kids everyday.

President Mosby: How many did we have in the past?

Steve Craig: We had up to 200.

President Mosby: And how much longer do we think it's going to be before ARC is completely done?

Steve Craig: With the kids in there, the painting company is not going to be able to finish the interior floor until after the Day Camp is out of there. What they are doing is they are staining, it's a concrete floor like any other building that we have at Burdette now, but they're staining the floors. They need a week of time when there's nobody in there, with dust and that, to put down the stain and the eurothane so that it doesn't damage it. That will be probably, I think, the first week of August is the last day of Day Camp, and so they would probably be done about the second week of August, third week of August. Our first rental as of right now is September 19th.

Commissioner Fanello: Well, didn't we have a completion day set?

President Mosby: Yeah, we do.

Commissioner Fanello: I thought we agreed, I thought we came back and amended...refresh my memory, but I thought we came back and amended the completion date of the project.

Steve Craig: We did. We did, and as of the last week, the painters told us everything was fine. I think Tammy was at the meeting, they said they wouldn't have no problems. We got down to the crunch time, and they told us they needed at least a week, a week and a half to finish the floors, which kind of threw a monkey wrench in everybody's—

Commissioner Fanello: Did we not even waive some penalties of some sort in order for them to complete by the second?

Steve Craig: They waived it for a month.

President Mosby: So, is everything done but the floor?

Steve Craig: They are finishing the outside chinking, and they've got some inside chinking also, which is ARC's work. They are doing that at night and weekends, and even some of the outside stuff they are doing during the day.

Commissioner Fanello: So, we're not completely finished then?

Steve Craig: No, I said it needed some finishing touches.

Commissioner Fanello: Well, then I want to look at...I would like for Kevin Winterheimer to look at the contract and look at the penalty situation.

President Mosby: Is there any other questions?

Commissioner Fanello: I would make that in the form of a motion.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Can you get with Kevin tomorrow, Steve, and just go over that list again of exactly what is not finished?

Steve Craig: Uh-huh.

Commissioner Fanello: Also get with Tammy.

Kevin Winterheimer: You better make it Wednesday.

Commissioner Fanello: Okay.

Kevin Winterheimer: Tomorrow is pretty well shot.

Commissioner Fanello: Okay.

Steve Craig: Okay.

Commissioner Fanello: Or maybe you could go ahead and get the list to Tammy, and Tammy could work with Kevin.

Tammy McKinney: I have that contract, so I can get it to Kevin.

President Mosby: I think you need to go back, and look at the motion we made too, and see what the motion was that we made.

Commissioner Fanello: Tammy, could you review our original motion when we extended the completion date?

Tammy McKinney: I believe the original completion date was April 24th.

Steve Craig: Yes.

Tammy McKinney: We extended it–

Steve Craig: They moved it to May 25th or something like that.

Tammy McKinney: –till May 27th.

President Mosby: Is there any other questions? Thank you, Steve.

Steve Craig: You're welcome.

SWCD & Ozone Officer Reports

President Mosby: I don't see anybody from Soil and Water.

Commissioner Fanello: I'll make a motion that we accept the Soil and Water and Ozone Officers reports.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: I'll make a motion that we accept items. I would like to remove one item, and that would be a request for moving phone lines and adding phone lines in the Assessor's office. I do that because we have, basically, turned down every department's request for additional phone lines and renovations.

Commissioner Crouch: Second.

President Mosby: I have a motion to remove the phone lines from the Assessor's office, and a second. So ordered.

Commissioner Fanello: I make a motion to accept the Consent Items as amended.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered on Consent Items.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered, on adjournment.

(The meeting was adjourned at 6:42 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department
Knight Assessor

County Assessor
Commissioners

Coroner

Employment Changes:

| | | |
|----------------|--------------------|-----------------|
| County Clerk | Superior Court | Burdette Park |
| County Council | Sheriff Department | Pigeon Assessor |
| VCCC | Supt. Of Bldgs. | Prosecutor |
| Recorder | | |

Treasurer: Submit Monthly Report for April 2003.

County Clerk: Submit Monthly Report for February 2003.

Those in Attendance:

| | | |
|---------------------|-------------------|---------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Kevin Winternheimer | Bill Fluty | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Bret Sermersheim |
| Stan Blaszczyk | Gail Sinclair | Bill Pedtke |
| Greg Fehn | Don Burton | John Stoll |
| Dennis Hudnall | Steve Craig | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 9, 2003**

The Vanderburgh County Board of Commissioners met in session this 9th day of June, 2003 at 5:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, June the 9th, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of June 2, 2003 Commission Minutes

President Mosby: Thank you. Do I have a motion to approve the minutes of the June 2nd meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Open Bids for APA008-2003: Batteries

President Mosby: First up, Phil Lawrence, permission to open bids for batteries.

Phil Lawrence: We opened APA008-2003, batteries, at the Board of Public Works meeting this morning. This is a quickie. We haven't put any time into looking at any numbers. These are raw numbers. The two bidders were Holderfield Battery and Batteries Plus. I would like permission to take those under advisement.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion to take bids under advisement. So ordered. Is there anything else?

Phil Lawrence: No. I'm done.

President Mosby: That's it, huh? Okay.

Jo Anne Alexandrovich: 8 Hour Ozone Designations

President Mosby: Next Joanne Alexandrovich. Eight hour ozone designation.

Joanne Alexandrovich: Yeah, I'm Joanne Alexandrovich, the County Ozone Officer, and I would like to thank you for allowing me to speak today. Before I start I would like to introduce Dona Bergman, she's the Director of the City of Evansville EPA, with whom I've been working quite closely. There may be some others in the audience who are interested in this issue tonight. I'm here to discuss nonattainment designations for the eight hour ozone standard. For background I submitted a brief issue report. As I move along, and maybe before we start, if you have any questions please ask. Okay. This issue has been pending for a long time. However, I waited to speak with you until today because we were waiting for the USEPA to issue a proposed implementation rule. That was issued on May 14th. I was hoping that the rule would give us some idea of how a nonattainment designation would actually affect Vanderburgh County. I can tell you a little bit of how it might. Where are we now? Currently the monitors in Vanderburgh County do not measure in exceedance of the standard, they don't violate the standard. So, we're technically, I suppose, in attainment. We are expecting to see a dramatic improvement in ozone levels, lowering of ozone levels next year, because of reductions of oxides of nitrogen by utilities. The so called NOxSIP call is requiring utilities all over the eastern half of the U.S. to reduce their NOx, one of the ozone precursors. By the way none of the local sources required to reduce NOx emissions are located in Vanderburgh County. They are all outside of our county. Just on Wednesday IDEM indicated that they will be advising the governor most likely to recommend Posey, Warrick and Vanderburgh County as nonattainment for the eight hour ozone standard. Posey County currently right now is the only monitor in this part of Indiana that has recorded a violation. That's, I think, why they're doing that. What will this designation mean for us? Our values are very close to the standard. That's kind of why our next door neighbors have gotten an exceedance, and we're in compliance with the standard. Because of our levels, we're not likely to require new pollution control on small businesses, like gas stations. Also it's very highly unlikely that we'll have to implement any emissions inspection program for vehicles. So, that, I don't anticipate that coming down the road. However, the proposed rules have options and we don't know what final option will be chosen, but going by USEPA's preferred option, that won't be likely. The one thing that will affect us, and could affect us dramatically, is we'll be required to implement nonattainment new source review, or otherwise known as NSR. What that means is until we're redesignated in attainment, probably around 2007, any major source wishing to move here, anything that's 100 tons per year of NOx or VOC, or an existing source that wants to upgrade at 40 tons per year will have to implement the lowest achievable emissions rate. Which is basically the best controls you can put on a plant, and also obtain offsets. So, if they are going to emit 40 tons more in Vanderburgh County, they are going to have to offset that somehow by finding reductions in the region. USEPA in their proposal may provide some relief to these new source review requirements, but that would mean we would need to submit a plan by April of next year. I'm not sure we'll be able to do this. It may require complex modeling, and rule making, as you may know, that is a slow process. Additionally, the EPA is also reforming their new source review rules, and it's not clear how this reform will affect our nonattainment new source review, should we have to be under that rule. So, where we're going from here, I'll be keeping, and I have already been keeping a close eye on the ozone values as the season progresses. There's a table in the back of your briefing that may need some explanation, but that kind of gets us to where we need to be. I'll make sure that I notify you if any of our six monitors in Posey, Vanderburgh and Warrick show a violation of this standard. We're still a little ways away. So, we're still in compliance. We're continuing our ozone alert forecasting, in order to protect public health, as well as ask the public and industry to make voluntary emissions reductions, if they can. How this forecasting program works, we basically have

emissions all the time. People drive their cars, and operate their factories, but one thing about ozone is it's very dependent on the weather. So, we keep a close eye on the weather and the weather forecast, and when conditions are favorable, or right for ozone, that's when we implement an alert. Dona helps me with that. Also, which I mentioned in my briefing, we are working on putting together a set of materials in support of either two cases for Vanderburgh County. Either an attainment recommendation, or a deferred recommendation. We'll send that information to IDEM, the USEPA, and the governor as well. I might in a week or two ask this Board to submit a letter backing this recommendation. You might decide to write a letter, or contact the governor yourself. Finally, we will remain diligent in trying to keep emissions down in the region, both through planning process and emission controls, because good air quality is extremely important for public health. Any questions?

President Mosby: Questions?

Commissioner Crouch: If I understand you correctly, you are under the impression that the recommendations to the governor currently are going to be that Vanderburgh County be in nonattainment along with other counties, even though, currently, we are in attainment.

Joanne Alexandrovich: That's correct.

Commissioner Crouch: And tell me in simple, layman terms why that, you know, why that is. I have the utmost respect for you and Dona, and, you know, I think we're very, very fortunate to have two individuals of your quality here in Vanderburgh County, and working in county government. But, explain to me why that's being considered, and if you have any idea of what the economic ramifications of that would be for Vanderburgh County.

Joanne Alexandrovich: Okay, first let me thank you for your support, on behalf of Dona and myself. The question on why IDEM is choosing to recommend those three counties when Vanderburgh County shows attainment, is asking me to interpret their thoughts, which they haven't explained very well. I will say that comes from EPA guidance which says to look at the MSA, or the metropolitan statistical area as the causative factor. The emissions coming from the more populated area. So, our MSA actually also includes Henderson County, but they're not recommending anything for Kentucky states. The governor of Kentucky will send that to USEPA. You can make that area larger or smaller according to USEPA guidance, depending on what things like emissions inventories look like. How the weather affects the ozone problems is (inaudible) an issue. Where new development might be occurring. IDEM has also said in the past they considered that Gibson might be sort of part of our MSA now, and possibly within the next year or so the office of management and budget might show that to be the case. They set the boundaries. Why they are saying this, I think there is also an historical factor here. If you look at the recommendations, they don't use that MSA requirement for some of the other places. For instance, Dearborn and Ohio County near Cincinnati, it's part of the Cincinnati MSA. Cincinnati has got worse ozone levels than we do, but IDEM is recommending those for attainment. So, did that answer that question?

Commissioner Crouch: Out of the 92 counties, how many have actual monitors in them?

Joanne Alexandrovich: I think it's around 25. I could tell you exactly. I would have to look it up. I think it's around 25.

Commissioner Crouch: A simple kind of comment would be that it seems that those of us who have monitors, who are taking measures and working very hard to be on top of this situation are maybe being treated a little differently than perhaps counties that don't have monitors in them?

Joanne Alexandrovich: That's true. That's true around the country, not only in Indiana. It's what's known as the monitoring disincentive. If you're not required to install a monitor based on population benchmarks, you're better off not installing one. Because if you don't monitor a violation, you don't have to address it. Unfortunately, that doesn't address possible public health implications.

Commissioner Crouch: And there would be an economic impact on us being declared in nonattainment, is that not correct?

Joanne Alexandrovich: Yeah. If there were potential industries that wanted to move into Vanderburgh County, or let's put Posey and Warrick together as the nonattainment area, it's a high probability that they would just look elsewhere. Because of that nonattainment designation, the expenses of the controls, and the expense is going to vary based on the industry. Utilities were asked to reduce their NOx because it was the most cost effective thing. If you've read anything about it, those controls are costing utilities millions. So, it's not cheap. Also getting the emissions offsets is something that locally we haven't done. I'm not sure Indiana has been all that successful in finding offsets. So, that's a big deal. There's kind of an opposite economic effect on all of this. One thing that comes with a nonattainment designation is something called CMAQ, congestion mitigation air quality road funds. Which I know you guys have heard about. If we're in nonattainment, we will lose, excuse me, if we go into attainment we'll lose the funds that we had previously. Which I spoke to Rose Zigenfus, and I think locally it's about \$450,000. Was it \$450,000?

Commissioner Fanello: John, don't we have a project that we just got some CMAQ funds for?

John Stoll: Green River/Millersburg.

Commissioner Fanello: Green River/Millersburg, and that project is, total cost on that project?

John Stoll: Around a million.

Commissioner Fanello: How much are CMAQ funds?

John Stoll: 80/20.

Commissioner Fanello: Okay.

Joanne Alexandrovich: I think on average over the last ten years, since we went into nonattainment in 1990 for the previous standard, it's been averaging about \$450,000 a year. So, if we go into attainment, we would be sure to keep those funds. I'm not sure that's the best way to look at it.

Commissioner Fanello: Well, we would have to come up with them, if we lost them. We're already in design phase for the Green River/Millersburg Road. So, I don't know if we would keep those.

Joanne Alexandrovich: Whatever is there, you would already have. They are reauthorizing the transportation act, and they may change the formulas. So, it may not be there anyway. Did I answer, I think, all the questions?

Commissioner Crouch: Yes, and I'd like to see this Commission really be very vocal and strong on the leaving Vanderburgh County in attainment.

Joanne Alexandrovich: Well, the EPA expects comments from the governor by July 15th. So, if between now and July 15th we stay in attainment of the standard, I think we have a case, so. Thanks.

President Mosby: Is there any other questions?

Commissioner Fanello: Just let us know when you get some kind of letter drafted.

President Mosby: I was going to say—

Joanne Alexandrovich: So, you would like me to draft a letter for you?

Commissioner Fanello: I think that would be very wise.

Joanne Alexandrovich: Okay.

President Mosby: With your information, if you'll draft it, I mean, I'll be more than glad to sign it.

Joanne Alexandrovich: Sure.

President Mosby: Or all three of us can sign it, or however we want to do it, but—

Joanne Alexandrovich: I anticipate within the next two weeks.

President Mosby: Just keep us informed of any info that you get, so that we can stay aggressively ahead of it.

Joanne Alexandrovich: I'll do that.

President Mosby: Okay.

Joanne Alexandrovich: Thanks.

President Mosby: Thank you. Are there any other questions? Dona, did you want to add anything? I'm not trying to put you on the point.

Dona Bergman: Joanne and I are....my name is Dona Bergman, I'm the Director of the Evansville EPA. We have jurisdiction within the city of Evansville, and four miles out of the city limits, but not outside of Vanderburgh County. In addition to that we run and operate the monitors in Posey and Vanderburgh and Warrick counties that are showing these ozone levels. First off I would, I cannot imagine doing this job without Dr. Alexandrovich. She's a tremendous researcher, she's a wonderful

number cruncher, great colleague. I really could not do my job without her. I really appreciate her friendship and her support. I'm a lot less of a scientist, and a lot more of an environmental geek, I guess, than Joanne is. Basically, the bottom line is if Vanderburgh, Posey and Warrick counties go into nonattainment for ozone, and especially if Henderson County in Kentucky doesn't, then any economic development in this region is going to be south of the river. Now, that means we have no control over their emissions, we get no revenue from their taxes, their payroll is probably going to be more in Kentucky, and as far as, from my standpoint the worst thing is we're going to still get their emissions. A good example of that is the Thoroughbred Power Generating station that was proposed for Muhlenburg County, Kentucky. That's only 60 miles away as the crow flies, but it was going to put out 5,000 tons a year of nitrogen oxides. You cannot tell me that that wouldn't have impacted our air quality. At least during some weather patterns. The other thing that I would really like to mention is Joanne's research has shown that it's not an upwind, downwind thing in this area. We're sort of more like a large serving platter. Not really a valley, but a serving platter. Depending on the air mass, and where the air mass is coming from, we can get and receive ozone precursors from almost any area in this region. So, it's definitely a regional problem. It's definitely going to need a regional solution, not just designating one, or two, or three small counties nonattainment. Thank you.

President Mosby: Are there any questions? Thank you, Dona.

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| <p style="text-align: center;">Community Corrections: Discussion of June 30, 2003 Plan Deadline for State Grant</p> |
|---|

President Mosby: Next we have Community corrections.

Commissioner Fanello: I will go ahead and start that discussion. I attended the Council meeting last Wednesday, and if you remember we had asked the Council to take a look at adding some money onto the \$2 million grant that we're going to be receiving from the state for construction of a new community corrections facility. Several of those Councilmembers thought that maybe we could get better cost estimates. They thought the cost estimates were too high. I agreed to come back to this Commission and let you all know that. I'm sure you probably all read, obviously, read the articles in the newspaper, but they wanted us to explore lower cost estimates, because, you know, we're facing, you know, some budget constraints. So, they're trying to, you know, pinch dollars where they can. I spoke with Joe Fistrovich from the Department of Corrections, and he is the Finance Director there. He is the one that we met with when we, the Sheriff and I met with him originally. Then we went to our second meeting with a couple of the Councilmembers, he was in that meeting as well. The question from the Council was, you know, if we could extend the June 30th date? Mr. Fistrovich's advice was that we do not extend that date, due to the state needing money, and they would really like to know what our plan is, and how we plan to proceed spending the money. So, if we had to extend it one or two weeks, he thought we could ask for it, but he did not recommend it, because they were getting ready to go into some hearings over the next week or so about actually transferring money. If there was any indication that we weren't going to use that money, we could lose it. So, he thought it would be in our best interest if we went ahead and got a letter to the state by June 30th. So, I mean, I've done some research, and I'm sure both of you have as well, and probably talked to other people. So, I guess, I would just kind of open up for discussion.

President Mosby: First of all I'll say that I did....Jimmie Raben, or Councilman Raben, President Raben called me on Thursday morning and asked me if I could meet with him, and I'll just say a local contractor over community corrections costs. Because he thought the costs that United Consulting had give us as an estimate was very high. So, I agreed to meet with President Raben and a local contractor, because the costs that we were basically given were somewhere around \$125 to \$130 a square foot. He seemed to think it could be done for \$70. Before I go into a lot of this, I'm going to go ahead and pass these out. What you'll see here, and what I'm giving you is design guidelines for Community corrections facilities, and then three or four facilities that have just been completed recently, explaining a lot of how the architects have come to the conclusion they've come to on their price. So, on the second page you'll see three facilities and the square footage number that these facilities cost, and how big they were. On the front you'll see the guidelines that have been set by the American Correctional Association. When I met with Jimmie and the local contractor, and the local contractor was basically told if I wanted to build a 23,000 square foot building, what would it cost me? Well, that's a good start, but it's not going to get you to where you need to be. Because the thing that you have to keep in mind when you are looking at it is, number one, we want to be as conservative as possible. When we talked to the architects, and I've talked to them on several different occasions, we told them we wanted nothing more than what we had to have. But, you have to have the guidelines and the codes that have been set forward. Basically, what it amounts to is if you look at this structure, regardless if you want to fully sprinkle the structure or not, it's going to have to be fully sprinkled for fire. The structure will have to have fire rated exterior walls, and possibly some fire rated interior walls, due to the fact that it is housing residential people. You have to have one shower per eight males, or females. You have to have one toilet per eight females. You have to have one toilet per ten males, and half can be urinals. You have to have one wash basin per six males or females. This facility will have to have cameras, recording equipment, and monitoring equipment in the dorm and on the exterior. Occupancy separation is something that you have to take into consideration. Facility/operations rating, and that's something that the Sheriff is going to have to get involved with. It's not something that I can, at this point, tell, you know, the architects. When I say that it becomes much more restrictive if it's institutional, and it's less restrictive and cheaper if it's residential. That will be determined by the way the Sheriff decides to house these people. The corridor attaching the facility, it's not going to be just a door that opens and closes. It's like they said, due to the American Correctional Association, these doors will have to be steel, they will have to be sliding, and if somebody would decide to come out of the jail, as we were transporting a community corrections person back and forth, they have to be locked down if somebody is going to try to escape. These are some of the things, I don't think, that people are taking into consideration when they say, oh, yeah, we can build it. I mean, I talked to three people today, local contractors, people that have done this for probably 30, 40 years that said if you told me that you wanted to put up a shell, I would probably give you that price. Depending on what kind of fixtures you need in it, what's going to be on the floor, what's going to be on the walls, he said, nobody, three different people told me, said nobody can give you a price on that, because they have no bids, they have no specs to bid off of. So, we cannot give you that. I think what we really need to do, we need to look at getting an architect on board, and let the architect maybe meet with some of the local people. I'm all in favor of that. I would love to see us meet with the locals. Let's show them what, you know, the standards and the codes are going to be, and based on the ACA, you know, make them familiar with it. Maybe they can give us what they think would be a close estimate, so that we can be as conservative as possible, and build, you know, what we can afford. I would hate to see this Commission jump

out and think for \$70 a square foot that we're going to build a community corrections facility, which will equal to about 256 beds, 23,087 square feet, at \$70 a square foot. We design that, we bid it out, and we can't build it, we're going to turn right around, folks, and pay to redesign it again. It's not going to be the architects fault when we do that. It's going to be our fault for jumping the gun. I think we really need to be conservative. We need to get an architect on board. Somebody that can sit down with some of the locals, explain how much plumbing and whatever is going to go into this building, and see what it can be built for, and we need to design it off of that. We don't need to say that it's going to cost us \$70 a square foot, and jump out and bid something. We're going to design something and bid it out, and we can't build it. If we have no extra money, and the \$2 million is all that's available to us, we've made one big mistake. That's where I stand, and as I said, you know, you've got comparisons here that shows you Hancock County was built for \$161 a square foot, Dubois was built for \$118 a square foot, LaGrange \$140 a square foot. Dubois is a pre-engineered metal building, the same as we was talking to a local contractor about. It's just hard for me to believe with all these prices that \$70 a square foot in Evansville, or half of what some of these other counties are, is going to fly. I don't believe that, and I think we need to do some education here first, and then look at what we could possibly build for \$2 million. I'm open to any questions.

Commissioner Crouch: This is more of a legal question. Is there anyway we can ask for requests for proposals without going through the formal bid process to see if there are people, local companies out there that given the information that's been shared with us today, would give us some idea of what was feasible?

Commissioner Fanello: Well, how are you going to put out a request for proposal when you don't have any specs—

President Mosby: We don't have any—

Commissioner Fanello: to propose? These aren't specs here, these are standards.

President Mosby: That was the problem I was running into Thursday when I met with President Raben and a local person. You know, there is no specs on what we really need. It's kind of like are you going to have two doors in this building? Or are you going to have 52 doors? 52 is going to cost more than two. We have, you know, that's why I mentioned the plumbing. You know, we can't just put 12 showers in for 256 people. The code says you will put one in for every eight. So, we have nothing to bid off of. We have nothing to get a request for proposals on. What I say is we do, we get an architect on board who can go out and meet with the contractors and get an idea of what they think the cost would be based on the restrictions and the codes that we're going to be under, and then come back and say maybe it's going to come in at \$100 a square foot, we can design something off of that, and then bid it out.

Commissioner Crouch: So, the issue is, if I'm understanding correctly, and I might not be, but we're wanting to see what we can get for \$2 million, and we're wanting to see if there are local companies that perhaps, you know, can be competitive in that process. If that's the case, is there any merit in sending these specs out and seeing if we get any response from local companies? And telling them that \$2 million is our budget.

President Mosby: I would hope—

Commissioner Crouch: Not specs, but guidelines. Whatever these codes are.

Commissioner Fanello: Well, these are guidelines. It's not a building program or a design. What needs to happen is an architect needs to work with local contractors and come up with specs so that we can bid it out on the open market. I think, I was a little confused last week by what Councilman Raben was saying, because I got the impression, and I could have, you know, been wrong, but I got the impression that he wanted us to go get one local contractor, and have that local contractor come up with the specs and do the project. Well, as I understand it, and, Kevin, correct me if I'm wrong, but, I mean, these kind of projects have to be bid out. So, I think what we're saying here is that we need to get an architect on board who can, excuse me, talk with local contractors, and explain these guidelines to them, and see, you know, what they think after they see these guidelines. Because, I spoke with a local developer this morning who told me the exact same thing that Commissioner Mosby, and I don't even think, I don't even know if it was the same developer, but who told me that I can build you a shell of a building for that price, but I can't tell you what it is to finish out the interior until you spec it out. I said, well, you know, depending on what standards are involved, are the prices going to increase? And he said, most definitely. So, until you can give me something to bid off of, I can't give you an estimate. So, we need to have specs. You know, just like we're going to have, like, I don't know how many...I've been told we're going to have four volumes for the jail as a bid package. I mean we need to have a bid package going out.

Commissioner Crouch: But, and, I guess, my legal question was never answered. Is there, you know, does the process allow for that? I know we went through that with the jail design, that we had requests for proposals, and consultants, and architectural people submitted proposals. I mean, is there, does the process allow for that?

Kevin Winternheimer: Are you talking about to select the architect? Is that what you're talking about?

Commissioner Crouch: No, I'm saying does the process allow for us to give these guidelines out, or to somehow advertise them, or to put them out there, and see if there are local companies who would give us requests for proposals, or, you know, give us an indication that this is something that they would be able to do for \$2 million.

Kevin Winternheimer: I do not think that would be practical in and of itself for the reasons that were stated here. Before they get down to talking prices, they need to know a lot more details I think than what you've got here. I think that's what Mr. Mosby is talking about is having the architect sit down with some of the contractors and say, just give us some ballpark figures of what you're talking about. I mean, you could, but I don't think you're going to get a meaningful response. Particularly if you're looking at about two weeks getting that response back before the deadline. I think if that's what, if you're trying to get some rough estimates, I think you've got to move ASAP on that to give them time to even give it some consideration to get a price. Because it varies so much as to what the final end product is. I know, I've seen projects where this is a little bit analogous on a design and build, and you can get a very cheap product when you do a design and build. Unless you are very careful, it's not going to be the product you anticipated, because the assumption is that you want the cheapest possible, not the cheapest workable. That's, the architect will give you, try to give them guidelines as to what is, in fact, workable, not the cheapest thing that will meet the specification, or these general guidelines,

because that may not be, in fact, what you want. There probably are a hundred different ways of accomplishing these different rough guidelines. They are just rough guidelines without giving them anything meaningful. That would be like saying design me a house for my family. I mean, okay, what do you want? You know, it could be anything from a one bedroom to a five bedroom. What do you want? What do you need? What can you afford? Just saying these are the guidelines, I need something for prisoners, and, you know, that doesn't tell them a whole lot. I don't think the contractors...there is so many different ways to accomplish the task.

Commissioner Fanello: As I understand it, I mean, these are just some, look like some bullet point guidelines, as I understand it from talking with an architect today. There a 115 page document that governs community correction facilities. One chapter of that document is devoted to, you know, building a facility, and the building of the facility comes after the many chapters of how you're going to run the facility. So, there is a lot of detailed, intricate information in here, and putting a piece of paper out with some bullet points on it, is not going to get us back the information we need.

Commissioner Crouch: I agree we need to hold to the June 30th deadline. We've known about that for some time. What exactly does the state need from us by June 30 in order to commit that money?

Commissioner Fanello: They need a plan on how we're going to proceed, or how we're going to spend the money. If, you know, we were to go ahead and say we're going to contract with an architect and get this thing moving, that would make them happy. If we're just going to sit around here for the next three or four weeks and try to come up with pie in the sky estimates, then, no, that's not going to make them happy. They want some firm commitment that we're moving forward.

President Mosby: I guess, some of what I was, I guess, trying to get at, maybe in a little bit more detail is, I think, even before, I guess, an architect would sit down with local contractors, an architect is also going to have to sit down with the Sheriff and decide how this facility is going to be run. My understanding is I think there is what they call institutional and a residential. Institutional being very much more restrictive.

Brad Ellsworth: Like a prison.

President Mosby: Right, and it's a whole lot more expensive. If it's more residential, from what I understand, there's more freedom to go, which also gives you less fire rating on your walls, because if there's doors leading to the outside, in the case of an emergency or a fire, where somebody could hit a button, and in 15 seconds the doors will unlock, and let them go out into a fenced in area. It's cheaper in the residential route than it is the institutional route. We have to sit, you know, an architect is going to have to sit down with the Sheriff and decide this before he can really even give a contractor an idea of how restrictive they are going. If it's restrictive and it's institutional, your interior walls are going to be three and four "r's" fire rated, due to the...I mean, we have a definite, you know, liability there if we've got 250 people locked in a building, and something happens.

Commissioner Crouch: Refresh my memory, when we hired the current architect for the jail, did we not hire them and pay them to do the jail, community corrections, and juvenile detention combination of all three? So, we are going to be paying additional architectural fees on top of that?

President Mosby: Right. When we ended up in the final negotiations with the architect, we negotiated with them to build a jail facility, not to exceed \$35 million, and that's how we ended up at the 500 beds, and went from there. We really went backwards at it. We backed out of it rather than go forward. No, we had just a contract to build a jail facility. This facility will be hooked to the jail facility with a corridor to be able to utilize some of the support out of the jail facility. So, that we can utilize some of that.

Commissioner Fanello: Just as a refresher, I mean, when we took, we did not take requests for proposals, you know, in the jail when we hired the architect. We took request for qualifications and, I think, we got about ten or 12 back, and we narrowed it down to less than six, I think, and then brought them all in and interviewed them in a Commission meeting. So, those were all based on requests for qualifications, because at that time we weren't even, excuse me, I've got a cold. We weren't even sure we were going to build a community corrections facility or juvenile detention facility, because we weren't sure what the budget was going to be. There was discussion of whether the \$35 million was the total budget, or was it a \$35 million construction budget. I think that led to some confusion, because when the Council said \$35 million, there was some confusion that, as I understood it from people that they did not know if that meant \$35 million construction dollars, or \$35 million project dollars. There's a difference. The total project includes hard costs and soft costs. Construction dollars is construction dollars. So, but we did just take requests for qualifications when we hired the jail architect. Does the Sheriff have anything that he would want to add?

President Mosby: Are there any other questions by any member of the Commission? Any comments that you would like to make?

Brad Ellsworth: Brad Ellsworth, Sheriff of Vanderburgh County. I think this is the document, it's the ACA local detention facilities document that you were referring to. It's kind of strange, because it refers more to prisons and not jails, because those are different standards, the AJA puts those out. It does call in to community corrections, and how secure, like Commissioner Mosby was saying, how secure we're going to make this. We are going to be able to save some money, I think, because this won't be an institutional grade building. We're not going to need the, we'll probably have push bar escape doors on the dorms that they can go out. We'll just send the troops out to round them back up. We wouldn't need the perimeter fence, because these people are sentenced, and if they get out, it's a bad thing, but where we have our Safe House now, if they go out the back door, we put out alerts and put out warrants for them. So, there's things that we'll have to do, because of fire ratings, and they are residential, and certain codes when you house people. There are certain things in these standards that we won't have to do. Some will just be for, like Commissioner Mosby said, running the facility. You can't have 250 people in there with one toilet to service them all, or one shower. That will be, you know, the guideline is 12, or one per 12, and those are pretty good guidelines to follow to try to get people out to work, and things like that. So, I don't know what else to really add at this point. Unless you have questions for me, and my point of view.

Commissioner Fanello: Do you have a point of view?

Brad Ellsworth: I've forgotten, if I did, I've forgotten at this point. We've discussed a lot, I wish I had, you know, more to add at this point. There are a lot of intricacies there. Some of the security things that, you know, the computers have to talk back

and forth. The thing that is going to save us money in this is that our community correction guards are able to walk over to the jail. We're going to be using some of the guards from over there, and because we can reduce guards over there, is that we are going to not have to hire so many in the jail. The computer system will all be the same, the security system will be the same. The fact that central control in the jail will operate some of the things over at community corrections, those are all things that are going to save us money, but they are also things that add costs to that just, you know, our term is the over glorified pole barn sitting out there by itself. So, I think it is one project. It is, you know, the only way we're going to make this work, I think, is opening it on the same day, so that all those employees can be there, they're in place, and some will work at community corrections, some will work in the jail. It's, I think it's an inter-mixed project. We're not going to just see one go up, and then the other, and then expect them to talk to each other and interact. Other than that, I would answer any questions from what you all heard.

President Mosby: Are you comfortable with what you heard tonight?

Brad Ellsworth: Absolutely.

President Mosby: I mean, getting an architect on board who will work with you. I mean, and you just said something a minute ago with the residential that we didn't even need the perimeter fence. That was something we were talking about today, to have a fenced in area, but you say we don't need it. I mean, that's fine.

Brad Ellsworth: I don't think you would have to have that like this guideline says, because you're letting them out to go to work at 8:00 in the morning, if there would be a fire, let's get them out of there. If they go 100' instead of 50, I think we're okay. I think it's different than a prejudicated inmate.

President Mosby: I guess, that's why I think they need to talk with the Sheriff, and he can maybe tell them some of the things we don't need in turn of two or three people I was talking to today. I mean, these are some of the things they thought we would need. You might be able to enlighten them to where we can save money. I mean, because we have to be very cost conservative here.

Brad Ellsworth: There could be some confusion over a document that Chief Williams and I provided, and it was more, and we were really trying to show how simple this could be, you know, what we were really needing. Basically, it was two or three classrooms, or a large classroom with the sliding walls to cut into three. Possibly, if we go with the bigger number, two male dorms, one female, but actually able to be seen by one guard at one time. You know, two guards guarding these inmates at any one time. Of course, the bathroom facilities we didn't draw in. Offices for the case managers and those employees, but, I think, like I said, that was our rendition done on a home computer, not an architectural design. So, I think that's what some people took to people and said, what can you build this square for. It had none of the guts. I don't want to say that led to confusion, but that was the shell saying this is something about as simple as we need, but it didn't show any of the wires and the toilets.

President Mosby: I've seen it, but I don't have a copy of it. That is the document that I think was being passed around.

Brad Ellsworth: It was a good thing, but it was just an example of how, you know, how simple of a building we really need as far as a floor outlay, but there's more to it than that.

Commissioner Fanello: Sheriff, let me ask you, now our current architect who's working on the jail, I know you've spent a lot of time with them here and up in Indianapolis, and I know you've discussed community corrections with them. Do you feel they have a good understanding, and are you satisfied? You've told us that before in the meeting that you've been very satisfied with them.

Brad Ellsworth: Usually community corrections, and we've been going into this truly as if, not as if we were going to do it, we knew it was an option, but it always was there in the discussions that if we do this, then we have to do this. So, we've kind of—

Commissioner Fanello: So, they've been kind of working and they've kind of laid out this master plan of the jail and what could happen if we put community corrections, and what could happen if we put a juvenile center—

Brad Ellsworth: And connect that, and that's the way we've done these staffing...in fact, we presented at the Council last week was, we presented three different staffing plans; one with the jail alone, the 512 bed jail, then one with 144 beds. But all that kind of intermingles, that staffing design is around if we meld those two entities together, the supervision and all that.

Commissioner Fanello: I guess, what I'm trying to get at is there is a base of knowledge there from working with them.

Brad Ellsworth: Absolutely, and we've talked about, and they've really talked about it. They know that we don't need jail type hardware in community corrections. We've always talked about this, I don't know what they call it, the pre-engineered steel.

Commissioner Fanello: Pre-engineered metal building.

Brad Ellsworth: The only thing I've heard that we might get concrete a few feet up in the, what we call the living area so that you don't see this metal siding get dented and a rock from a lawnmower, you know, gets thrown up and this thing looks like trash next to a new building in a matter of a year. I know the estimates, and what they've said from day one, and we won't know until the bids come in what this thing is going to cost. But, I know the estimates on the jail were anywhere from \$180 to \$220 per square foot. The \$220 may be high, and this one they were looking at \$119 (Inaudible. Tape flipped to other side) the cheaper construction building. But, there are going to be things that we can incorporate; the security consultant, the kitchen consultant, that's a mute point, because the kitchen is totally in community, or in the jail. The security consultant, Arnold O'Sheridan, I think, is the name of the company. That's things that he's going to be able to do while he's working on the jail, you know, how many cameras do we need over here in this thing that is not going to double an expense. I'm fine, I think everybody wants to save money, and spend as little as we can, but they're so ingrained in this project, and the two projects are so ingrained together, I'm comfortable with them.

President Mosby: Are there any other questions? Or any comments? Anybody in the audience?

Commissioner Fanello: Well, I would say to get us to where we need to be with the DOC, that because of the synergies that exist currently with the current architect working on the jail, and the knowledge, the base of knowledge that they have developed with Sheriff Ellsworth and Chief Deputy Williams, that we go ahead and proceed contracting with them to design a community corrections facility that will come in at a \$2 million, with our \$2 million budget.

Commissioner Crouch: I am speaking from memory, but I was under the impression that the \$35 million budget that was set in place by County Council was for the jail project, which would include not only the jail, but community corrections and juvenile detention. And that the architects that were hired would be doing work for all three of those. Now, Commissioner Mosby shared with me tonight that at some point in time in the final negotiations that changed, and I wasn't aware of that. I guess, if that in fact is the case, and the \$35 million budget is for the jail only, and the fees that are being charged are for that facility only, and we're not looking at a \$2 million budget for a new facility, I believe we should go out for requests for qualifications again for, you know, for architects to do the community corrections with a new budget, and as a separate project.

Commissioner Fanello: Well, help me to understand why when we have an architect on board that has a base of knowledge, and has been working on the project for two years, and, basically, knows how the community corrections facility is going to work with the jail facility. Excuse me, help me to understand what could be gained by that, when if we brought a new architect on board, they would have to go back and, basically, redo what's been done.

Commissioner Crouch: Well, and my point is that the \$35 million, and the architectural contract, and the fees that were put in place, in my opinion, was for anything connected to the jail project. So, if in fact that is not the case, and they've been doing work on community corrections, and we've now arrived at a point where we want to pay for the design of that facility and hire an architect, then I think in fairness we ought to treat it as a separate project. Even though it's very intertwined, and go out for requests for qualifications. That's my opinion. You may not agree with that.

Commissioner Fanello: Well, I don't agree with it, because I think it's more political in nature than anything. You know, they have worked for the past two years, you know, helping us, and they have out of the goodness of their heart come up with a lot of this information and not got paid for it. Community corrections was not part of the project. When we sat here and negotiated the contract, we knew that. Everybody sitting at this table in an open meeting knew that \$35 million was not going to build a jail, a community corrections facility, and a juvenile detention facility. So, that was not the contract negotiated when Commissioner Mourdock was sitting here. I mean, under what you're saying, then I would have to say that, you know, the community corrections project should be coming out of the \$35 million then, if I'm understanding what you're saying. That we should be building a juvenile detention and community corrections from the \$35 million.

Commissioner Crouch: I think that was, as I understand it, the original intent of Council. That's not the direction that we're going in, and we're getting \$2 million from DOC.

Commissioner Fanello: I wish \$35 million got us all three of those projects, but if you look at the projects built across the state, you'll find that it doesn't give you \$35

million. I mean, I read the comments in the newspaper on Saturday from Councilman Raben, and I don't really know what is all behind that, but I think what we need to look at here is taking a common sense approach to getting this done, and getting it done for the best bang for our buck. You know, they have developed a wealth of knowledge over the past two years from working with Sheriff Ellsworth and Chief Deputy Williams, and I can't see just flushing that knowledge away, and, you know, bringing somebody on board who is going to have to go and, basically, get themselves up to speed and still work with our current architect. What we might run into is we might end up getting charged more, because now they are going to have to work with our current architect in understanding how this is going to work with the jail. So, actually, I think we could end up spending more money than saving money.

President Mosby: Let me just say something. In speaking with President Raben on Thursday, and President Raben said he was very aware of the fact that architectural engineering fees probably run between 7% and 8% of the total project. I think that's why he thought United's fees were very high in the document that he had looked out, not keeping in mind that United was looking at approximately a \$4 million project. Knowing that the fees should be between 7% and 8%, you know, that is something we will keep in mind before we ever sign anything, so that we can be very cost conservative, and that we would probably look at something cheaper than 7%, due to the fact, and I think the Sheriff mentioned it a minute ago, when you look at your security and you look at your cameras and your recording equipment, they are all going to be hooked into one central location, which is going to be over in the jail, and that will be monitored, I think, in that one location. So, it's only going to make sense that we have one architect who is going to work on all this, and he will put in the cameras, and he will know where the cameras and the recording equipment need to be, and he'll know exactly how all this hooks in to one central location in that jail. Keeping in mind that he knows the design of that building, he will know where to design that corridor that goes over to the community corrections, and it's going to be the most feasible, cost conservative way to get from one to the other. I think we're going to be, I think we're going to defeat our own purpose if we try to get two architects on one project that have to be hooked together. I mean, we've got one guy over here trying to decide where to put cameras and recording equipment and where to put a corridor. When we've got an architect over here that's already built the building. I think, you know, we know, and President Raben said it that fees need to be between 7% and 8%. We are very aware of that, and on \$2 million I can pretty well figure, you know, what that needs to be, and I can assure this community we will be cost conservative, and we will look at that and we'll make sure we get a whole lot better deal.

Commissioner Crouch: You know, we very well might end up with the same architect for both, if we do go out for request for qualifications. I just think in fairness since they've turned into two separate projects, that would be the fair thing to do. We very well may end up with the same.

President Mosby: I don't think they are two separate projects. I really don't. I mean, I heard the Sheriff stand right here and say that all along they have talked about this, and how they can intermingle the detention officers, the correction officers, and how they can work together staffing wise, the whole nine...I mean, they are going to be hooked together with a corridor, the cameras, the recording equipment, everything is going to operate the same. They are not two separate projects. The only reason they became two separate projects is because this county decided not to fund both of them and do both projects at the same time. Luckily, with the help of the Sheriff

and members of this Commission, we were able to secure \$2 million we didn't have. \$2 million we don't have to add one penny to, and this has become a viable project now. It is one project. It is not two projects.

Commissioner Fanello: I would just add, you know, we took requests for qualifications from about 12 different architects, and those are still the same architects today, as I understand it that are out there, but if I thought that we were saving money, or doing anything that would benefit us by sitting here and choosing a different architect, I would, you know, I would agree with you, but with the synergies that are in place right now, I don't really see how that would really be logical.

Brad Ellsworth: Brad Ellsworth. The only comment, additional comment that I would make is, the Commission it's important to remember how many times, and I haven't read the contract, the original contract with United/DLZ in a long time, but what was spelled out in there, I know that we and the Council or the Commission and the Council have asked them to go back to the drawing board a number of times. They've been in the old jail, and said go up in the old jail, and what do you think we can do with that. I know we went up, and they were doing measurements and square footage. We went to the old Safe House and did things there. They went with us to 20 different sites in this county and looked at things. You know, I just know we went back and said okay now go figure us a 40 bed facility. Or now go figure us a 200 bed facility. I know we've sent them back and forth to the drawing board several times, and, like I said, I don't think that was an itemized bill. Now, we may be paying them a lot of money, but if it was itemized there's a lot of stuff they could say not in the contract, not in the contract, not in the contract, and got away with it. Now, maybe, like I said, in order to do business that's not a good way, but I think it's important to remember that.

President Mosby: Have they ever refused you at any point on anything? That you know of.

Brad Ellsworth: Not me. I don't know what they have with you or the Council, but it always sounded like we were back doing more work after—

President Mosby: I think they are working with you more than they are us. I mean, I just wondered if you ever had any problem at any point in time.

Brad Ellsworth: No. Not at all.

Commissioner Fanello: I would just say every time I've asked them for a cost estimate or an explanation on why something is being done, and I've sat in on some of the meetings that the Sheriff and Chief Williams have been in on with the architect, and, you know, I'm in a service business, and when you're in a service business, you do a lot of things that you don't ever get compensated for. It happens that way because you want to develop a good client relationship, and I think they have gone above and beyond what they were originally contracted to do. So, I mean, I think they've been very helpful, and they've been very helpful when they've been working with the Sheriff and Chief Williams. So, like I said before, you know, I think there are synergies that exist there, and there's a cost savings by having one architect on board, instead of hiring, you know, two architects. So, I would just move that we proceed with negotiating with the current architect to design this community correction facility, and live within our \$2 million budget that was given by the state.

President Mosby: I was going to say, we had a motion on the floor to move forward and trying to see what we could get for \$2 million and meet with local contractors of the community. Do I have a second? I will second that motion. So, the motion was to meet with United and try to come up with what we can get for a \$2 million figure. I say so ordered.

Commissioner Fanello: I would just say that we need to go ahead and draft a letter to the DOC, and, I guess, since we only have two Commissioner doing that, that the letter will come from the President and Vice President. If Patty White would draft that letter, and we need to get that up there that we are proceeding with getting an architect on board, and securing the \$2 million. You know, I'm happy that, you know, we are being very cost conservative here, and we're trying to live within a budget, and, you know, having one architect instead of hiring two architects makes budget sense to me.

President Mosby: Any other comments?

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Change)

Madelyn Grayson: Thank you.

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| Public Comment |
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President Mosby: Moving on, public comment. Is there anybody from the public that would like to speak? Please come forward. Just state your name and address.

Tyra Sikkink: My name is Tyra Sikkink, and I own a home at 213 Washington Avenue. I'm here to discuss an incident that happened earlier today. I called the Mayor's complaint line, because I was treated very disrespectful by Paul Hatfield today. The lady that answered the phone at the complaint line connected me to, I'm sorry, what was your name?

Patty White: Patty White.

President Mosby: Patty.

Tyra Sikkink: Patty.

President Mosby: Okay.

Tyra Sikkink: And she told me that she could discuss it with you guys. I thought as long as you were meeting tonight, I would come and explain it myself.

President Mosby: Okay.

Tyra Sikkink: As you all know the tax appeal process is not pleasant. I'm sure all of you have heard about it from people. So, it's an unpleasant situation anyway. We were at the counter and the lady was helping us fill out the paperwork, and we had

a few questions about it. We were asked if we wanted to sign the waiver. It's a 30 day waiver that gives the appeal process, I guess, unlimited amount of time. We said, no, because we weren't given a 30 day extension on paying for our taxes. Well, apparently that upset the lady at the counter, and I said I know it's not your fault, but this is, you know, these are my concerns, and this is my opinion. I also have a problem with some of the statements that Paul Hatfield made in the newspaper. That if we can't afford to live down here, we should sell. Well, if we all decided to sell tomorrow, it would be really hard to sell all of our houses for what we've at least put into them. So, I said if Paul Hatfield had a backbone he would be up here supporting you guys, instead of sitting in his office, because the lady said she was so upset, she had been through this for six weeks of people complaining, and I was trying to say, I know it's not her fault, but she's the one at the counter, and she's the one I'm going to be asking these questions to. So, one of the other girls went back and talked to Paul. She came out and said he will speak to you, and we said can we bring the news crews back there with us so we have witnesses to what's being said. They said, no. So, we went back there, and he was very disrespectful. He was cussing at me, and yelling at me, because he said I was treating his employees rudely. When I didn't raise my voice. I asked questions, which I believe is my right to ask questions to the appeals process, to make sure I completely understand what's going on. That gives him the right to yell at me. They could hear him all the way out across the front desk. The news reporters heard him also. I don't feel like I deserve to be treated that way, when all I'm doing is asking a question, or asking several questions. He used very vulgar language. He said "GD", and several other one's that I can't repeat. When I call, I'm told that no one has any authority over him. He is it. Until the next election. I just don't understand why someone can treat people that way, and get by with it. Does anyone have any explanation?

Commissioner Fanello: Commissioner Mosby, explanation?

Tyra Sikkink: I'm not a troublemaker, but I'm upset enough today that I need to voice what happened.

President Mosby: I totally understand where you're coming from. I wouldn't expect anybody in my office to treat you that a way. I wouldn't treat you that a way. I mean, there's no doubt, I'm an elected official. I mean, I think Kevin can tell you that, I mean, he is a member of the township, and, I mean, he is an elected official. No, I don't have jurisdiction over him, and I don't put him in his office. I mean, it's basically the people of the community of Pigeon Township who put him there. As to say I condone it, no, I mean, I don't, and I wouldn't treat anybody that a way. If you came in my office tomorrow, I mean, regardless of how mad I was.

Tyra Sikkink: Well, I was also told that I better be careful because since I do have an appeal, and he is in charge of those appeals that now I'm going to be scrutinized, and treated unfairly. I was told that by someone in his office. That scares me too.

Commissioner Fanello: Can you please repeat your name?

Tyra Sikkink: Tyra Sikkink. T-y-r-a, and the last name is S, as in Sam, i-k-k-i-n-k. I'm not a troublemaker, but that...it's really bothered me all day, and I've called everybody I have phone numbers for, and everyone's said at the next election you can vote not for him.

Commissioner Fanello: Well, I'm sorry that you had that experience. I think, you know, elected officials have a duty to treat their constituents with respect, and listen to what they have to say.

Tyra Sikkink: Yeah.

Commissioner Fanello: I'm sorry that you had that experience.

Tyra Sikkink: I mean, that's all I expect. You know, I don't expect everyone to always agree with me, because I'm not always going to like, you know, what the outcome is, but I do expect to be treated fairly and with respect. He really, he said he would do whatever he wanted to. If I didn't sign the waiver, he would get to it whenever he "GD" well felt like it.

President Mosby: Kevin, do you have any, I mean—

Kevin Winternheimer: No, I don't really have anything to add, I think you both have summed it up very well. Hopefully, that, whoever told you that, that that would not be the case. If you feel you did not get a fair assessment, you need to pursue your appeal. They are exactly right, you and the other voters are his boss. I think we saw in this last election how the difference that two or three can make in an election. So, you and all your friends and neighbors and everybody need to get out the next election and keep voting the way you feel is right.

Tyra Sikkink: He told me that people wouldn't remember. I'm going to make it my business to personally make sure they remember the way...that the article that was in the newspaper, and the way he treated me, because it's just, it's not right that he can get by with that. Do you have something to say?

Tim Mills: My name is Tim Mills. We are not from Evansville. We've been here four years. We've invested a tremendous amount of money into the historic area. We're in the process of opening a restaurant at the corner of Second and Oak in the old Bargetown Market. We have bought a lot of property that's distressed, probably should be torn down. I'm not sure if the county and the city really realizes what has happened, and what is going to take place in the next several years. We have neighbors across the street from us, elderly that have already put their houses on the market and bought condos, because they can't afford to live their anymore. So, you know, I'm not really sure if this Commission can help with the matter. It's a very serious matter. You know, we're always hearing on the news let's rebuild downtown, let's rebuild Main Street. How do you expect to do that? You know, just like Main Street, taxes doubled on Main Street. How do you expect businesses to come in, and residents to invest money in an area that they are going to do, they are paying for, what? The Mayor makes a deal with Vectren so we pay for Vectren's taxes for the next 20 years, because the other townships don't pay it. Pigeon Township pays it. I know you guys don't make all the laws, but you are involved in public service, and you are the higher power here in Vanderburgh County. I really don't think the total ramification of what's happened is understood by a lot of people. A lot of people want to sit out on the east side, or whatever and say, oh, my taxes went down a little bit. Our taxes, I had a house, and my taxes went up 1000%, and the house is not liveable. I bought a house, I bought a slum lord house that lives next door to me that had eight apartments and two bathrooms. You go halfway into the house and the floor drops 18" from the roof down. If it were in any other neighborhood, it would be condemned. They assessed that house at \$108,000. You know, give us a break. We put a lot of money into our homes, sure, they are

worth money, they are probably worth more than what they've been assessed, but a new home, what do you got to do, change a light bulb? Fix a toilet that don't flush all the time? An historic home, you put money into it every, single day. You know, it's just not right. Downtown Evansville will never be anything unless the county and the city are willing to get behind it, and find out ways that we can get tax credits, different things. You know, try to raise money for the school system, couldn't get it through on a vote, so, what do they do? They hammer us in Pigeon Township, because what comes out of Pigeon Township, taxes for the school system. The school system is not in trouble anymore, huh? One township cannot pay for everything. Just because 150 people own homes down there...Paul Hatfield made a statement, oh, they are rich people down there, they can afford it. We're not all rich people down there. Not even close. We pay probably the highest utility bills in the city, because we can't insulate our homes. We've got to go to get approval to have our windows changed. As some of our neighbors found out, it wasn't a very easy thing. They had to hire attorneys and everything else just to replace their windows where they can have more energy efficient windows. So, we need help. If you as public servants want to see the downtown area move forward...which, if the city was smart it would be using that as an incentive for tourism, and to bring people to this town. Most cities do. That's why you've got so many programs now on t.v., HGTV, you know, you've got a million shows on historic. But, this city, what do we do here? We condemn it and tear it down. Let's save what we have. Once it's gone, it's not coming back. So, any help we can get we would appreciate it.

President Mosby: I can honestly say, Tim, I've talked to some people in that area down there, even though I know it's the city, we're county. I've talked with some people that own homes like you're talking about, historical homes that, I guess, experienced the same thing you did, taxes went 600%, 700% on them. I would be the first to say that if there was anything that I could do to give tax breaks to distressed property or historical homes, I would do it. I agree with you, these people take on some very big financial difficulties in restoring the older homes in the community. I even had one woman tell me she don't live in Evansville, but she owns two of them. She said, believe me, given the fact I could sell both of them tomorrow, I don't care what happens to them. She said I would get out of them just for the pure and simple fact I can't afford to pay the taxes on them anymore.

Tim Mills: I own 11 properties down there.

President Mosby: I would agree with you, there needs to be some tax breaks for historic or distressed properties, to see them put back on the market, and put back into living conditions. I don't know, at this point, what this Commission could do, but I would be willing to talk with the corporate counsel and maybe the people over in the city to see if there is something that we could do. Maybe it has to be at a state level, I don't know.

Tim Mills: I think it may have to be at a state level.

President Mosby: Where the tax credit for historical homes, but, I guess, commend you on what you are doing, for owning 11 of them.

Tim Mills: Well, we appreciate it, but—

President Mosby: I'm sorry you got treated the way you did.

Tim Mills: Yeah, it was really uncalled for. It really was. Especially for someone that we pay their salary. So—

President Mosby: I think I know the story on the windows too.

Tim Mills: Huh, yeah, I'm sure you have.

President Mosby: I know about the windows too.

Tim Mills: So, if you know a good candidate to run against him next, we will support them.

Commissioner Fanello: I'll just say thank you for your investment, you know, in the city, and remember we do have a Mayoral election this year, and you may want to take these issues up with—

Tim Mills: We've already gotten involved, and we've already talked to that person today.

Commissioner Fanello: You know, Indianapolis has done some wonderful things to rejuvenate their historical district. I know someone who actually buys properties down there, and they renovate them, and there is some awesome tax credits associated with that. So, this city ought to take a serious look at some incentives to get people to develop.

Tyra Sikkink: We've only lived here four years. We don't have a lot of time invested. We could leave if we wanted to. It's just there is so much potential here. We hate to see it wasted. You have to give people incentives to take on these big projects. Otherwise, it's just, it's so labor intensive and time consuming that, unless you truly are passionate about it, you just don't have the time or the money. Then once the tax issue comes into effect, you either put a new roof on the house, or you pay your taxes. If you don't put a new roof on your house, it doesn't do any good to pay your taxes, because the house is going to fall in. So, it's just a bad situation. I appreciate your time.

Tim Mills: Thank you.

President Mosby: No problem. Thank you. Is there anybody else in the public that would like to speak? Seeing none.

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| Old Business |
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President Mosby: Any Old Business?

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| New Business |
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President Mosby: Any New Business? Department head reports, County Engineer, John Stoll.

Commissioner Fanello: I'm sorry. We did not have a quorum at Solid Waste, so just for everybody's information, you were in here when that happened, but no quorum. So, we are going to try to have a meeting next Monday at 4:30.

President Mosby: Patty, remind me of that.

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| County Engineer |
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President Mosby: Go ahead, John.

John Stoll: First I would like to request to go to County Council to appropriate \$700,000 for the Stockwell Road culvert project. This is the one that is needed to, basically, get the flood plain elevations down to where they currently are. I spoke with the consultant, American Consulting, they feel that that should be more than enough money, but I wanted to make sure we have enough money in the account, so the funding issue doesn't slow the project down. Since we only have a six month window to get the whole thing completed. I don't have an account number yet, but we'll get that established as well.

Commissioner Fanello: I would move that we let John ask for that appropriation.

Commissioner Crouch: Second.

President Mosby: So ordered. That is coming out of Bridge Fund, right?

John Stoll: Right. The second item is just something that I wanted to bring to your attention. None of you were in office back when this subdivision was approved, but there is going to be a change on Seib Road. Back when Stone Creek Subdivision was approved some of the residents had some concerns that the intersection of Seib Road at Kansas was too close to the intersection of 57 and Kansas. So, as part of the project, the approval of this subdivision, the project will result in Seib Road being realigned about 400' west of it's current intersection. Then the pavement will be removed at that location. The reason I wanted to bring that to your attention now is because the contractor plans on getting started on this project sometime probably around the middle of next week. Seib Road could be closed for up to two weeks while this connection here in this cross hashed area is being constructed. So, in case you get any questions about it, that's what's going on. Like I said, this approval was granted several years ago, and I don't believe any of you were in office at that time. But, it will be a significant change to Seib Road, from what everybody's been used to over the years. Other than that, I don't have anything else. This was already approved as part of the road plans for the subdivision, so I'm not aware of anything that needs additional approval. I just wanted to make you aware of it, since you might get some phone calls on it.

President Mosby: I had one question, John. Since you said you didn't have anything else. I went out and looked at a sidewalk the other day, and I can't remember where it was at. I can't think of the name of the subdivision. It should have been an 18" green space between the curb and the sidewalk—

John Stoll: Oh, Windemere.

President Mosby: Yes. The gentleman asked me if I had any problem with it. I really don't.

John Stoll: Okay.

President Mosby: I mean, I don't know if it's something that this Commission needs to act on. I think it was originally set up.

John Stoll: Somewhere in that sub there would have to be a transition.

President Mosby: Okay.

John Stoll: He was in a section where it called for the separation between the sidewalk and the back of the curb. So, somewhere they would have to transition it. It was just supposed to be on a different lot than that one the way I recall it. If it's okay with you, then we'll just leave it as is.

President Mosby: I don't really want to speak for the other two, but, I mean, I can honestly say, I mean, the way they rounded the curb, it looks nice, and now that they've ended at the fire hydrant, it's going to make for a good transition right there where they are going to landscape that, and offset it by 18". My opinion, I think it's going to work a whole lot better than up the hill, where all of a sudden you were going to have two sidewalks—

John Stoll: Because it didn't match.

President Mosby: So, at least there's a way of making the transition now.

John Stoll: Okay.

President Mosby: So, I don't have a problem with it. The other two Commissioners might want to go look at it. It's in Windemere Subdivision, I think—

John Stoll: Section four.

President Mosby: Yeah.

John Stoll: It's off of Kansas Road and Highway 57.

President Mosby: You would probably have to contact Chris Combs, I think. Who's the other guy? I'm not even sure. There's two of them.

John Stoll: I believe Dan Buck's involved in section four as well.

President Mosby: But, that's not one of his. It's Chris and whoever is building with Chris.

John Stoll: Off the top of my head, I don't remember.

President Mosby: I just happened to be out that a way, and one of them had asked me if I could run over, and I did. It looks nice.

John Stoll: Okay.

President Mosby: Is there any other questions or comments of John? Seeing none. Thank you, John.

John Stoll: Thanks.

County Highway

President Mosby: County Highway. Rick Dickinson is with us tonight. Dennis is out of town.

Rick Dickinson: Yeah, Rick Dickinson, County Highway. You got my report. I don't know if there's any questions or not.

Commissioner Crouch: Rick, there was gentleman who called me at home. I don't know, I believe he's called the highway, Michael Dillbeck. I believe he said his address was 2920 Harmony Way. I don't know if the other two Commissioners got a call from him. He had indicated that there is a pot hole, or a hole that has been continually refilled by the Highway Department, and that the excess of debris is sitting in the right-of-way. John, do you know about this? Is that why your walking up? Oh, you're walking out.

President Mosby: He's trying to get out before he gets into this.

Commissioner Crouch: Anyway, the gentleman indicated that he's made numerous requests to get that removed, and it hasn't.

Rick Dickinson: Was that address 2029?

Commissioner Crouch: 2920 Harmony Way. I have his phone number. I can e-mail it to you tomorrow, or call you.

Rick Dickinson: That would be great.

Commissioner Crouch: Get that to you.

Rick Dickinson: I'll take care of it first thing in the morning, as soon as you call.

Commissioner Crouch: Okay, thanks, Rick.

Rick Dickinson: I'll be in at 6:00. So, that's the best time to catch us.

Commissioner Crouch: I'll call you when I get up.

Rick Dickinson: What I'm saying, if you call me at 6:00, that's when I'm making out the sheets though. I can make sure I get somebody out there. If not, we got people out there who can stop. I've got something about the LST that's coming to town, which is a great thing. The city and Mulzer's and there's a bunch of people pitching in to do this thing. I believe David knows more about it, or Commissioner Mosby knows more about it than I do.

President Mosby: I can, I've attended, I guess, six or eight of the LST meetings now, and the one's I've been able to make. I guess, the county was first called into this project wanting to see what we could make available, and maybe help with the liability and the insurance, and some things like that, because the committee that has put this together has done it with zero dollars. Everything has been donations from there, from the Nut Club to whoever. It was going to be very, very costly for the county to research liability insurance for the LST. The city at that point got involved, and they went ahead and leased the property from the people down there, and it's

now city property. They are leasing it, and they are providing all the insurance on that project. To make you familiar with it, if you know where Marina Pointe is, this is going to sit right below Marina Pointe, out in the river. What this committee has done, along with Industrial Contractors, Mulzer, and everybody else, they've got some ramps that they are going to bring down from Cincinnati that are going to go out to the LST. Industrial has went down and cut a ramp down to this, and they are going to redo the whole parking lot. What they have asked the county to participate in is possibly just putting a rough surface on this parking lot area, and down to the boat, so that they can actually back handicap accessible vans down to the LST, to the ramp, and make this accessible for most of the people, probably, that worked on this LST, or worked on the LST's when they were here in Evansville. What they've asked the county to do is okay to just put a rough surface, no smooth coat, no finish coat or nothing, on the gravel to make it accessible for them, the elderly and the handicapped. The city is going to run handicap busses to and from all day long. Then they are going to make just a little circle in and out. So, I would bring it up, I would make a motion, I guess, I don't know if I can as President. I would make a motion that the county participate. Bill Nix from Industrial is going, he's going to grade out everything, stake it off. At their expense, Mulzer is going to donate all the stone and everything. They just want to know, since we had our own paver, if we could pave it for them.

Commissioner Crouch: Do you know what cost that is?

President Mosby: Not exactly. I mean, we haven't got the...we're waiting for Industrial to do all the staking off and the measuring. I don't have an outright cost on it. We're, I know we're going to be down in the area doing some work on Waterworks Road. I think, we've got that set for the next week or two. I told them if they could get this done and contact us, you know, by then we would try to hit it while we were in the area so that we didn't have to run back and forth, and have the expense of moving equipment. I'm not a paver, I'm going to guess \$15,000 or \$20,000, or something. I don't know if it would even be that much. I'm just guesstimating.

Commissioner Fanello: So, you said—

President Mosby: I don't know the tonnage or anything.

Commissioner Fanello: —materials would be donated?

President Mosby: The materials for the base and everything. We would just be donating our time, and just the rough surface.

Commissioner Crouch: And that would be in the neighborhood of \$15,000 to \$20,000?

President Mosby: That's a wild guess on my part. You know, because Bill Nix hasn't got it all done yet. I mean, Bill's doing all the grading down to the planks. Industrial I should say, not Bill. Industrial is doing all that. Mulzer is going to furnish any kind of base, or whatever we need. Or for Industrial to put on. All we need, all they want us to do is come in and pave the part of the parking lot and the ramp down, so that they can back down to it.

Commissioner Crouch: Legally do we need to do anything?

Kevin Winterheimer: I would prefer that you have a motion approving it. That way there is no question about it.

President Mosby: I know it's city property. I mean, they have leased the property. I know we just did a parking lot for the city not too long ago at one of their buildings.

Rick Dickinson: The city and county have pretty much worked together. I mean, if we need something the city has...we've borrowed a milling machine before. We went out and just paved a salt barn for them. It's kind of—

President Mosby: I know it's city property, I know we've worked on city property before. That was my, I guess, one of my biggest concerns is that it would have been private property. Since the city has leased it, the city has taken on the insurance and all the liability. I don't, I went down and looked at the area. I don't have a problem with this. I would make the motion that we would make the contribution to the LST, or the LST committee to help them with the paving of the handicap accessible.

Commissioner Crouch: And if I second it, who would order it?

President Mosby: I will. I'll do both. I'll let somebody else make the motion, if they want to. Or if you want to make the motion, I'll—

Commissioner Crouch: I'll be happy to make the motion. You know, with the stipulation that it doesn't exceed the cost that you put out there.

Commissioner Fanello: I'll second that.

President Mosby: I will say so ordered. Just for information to the other two Commissioners, this is July the 11th through 22nd that the boat should be here.

Rick Dickinson: Hopefully it will be here forever.

President Mosby: Well, that is the second part of this. They are trying to land this boat permanently. This boat is looking for a home. It's looking for a city where LST's were actually built. I guess, I didn't know much about LST's until I got on this committee, but now I know we built the most LST's back during the war. So, I mean, it's been a pretty exciting committee to sit on, and listen to all the people, the stories.

Rick Dickinson: It's a pretty neat story, the people that brought it over, the youngest one was 72 years old.

President Mosby: Twenty-nine guys that worked on the boat went over and got it and brought it back. They said they couldn't do it, but it's here. They are looking for a permanent home, and we're in the running for that too. Anything else, Rick?

Rick Dickinson: As long as she remembers to call me tomorrow. This is something that is personal. That lady and gentleman that was here. I agree with them 100%, because I've got a rental property down there, and it's, that's terrible, what they did to them people down there.

Commissioner Fanello: Taxes?

Rick Dickinson: Yeah.

President Mosby: Okay. Thank you, Rick.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: No report tonight.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: The only thing I need to add is a late pink slip from Burdette Park. I need to add that to the Consent Items.

President Mosby: Okay, for Render? Yeah, I seen that.

Tammy McKinney: It was laying on the table.

President Mosby: Yes, I see it. Yeah, here it is.

Commissioner Fanello: Motion to add late pink slip.

Commissioner Crouch: Second.

President Mosby: So ordered. That's it? Okay.

Burdette Park

President Mosby: Burdette Park.

Gary Hohman: Okay. Do you need an explanation on the reasoning behind this late request? Our existing night watchman suffered a heart attack Friday night. Mr. Render, who had previously been our night watchman, is coming out of retirement.

President Mosby: Okay.

Gary Hohman: You have before you our work report. The only other thing that I would like to add, since your last meeting all of the facilities at the Aquatic Center are now up and running. We are just hoping Mother Nature will be a little bit more cooperative than what they have been in the past, in order to boost our revenue, and get our patronage back to where it should be.

President Mosby: So, we are swimming in the pool? Our water samples are okay?

Gary Hohman: Yes.

President Mosby: Good. We had one minor problem, I think we blew a tank, but that's it.

Gary Hohman: Blew the side out of it. That's the second one, sir. The tank blew, but then Saturday one of the lines coming to the tank ruptured, and we had a geyser going about 25' to 30'.

President Mosby: I was just aware of the tank. I guess, that was Saturday morning at 8:00 when I was talking to Steve, so.

Gary Hohman: This was a little bit later that afternoon.

President Mosby: That happened later.

Gary Hohman: Thank you.

President Mosby: Thank you. Any questions of Gary?

Commissioner Fanello: The only other thing I want to add, I know you included in our packet a letter about the discount for park employees. I think this Board ought to consider, you know, some discounts for all of the county employees. I know that we hand out some passes, and I can't remember how many passes we hand out off the top of my head. But, I did receive an e-mail from an employee who, you know, kind of reminded me that for those with larger families, those passes only may last one, one and a half times. So, I still think we ought to consider some kind of discount for all of county employees for Burdette Park.

President Mosby: I mean, and that's something that, I guess, we could discuss at one of our meetings.

Commissioner Crouch: Should we ask the Advisory Board perhaps to come up with some recommendation?

Commissioner Fanello: Maybe, yeah, we ask them to come up with a recommendation for all county employees. Something that would be cost effective for—

Gary Hohman: They meet the third Wednesday of each month, which I think their next meeting would be the 19th or somewhere.

President Mosby: the 18th.

Gary Hohman: The 18th.

President Mosby: Well, that's just within a week and a half.

Gary Hohman: The reason that this was brought up, I mean, I brought this to their attention was that I could not find anywhere where a Burdette employee was given any type of discount for purchasing of a pass. I personally was wanting to do this as a reward for my grandchildren. For their elevating their grades. I apologize for the commotion that it created as a result of this. I am with you wholeheartedly in that I do think that county employees and Burdette employees, it needs to be looked into to give them some type of incentive to utilizing the facilities that we do have at Burdette.

Commissioner Fanello: Right, I mean, we don't, we're not able to, because, I mean, we're a government, we're not able to give them a lot of benefits that they get out in

the private sector. So, I think this is one way of rewarding them. Like you said, we have an excellent facility out there, so.

President Mosby: Does this Board want to make a recommendation to the Advisory Board? Or do we just want the Advisory Board to—

Commissioner Fanello: I would ask that they come up with a recommendation, like Commissioner Crouch said. You know, something that wouldn't be cost prohibitive for, you know, Burdette Park.

Gary Hohman: You're speaking of on a county wide basis.

Commissioner Fanello: On a county wide basis.

President Mosby: Right. So, I mean, we're talking what, 800 employees?

Commissioner Fanello: Yeah, all county employees.

Gary Hohman: What was the number? I mean, that's one thing that they are going to ask, the total number of employees that would—

President Mosby: I'll ask the Auditor, how many are we paying today?

Bill Fluty: It's under 800.

President Mosby: Under 800. 750-775. 750-775. 799, no. I would just say, yeah, we're looking at somewhere around 750 employees.

Gary Hohman: Okay, I will give these numbers to them, and ask that they evaluate it. I don't know, like I say, whether they will be able to come up with.

President Mosby: Do all county employees have any type of an I.D.? Do we have a county I.D.?

Commissioner Fanello: No, and that was something that was brought to my attention by somebody else. I can't remember if it was the Building Authority, or another employee made the suggestion. You know, the city has like their little passes or I.D. cards. Maybe we ought to do something like that in the county.

President Mosby: Well, I mean, I'm just thinking of way that they could distinguish a county employee. I mean, if they didn't have a county I.D. of some type. I think the Sheriff even—

Madelyn Grayson: How about a paycheck stub?

Gary Hohman: Either that or each department print—

President Mosby: I was thinking more of a picture. I mean, paycheck stubs, you...the Sheriff did tell me at one time that they could take I.D.'s, or pictures and put them on I.D.'s if we just want to carry one. I mean, I carry a Fire Department I.D. in my billfold, with a picture on it. So, maybe if we come up with something, we'll try to come up with a way that they could go down to the Sheriff's Department, have a photo I.D. taken, and it would state, you know, their office and everything.

Gary Hohman: Okay.

President Mosby: If they ask that question, how are we going to identify them, tell them that we are working on it.

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| SWCD Reports |
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President Mosby: I think we had Ozone, Soil and Water.

Commissioner Fanello: I'll make a motion that we accept Soil and Water's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent Items.

Commissioner Fanello: I make a motion that we accept the Consent Items.

President Mosby: As amended, with the addition?

Commissioner Fanello: As amended, with the addition.

Commissioner Crouch: Second. Just a question on the courts surplus of computers. How are we going to notify the not-for-profits? Or do we, you know, that we have excess computers? Do we have a—

Tammy McKinney: I have a list where non-profits have requested. Whatever is left over, I mean, we'll just keep those, and then as a non-profit needs them, they'll come before the Board and request how many computers they need.

President Mosby: I think Councilman Hoy has been interested hasn't he?

Tammy McKinney: Yes, and I have that letter.

President Mosby: Gary, do we have all we need at Burdette? I mean, as far as the new Day Camp Discovery Lodge, do we need anymore? Computers.

Gary Hohman: Right now all of the computers that we have are surplus equipment that has been passed down. We do have presently enough right now to operate, as we are operating right now.

President Mosby: At one time were they looking for some computers for just the kids to work with?

Gary Hohman: Yes.

President Mosby: I mean, did we ever run across anything?

Gary Hohman: Yes, they are completely...we've been stockpiling those for a couple of years.

President Mosby: Just as long as we've got everything we need first. I mean, that was my concern.

Commissioner Fanello: Well, how do we let the other county departments know? I mean, are we going to send out a letter?

Tammy McKinney: I've sent out a memo.

Commissioner Fanello: You've sent it? Okay.

Tammy McKinney: I sent them out a memo about a couple of months ago, and they had until the end of May to respond to me.

Gary Hohman: One question, Tammy, I don't–

Tammy McKinney: Sure.

Gary Hohman: –know what the date, or how much a need there is for updating those that you may have, or the one's that we have to what you might have now. If you don't mind, I can ask our Day Camp Director to possibly see what type of units you have, and if she wants to change some of those.

Tammy McKinney: I think we gave you the highest standard, because you had so many programs to be put on it.

Gary Hohman: Okay.

Tammy McKinney: I can check with Tim Van Cleave. I know also we gave you more than you requested too.

Gary Hohman: Yes.

Tammy McKinney: In case you had any break down.

President Mosby: So, I have a motion on the Consent Items, and a second. I'll say so ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: That one is never hard.

Commissioner Fanello: We never have a problem getting a second on that one.

President Mosby: No. A motion and a second. So ordered.

(The meeting was adjourned at 7:11 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department
Commissioners

Center Assessor
Auditor

Supt. Of Bldgs.

Employment Changes:

Superior Court
County Council
County Clerk
County Assessor

Health Department
Sheriff Department
Prosecutor

County Highway
Burdette Park
Voters Registration

Requests for Service:

Superior Court

County Assessor

Election Office: Surplus of Fax Machine.

Courts: Surplus of Computers.

Auditor:

Submit A/P Vouchers.

Kronos Maintenance Software Agreement.

County Clerk: Submit Monthly Report for March 2003.

Those in Attendance:

David W. Mosby
Kevin Winternheimer
Madelyn Grayson
Dona Bergman
Tim Mills
Gary Hohman

Catherine Fanello
Bill Fluty
Phil Lawrence
Brad Ellsworth
John Stoll
Others Unidentified

Suzanne M. Crouch
Tammy McKinney
Joanne Alexandrovich
Tyra Sikkink
Rick Dickinson
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 16, 2003**

The Vanderburgh County Board of Commissioners met in session this 16th day of June, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for June 16, 2003. With us tonight we have Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, I thought you had a stand in, that's why I was looking, Corporate Counsel; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson.

Boy Scout Troop 312: Pledge of Allegiance

President Mosby: I also see three young gentlemen in the back. Do you want to tell us what group you are with?

Nathan Williams: We're with Troop 312, the Boy Scouts.

President Mosby: Boy Scout Troop 312. Would you like to come forward and lead the Pledge? Then give us your names so that you can be a part of the record.

Nathan Williams: Sure.

Madelyn Grayson: Can you come to the microphone please?

President Mosby: Right here, if you would. Then after the Pledge, each one of you give us your name individually. Everybody please stand.

Nathan Williams: Will everybody please stand.

(The Pledge of Allegiance was given.)

Nathan Williams: Names?

President Mosby: Yes, if you would please give us your names, and then we'll make it a part of the minutes of the meeting.

Nathan Williams: Nathan Williams.

Emile Garcia: Emile Garcia.

Bobby Shipman: Bobby Shipman.

President Mosby: Thank you very much.

Nathan Williams: We might have some more later.

President Mosby: Okay.

Approval of June 9, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the prior meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Legal Aid Board Appointment

President Mosby: First, Commissioners legal board appointment. Legal Aid board appointment.

Commissioner Fanello: Yes, I think each of you received a letter from Legal Aid. Linda Williams' seat is up, and Ms. Hartig is requesting we reappoint her, so I would make that motion.

Commissioner Crouch: Second.

President Mosby: I have a motion to reappoint Linda Williams. A motion and a second, so ordered.

Jail Bond Purchase Agreement

President Mosby: Jail bond purchase agreement.

Kevin Winternheimer: Yes, Mr. President. You should have a purchase agreement for the bonds. Fifth Third is going to be the underwriter. They will formally agree this Thursday to purchase the bonds, and, of course, they act as the agent reselling the bonds at the time of closing. Standard form agreement, and would ask for your approval on that.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Solarbron Economic Development Bond Refunding

Kevin Winternheimer: Mr. President, if I may continue?

President Mosby: Yes, go ahead. Our counselor has to leave.

Kevin Winternheimer: I have to leave. I would appreciate you letting me get my matters out of the way. The second matter I have is...you should have papers from, on Solarbron Pointe, Inc. As you have done on many of your bonds to save money this year, they are refinancing their project. I believe their interest rate is being lowered from 5 and 3/4 to 4.35, I believe. Integra is the bank. These documents

have been prepared by Ice Miller. They have actually already been approved by the County Council, and all we need for you to do is approve signature. There's places for you to sign. So, all you're doing tonight...it's been approved by the County Council. You just need to sign the document.

Commissioner Fanello: Do we need a motion to that effect?

Kevin Winternheimer: Just a motion to authorize signature on the bond documents.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Is that the only one you had, Kevin?

Kevin Winternheimer: Yeah, I have one more matter.

President Mosby: Go ahead.

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| Scheduling of Executive Session for June 23, 2003 |
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Kevin Winternheimer: We have a claim that I would like to discuss in Executive Session next Monday if you can meet at 5:15 here. It's to discuss threatened litigation to avoid litigation if we can resolve a matter. But, I would like to discuss it in Executive Session. It shouldn't take but about 15 minutes. So, if we could send out the notices, if that's convenient with the board? Next Monday at 5:15.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: That is all I had. That's all my report. Jay was supposed to come, but I don't know whether he is running a little late, but if it's alright with you I would like to duck out, because I've got to try to get to Indianapolis.

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered. We just lost the County Attorney.

Kevin Winternheimer: Thanks.

Commissioner Fanello: Oh, no, we're on our own.

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| Building Authority: Civic Center Parking & Space Allocation |
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President Mosby: Next we'll move on to Dave Rector, Civic Center parking and space allocation.

Dave Rector: Do you want to take parking first?

President Mosby: That would be fine.

Dave Rector: I think you have a letter from me from our brief meetings with each of you regarding some parking addition opportunities. Specifically across the street at Freedom Plaza there is an existing concrete area that we can put a curb cut in the existing drive coming off of Sycamore, that, I believe, we can handle as a Building Authority. It would pick up an additional 12 places. I looked at this as an alternative to doing parking over there that we discussed sometime last fall. Requests from the police department, basically is what generated this, because they have additional squad cars coming in. Obviously, you and the Mayor would have to decide parking allocation to that between the city and the county. Whether you want the sheriff cars, the city police cars, or some other parking. Sitting on this opportunity waiting on your direction, the Mayor's direction on whether you want to pursue that or not. Again, I could do that through the Building Authority funds if you would like to see that additional 12 places. The other two opportunities would be revamping the parking in the back here at the courts lot. I think you have sketches of those parking places, how we might add those. That would be approximately, budgetary figure \$35,000. Then in the front another opportunity by picking up 32 more places, mirroring the angled parking on the north side, on the south side, and we would cut into the existing sidewalk, make it a little bit narrower, put angled parking through there. That would be about \$65,000. We cannot handle that through the Building Authority, but it's an opportunity for parking, if you feel the need is there, but we would have to have funding from the city and county council's. Once again then the allocation of who's going to park there and how, and what you would like to see done.

President Mosby: So, we're looking at about 57 extra spots.

Dave Rector: Yeah, the opportunity for that, yes.

President Mosby: All total.

Dave Rector: According to if you want to pursue those.

President Mosby: Now, you say you can handle the Freedoms Plaza, what about—

Dave Rector: We can take care of that part of it.

President Mosby: —the courts?

Dave Rector: The courts we can't.

President Mosby: No? Okay.

Dave Rector: The front of the building we cannot. The 12 across the street is about \$3,000, and I think we can get that in our budget.

President Mosby: So, you're needing approximately \$100,000 from the city and the county divided?

Dave Rector: Yes.

Commissioner Fanello: Well, actually the county's going to bear the brunt of most of that, because we'll have to pay for the full \$35,000. Only county offices use the courts parking lot. I don't think any city—

Dave Rector: Unless you want to share parking places with the city, and let them assist with funding.

Commissioner Fanello: That's true.

President Mosby: Well, I don't see why we couldn't share, I mean, parking 50/50.

Dave Rector: It's really up to you all and the Mayor. We just looked because of questions repeatedly generated for additional parking closer to the Civic Center, and where and how we might be able to pick some of those up.

Commissioner Crouch: I think when you average out the cost for those places that we would have to pay for it comes to about \$2,200 a space. Is that reasonable, or unreasonable? I don't have any clue.

Dave Rector: Well, it's obviously more expensive than if we had a piece of vacant ground to lay asphalt and create, but we're going to have to come in and cut sidewalks back, cut curbs, repour curbs, sidewalks. It's probably a little more expensive. A great deal less expensive than a parking garage. It's just opportunities for additional parking, if you feel like the need is there.

Commissioner Crouch: Who would those parking places go to? Would they be employees? Or would they be the public?

Dave Rector: That is your decisions.

Commissioner Fanello: Well, definitely the ones in the front would be for the public.

President Mosby: Yeah, I would say that would be for the public, the ones out front.

Dave Rector: Then the question would be on that, if you do it do you put an hour restriction on it, two hour restriction, how do you want to do that? I mean, beyond this, if you want to pursue it, then you have to have some discussions about how do we go about restricting, signage, who's going to get to park there, who isn't.

President Mosby: Okay.

Dave Rector: And note in the front what we would do is, we currently have actually two, one way lanes, what I'm doing is constricting that down to a widened one lane. You would still be able to get around, but you would not have two full lanes, to get that additional angle parking in. We would have a lane wider than a single lane, but it would not be two full lanes any longer.

President Mosby: Have you presented any of this to the city?

Dave Rector: I've met with the Mayor on this, yes.

President Mosby: What's his feeling?

Dave Rector: I think he likes the opportunity for additional parking. As far as the expense, I've not heard back from him.

President Mosby: Okay. Any other comments or questions?

Commissioner Fanello: Well, I think we need to kind of decide how we want to proceed. If we're going to have to put this in the budget, you know, it's something we need to decide. I mean, I would like to see extra parking spaces for the public in front of the Civic Center definitely.

Dave Rector: We're limited, do you...we have constricted space on how and where we can pick it up. If you remember we talked last fall, I think, Suzanne, before you were here, about converting most all of Freedom Plaza into parking, you would get 82 places, but that cost was \$225,000. A lot steeper than what this is.

Commissioner Crouch: If this was public parking then the city and county would split it, correct?

Commissioner Fanello: Right, right.

Commissioner Crouch: If the health department area is going to be utilized by the courts there may be a need for some additional public parking out front.

Commissioner Fanello: Exactly.

Commissioner Crouch: If we had to prioritize, I would say I agree with you, I think that's the first priority.

Commissioner Fanello: That would be the one, that would be my first priority is the one, the 32 spaces for the public. I would make a motion that we request that the city pay half of that, and that we put it in our budget for next year.

Commissioner Crouch: I'll second.

President Mosby: I have a motion and a second. So ordered that the city pay half of the \$65,000, and we put it in the budget for next year.

President Mosby: Of course, now we're not going to turn you down on the 12 free ones.

Commissioner Fanello: Yeah.

Dave Rector: Okay, you do want us to pursue those?

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second.

Dave Rector: Okay.

President Mosby: So ordered.

Dave Rector: I will advise the Mayor that you requested we do that, and, I guess, if they don't want to, you guys will get 12 places to yourself. I think they will probably want to, because I know the Police Chief has been asking for spaces for squad cars. The other item, just an update for you. I've met with all of you, and, again, the Mayor on the color board you saw on the proposed allocation of space trying to address

your surveys that you did about a year ago. Once again, it's your decision and the Mayor's decision of where you want people to move, and do you want them to move. I just tried to objectively take square footage space and allowed space, and how it would expand into the old jail, space that I understood from Tammy at the time we had in the Old Courthouse. What I've done now to compliment those boards is put together this table or matrix that I hope better explains where people are, how many square feet they have, where they might go to, how many square feet, and what we would have to do to get there. You can see I've got one column that I haven't completed yet, which is budget costs for that relocation, in case you want to prioritize those. I hope to have those costs to you in the next couple of weeks. Just keeping in mind that it is budgetary. I thought maybe this might make it easier to understand, instead of trying to shuffle through all those boards that I've shown all of you.

Commissioner Fanello: So, you think the next couple of weeks?

Dave Rector: Yeah, I'll have the prices to you.

President Mosby: Any questions or comments? Anything else?

Dave Rector: No, sir.

President Mosby: Okay.

Dave Rector: Thank you, Mr. President.

President Mosby: Thank you. Appreciate it, Dave.

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| Energy Savings Proposals |
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President Mosby: Energy savings proposal.

Commissioner Fanello: Well, I think each of you had some energy savings information in your packet. A few months ago I had requested that we look into that. So, we have kind of some preliminary information from a few companies who have expressed interest in providing that service. Just for everybody's education, an energy savings contract is basically a way to finance infrastructure improvements to a building; mechanical, electrical, plumbing, windows. Those types of things, and capture the savings from the more energy efficient infrastructure, and use the savings to pay for the upgrades. This is something that is a statute in the Indiana statute. I think, if everybody's had an opportunity to look at it, it could be a way that we could finance some major improvements to the Old Courthouse, you know, like the mechanical and electrical, and the plumbing and the windows, possibly some security systems. If anybody has any questions, I would be happy to ask, or answer any of those. I've talked to each one of the providers who have expressed interest, and I think what we need to do...I've received a copy from the Indiana Department of Commerce. I don't know if everybody got this, I got this at home actually. I don't know if everybody got it, but it was on energy savings contracts, and it kind of explained the process, and what we need to look for. If you don't have a copy of those, I can get you each a copy of those documents. I would request that we look into this, and that we maybe go out for an RFP for an energy savings provider, and that we put it in the budget for next year. We can go ahead and estimate right now what we want in the budget next year, but I think this would be a good time to budget for that Cum Courthouse Fund, where we lowered the Bridge Tax. I had Tammy

check with the Auditor's office this morning about what we need to do for that, and she said that we just need to submit a budget. Bill, I guess, that's correct. Anyway I think this would be a great way...each of the providers in here who kind of went and did an initial assessment of the Old Courthouse identified some major issues with the mechanical, and electrical, and plumbing. It's going to be up to us how much we want to spend on the infrastructure over there, but the way you do this is you finance these infrastructure improvements over a ten year period, and we can finance them with a local bank right here in Evansville, and with the interest rates the way they are today, I think it's probably the best time to look at doing something like this, because it may be the only way that we can afford to do a major upgrade to the courthouse like this, without issuing a bond.

Commissioner Crouch: Then at the same time, or before that we would go out for requests for qualifications for the architect?

Commissioner Fanello: Yes, I think the other component, thank you for bringing that up, the other component of that is, I think we do need to bring an architect on board from the beginning who can work with the energy savings provider to make sure that, you know, we're complying with all of our historical nature of the building, and nothing is really getting disturbed with that. Also to help us budget for some cosmetic restoration along the way, because we can't do everything at one time. So, we can look at upgrading the infrastructure, but then he could also be looking at providing a budget for cosmetic restoration over a three, five, seven year period. Because there is no way we can afford all of that in one year. So, I think it's critical that we send out requests for qualifications for the architect, and that...there's, the Department of Commerce guide identified several different ways that we could go about the energy savings contract. We could do a request for qualifications first, and then kind of do a short list, and then do a request for proposal. Or we could just do a request for proposal. So, it's kind of up to this board how we want to handle it, but it really makes me no difference. I mean, whatever process we go to, you know, that's fair, and we can pick a good provider.

Commissioner Crouch: I would think it makes sense to go out with requests for qualifications for the architects first—

Commissioner Fanello: Okay.

Commissioner Crouch: —and get them on board, and then do requests for proposal. Tammy was gracious enough to take me on a tour of the Old Courthouse. It really is a, you know, it really is a monument to our history. I think that hats should go off to her and Otis for doing what they've done on a shoe string budget. I think that we need to move forward with this process. I also would urge us, as a body, to send a letter to Council asking them to set that one cent tax rate in for the Cum Courthouse Fund.

Commissioner Fanello: Is that a motion?

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

Commissioner Fanello: I agree. What I can do this week is maybe come up with some samples of requests for qualifications, or requests for proposals that we consider over the next couple of weeks, and we get those sent out. The good thing about the energy savings contract is there will be no money spent by the county until, you know, we decide what we want, we get the provider on board, and, you know, we work completely within our budget and what we want to spend. So, it's no cost to us until we actually sign a contract with a provider.

Commissioner Crouch: By setting in that penny, the Cum Courthouse Fund, that's a penny that was reduced from—

President Mosby: Off the Bridge.

Commissioner Crouch: There's really no effect on the taxpayer.

Commissioner Fanello: Right, no tax increase.

Commissioner Crouch: It's just kind of a win-win all the way around.

Commissioner Fanello: Bill, do you know how much a penny would generate right now?

Bill Fluty: About \$750,000.

Commissioner Fanello: See that would be, that would be a wonderful amount to have in there that would provide for cosmetic and also to provide for yearly energy savings contract amount.

President Mosby: Okay, well we done had a motion and a second, so we need to pass that.

Commissioner Fanello: So, do we want to look at the sample RFQ's next week, RFP's and then make a motion to do that next week.

Commissioner Crouch: In the meantime send a letter.

Commissioner Fanello: Okay.

President Mosby: That's what I was going to say. Tammy, if you can, in the meantime send the letter to the Council asking them if they will take up the one penny proposal for the Old Courthouse Fund. I mean, the fund is set up it's just not funded. So—

Bill Fluty: I think the fund got set up last year.

President Mosby: During budget hearings they set up a fund, they didn't put any money in it.

Commissioner Fanello: We need money.

President Mosby: Yeah, tell them we didn't get much done.

Dave Rector: Mr. President, may I ask a question?

President Mosby: Sure.

Dave Rector: If you're going to pursue that, as we prepare the budget estimates for possible departments that might move to the Old Courthouse do you want us to budget construction costs as if these improvements are already made under the energy savings program? Or do you want us to budget as if we have to go in under current conditions?

Commissioner Fanello: I would much rather you do them under the energy savings, because, you know, that can be financed over a ten year period at a very, very low interest rate right now.

Dave Rector: Okay.

Commissioner Fanello: I don't know that we would have the money in our current budget to take out a big lump sum for—

Dave Rector: So, we'll assume that those improvements will be made under the energy savings contract, basically, for move in office space.

Commissioner Fanello: What does the board—

Commissioner Crouch: I would certainly consider that. I don't at this point in time want to take a vote on that.

Dave Rector: I'm just saying as budgetary purposes, as I address that, it makes a big difference whether I go in there and I look at the existing space trying to prepare that for people to move in under current conditions to bring it up, or if those conditions are already made, and it's ready available space.

Commissioner Fanello: Maybe we could just give him an assumption to work off of.

Dave Rector: Or you probably want to see it both ways don't you?

Commissioner Fanello: Well, we probably would to compare the costs.

Dave Rector: As I open my big mouth here.

Commissioner Fanello: We've just created some more work for you.

Dave Rector: Yeah, okay, thank you. I'm going to leave.

President Mosby: Thank you.

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| Computer Services: Additional T-1 Line (Deferred) |
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President Mosby: Next we have contracts, additional T-1 line.

Commissioner Fanello: Computer Services would like to defer that for one week.

President Mosby: Okay, that's been deferred.

Community Corrections

President Mosby: Community corrections. I think we have a letter.

Commissioner Fanello: Yes, everybody should have a letter in front of them, and it's a draft so any comments are welcome, and we can revise that.

Commissioner Crouch: This is the letter that we talked about sending last week?

President Mosby: Yes, for the \$2 million—

Commissioner Fanello: Right.

President Mosby: —grant. Just letting them know that we're moving forward to proceed with a design, and, hopefully, next week we will have something from the architect for us to look at, and get passed to come on board. This is just a letter letting Mr. Brown know from the Department of Corrections that we want the \$2 million. Any questions or comments?

Commissioner Fanello: Did everybody receive their letter, or memo from Russ Woodson from the Vanderburgh County Corrections Advisory Board? I think there is some good comments in there about, you know, we need to keep the Safe House at a number that will allow us to keep jail bed numbers down. So, interesting memo.

Madelyn Grayson: May I make a copy of that for the record?

Commissioner Fanello: Uh-huh.

President Mosby: Do I have a motion on the letter to go to the Indiana Department of Corrections to secure the \$2 million.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Public Comment

President Mosby: Public comment. Is there anybody from—

Eric Williams: Eric Williams, Chief Deputy Sheriff, Sheriff's office. I hesitated to get up on the last one because it really didn't have much to do with what you were talking about, but this is on the community corrections. We've been requested several times the status of Dr. Ed Latessa's report. We do have the draft copy of that in our office, and have reviewed it. Part of the process for him to issue the final is the staff needs to read it, review it, make suggestions or criticisms or whatever. But we did want to let you know that, I think, some people have been hinging some decisions on this report. The report, in no place does it mention residential bed space, size of facility, or any of those other things. It is strictly a programming based report. What programs are we strong in? Where do we need to work? So, if anybody was waiting to see what he was going to say about the number of beds, it's not going to be in that report.

Commissioner Fanello: Thank you.

President Mosby: Are there any questions of Chief Deputy Williams?

Brian Williams: Mr. President, Commissioners Fanello and Crouch, appreciate your acknowledging the Troop 312 members who are here today. We did have a few extras come in. I'm here in my capacity today, Mr. Mosby, as a merit badge counselor for the citizenship in the merit badge, citizenship and the community merit badge, and my name is Brian Williams. We have Emile, E-m-i-l-e, Garcia; Bobby Simpson; David Bailey; Logan Schmitt; Nathan Williams; and Jonathan Emery. Last night, we want to commend the county and the Commissioners because of their website. We actually...part of what you do in this merit badge is try to understand city and county government. I'm not sure how many of you have tried to teach city and county government to 7th, 8th, 9th graders. Explain what the Commission is versus the County Council versus the Mayor's office. Frankly the website was beneficial in that regard, because we were able to get on there, print off some of the pages, print out the agenda, which they have with them, get the date and go through some of those things. Part of what they also have to do is go through the budget, and it was, frankly, I was relieved to be able to find the budget on line. Since I can now either show that to them on line or print it out, as opposed to calling in and getting that information in some manual or telephone fashion. So, they are here this evening to observe county government in action. We may show them around the courthouse a little bit, as well as....one suggestion they had is that we looked at the website, they certainly hoped that there would be as many cross links as possible. So, that when we went on the Commission website, or the county website we could go to the Evansville and Convention, Evansville Convention Bureau and see the listing of all of the cross references they have for, you know, for the Freedom Festival, or for hotels or that kind of thing, and that wasn't immediately available. Or going to the County Council so that they could see the minutes for the meetings, or to see those kinds of things. Even in the courts section, which I noted was still under construction, and, as you know, if I put my lawyer hat on, I went ahead and looked at the circuit and superior court, and, of course, those were still under construction there, and I understand that all of this is building over time, but even a reference to the Evansville Bar Association website, which is evvbar.org lists all of the circuit court offices, addresses, phone numbers. All the superior court offices, addresses, and phone numbers, and even has a map on that website so that people can, so the public can find their way to the courthouse if they are not familiar with how to get there. May be simple for us, but I become reminded as I teach those who aren't as familiar with city and county government that it can be a little bit confusing at times. Certainly we would urge you to put in as many of those cross references as possible on the websites to make it easy. I do have, one of the other requirements for this merit badge, in addition to coming to a public meeting is also to express their opinion to public officials. One of our members is a little bit bashful, but he expressed his opinion last night at the meeting about Burdette Park, and I know you've been having a meeting on Burdette Park. So, with your indulgence, I would like to call on Logan Schmitt, and let him come forward. Logan, do you think you can do that?

Nathan Williams: Dad, (Inaudible. Not at mike.) Bobby's name, you said his last name wrong.

Brian Williams: Oh, I'm sorry. What is it?

Bobby Shipman: Shipman.

Brian Williams: Shipman, I'm sorry.

Logan Schmitt: Okay.

Brian Williams: Give them your name.

Logan Schmitt: I'm Logan Schmitt. The only thing I really wanted to do to Burdette Park is that, you know the part of the pool where Liquid Lightning is? I would just like that part of the pool to open. You know, it's closed. It's been closed forever, and that's my favorite part of the pool. So, I just want it to be opened.

President Mosby: Your wish is granted. It's open.

Logan Schmitt: Cool.

Brian Williams: There you go.

Logan Schmitt: Thanks.

President Mosby: Logan, the only reason it was closed is that we put a brand new liner in that whole pool where the Liquid Lightning slides come into, and they opened it about a week ago. So, we do have it back open.

Brian Williams: Thank you.

President Mosby: You're welcome. County government don't always work that efficiently. This one we were able to pick up on. Is there any other comments by any of Troop 312? Thank you all for attending. Any other public comment?

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| Old Business/ New Business |
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President Mosby: Any Old Business?

Commissioner Crouch: Just one item. I presume that Commissioner Fanello is preparing the budgets.

Commissioner Fanello: I was just, I was going to bring that up—

Commissioner Crouch: I was going to say, if we could see those.

Commissioner Fanello: Yes, I would hope to have that, in fact, I talked to Teri Lukeman and let her know that we'll be late, but I do hope to have that in all the Commissioners packets on Friday. So, we can vote on it on Monday. Sorry, Bill.

President Mosby: Any other Old Business? Or New Business? Seeing none.

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| County Engineer |
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President Mosby: Department head reports, County Engineer, John Stoll.

John Stoll: First item I have is an INDOT grant request from EUTS. This is for pavement markings at railroad crossings, and for signs at railroad crossings. These are things we're responsible for, and INDOT has a program where we can get some

reimbursement on these pavement markings and signs. So, EUTS is filing the request for 11 crossings listed on that application. The grand total of reimbursement we'll seek is \$6,432.50. Like I say, we're responsible for this regardless. So, it's good that this program is out here and we can get reimbursed for some of these pavement markings we'll have to put down whether we get the money or not. So, we'll get some money back ,hopefully, in this case. It's requested that this be approved by the Commissioners.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Second item I've got is a sidewalk waiver request for Grant Hill Subdivision. This subdivision is at the northeast corner of Boonville-New Harmony and Highway 41. This is a commercial subdivision that is under construction up there. The developer has requested a waiver because there are no other sidewalks in the vicinity of that subdivision, and it's well outside of the boundaries of the city limits. So, it's requested that his sidewalk waiver request be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got, I would like to request your approval to go to the next Job Study committee meeting to discuss the revised job description for moving the construction erosion control monitoring to my office.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have.

President Mosby: This don't need to be signed does it?

John Stoll: No, that's just for the record.

President Mosby: Is there any questions of John? Did you guys have the meeting on the jail road?

John Stoll: Yes, we met last Thursday.

President Mosby: Okay.

John Stoll: And there won't be a Board of Works meeting on the 23rd, but there will be on the 30th. So, right now we're hoping to be able to bring the notice to bidders and the plans to the Commissioners next Monday for approval. Pat Seib will end up

bringing those in here then. Then they would just go to the Board of Public Works on the following Monday, on the 30th.

President Mosby: Thank you, John. Any other questions? Thank you.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all about three or four weeks ago at our meeting, I requested to solicit bids on some truck beds, instead of buying the whole truck we would start replacing some of the parts. Each year we buy truck beds because of the deterioration from the salt and things. So, I have those bids here for your review. Okay—

Commissioner Fanello: Are we going to have to go out for formal bids?

Dennis Hudnall: If it's over \$25,000 you go out for the formal bid according to Kevin.

Commissioner Fanello: So, am I going to take the top numbers and add them to the second numbers? You've got two sets for different trucks here.

Dennis Hudnall: No. Well, I have three 13' beds, those are for the tandems. The lowest bid was Miller Truck Equipment at \$21,777. Then the one below is for an 8' bed, and the lowest bid there was Tri-State Truck Equipment, and it's \$3,941.

Commissioner Crouch: You're just wanting a motion to accept the bids?

Dennis Hudnall: Yes.

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

Dennis Hudnall: Second, I talked to Kevin Winternheimer several times last week and again today about Pioneer Rail Corp. As I was talking to him he was talking about writing a letter to them reminding them of their responsibility on the rail crossings. As we finished our conversation and we exchanged information, excuse me, Mr. Allen Brown from Pioneer Rail Corp called, and he cannot give me a date. He said he wanted to start the week of the 23rd, but he can't pin down a date to do so. In order for me to start this I have to know three days ahead of time. I've got to give public notice for road closings, and get the milling machines lined up, because we contract those out, because we don't have one at the County Highway. Kevin told me to call him tomorrow, and if he doesn't respond then Kevin will continue to, go into the process of writing that letter. So, I just want to go on public record, for the public to know that we are trying, and we're still everyday out there trying to get these rail crossing fixed. I had a call from Kelly Maasberg again yesterday. I was talking to Dave and then a Mr. Grossman. So, the public is involved in it. So, we're trying to end it, and we're trying to get the three rail crossings; one at St. Joe, one

at Mill Road, and one at Boonville-New Harmony repaired. So, the county is prepared to do anything we have to to get them completed.

President Mosby: Are there any questions? Thanks, Dennis.

Commissioner Crouch: I did receive a call from Mr. Dillbeck on Harmony Way and he was appreciative of the County Highway coming out.

Dennis Hudnall: Thanks for the call.

Commissioner Crouch: Thank you.

County Attorney

President Mosby: County Attorney.

Jay Ziemer: I believe that Kevin's already spoken. So, I have nothing.

President Mosby: Yeah, okay.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to add a late pink slip to the Consent Items. Then that's all I have.

President Mosby: Okay.

Commissioner Fanello: Did you say late Consent Items? Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: All I have this evening is my work reports and if you have any questions.

President Mosby: Anybody have any questions? Okay. Thank you.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Mosby: I don't see anybody from Soil and Water.

Commissioner Fanello: Or Ozone. I'll make a motion that we accept Soil and Water and Ozone Officer's reports.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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Commissioner Fanello: Motion to accept Consent Items as amended.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered, as amended.¹

**VANDERBURGH COUNTY
REZONING BOARD
JUNE 16, 2003**

The Vanderburgh County Rezoning Board met during the course of the County Commission meeting on this 16th day of June, 2003 in Room 307 of the Civic Center Complex with President David Mosby presiding. Rezoning petitions began to be heard at 6:12 p.m.

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| First Readings: VC-12-2003 & VC-13-2003 |
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President Mosby: That brings us to rezonings. We have two first readings tonight. On first reading we have VC-12-2003, petitioner, Haas Development, 8000 and 8500 Wolf Creek Court, change from R-3 with use and development commitment, to R-3 with amended use and development. Second we have VC-13-2003, petitioner,

¹Consent Items listed on page 19.

Charlestown Square, 730 Citadel Circle, change from C-4 to C-2. Do I have a motion to accept first readings?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion and a second, so ordered to accept first readings.

Second Readings: VC-11-2003
Petitioner: William L. Koester
Address: 13000 Warrick County Line Road
Request: AG change to M-2
Action: Approved 3-0

President Mosby: For second and final reading we have VC-11-2003, petitioner, William L. Koester, 13000 Warrick County Line Road, request change from Ag to M-2. Do we have Mr. Koester that would like to speak, or his representative.

Richard Mourdock: You have his representative. Commissioners, I'm Richard Mourdock, still. Nice to be back with you again. The zoning that you have before you tonight in VC-11-2003 is very similar to the one that you acted affirmatively on back in March. In fact, it's immediately adjacent to it. I think you've seen the plan, or the staff report submitted by APC. It is 10.27 acres that is currently agricultural. The request, obviously, is to rezone to M-2. I think the salient points here are that the property is currently considered an abandoned farming and residential. Although actually while stated as residential there is nothing currently habitable on the property. The old farmhouse was razed several years ago. I would also point out that the use that's planned by this zoning is, in fact, consistent with the 2015 conceptual use plan, in that that plan designates this property as industrial development. This is located immediately north of the area that was rezoned in March. You may recall that area was rezoned for Onyx Waste Services. They operate the trash transfer station adjacent to that property just south. They hope in the not too distant future to have their Indiana headquarters on that property along with a lot of storage for roll off containers and for their vehicle storage. So, I think this is consistent with this. Notices were sent as required, of course, and I think I mentioned to you the last time when I was here for the March rezoning that I'd actually scheduled a time to be on the property, went out there and sat for three or four hours, invited everyone to come see me, and no one showed up. I think that reflects a lot as to what the attitude is, folks realize this is, in fact, consistent, and it's likely to be industrial in the near future. So, when it went through Area Plan it passed with a 12 yes, zero no votes and one abstention. So, I would ask that, again, it receive an affirmative vote.

President Mosby: Any questions of Mr. Mourdock? Any body in the audience that would like to speak to VC-11-2003? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve. We have to do a roll call vote on this. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three ayes, no nays, VC-11-2003 is hereby declared adopted. Is there any further business to come before the Commission?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:15 p.m.)

CONSENT ITEMS:

Travel Requests:

| | | |
|-----------------|-------------------|-----------------|
| Center Assessor | Health Department | County Assessor |
| Auditor | | |

Employment Changes:

| | | |
|----------------|-------------------|--------------------|
| County Highway | Health Department | Sheriff Department |
| VCCC | Auditor | The Centre |
| Burdette Park | County Assessor | |

Request for Service:

| | |
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| Legal Aid | Pigeon Trustee |
|-----------|----------------|

Superior Court:

Contract with Univ. of Cincinnati for Vand. Co. Day Reporting Drug Court Evaluation.

Sheriff: Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Jay Ziemer |
| Tammy McKinney | Madelyn Grayson | Dave Rector |
| Eric Williams | Brian Williams | Nathan Williams |
| Emile Garcia | Bobby Shipman | Logan Schmitt |
| John Stoll | Dennis Hudnall | Steve Craig |
| Richard Mourdock | Bev Behme | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 23, 2003**

The Vanderburgh County Board of Commissioners met in session this 23rd day of June, 2003 at 5:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, June 23, 2003. Introductions are as follows, Tammy McKinney is absent tonight; Corporate Counsel, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of June 16, 2003 Commission and Rezoning Minutes

President Mosby: Do I have a motion to approve the minutes of the June 16, 2003 Commissioners meeting, and Rezoning meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Approval of June 23, 2003 Executive Session Summary Minutes

President Mosby: Motion to approve the Executive Session summary minutes of tonight.

Commissioner Fanello: I'll move approval of the Executive Session summary minutes, which the Executive Session began at 5:15 and ended at 5:25, and dealt with threatened litigation.

Commissioner Crouch: Second.

President Mosby: So ordered.

Permission to Open APA041-2003: Salt Bids

President Mosby: Phil Lawrence, permission to open APA041-2003, salt bids.

Phil Lawrence: Yes, sir. That bid was opened this morning at the Board of Public Works.

Commissioner Fanello: He has a little sheet for us.

Phil Lawrence: Looks like we're going to save a little money. We had five bidders, and since the board didn't have a quorum, this was taken under advisement.

Commissioner Fanello: Do you want us to take it under advisement?

Phil Lawrence: If you would.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

Permission to Extend APA013-2003: Tires and Tubes

President Mosby: Next we need a motion to extend APA013-2003, tires and tubes, till....what was we gonna do?

Phil Lawrence: July 14th.

President Mosby: July 14th, okay.

Commissioner Fanello: Okay. So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you, Phil.

**Second/Final Reading of Vacation of Right-of-Way: Drexel Drive
(Gail Sinclair & Debra and David Williams)**

President Mosby: Next we have second and final reading of ordinance regarding a vacation of public right-of-way.

Bret Sermersheim: My name is Bret Sermersheim with Morley and Associates. I'm representing Gail Sinclair and Debra and David Williams. I guess, on the first reading we needed another agreement between the Williams' and their neighbors, the Blaszyk's. I have that here. It's signed and notarized by both parties. That should be it then.

President Mosby: Are there any questions by any member of the Commission? Are there any remonstrators present for the vacation? Seeing none. Chair would entertain a motion.

Commissioner Fanello: I move approval of second and final reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for final reading on the vacation of public right-of-way. Do we need a roll call on vacations?

Kevin Winternheimer: Yeah, you should, since it's (Inaudible. Mike not on.)

President Mosby: I was going to say, we need a roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes. Being three ayes, no nays vacation is hereby declared adopted.

Bret Sermersheim: Thank you.

President Mosby: Thank you.

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| Resolution to Establish Cumulative Courthouse Fund |
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President Mosby: Next we have a resolution to establish Cumulative Courthouse Fund. Are there any questions?

Commissioner Fanello: I'll move approval to establish the Cum Courthouse Fund.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to establish the fund. So ordered.

Madelyn Grayson: We need permission to advertise that notice for the public hearing.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered, permission to advertise.

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| 2004 Commission Budget |
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President Mosby: Next we have the 2004 budget, which you should have in front of you.

Commissioner Fanello: There's only one department missing, and that is department 1300, the Commissioners, because, as you know, our budget is a catch all for a lot of different things that are outside of our control, and we're still waiting to hear back....the city does not have their joint departments done, we have not heard back from Southwestern Mental Health about their costs and Hillcrest's costs for next year. We got a revised figure back today from EUTS on the county's portion on that. So, there's just several other things we're waiting on. I'm hoping to have those wrapped up by the end of the week. Tammy is making phone calls and trying to find out information. So, other than that you should have every department under our authority.

President Mosby: Are there any questions?

Commissioner Crouch: Just a couple on what we have. I don't know if you want to wait until next week, or—

Commissioner Fanello: I think we should go ahead and do these tonight—

President Mosby: Yeah, we can do these.

Commissioner Fanello: —that way the Auditor's office can have them as soon as possible.

Commissioner Crouch: In the Local Roads and Streets, under the Green River Road (Lynch-Heckel), we're requesting \$4,500,000. If that total amount is not funded is there a, can that be phased over a couple of years? Or do we have kind of a back up plan for that?

Commissioner Fanello: I spoke with John Stoll about a couple of back up plans. One of them possibly phasing in some of the construction. When he gets back, he's on vacation right now. So, we went ahead and put the full amount it, and when he gets back we can talk about that.

Commissioner Crouch: Okay.

Commissioner Fanello: Also when he gets back, we hope, you know, we have the money in our account right now to hire a design consultant, and we're going to try to get that wrapped up and bring that to the Commission in the next couple of weeks. Then we also thought of the TIF funds that we still have available in the Burkhardt Road TIF. There also may be some opportunity to also use some of those funds, because, as you remember, when Clifton Gunderson gave us their report, they estimated that after we did the Lynch Road project, and also paid off the debt early we would still have some money left. Of course, I would like to see what revenue we've taken in so far this year. When Bill gets all that information he can get it to us. But, we still, we could possibly use some of those funds too.

Commissioner Crouch: Okay.

Commissioner Fanello: So, a couple of back up plans.

Commissioner Crouch: Okay.

Bill Fluty: You asked for the revenue for that. We're just completing June's settlement, and it was \$1,172,000.

Commissioner Fanello: \$1,172,000.

Bill Fluty: We're projecting \$1,335,000 in December.

Commissioner Fanello: Okay.

Bill Fluty: There's currently a balance of three million in that account. Those are rough numbers. They're pretty close. Remember we moved the million five into the land acquisition for the Lynch.

Commissioner Fanello: I can't remember, did we get the Clifton report this year or last year?

Bill Fluty: It was—

Commissioner Fanello: Suzanne, do you have a copy, I guess, is my question.

Commissioner Crouch: I don't. So, it must have been last year.

Commissioner Fanello: We'll get you a copy of that, but they did project that we would still have some extra money left over.

Commissioner Crouch: Okay. On CCD—

Commissioner Fanello: Yes.

Commissioner Crouch: —the Parks and Playground, there was \$895,000 budgeted this year, and 1.3 for next year.

Commissioner Fanello: When we had our public hearing a couple of weeks ago that you attended out at Burdette Park, I believe, the figures that I got from them were about 1.2 million dollars in recommendations for next year. My thought was to go ahead and put an amount in right now, and when we get the final report, which should be before Council's final budget hearings, we, as a Commission, go ahead and prioritize what we want to do next year.

Commissioner Crouch: Okay. So, that number may come down.

Commissioner Fanello: Number may come down depending on what we want to do, or whatever, so.

Commissioner Crouch: Okay. On the Old Courthouse, how much revenue are we going to generate?

Bill Fluty: If you were going to put a penny in that, is that correct?

Commissioner Fanello: Right.

Bill Fluty: It would be \$750,000.

Commissioner Fanello: And I went ahead and just...a guesstimate from talking with some of the vendors that we've spoke to about the energy savings, a rough estimate was about 450 for an energy savings contract. The other I just put in depending on what we want to do with the architect. Not sure of the amount, so that could come down as well.

Commissioner Crouch: Okay. On Burdette Park, the land, \$24,000 requested. What land is that?

Commissioner Fanello: That is, Commissioner Mosby might know.

President Mosby: I would have to ask Gary, is this the land that Dave Austill owns that we've been trying to buy?

Gary Hohman: Yes.

President Mosby: Up above the ball fields?

Gary Hohman: Yes, sir.

President Mosby: It's land that runs from the creek over above the ball fields and in behind there. I think there's about 12 or 13 acres in there.

Commissioner Fanello: I think what happened—

President Mosby: We've been leasing it for, I'm going to say, I don't know how many years they've been leasing it. He's offered to sell it, so we put an amount in to try and buy it.

Commissioner Fanello: I think what happened last year was that Steve requested that from Council, but they gave him a smaller amount, and maybe asked him to buy just a smaller portion of the property. I don't think the gentleman is interested, from what I understand from Steve—

President Mosby: He's not.

Commissioner Fanello: —not interested in selling off just a portion of the property.

President Mosby: It's all or nothing.

Commissioner Crouch: I don't blame him there. The Centre, Food Services increased by \$150,000.

Commissioner Fanello: Yes, I spoke with Kathy LeBarron last week, looking at their numbers so far to date, kind of scared me a little bit, they've already used almost their whole budget already. She dropped off revenue information on Friday, so I'm going to take a look at that again, and I need to bring the revenue information back to the Commission too, but that may come down. To be safe, I'm not sure why they are spending so much money, and I asked her to look into that.

Commissioner Crouch: It would be curious to see what kind of revenue is being generated—

Commissioner Fanello: Right.

Commissioner Crouch: —because, I believe, that when they instituted that they indicated that that would be a profitable operation in just a very short period of time.

Commissioner Fanello: Right, and I want to make sure that it is profitable.

Commissioner Crouch: I think that's all I had. Just a request for the Auditor, if we could get revenue projections for the various funds.

Bill Fluty: Yes, I've talked to Catherine, and settlement just got in this week. We got it Friday, and we worked Saturday on it. So, I'm guaranteed some numbers for you tomorrow.

Commissioner Fanello: We appreciate that.

Commissioner Crouch: You'll e-mail that?

Bill Fluty: Yes.

Commissioner Crouch: Okay.

Commissioner Fanello: Thank you, Bill.

Commissioner Crouch: That's mine.

President Mosby: Are there any other questions on the budget? Seeing none, chair would entertain a motion.

Commissioner Fanello: I would move approval on the departments that we have submitted so far.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the departments that are submitted. So ordered.

**Computer Services: Additional T-1 Line
& ACS Master Agreement
(Both Deferred Until 6/30/03)**

President Mosby: Commission contracts. Additional T-1 line.

Commissioner Fanello: Commissioner Mosby, I spoke with Glen Barnes over in the Controller's office, and also spoke with Alan Teeple today. We would like to defer that and the ACS/Computer Service contract, as BPW did not have a quorum this morning, and they could not meet. I definitely would not want to approve it without knowing if they had questions also. So, we would like to defer until next Monday.

President Mosby: No problem. I guess, I need a motion to hold.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Motion and a second. So ordered.

Community Corrections: Contract with United/ DLZ

President Mosby: Community corrections contract.

Commissioner Fanello: I think everybody had in their packet a copy. I went through the contract and asked for revisions, and would like to pass out a revised one and go through the revisions that I requested. Do we need anymore copies? I've got two extras. Okay. Then I'm sure Suzanne probably has some questions too. First one would be page two, 2.2.1, later on in the contract there was something under Additional Services saying that they would provide analysis of the owners needs and programming at an additional cost. Well, I do not believe that is an additional charge, because we've already had a building program done. So, I asked that they mark that out, and include under the schematic design phase that we have already done that, and if any revisions have to be done to that, that they will do them at no charge. Next item, page five, section 3.1.1, outside of basic services I asked them to insert the sentence, if we wanted any additional services to make sure the

sentence, "If authorized in writing by the owner." It should be, all the changes I've requested should be underlined. Next one, page seven, 3.4.3, provide planning survey, site evaluations or comparative studies of prospective sites. That was under Optional Additional Services. Well, we've already chosen a site. So, I ask that they clarify that. 3.4.5, providing services relative to future facilities, systems, and equipment. That was listed as an optional additional service. I asked that that be included in their basic service at no charge. What that sentences deals with is making sure the facility is built for future growth. Section 3.4.10 deals with providing detailed estimates of construction costs. The architect is obligated to provide us with construction costs that are within their expertise to provide. If we wanted to go out and get more detailed estimates from a construction manager or a general contractor, those people may charge us for those services. So, they are letting us know that they will provide what they can provide as far as construction costs. If we want anything more detailed we may have to seek those services elsewhere. Article six, page ten, use of architects instruments of service. I asked that they say the ownership of said instruments shall lie with the owner. They have done that, stating some liability concerns for them, but they have set in here that the documents will remain the property of the owner. Section 11, or I'm sorry, page 11, section 7.2. I'm assuming that Kevin wanted the arbitration section taken out.

Kevin Winternheimer: Yes.

Commissioner Fanello: Okay. So, that was deleted. Page 12, section 8.7, I asked that termination expenses be deleted. We will pay no termination fees if the contract is terminated. Page 14, section 10.2.1, Reimbursable Expenses, I ask that those be capped, and capped at \$11,000. Anything above that would require our consent. Page 15, section 10.3.4 deals with compensation based on a percentage of construction costs, and I asked that that be stricken because that is not acceptable in the state of Indiana. Page 16, they have included their rate sheet for any additional services. Additional services, at this time, outside of their scope may include civil engineering and security electronics, and they did provide a quote to me for that, which they are quoting those, for both of those items to be approximately \$5,000. To be done with other, they do not do that. I asked that payment be due and payable within 60 days instead of 30 days, and that the section about being charged interest if we were late, I asked that that be stricken, because we will not pay any interest. That's all I have.

President Mosby: Are there any questions? Seeing none. Chair would entertain a motion.

Commissioner Fanello: I would move approval of the contract to construct, or to design the community corrections facility.

Commissioner Crouch: In being consistent with my former vote, I'm not going to second it. One of the things that I mentioned before was the fact that it was either part of the original one, in which case the fees were paid. Or it was a separate project, in which case we should go out to bid. In researching the minutes, back on October 22, 2001 meeting, Richard Mourdock in speaking with Craig Burgess at the meeting indicated that;

"One of the first points I had was to make sure that if, in fact, for whatever reason instead of building a jail plus a community corrections facility and a pole barn, that if budgets cause us to drop one of those from the project that we were not otherwise committing to United/DLZ

and the same would apply to Shireman for those projects. I think that we came to the agreement that the language was already present that would cause that to be stripped out if, in fact, that happened.”

Craig Burgess said that that was correct. So, I’m just going to stand by my former position.

Commissioner Fanello: I would just state, for the record, that we did go through an extended interview process and chose those who we felt were qualified. In keeping consistent with the qualifications that we have seen in the design on the jail, I feel it’s prudent that we continue to work with the same architect.

President Mosby: I would just say after very much discussion with Craig Burgess and Paul Summers up at United, and knowing that they are doing the jail project, and this project is going to go hand in hand, a lot of things are going to work together, and the fact that I had met with Council President Raben a couple of times and he was worried about the fee being over 7%. Well, this fee is much lower than 7% at a flat fee of \$100,000 to do the whole project. So, the fact that you’re not going to second the motion, I will, and I so order it. Is there anybody in the public that would like to speak? Seeing no public comment.

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| Old Business |
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President Mosby: Old Business?

Commissioner Crouch: I just have one item of Old Business. I was pleased to see in the paper that our bond rating, credit rating increased. In the future would make a request that any news releases that this office send out be faxed to me or e-mailed to me so that I am aware of them before I read it in the paper.

Commissioner Fanello: I did not know that you didn’t get one, because we actually got one to Lloyd Winnecke and Jim Raben. So, I wasn’t aware that you didn’t get one. I apologize for that.

President Mosby: Any other Old Business?

Commissioner Fanello: I would just say that I’ve been working on a draft of an RFQ and RFP for our energy savings provider, and also one for an architect. So, hopefully, I’ll have those for your packets at the end of the week.

President Mosby: Okay, any questions? Any other Old Business.

Don Burton: Yes, sir. Good evening, Commissioners. My name is Don Burton with my associate Larry Allen. Was here two weeks ago. What I’m here for is I represent Mill Terrace Subdivison, which we had requested and petitioned for the Barrett Law. We’re having trouble getting started. We really don’t know why. We’ve done all the paperwork. We’ve done the petitions. We really don’t know what the next step is, or what’s going to happen. It just seems like we can’t get anybody to contact us on what the next step is. You know, I talked to John Stoll two weeks ago at the meeting, and he said that he had all the paperwork ready, and I think we’re waiting on Mr. Winternheimer. So, I don’t know what else needs to be done. If there’s something that we need to do.

Kevin Winternheimer: Well, the next step is, and unfortunately we don't have any budget to hire somebody to do it, so I'm going to have to do it myself, is go down and verify who the property owners are. That's the next step. So, we can give notice to the property owners, and, hopefully, I can do that shortly.

Don Burton: Now—

Kevin Winternheimer: What you're running into is the county has one County Attorney, that's me, part time. That's what you're running into. Litigation comes first, and these operational contracts and those kind of things, and everything else that involves my time comes second. I've been working weekend, including Saturdays, and taking contracts home on Sundays to read contracts for their meetings today. So, what you're running into is just time problems of having one part time County Attorney. That's the problem in a nutshell. I hope to get to it as soon as I can.

Don Burton: I understand what you're saying. As far as verifying the tax codes and that, what John Stoll had told both of us two weeks ago is that he already had that information for you, and he was going to give it to you.

Kevin Winternheimer: I received it, but I wasn't aware that he had updated it.

Don Burton: He, yes, he had already updated it.

Kevin Winternheimer: Okay.

Don Burton: We've been fighting this since '97.

Kevin Winternheimer: Sure, I understand.

Don Burton: My concern is the safety hazard. Just in front of my house alone has sunk down 23". What we're concerned with is mail deliveries. In fact, our mail deliverer gentleman says, you know, if something happens to one of the trucks out here, we're going to have to cease mail delivery. So, that's our concern. You know, not only for mail delivery, but for safety reasons also. I mean, not only myself, but the whole neighbor would really appreciate maybe a little, if we could get something moving a little quicker, because if we go through another winter, I'm afraid it's, we're going to have sink holes, bad sink holes. So, that's all I have to say. Thank you.

President Mosby: Is there any other questions of Mr. Burton? We'll get with John as soon as he gets back from vacation.

Don Burton: Thanks.

President Mosby: Thank you. Any other old business? Seeing none.

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| New Business |
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President Mosby: New business. Is there any new business to come before the Commission? If not, we'll move on to department head reports.

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| County Engineer |
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President Mosby: County Engineer, Pat.

Pat Seib: Good evening. My name is Patrick Seib, the Assistant County Engineer, here for John Stoll who is on vacation. I have several items tonight. The first of which is the street plan for the Harlan Avenue extension. The first thing that I would like to mention about these plans is the first tab you will see there are two different cross sections, one for north of Christ Road, which is 36' wide, and the other which is south of Christ Road, which is 30' wide. If you go to the second tab it will show the transition. Also I would like to point out on the next tab gives a detail of the sidewalk that runs along the north of Christ Road, which is 4' in width with a 2' grass strip. That should take care of the mail issues out there. Also notice that there are storm sewers and area drains in front of the existing houses along Harlan. I would also like to mention that there is no Board of Public Works meeting tonight, so these plans won't go before them until next Monday. These plans have been reviewed, and I would like to request the Commissioners approve the plans, and sign the Mylar cover sheet.

Commissioner Fanello: Move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Pat Seib: The second item to go along with that is the Notice to Bidders for Harlan Avenue.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Pat Seib: Next I have a street plan approval for Section 1A in Cross Pointe Subdivision. On this I would just like to make you aware that this is an asphalt road with curbs and gutters and storm sewers. The pavement section exceeds the county's minimum standards, since it's a commercial street. Request that the plans be approved, subject to any revisions that might occur as a result of the final drainage approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Pat Seib: The last item that I have is a notice of termination letter from IDEM for the Rule Five for the O'Day Discovery Lodge site grading contract. This just requires Commissioner Mosby's signature. All the work has been done on this contract, so it's fine to sign off on it.

Commissioner Fanello: Do we need a motion to that effect?

Kevin Winternheimer: You probably should make a motion authorizing the signature.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Madelyn Grayson: Pat, I'll need to keep that and the notice to bidders, and then I can get you copies tomorrow.

Pat Seib: Okay. Thank you.

President Mosby: Are there any questions of Pat? Seeing none. Thank you, Pat.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Dennis Hudnall, County Highway, good evening. The only thing I have to report tonight, Pioneer Rail Corp had sent me a letter, and I reported that last week. They did start today.

President Mosby: Is that so?

Dennis Hudnall: In this letter it said that they would be done by afternoon on Friday. So, we will mill the road Monday, and pave it on Tuesday. So, we ought to have Boonville-New Harmony railroad crossing completed by, I think it's July the 2nd. The only other thing I have, do you have any questions on my report?

President Mosby: I don't have, any questions of Dennis? Thank you very much.

Dennis Hudnall: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winterheimer: Yes, first I have an agreement that Judge Trockman sent over. He found some grant money, so this contract will not cost the taxpayers anything directly. He would like to hire attorney John Goodridge to advise indigent defendants in his Day Drug Court Reporting Program. This is grant money, but still we need to run the agreement through the Commissioners. The compensation, even though it is grant money, is \$416.66 a month. Here are copies of the agreement for you. He will not be an employee. It states he is an independent contractor.

President Mosby: Are there any questions?

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered for approval of agreement of professional services.

Kevin Winternheimer: The other thing is I want to thank you for sending me to that seminar last week. It was a very good seminar, two days. Didn't cost the county anything to attend the seminar, because I was one of the speakers. The most interesting thing I learned at the seminar was if you're going to Indianapolis, I-70 stops now at I-65. I-70 and I-65 headed north near downtown, they are totally demolishing it, taking it down to the dirt. They are going to replace it with new highway. I asked how many years that would take for those miles and miles and overpasses, and they said 85 days. They are running a three shift, seven days a week to get that highway done through Indianapolis. I found that the most interesting concept I'd heard of, because I said we don't have that down here.

Commissioner Fanello: I was going to say, could they do that—

Kevin Winternheimer: Running three shifts a day, seven days...85 days for two major highways running through downtown. That's phenomenal. That's all I have.

Commissioner Fanello: Maybe they need to transfer some of that down here.

Commissioner Crouch: Motion to have them do that on the Lloyd.

President Mosby: Are there any other questions of Kevin? Seeing none.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings is not with us tonight, but I think you have on your desk a late employment change and a travel request form. So, we'll need a motion to insert them into the consent items.

Commissioner Fanello: Motion to add to consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Burdette Park

President Mosby: Burdette, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. I would like to report to you that we have had the last four or five days exceptional attendance at all of our facilities. The only down side to that is whether or not these attendance figures are going to be able to offset the first 20 days of this month, which all of us realize what the weather conditions were. Other than that and our work report, that's all I have this evening, sir.

President Mosby: Are there any questions? Any questions of Gary? Thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Mosby: I don't see anybody from Soil and Water or Ozone.

Commissioner Fanello: Motion to approve Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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Commissioner Fanello: Motion to approve consent items with added late items.

Commissioner Crouch: Second.

President Mosby: Motion to include, a motion and a second as amended. So ordered. Is there any other business to come before the Commission. Seeing none, do I have a motion to adjourn?

Commissioner Fanello: Are we going to adjourn and then do Drainage Board?

President Mosby: I think so.

Commissioner Fanello: Oh, motion.

Commissioner Crouch: Second.

President Mosby: Because I'm not the President of the Drainage Board.

Commissioner Fanello: Oh, that's right.

President Mosby: Sorry. I have a motion and a second to adjourn. So ordered.

(The meeting was adjourned at 6:12 p.m.)

CONSENT ITEMS:

Travel Requests:

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| Health Department | County Clerk | Treasurer |
| DADS | | |

Employment Changes:

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| County Highway | Knight Assessor | Health Department |
| Burdette Park | County Clerk | Superior Court |

Auditor: Submit financial statement.

Sheriff:

Submit weekly jail and community corrections reports.
Submit letter of surplus of computer equipment.

Treasurer: Submit letter of surplus computer equipment.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Madelyn Grayson |
| Phil Lawrence | Bret Sermersheim | Don Burton |
| Pat Seib | Dennis Hudnall | Gary Hohman |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 30, 2003**

The Vanderburgh County Board of Commissioners met in session this 30th day of June, 2003 at 5:38 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Vanderburgh County Board of Commissioners June 30, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of June 23, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the June 23, 2003 meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Approval of June 30, 2003 Executive Session Summary Minutes

President Mosby: Motion to approve the summary minutes from tonight's Executive Session?

Commissioner Fanello: I move approval of summary minutes. The Executive Session began at approximately 5:15, and ended at almost 5:30, and discussed pending litigation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Award APA041-2003: Road Salt

President Mosby: Bid advertisements, Phil Lawrence.

Phil Lawrence: Good evening, Commissioners. I would like to ask your permission to award the salt bid, APA041 to North American Salt. They were the low bidder at \$37.37 a ton.

President Mosby: \$37.37 or \$37.90?

Phil Lawrence: It's \$37.30. The one we had said \$37.90.

Commissioner Fanello: Okay.

President Mosby: We saved money by waiting a week.

Phil Lawrence: Yes we did.

Commissioner Fanello: Move approval.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the salt bid at \$37.30.
So ordered.

Phil Lawrence: Thank you.

Wellness Committee Letter

President Mosby: Next everybody should have in their packet a wellness committee letter that we are asking to send out to all the departments to survey the employees. Anybody have any comments?

Commissioner Fanello: Move approval.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Jail Project: Resolution Approving a Modification to the Lease
with the Building Authority & Addendum to Lease**

President Mosby: Next you have an addendum for the jail project. Is there any questions on it?

Commissioner Fanello: Well, we actually have three items to approve, I believe.

President Mosby: Okay. I've got them all in one.

Commissioner Fanello: Okay.

President Mosby: Are there any questions? Seeing none, chair would entertain a motion.

Commissioner Fanello: Which one are we taking first?

President Mosby: Do we have to vote individually?

Commissioner Fanello: Uh-huh.

Kevin Winterheimer: Which ones?

Commissioner Fanello: We've got the agency agreement, resolution, and the addendum.

Kevin Winternheimer: Okay. You can do them together, but it is not necessary to adopt the agency agreement. I believe, isn't that the one...I'm trying to remember now, that was last Friday. Two of them he wanted to, yeah, it was the agency agreement he said you may want to hold off on. You can adopt it, it may be amended though in the near future. So, either way. If you want to adopt them all three, that's fine. The important one's are the first addendum to the lease agreement, and the resolution. The agency agreement can wait, because there may be some modifications to that.

Commissioner Fanello: Are we waiting on that until the Building Authority meets? Is that—

Kevin Winternheimer: That's not the only reason.

Commissioner Fanello: Okay.

Kevin Winternheimer: I'm trying to remember what he said, why it may be amended, but it may be amended in the near future. So, you can adopt it and amend it later, or just not adopt the agency agreement, but you can do the other two in one motion.

Commissioner Fanello: I'll move approval of the resolution and the addendum.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| ACS Computer Services Contract |
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President Mosby: Next we have ACS Computer Service contract. Are there any questions?

Commissioner Crouch: Yes, I have a couple of questions. They may already have been addressed.

Alan Teeple: Certainly.

Commissioner Crouch: On the web support, was there something done differently on that?

Alan Teeple: No. If you mean from what's in your packet, and in the signature packet, and what BPW approved today, no. After discussion with, from the Mayor's letter to BPW this morning... I had a discussion with the Mayor and the Controller before we walked in to BPW, and they requested that with those 800 hours that we go out and, not only the 800 hours, but let's talk \$86,000, is go out and find a local vendor to provide those services, and to see if we can't get them cheaper. At a cheaper rate, which would increase the number of hours. Let's also remember that it was not...Quilogy did the work that we told them to do. As contract administrators we did the work that we were directed to do. So, Quilogy did their job from what they were told to do, but we will find a local vendor, and that was what was agreed to in front of BPW today.

Commissioner Crouch: When does the Quilogy contract come up? Is it tied to this?

Alan Teeple: Yes.

Commissioner Crouch: Okay, and then is it possible that we are provided with a list of those companies that will be mailed the RFP/RFQ?

Alan Teeple: Well, actually, since it's a services contract, and I already checked with both Kevin and with Joe, and also with our Purchasing Director, because it's a services contract we do not need to RFP it. We can go out and request three, like we do with computers and printers, etcetera. We can go out and get bids, you know, what's your estimate for doing "x". That's what we'll do.

Commissioner Crouch: But, we will be allowed to look at those—

Alan Teeple: Oh, certainly.

Commissioner Crouch: —here at the Board of Commissioners, and before somebody gets awarded?

Alan Teeple: Whoever, certainly the contract administrators will be. Will be involved in the process.

Commissioner Crouch: Well, I would like to see it done at a public meeting.

Alan Teeple: Okay.

Commissioner Crouch: Unless there's a problem with that.

Alan Teeple: I see no reason not to.

Commissioner Crouch: Then also that we be provided, or I'd at least like to request that I be provided with a list of who you mailed those to, or who you think—

Alan Teeple: Sure. Actually we've asked for requests from both the Commissioners, or both contract administrators. So, a representative from both the city side and the county side to, of a list of possible names that they might want us to go to. I've went to the Purchasing Director and got a list of possible minority and women in business that might be involved in that. I've went through the Chamber of Commerce to get a list of, as a Chamber of Commerce member, a list of those organizations in the city and county, as it may be partly out in the county, that provide those kind of services. So, we've made, we are doing those steps already. But, certainly, to do it in a public meeting makes sense to me.

Commissioner Crouch: I would like to see this board at least pursue a Chief Information Officer with the city to designate as a contract administrator to oversee—

Commissioner Fanello: Well, I was going to say that's up to the Council if they want to fund one. I think the Council ought to take that. Councilman Winnecke has been involved in those discussions, and I believe they ought to take that initiative.

President Mosby: Are there any other questions of Alan?

Commissioner Fanello: I have some things to...I would like to request a few changes. Alan and I have discussed some of these. So, just for the record, if we want to go through, so everybody understands what we talked about today. On section four,

page seven, I requested that Alan put in an explanation that that section 4.1 refers to exhibit A.

Alan Teeple: In the scope of services.

Commissioner Fanello: And that was okay.

Alan Teeple: Yes.

Commissioner Fanello: I'll just ask for you to—

Alan Teeple: Yes.

Commissioner Fanello: —reiterate if those were okay. Any questions? Section 5.3.4 refers to credits that shall be assigned to each service level. This contract does cover penalties to ACS for lack of performance. That section deals with some of these. So, it says in there:

“Upon review of the final list of service levels, the city/county and ACS will mutually agree to the determination of the credit values.”

I asked that “and ACS” be deleted, and only the city and county have the authority to agree to those credit values. If that's okay with the board.

Alan Teeple: Yes.

Commissioner Fanello: And Alan's said that's okay with him. In the scope of service contract I asked that the comprehensive, or what do you call it, the comprehensive technology master plan. That the contract state that at a minimum that long range plan covers at least five years. Then page two of the scope of service agreement, the annual report should be due in 90 days. I believe in the parentheses it says 60, but it's spelled out ninety. So, it's just a typographical error. Then on page 16, in the scope of service agreement where you see the payment amounts, there is a note at the bottom that refers to a 3% increase. I asked that he change that note, because in his table a 3% increase each year is already reflected. So, there will not be an additional 3% on what you see in the table.

Alan Teeple: Correct.

Commissioner Fanello: On page 18, for their rates for services up and above the contract, I asked that their annual cost adjustment not exceed 3% per year.

Alan Teeple: Yes.

Commissioner Fanello: Is that okay?

Alan Teeple: The final thing I would like to say, and it looks like we've got a couple of people that want to speak, is that it was reviewed by the Board of Public Works this morning and approved. It has been reviewed by Kevin, both the contract and the...the total contract consists of the scope of services and the IT master agreement, and has been reviewed by your negotiating team. So, I would ask for your approval.

Commissioner Fanello: I would just say that the negotiating team, there wasn't just one or two people that negotiated this contract. It consisted of, just as a reminder, it consisted of Chief Deputy, Eric Williams; it consisted of City Controller, Glen Barnes; consisted of Councilman Lloyd Winnecke; Sargent Kochersperger from the Police Department; Auditor, Bill Fluty; and Marsha Abell also attended one day. So, there were a diverse group of people who sat in on those negotiations.

President Mosby: Are there any questions?

Madelyn Grayson: I just need to know will there be an amended document for us to sign at a later date?

Alan Teeple: Yes.

President Mosby: If there is no further questions, I think there is a person that wants to speak.

Cheryl Musgrave: Cheryl Musgrave, County Assessor. There is here today Rachel Rutherford from Cinergy who would like to make some remarks.

Rachel Rutherford: Thank you for the opportunity to speak. I just wanted to let you guys know that I do represent Cinergy Communications, which is a local Internet service provider, and web site design, and programming company in town. I guess, my question is, I know that this board is, you know, going to spend \$40,000 plus on web site enhancements. Is there like one person in charge of deciding what those enhancements are, so that they are purposeful enhancements, instead of just, you know, kind of throwing money at the web site?

Commissioner Fanello: No. We have a Data Board, and the Data Board decides how to allocate those hours for the web site.

Rachel Rutherford: Okay, is there like, I guess, maybe this is the wrong forum, but I'm just wondering who is the main person who says this is what it's going to take to have an excellent city/county website? As opposed to, you know, letting the different organizations come to the Data Board?

Commissioner Fanello: Well, personally I think it should be a collective effort. One person shouldn't be deciding for everybody what happens, but the Mayor is involved on the city side, and, you know, the Commissioners on the county side. Plus we have the Data Board who oversees, you know, computer services. So, it is a collective effort.

Rachel Rutherford: Okay. Thank you.

President Mosby: Is there anybody else who would like to speak? Seeing none, chair would entertain a motion.

Commissioner Fanello: Well, just as a preface to my motion, I would just say that a lot of people put a lot of time into these negotiations, and I know we talked about going out for an RFP, which would still have been my preference had the county had the money to do that. But, we were lacking in \$300,000 to \$500,000 worth of funds to go out for an RFP. I spoke with several people from Indianapolis. They also employ ACS, and they went through the same thing. Instead of spending a lot of money to go out for RFP, they decided to renegotiate and go for an RFP at a later

date when they could afford it. I think that's the situation we're in. We have priorities around here, and we have to, you know, prioritize how we are going to spend our money. So, I think the negotiations went well, and we did clarify a lot of language in this contract. The old contract was from, what, 1989?

Alan Teeple: '89.

Commissioner Fanello: So, we did tighten up a lot of language, and we did hold ACS more accountable for their services by putting penalties in there. I think we'll see some better service levels, and we did define service levels in this contract. So, with that, I would make a motion that we approve the contract.

Commissioner Crouch: In being consistent with my previous vote, I'm not going to second that motion. The reason is 18 months ago ACS offered an amendment to the existing contract to the city and county to allow time for an RFP or an RFQ to be put together and be put out. The city and county dropped the ball, and we did not look at other opportunities, and therefore we will never know if the taxpayer is best served by this particular contract. So, I will not vote for it.

Commissioner Fanello: I would agree with you if you could tell me where we're going to get \$300,000 to \$500,000 to go out for an RFP.

Commissioner Crouch: Well, I think that if we—

Commissioner Fanello: If we could, I would agree with you. I mean, I agree, the number one thing was that we wanted to go out for an RFP, but we just don't have the money to do that at this point. In speaking with Marion County they experienced some of the same things that we're experiencing, and they were also subject to sticker shock when they went out for an RFP. I don't think the taxpayers can afford a three, four, five million dollar annual contract from, you know, whoever is going to respond to the RFP. If we would have money, if the Council would allocate us \$300,000 to \$500,000, I would be all for going out for an RFP, but I don't see that happening.

President Mosby: Was it the Mayor's choice not to go out for an RFP?

Commissioner Fanello: It was both a city and county collective effort, yes.

President Mosby: Well, knowing we don't have a half a million dollars, I will second your motion. So ordered.

Alan Teeple: Thank you.

President Mosby: Thank you.

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| ACS: Additional T-1 Line |
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President Mosby: Additional T-1 line. Is there any questions? Seeing none.

Commissioner Fanello: I make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Public Comment

President Mosby: Is there any public comment? Anybody from the audience that would like to speak? Seeing none.

Old Business

President Mosby: Any old business?

Commissioner Crouch: Yes, just one piece. I spoke to the Sheriff beforehand and indicated that I had a question about the Latessa report. Two weeks ago Chief Deputy, Eric Williams, came before the board and indicated that the Latessa report had been received, and it was on your desk and there were modifications being made. I was under the impression that if any of us, or anyone from the public requested that report, we could get a copy of it, because it was mentioned in a public meeting, and it was publicly funded. So, I guess, my question is as a Commissioner, as a member of the Vanderburgh County Community Corrections Advisory Board, can I not get a copy?

Brad Ellsworth: I have the copy, and it is on my desk, and it's marked up with tabs and that. Just more information than you want. Just to recall, for the record, that that came out of the recommendation of the Department of Corrections that...we had money that was going back to them, and they advised we could take that and hire Latessa's company to do this study, which we did. It is on my desk. There are things that, and it's a draft. I think that's maybe, I don't know who's interpretation that is, but it is not the final product from Latessa's group. It was my understanding that they would do a draft version, they would send it to us for our comments, and send it back. They didn't say who, but as the President of the Community Corrections Advisory Board, I felt pretty qualified to do that. Like I said, I would let Mr. Winternheimer decide whether a draft is public record, or the final product is. But, with that, tomorrow at 3:00 there is a group of us, Judge Trockman, and if you want to come down there, that's fine. Or any of the Commission. The only thing that I would ask is that it is private until, it is not a public document until we make our comments, and Latessa's group has a chance to revise what we suggest as mistakes and/or further explain things that are in the report now. There are errors in what they've said. Or at least things that we feel are in error, that we're going to give them a chance to correct before it goes public. So, that it's not misleading, and we have to go back after that comes in and try to explain 15 pages worth of mistakes. It's nothing big. It's in several of the areas it refers to our county as Grant County. I think those kind of things need to be corrected. I know they also did a study for Grant County, so I think that's something that I would like to give their company a chance to correct before they send us a final document. There are areas where they talk about that the Sheriff's office took it over from the County Commission, and I don't think that's correct. It was taken relieved from Circuit Court. So, there are areas that I think deserve comment before an official document is released to Vanderburgh County. Like I said, if somebody tells me different, an attorney or a judge, then I would do that. But, we were going to get together tomorrow at 3:00, do a page or two of our suggestions to go back to Latessa's group, ask for some clarification. Judge Trockman will be there, Steve Woodall, myself, Chief Williams, Phil Hoy is invited as a member, you all certainly can come down. But, like I said, I would think that it's not something we want to go out and

then we're explaining mistakes in that report for the next six months. That will go about, I would envision us going back to the county, or back to Latessa's group day after tomorrow, and then with those comments, and when they give it back to us, schedule that. If that answers anything.

Commissioner Crouch: Is, Kevin, is that not a public document?

Kevin Winternheimer: No. It's a work in progress. It's not a final copy.

Brad Ellsworth: It has draft across the cover of it.

Kevin Winternheimer: Right.

Brad Ellsworth: The agreement said that they would send us a draft, for our comments, and then back to them for them to finish it.

Commissioner Crouch: Along those lines, a couple of weeks ago we received the copy about the letter from DOC regarding the community corrections grant agreement and implementation of "What Works Program", and how they had asked...as I understood it, the Department of Corrections had asked that counties voluntarily get on board with that program, but now they were kind of mandating that we do get on board. Something about our county as one of the ten most, or ten highest counties in terms of incarceration of juveniles, female and male offenders. Does that have anything to do with this Latessa report? Or does that have anything to do with the grant that we get annually, or the \$2 million that we are asking, or hoping to get from community corrections? Or what steps are we taking to get on board with that?

Brad Ellsworth: Well, that will depend on if everybody in our Advisory Board agrees that "What Works" is what works, I think. What I see is that the Department of Corrections, at this time, has bought into Latessa's model of "What Works". So, that anybody that goes towards that direction is what they will give preferred funding towards. Does that mean they would cut us off if we don't buy 100% into Latessa's thing? I don't know that. I don't think the \$2 million rides on that. I'm not sure you were copied on it, but there is a training August 21st, 22nd, 23rd, they asked for a team from Vanderburgh County go to. So, Major Woodall and I are forming that team right now of people to go to that for this "What Works" training. I can tell you that from the Latessa report, and what you'll see when that does come back, is I'm not sure Vanderburgh County is going to be able to afford to buy totally into the "What Works" thing, unless you all and the Council want to hire some very expensive employees, and regulate what the private providers are doing for us that we send our inmates to. I don't want to go too far into the report, but, you know, we can't control what DOC spends. We just got what I consider a huge raise two years ago, the 24% raise, and I think our mission is to always improve and do what's right for correction. Like I said, I'm not sure we're going to be able to afford, unless the DOC wants to put in several million more dollars towards salaries of hiring different kinds of employees that...I don't think we do a bad job, but we'll see what they say. But, I don't think that grant is going to depend on that.

Commissioner Crouch: So, the Latessa report kind of is part of this "What Works" agenda, or program? It kind of mirrors that?

Brad Ellsworth: It spells out, apparently "What Works" is Latessa's model of what, through his research, works in corrections, and community corrections. Like I said,

I believe the DOC has bought into that. They're the one's that referred us to them to have this study done. In that document it talks about the things they spell out that communities need to be doing in a correction mode. Some are what we do, and some are what we aren't. It's not just our employees, it's what they view as who we send our inmates to, or participants to, how they administer their corrective measures. I don't think we can control what Southwestern Mental Health Center, how they, their employees, you know, counsel our people. But, if not, we have to hire our own counselors, and add to our staff, and I think we do a good job of farming that out to, what I consider the professionals in our town, in our county. So, it will be interesting for this body and our service providers to read their documents and see how those gel.

Commissioner Crouch: Thanks. Thanks for the information.

Brad Ellsworth: Okay. Any other questions about that?

President Mosby: Any other questions? Thank you, Brad.

Brad Ellsworth: Thank you.

President Mosby: Any other old business?

Commissioner Fanello: Just one piece, Commissioner Mosby. I'm still waiting on the city to give us the joint department budgets, so that we can finish our departmental budget. So, Glen said he thought he would have that by Wednesday afternoon.

Commissioner Crouch: When is the legal deadline that we have to have that information submitted?

Bill Fluty: I think it's requested that we have them July 1.

Commissioner Crouch: That's the legal?

Bill Fluty: In the documents I've read on budgets, I think July 1 is when you ask for (Inaudible).

Commissioner Fanello: That's tomorrow.

Bill Fluty: Yes, that is tomorrow.

Commissioner Fanello: Well, I have just about everything else except that, but I'm hesitant for us to approve something we haven't, I mean, the joint departments being there, we haven't seen them. He said he wouldn't have them ready until Wednesday afternoon. I know we have several requests from outside agencies to up their grants from Vanderburgh County. So, we have several things to consider. Any suggestions?

Bill Fluty: Do the best you can.

Commissioner Fanello: That's what we're doing.

Bill Fluty: Thank you.

President Mosby: Is there any other old business?

New Business

President Mosby: Any new business? I guess, I'll bring it up under new business. Ed Bassemier had sent me a letter, and he...every year we provide all the county employees with swimming passes and pool passes, and he wants us to provide the airport employees. They evidently got left out. I don't know if they've gotten them in the past or not. I'm not sure, but anyhow he has sent me a letter and asked me if we would provide that. County passes like we did all the other employees.

Commissioner Crouch: Are they county employees?

Commissioner Fanello: That's what I was just going to ask? Bill says no.

President Mosby: Quickly the letter says:

"Please let this letter serve as a formal request to provide the Airport Authority employees with both swimming and pool passes for this season. There are 59 airport employees, and we are hoping that the county will provide passes for these employees as they have for the county employees in recent years. I will provide a list of employees if this request is granted. Please call me with any questions. Ed Bassemier."

Commissioner Crouch: I know their budget is voted on by County Council, but I wasn't sure that they are county employees.

Commissioner Fanello: Bill's saying no.

Kevin Winterheimer: It's an independent government agency who's budget is reviewed by the County Council. In the simplest terms, they are a separate governmental entity.

Bill Fluty: If the question is are we producing any payroll checks for the Airport Authority, no, we are not.

Commissioner Crouch: Well, perhaps we can wait until we get the recommendation from the advisory board regarding the seasonal passes, or not seasonal passes.

President Mosby: Oh, okay.

Commissioner Fanello: Right, because they were supposed to advise us on maybe a different—

President Mosby: That's true.

Commissioner Fanello: —method of discount. When were they going to get back to us on that?

President Mosby: I think they had a meeting last week, but didn't have a quorum, if I understand correctly. I don't know if they took any action. We'll have to ask Steve when he comes up. Well, Tammy, if you would tomorrow, call Ed and tell him we are going to hold off until we see what Burdette's going to do. Give her that. Is there any other new business?

Commissioner Fanello: Commissioner Mosby, we have a letter in there, the board, we voted a couple of weeks ago to send the board a letter, or to send the Council a letter regarding the one cent Cum Courthouse Tax. Transferring that from the Bridge Tax. So, the letter is in everybody's packet. If it's okay with them, I would move approval.

President Mosby: Second?

Commissioner Crouch: Oh, second.

President Mosby: I have a motion and a second. So ordered. Do you have it in the signature file?

Commissioner Fanello: It should be in the signature file.

President Mosby: Okay.

Madelyn Grayson: May we make a quick tape change?

President Mosby: Sure.

(Tape change)

Madelyn Grayson: Thank you.

President Mosby: Any other new business?

Brad Ellsworth: Sheriff Brad Ellsworth, just one thing that I wanted to add about the Latessa report, because it had been asked in previous forums. That in my reading of that, it makes zero recommendations about anything that in numbers or the size of our program. Because I know at one time we had thought maybe, and several of the bodies thought that might be in there. It's basically all programming, and what's effective in the rehabilitation. So, if anybody was looking for that to say 20 beds in Vanderburgh County or 5,000 beds, it does not address that whatsoever.

President Mosby: Okay, are there any questions? Any other new business?

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| County Engineer |
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President Mosby: Department head reports, County Engineer.

John Stoll: The first thing that I wanted to report was that the Board of Public Works approved the Harlan Avenue extension plans at their meeting today. But they approved it with the condition that the City Engineer was to get with me and see if there was anyway that we could try and shave some costs out of it to help save some tax dollars on the project. In looking at the plans, the only really feasible option that I saw on trying to save some money was the possibility of narrowing the road south of Christ Road from 13' lane widths to 12'. You can see here on the cross sections this is everything south of Christ Road, and there is 5,100 feet of road south of there. The way Bernardin Lochmueller has it currently drawn they had 13' travel lanes, plus two 2' curb and gutter sections. In speaking with the City Engineer I was reluctant to make any changes north of there because that gets up in the residential neighborhood, and the commitments were made that we would provide

them with a parking lane as well as improved travel lanes and sidewalks and improved drainage. So, not wanting to interfere with any of those commitments, I felt we should stay south of Christ Road. In looking at this, realistically, the only thing I could see would be changing these 13' lanes to 12' lanes. But, running some basic cost estimates, very basic cost estimates on it, it looked like for each foot of width that we would shave out of here, it would save about \$13,000. So, if we went from 13' to 12' lanes, we would be looking at a savings of roughly \$26,000. In redesigning it, the design fee, since that was not part of the original scope of work for the designers, the supplemental design costs would be around \$8,000. So, that reduces the net savings from \$26,000 down to \$18,000. Since it's a split 50% city, and 50% county, our net savings would be \$9,000. Granted that's no small amount of money, but the downside is to get all of this done, since it is 5,100 feet of the road, that's roughly 5/6 of the project, so it would delay the bid opening by two weeks. You can go with a lesser lane width than even 12', but that's the standard lane width that is typically sought after on road projects these days. In talking with Bernardin Lochmueller you could go with as little as a 10' lane. So, that would shave 6' off of this.

Commissioner Fanello: What are the city's standards? What do they accept, since this will be a city street?

John Stoll: I haven't had a chance to get a specific minimum width from the city as of yet. I guess, from my perspective though I would be reluctant to go with anything that narrow since we don't have any constraints that would force us to go that narrow. If we had buildings right up next to the road I could understand why you would have to go with a 10' lane width, but given the fact that a 70' right-of-way was provided by CSX in this area, we don't have anything that's forcing us to go with a lesser lane width. I would hate to see the road being built to a lesser standard now whenever, who knows, it might need to be widened later. We know there will have to be some delivery trucks to serve the jail, and to serve the treatment plant. So, in looking at it, I don't know that really any changes are warranted. I just wanted to bring that to your attention this evening.

President Mosby: Are there any questions?

John Stoll: I don't think the road's over designed by any stretch at this point. Even though it shows 13' lanes, by the time that the double yellow stripes are put down the middle of that, that will take another foot out of it. So, really, we end up with 12 ½' of asphalt. So, we're only half a foot above the minimum lane width that is typically put in a new design project. So, from that perspective, I don't think it's over designed. Granted we could save some money, but it's at the expense of delaying the project another two weeks. That's where it didn't seem to be that worthwhile.

President Mosby: I guess, my question, John, if somebody brought these plans to you, and you were reviewing them, what would be your thought? I mean, if you seen the 13' lanes.

John Stoll: I would have no problem with approving them. I don't think it's really necessary that you have to delete the extra foot off of each of those lanes by any stretch. I mean, given the fact that there will be the commercial delivery traffic that, food service trucks and things like that that would serve the jail, I would think the extra width would be warranted. So, I wouldn't question the extra width. Granted there is a little extra cost associated with it, but I think it's warranted.

President Mosby: What size equipment do you have coming to the jail?

Brad Ellsworth: We were just discussing that. We will have prison busses, 18 wheelers, I would say that's the widest I can think of. Of course, (Inaudible. Not at mike.) service road, the cranes that will come down there, they are going to be wide, to stack the pre-cast cells.

President Mosby: Oh, I was just thinking of your everyday operations after it was built. But, you do have 18 wheelers coming back through there.

Brad Ellsworth: Sure.

John Stoll: If you get down to widths like 10' lanes, then you're in the neighborhood of what is currently out on a street like Weinbach. Everybody knows how tight it is if you encounter passing a truck on Weinbach. So, given that kind of comparison, that's why I say I wouldn't have any problem at all with pursuing the 13' lanes to get a little extra width, a little extra safety.

Commissioner Crouch: You did mention that we may have to come back in the future and perhaps widen it. I think that would be short sighted.

President Mosby: Yeah.

Commissioner Crouch: I believe the wider width is (Inaudible).

John Stoll: That would be my recommendation, to leave it as is. Granted, there is more cost to do it that way, but I would think it's the right way to do it.

Commissioner Fanello: Well, and plus these are estimates right now. I mean, we put this out to bid, we've got some contractors out there wanting to work. So, I would hope that we would get some competitive bids.

John Stoll: Right.

President Mosby: I don't think it's over designed. I mean, I think it's a fair design, and I would not want to see us cut anything out of it, and have to come back and pay more money later to try to supplement for it. So, I mean, I guess, you could talk to Pat and see—

John Stoll: See what minimums they would want.

President Mosby: —exactly what they are wanting. I mean, I can't imagine we're building them a road and they're telling us to build it sub-standard so they have to maintain it.

John Stoll: Right. Ultimately it wouldn't be us widening it if the city accepts it, but—

President Mosby: I was waiting for you to say they wanted us to add to it, not take away.

Commissioner Fanello: Well, we have to remember there are residents living on this road.

President Mosby: We may, and, well, I know this is south of the residents, but we did make commitments to the residents out there that, you know, we were going to be disturbing the area, and that we would, you know, put the sidewalks in there. So, that's really not an option.

John Stoll: Right, that's why I didn't want to touch that area.

President Mosby: To do anything different to the neighborhood. So, I guess, this is all we've got left is just this.

John Stoll: I can see what the city would consider to be a minimum they would want to go with, and let you know. But, based on what we've got right now, I don't think it's over designed. I think it's an appropriate design.

President Mosby: So, when are the bids due back?

John Stoll: July 14th. Also as part of these plans there will be a water main extension that will serve the jail as well as the treatment plant. An application has to be filed with the Water and Sewer Department, and I would like to request that you authorize me to sign off on that permit application. There are no fees, initially, but later on we will have to pay a permit fee associated with that. But, right now, just to get the ball rolling, I would like your approval for me to sign off on that, and get that process moving ahead.

President Mosby: Before we do that, you made a motion a minute ago that we not cut anything off the road. Should we vote on that?

Commissioner Crouch: I didn't make a motion.

President Mosby: Okay. Okay.

Commissioner Crouch: I can.

President Mosby: Well, I didn't know if we should or not.

Kevin Winternheimer: You don't really need to do anything. It was discussed, and there's no motion, it stands as previously approved.

John Stoll: Yeah, that's what you previously okayed.

President Mosby: Then you can, then we can go ahead and accept a motion for him to go out and make the water permit.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Okay. I'll get out there this week and get that filed. The next item I've got is in regard to the Oak Hill and St. George intersection project. We sent out copies of the plans to each of the affected property owners out there. We sent out about 20 sets of plans. Here's a list of everybody, you can see these new right-of-way lines is where we need to acquire additional property. Everybody that was affected

by a right-of-way acquisition was sent a set of plans. We sent them out asking for their input, any questions they might have, anything to get back with us prior to June 20th. Now that that date has passed, we heard from these two churches, and the two property owners here at the southwest corner of St. George and Oak Hill. We're going to make a couple of design changes to extend some pipes here to try and address this property owners drainage concerns. This person plus the two churches primarily were concerned about how much right-of-way would be acquired, and what kind of payments would be made. I told them we don't know that yet. The properties would be appraised, and then they would have an offer made to them at a later date. Basically, what I'm asking for this evening is for your approval for me to get a hold of RQAW knowing that these are the only four people that contacted us, assuming that everybody else had no questions or comments regarding the plans, and have RQAW proceed with finalizing these plans, and proceeding to the preparation of legal descriptions for right-of-way acquisition. Like I said, we only need to make a couple of changes down here at the southwest corner, but other than that, no design changes were requested. So, on that basis, that's why I would request that you authorize me to let RQAW to know to proceed to final plans, and start working on right-of-way descriptions.

Commissioner Fanello: I would move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Thanks, John, for contacting all those owners.

John Stoll: No problem. I figured we'd get a little more input than that, but at least they got a set of plans in their hands, so they all know what we've got coming. The last item I've got is in regard to Phase III of Lynch Road. On parcel seven, which is owned by Ramage, the original offer was \$95,000. The property owners had hired their own independent appraiser, and they came back at \$130,000. As it turned out, the county's appraiser and the property owner's appraiser met and they came to the determination that the offer should be revised from \$95,000 to \$115,000. The property owner is willing to accept that offer. On that basis, I would request approval of the Commissioners to revise the offer from \$95,000 to \$115,000 on parcel seven.

Commissioner Fanello: Move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Once that property is secured, we will have acquired 11 of the 18 parcels out there. So, we're making some pretty good progress on that so far. That's all I've got unless you've got any questions on anything else.

President Mosby: Any questions of John? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have tonight is to see if you have any questions on my weekly report. Pioneer Rail Corp's just about finished with the rail. I don't know if you've gotten any calls on it, but they're doing a pretty good job of it.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Thank you much.

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| County Attorney |
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President Mosby: County Attorney, Kevin.

Kevin Winternheimer: Yes, I've got several items tonight. The first of which is I submit for approval a settlement agreement on a condemnation case. This is with the Shawhan's, Scott and Sarah. We had an Executive Session a few weeks ago, Rob Faulkner is handling this, and I have the written agreement consistent with the discussions in the Executive Session and ask for your approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: I'll pass that down. The next item is it's my intention to file the Barrett Law preliminary resolution on Mill Terrace Thursday, Friday is a holiday, and have the preliminary approval on the 7th. To help expedite this matter I would ask today for your approval to advertise after Monday's approval, assuming you approve it Monday, the following week we will have a final, a hearing, a final approval of the preliminary resolution. That's an advertised meeting, or hearing, I'm sorry, it's not the week after, it would be two weeks after. I would like to go ahead and advertise it, and get that started so that we can get it in the paper and move it along as quickly as possible. So, I ask your permission to advertise for a public hearing three weeks from today.

Commissioner Fanello: So moved.

Kevin Winternheimer: For Mill Terrace.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Also on that project, to move it along, because I'm assuming we're going to proceed with it. To expedite matters, I would like to get your permission to have John contact the common state common wage construction people, get that set up, so that we can get the common wage law, common wage prices for the bidding, which will take place after all our hearings. So, if we can go

ahead and get that, sometimes that takes two or three weeks to get that done. If we can go ahead and get your permission to start that process. The plans and specs are done. Yeah, there he is. He's nodding yes. Are done, so, so we have what the committee needs to set the wages, if we could go ahead and do that.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The next item I have, and it may take a couple of minutes to explain it. After our last meeting I was contacted by Bernardin Lochmueller about our jail road project, Harlan Avenue, and asked if we were going to do a minority and women business program for that construction project. I went ahead and put together, and unfortunately I didn't get it in your packets Friday, but put together a program, and if you decide to do this, we have plenty of time, if you approve it tonight. What this would be is our first implementation of the ordinance that you passed about a year ago. I contacted Phil Lawrence and they have been certifying minority and women people providing services, goods and contractors. I have the list, and I have a copy for all of you. If my counting is correct there are 32 names on that. The program is very much in it's infancy. Of those I looked at what kind of services they provided, and there may be only about four or five companies that may be able to provide anything, if at all, on this program. The program itself is, as your ordinance provides, is a way to bring minority and women vendors and contractors together with contractors who do work for us. It does not require a contractor to sub-contract any work that they would not otherwise have done. What it does require is that they give opportunity to local minority and women contractors and vendors if they are going to buy that kind of supply, or sub-contract that kind of work out. There are no numbers. There are no quotas. There aren't even any goals, given that there are only a handful of contractors who may even be able to do anything on this project. It didn't seem appropriate to try to have anyone set any goals or anything along that line. But, what this would require, that if a contractor is going to sub it out, they must contact people on that list who appear might do that kind of work. Now, they do not have to take that contractor if they have any valid reason for refusing to take their price. A valid reason may be that they are not going to subcontract the work out. If they are going to do it all in house, then they don't need to worry about it, any subcontracting of the work. But, if they are going to subcontract it out, we want them to at least give an opportunity for those people on the list to give a price. As I said, they may give any reason for not awarding it, so long as it is not a discriminatory reason. They may not discriminate against any of our local minority vendors because of age, race, sex, religion, all that stuff. So, this program, that's what this program does. It attempts to notify the potential bidders on the project that if they are going to use suppliers, use vendors, that we want them to give our certified minority, women business enterprise contractors an opportunity to submit a price. If they don't use them they must supply an explanation. I have copies of this, and I apologize again for not getting it out, but this is our first attempt at this program to help increase utilization of minority and women businesses. Local, I might add. Local minority, women in business organizations. If you want to try it on this project. If you think we have enough people who might be interested, we can try it. If you want to wait until the next project, that's fine, but here is a program consistent with our ordinance. Oh, here, I don't know, here's if you need more copies of the vendor lists.

Commissioner Crouch: I would encourage us to do that. Appreciate you putting it together. I move approval.

Commissioner Fanello: Is that a motion? Second.

President Mosby: So ordered.

Kevin Winternheimer: As of 3:30 no one had picked up a packet yet, so I will e-mail it to them in the morning, and everybody who picks up a packet will get this. I volunteered to go, I don't like pre-bid meetings, but I volunteered to go to explain it to the vendors, the prime contractors who are going to the pre-bid conference exactly what we're doing, how this is going to work, and I think this is a good program to get them oriented, and get them thinking about this type of thing. We'll have to refine it as we go along, but, initially, until we get more vendors on the list, and I'll use this as a forum to advertise for any minority or women owned businesses out there to contact our Purchasing Department, to get certified, we need to know who you are before we can encourage people to use you. So, 32 is a pretty small number, but you've got to start somewhere, so this is our start along that line. I believe that's all I have. Thanks.

Madelyn Grayson: Excuse me. Did the settlement agreement make it's way down this way?

Kevin Winternheimer: It went that a way.

President Mosby: I gave it to you.

Madelyn Grayson: I don't...I do have it. Thank you.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have a couple of things. I believe Patty put in an agenda request in the packet to change a polling place. It needs to be Ward 4 Precinct 4 and 6 that need to be changed from the East Side Library to Stanley Hall. East Side Library is doing some renovation, and it will affect the November election. So, if you will approve the moving of those.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Then this morning when I came in the office I had a letter from Nancy Seib from WIC requesting that an existing telephone line be activated in the Woodland Park Apartments. I don't know if everyone has had time to read her letter, but the only thing that would cost the Commissioners is just the activation. Then the monthly cost will be on their phone bill. Considering where their location is, and the sensitivity of their work, I believe they do need an active phone line, and not using their cell phones as the only way of communication.

Commissioner Crouch: This would be paid for from their budget?

Tammy McKinney: Right. It will be paid from the WIC budget, uh-huh.

President Mosby: The monthly fees, or the activation? I thought you said we had to pay the activation.

Tammy McKinney: They're, we'll pay for the activation because Cinergy will have to go out and activate it. Then the monthly, just the standard cost will come out of the WIC budget.

Commissioner Crouch: I would charge the activation to them.

Commissioner Fanello: Right.

Commissioner Crouch: They have their own budget. That's what I would do.

Tammy McKinney: I can charge it back to them also.

Commissioner Fanello: I would move approval as long as we charge back.

Commissioner Crouch: Second.

Tammy McKinney: Okay.

President Mosby: So ordered.

Tammy McKinney: I think they just want a phone line. I think they will pay for it. That's all I have.

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| Burdette Park |
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President Mosby: Burdette Park, Steve.

Steve Craig: Burdette Park, Steve Craig. Our attendances drastically went up at our Aquatic Center, our RV centers. Just in the park overall things are running pretty well right now. We've got the kinks taken out of what was wrong, but other than that all we can do is hope for good weather. It seems like when we've got good weather, we've got good crowds. They go hand in hand. Other than that, all I've got is my weekly report.

President Mosby: We were discussing a while ago when we brought the letter up from Ed Bassemier about airport, did the board come up with any kind of season pass for the county employees?

Steve Craig: Yeah. We did not have a quorum there that day, but the people there was very much in favor of it. Even brought up maybe expanding it to all the government employees. They hashed over several different scenarios. They thought it was a good idea. I do too. I think it, you know, we're not probably the highest paid people in the world for some of our jobs, and if this is a way that some of them can save some money, and their kids and family can use the park and use the Aquatic Center. They even had ideas of extending it out to the miniature golf, even, you know, renting a chalet, having it all go with this, you know, company pass, or

employee package that they could purchase. We were going to make sure...I had talked to three of my board members that did not attend the last one that they will be there at the next one, so that they can make a suggestion to the County Commissioners on what they want to do with this.

President Mosby: When is your next board meeting?

Steve Craig: It's the third Wednesday of July.

President Mosby: I hate to say your pool's going to be closed by the time you get this done.

Steve Craig: Well, I didn't know if they, you know, it would be a season pass, but, you know, I didn't know (Inaudible. Talking over each other.)

President Mosby: I know, but it would only be good through the end of 2003. Your pool, well, I mean, when do you shut down, just weekends? The last three, I think.

Steve Craig: August 1st is the last day of day camp. I think it's the first week of August we go to weekends only.

President Mosby: Right. Well, see, and if they meet the last, third Wednesday of July that's not going to give us any time.

Commissioner Fanello: Could maybe, can they—

Commissioner Crouch: Poll them. You've polled most of them, haven't you? I mean, you have the feeling of the board.

President Mosby: Could you have Joyce tomorrow call each one of them and poll them, and get some written comments? Get them in writing to us.

Steve Craig: We can do that.

President Mosby: Let's just do it that a way. Have her get them up here to us by Thursday, well—

Steve Craig: Thursday at noon.

President Mosby: Wednesday afternoon, if we can.

Commissioner Crouch: So, they wouldn't be taking action as a board, they would just individually be expressing their—

Steve Craig: Right, they would just—

Commissioner Crouch: —personal opinions.

Steve Craig: Right, what they thought.

President Mosby: If you would, just ask Joyce to call them and have each one of them kind of give two or three recommendations. Get them to us Wednesday. We can get them Thursday, and we'll act on it next Monday. Friday's a holiday.

Steve Craig: We'll either get Joyce—

President Mosby: So—

Steve Craig: I'll either get Joyce or I to do it.

President Mosby: Okay.

Steve Craig: We'll talk to each one of them.

President Mosby: No problem. Any other questions of Steve? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officers Report

President Mosby: I don't see anybody from Soil and Water or Ozone.

Commissioner Fanello: Move approval of Soil and Water and Ozone Officers report.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent?

Commissioner Fanello: And I would move approval of the consent items.

Commissioner Crouch: Second.

President Mosby: A motion and a second on consent.

Commissioner Fanello: And I move to adjourn.

Commissioner Crouch: Second.

President Mosby: And a motion to adjourn, and a second. So ordered. So ordered, so ordered, and so ordered.

(The meeting was adjourned at 6:35 p.m.)

CONSENT ITEMS:

Travel Requests: Knight Assessor

Employment Changes:

Health Department
Burdette Park

Coroner
Auditor

County Clerk
County Assessor

Requests for Service:

Health Department

Health Department: Letter of Agency.

Steve Craig

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 7, 2003**

The Vanderburgh County Board of Commissioners met in session this 7th day of July, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, July 7, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of June 30, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the June 30, 2003 minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Award APA008-2003: Batteries

President Mosby: Phil Lawrence, permission to award bids.

Phil Lawrence: Good morning, Commissioners. Afternoon, I mean, I'm still thinking it's morning. I must be confused. Permission to award APA008-2003. Did you guys get a copy of the tabulations? They look like this. You didn't? Okay. We went through the pricing. Only two bidders; Batteries Plus, and Holderfield Battery. Holderfield was the apparent low bidder in the pricing.

Commissioner Fanello: I'd make a motion to accept Holderfield Batteries as low bidder.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Changes to Cell Phone Contract

Phil Lawrence: Thank you. The second one is, I don't know if it's changes to the cell phone contract.

President Mosby: Yes, that's the next one.

Phil Lawrence: The basics are kind of written out on that top page. Underneath is the actual numbers and all that stuff. That's broken down, but the actual pool plans

are on that front page. In essence, what we did was we took a pool plan that was intended for everybody in the county, it didn't work out for billing purposes, and, so, we went...Cingular went back and said, well, we can give you several pool plans in these configurations. I talked with the department heads, and everyone seems to be in agreement that these plans would work the best.

Commissioner Fanello: I was just going to ask that. Is everybody happy with it?

Phil Lawrence: Yes, I think everybody is happy now. I don't know if they are all happy, but they all said okay.

Commissioner Fanello: Thanks for working on that. I know it was a hassle.

Phil Lawrence: No problem.

Commissioner Fanello: I would make a motion to accept the new cell phone pool plans.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

President Mosby: Is there any other questions? Thank you, Phil.

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| Letter to Governor: IDEM Ozone Designation |
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President Mosby: Next we have a letter to IDEM regarding the ozone designation, I think, which is a letter to the governor instead of IDEM.

Joanne Alexandrovich: That's correct.

President Mosby: Dr. Alexandrovich is with us. You also have in your packet, I think, the letter that we sent from the local elected officials, and a meeting that we had last Wednesday at the airport.

Joanne Alexandrovich: Right. That's correct.

President Mosby: There was Commissioners from Posey, Gibson, Warrick, and Vanderburgh there, and there was Mayors from Princeton—

Joanne Alexandrovich: Mt. Vernon.

President Mosby: —Boonville, Mt. Vernon and Evansville, I think.

Commissioner Fanello: You don't have any extra copies of that? I didn't get one in my packet.

President Mosby: This letter?

Commissioner Fanello: Uh-huh.

Joanne Alexandrovich: I brought up a couple of copies. I can get you another one, if needed to.

President Mosby: Anyhow this is a letter we submitted. I had Dr. Alexandrovich come explain just roughly what we discussed in that meeting, and why this is so important. So, I'll turn it over to you.

Joanne Alexandrovich: Okay, thanks. Again, this is a follow up on the ozone attainment designation issue. Before I get to the letters, I want to tell you some really good news. All of the monitors that we take care of; Posey, Vanderburgh, and Warrick County, are still measuring attainment of the standard. That's good news. Also, I also found out that several of the utilities in our surrounding counties have turned on their NOx controls, so we should be having those emissions reductions early this year. So, that also is very good news, which will hopefully keep us in attainment throughout the rest of the summer. Also I just wanted to update you on another issue that is related to attainment designations, and that is the size of our Metropolitan Statistical Area. As you might recall, IDEM, excuse me, the USEPA suggests that you start with a non-attainment area the size of the Metropolitan Statistical Area, and ours has grown. It used to contain Posey, Vanderburgh, Warrick, and Henderson. Now, it contains those four plus Gibson in Indiana, and Webster down in Kentucky. At this point we really don't know how that will affect final designations, but it's another issue that's out there. So, what I'm here tonight is to ask you to sign and send out the letter that I wrote to the governor. You should all have a copy. It basically asks that the governor consider recommending Vanderburgh County and all of southwest Indiana to be in attainment of the eight hour ozone standard. Back to the meeting last Wednesday that Mayor Lloyd invited elected officials and industries from the four county area to also come at this issue with a unified voice. I think the meeting went well, and the letter that Commissioner Mosby signed with others is a lot longer than the one I will have you sign today. It gets into more of the details, but Commissioner Mosby thought that nice, short, sweet, to the point might be useful as well. So, that's what you have here. It says two things; it asks for attainment for southern Indiana, and so far we show compliance, and the NOx reductions are coming, so that will surely keep us in compliance. So, that's, any questions?

President Mosby: Are there any questions?

Commissioner Fanello: Motion to send letter.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to send the letter. So ordered.

Joanne Alexandrovich: Thank you very much.

President Mosby: Thank you very much for coming down tonight.

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| <p>Preliminary Resolution Regarding Mill Terrace Subdivision Barrett Law Bonds</p> |
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President Mosby: Next preliminary resolution regarding Mill Terrace Subdivision Barrett Law bonds.

Kevin Winternheimer: Yes, Mr. President. Tonight I'm asking for your approval for a preliminary resolution of the board, approving the project to go forward for Mill Terrace subdivision. Some preliminary matters, the estimated construction cost, if I might take a moment to explain that. Under the law we must set a maximum figure that this project will cost. In talking to John Stoll we came up with a figure of \$285,000. Now, within that estimate is the \$25,000 engineering fee that, I guess, has mostly been incurred already for the plans and drawings. Also is the \$10,000 for Baker and Daniels for the bond work on the project. I also included in that figures for litigation in case somebody wants to take us to court over this. The good news is, is that if those figures do not come in as high as what we estimate, then the project will be reduced at a later date. But, at this point, we need to estimate the maximum total cost, because if we exceed the maximum total cost that you will establish after your hearing on the 21st, then the county would have two choices. One, drop the project, start all over, fund it from other sources, and as funds are pretty tight, very tight right now, I thought it best to estimate a little bit on the high side so that we didn't have to start over or look for other funds. So, there may be additional cost savings, depending on how this all shakes out with the bids when they come in, and if there is any legal challenges to this, and how smoothly it flows. You will see attached to this a list of lot numbers, tax code numbers, homeowners, and their addresses, and it is proposed that we divide the cost among the 32 lots out there who border the street where the improvements will be made. You might want to ask if anybody wants to comment. We have, and I will also ask for your approval of this, I did last week, but to confirm it, that we hold the actual hearing on the 21st day of this month at our meeting. All the neighbors will have received not only newspaper ad notice, but we'll be sending out certified mail notice to each one of the 32 lot holders showing that you've adopted this preliminary resolution, and notifying them that there will be a hearing on the 21st at 5:30, which they can come down and comment. So, if the board doesn't have any questions, or any comments from the audience.

President Mosby: Do we have anybody that wants to speak? Any questions by any member of the Commissioners? Seeing none, chair would entertain a motion.

Commissioner Fanello: I move approval of the second and final reading of the, oh, I'm sorry, preliminary resolution regarding Mill Terrace Subdivision.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second on the preliminary. So ordered. Then we will schedule a meeting, I guess, for the 21st?

Kevin Winternheimer: Yes, I will send out notice, and I have, I've already given it to Madelyn, but I've got one here for you to sign. I want you to include that, I'll make copies and send it to the homeowners too, but it's a notice telling that we're going to have the hearing on the 21st at 5:30 in this room.

Madelyn Grayson: The ad is scheduled to run this Wednesday, so that's the same as what you've already given me, correct? The notice?

Kevin Winternheimer: Yeah. It's the exact same thing.

Madelyn Grayson: Okay.

Kevin Winternheimer: I just thought, I didn't have anything with their signature on it.

So, I put the signature page on there, attached to it so they would know that it had been approved, but it is exactly as what I gave to you. We're sort of planning this to speed this along as much as possible, so I got the notice to Madelyn last week, so she could make arrangements with the paper. I didn't change anything. It's exactly the same.

President Mosby: Thank you.

**Public Hearing/Second and Final Reading of
Resolution Establishing Cumulative Courthouse Fund**

President Mosby: Next, public hearing, this is the second and final reading on the resolution establishing the Cumulative Courthouse Fund. Is there any questions? Questions by anybody in the audience? Seeing none.

Commissioner Fanello: I move approval of the second and final reading of the resolution establishing the Cumulative Courthouse Fund.

Commissioner Crouch: Second.

President Mosby: So ordered.

Health Department: New Facility

President Mosby: Next we have the Health Department.

Maria Del Rio: Thank you for allowing me to be here today. The Health Department board members, and the committee to search for a new facility have been working diligently in looking for a new facility for the Health Department. I think you've been updated frequently on this, but we wanted to come before you today and give you a more formal update of what we have done. Our committee consists of Dr. John Pulcini, who is a past chairman of the Board of Health, and is the chairman of the committee; Councilman Phil Hoy; Tammy McKinney, Superintendent of Buildings; myself; Mr. Robert Stayman; Dr. Heidingsfelder; and Sam Elder. I'm going to defer to Dr. Pulcini who is the chairman of the committee to give you an update, but I will be available for any questions you may have.

President Mosby: Can I get you to state your name just for the record.

Maria Del Rio: I'm sorry, yes, my name is Maria Del Rio-Hoover, and I'm chairman of the Board of Health.

President Mosby: Thank you.

John Pulcini: In case you don't have copies of this, I'm going to submit them. These are colors of the preliminary plan for the building. These are some exhibits which I will address in the presentation. John Pulcini, chairman of the search committee. I wish to update you, since our last meeting we were directed to look at an off-site for the Board of Health by this Commission's direction, which we did with that, I'll call it an illustrious sub-committee, which has worked hard since then. We've looked at 11 sites since January. Four made the first cut, two made the second cut as of the end of May, and as of the last meeting of the Board of Health, after the sub-committees great deliberations of 6/26/03, we reduced it to what we believe is the

proper recommended building. We chose the building based on the features of the building, the structural soundness, the proximity to public transportation, the accessibility of that building, the parking availability, the leasing conveniences, and the work ability of the potential leaser, which we believe is important to the county, as well as to those of us who might be housed there. The expense that we would anticipate for any remodeling, we're trying to contain the amount of the money that would be required. The purity of the building. It is in a medical setting, which makes, I think, a more appropriate site for the Board of Health. Also it helps the facility of which it would be located at. The adaptability to the staff that would work there, and the needs of the clients that we serve. Then we get to the basics, which is the cost. In the final analysis of the last two, the original proposal was \$14.50 a square foot on the building that we recommend. We got that price down to \$14 a square foot. Asking for some incentive to help with some of the costs of remodeling. The sub-sub-committee worked very hard at arranging for that. A ten year lease with five years to renew times two, which we believe conforms to the legal requirements that Mr. Winternheimer was helpful in addressing to us. Overall we're renting 25,000 square feet. We would like, the building is the 420 Mulberry Street building. It's, it was the Oak Park Medical Building on the former Welborn campus, which was in the St. Mary's Riverside campus, which is now the Southwestern Mental Health Association Foundation property. This building is only ten years old. We would be leasing the first and second floor, and a small portion of the third floor for the laboratory, and storage space in the basement. What you have before you, and I'll label one as exhibit A would be the plans, the tentative plans, very rough, for the square footage allocation requirements, which Mr. David Wills who we had asked by way of contract to help us look and assess these buildings. We've had the opportunity to have Tammy McKinney with us to also better assess these buildings, shows that approximately how the building would be designed. The exhibit B was a letter of we call it a letter of proposal or intent from the Southwestern Mental Health Association, which graciously satisfies what we believe are the needs that the department has, which set the proposal for the amount of cost and the specific needs that the department would have. We believe it answers, essentially, all of our questions, and serves as the framework for Mr. Winternheimer to work out a lease. That lease is also in the packet. I don't know what I labeled it as, but it's a tentative lease, exhibit E, for your looking....and that's a work in process. So, that is not final. It has to meet both sides of the equation. We would appreciate the support of the County Commissioners for this building at 420 Mulberry Street, formerly known as the Oak Park Medical Building, and an opportunity to lease that from Southwestern Indiana Mental Health Foundation. We know that we do need to go to the County Council as well. Actually this Commission has been most informed, although we do have the pleasure of Mr. Phil Hoy as a representative from the County Council to serve as an advisor to the Board of Health as well. He's on the sub-committee, and we appreciate that. So, are there any questions that I can answer for you?

President Mosby: One question, how much money would you say that we need to put into this to, I mean, is it suitable right now? Or what's it going to take to—

John Pulcini: We have, and that's a very good question, Mr. Mosby. We've had a range of estimated costs for remodeling between around \$500,000 to a high of \$1.5 million dollars. I don't think, and most of us in the committee, including the architect doesn't believe it's going to be that high. We're looking for the lower number. This building is only ten years old. The main expense area, as we view it, would be the clinical areas, which is the first floor, and the lab. The others can be a more open concept with less cost. I could assure you the directives are already out if this goes, we're going to be frugal. Efficient, but frugal.

President Mosby: Are there any other questions?

Commissioner Crouch: Just curious, how does this \$14 per square foot compare to what we pay here in the Civic Center?

Commissioner Fanello: We pay \$18.64, I think.

President Mosby: Something like that.

Commissioner Crouch: That's a pretty good deal.

President Mosby: Yeah, I was going to say, I don't think \$14 is bad at all. What was the other building that you were looking at.

John Pulcini: The other building in the final two was the Woolen Building. Woolen Mill, which is the old Mr. Leich Building. The Leich Building. We looked at that, we had some tentative plans for that. That structure might have worked, but between the two, the other is a much more appropriate site and building. Besides that, we were concerned, and I think to some degree the owners are concerned about combining a medical facility with a mostly non-medical building. There are certain needs that we have in the medical facility which might be adverse to the owner of that building as well. Although they were very gracious in letting us look at it several times, and to critique it and see if it would fit.

President Mosby: And they were like \$14.50 did you say?

John Pulcini: No, sir. They were actually more. They were at \$14.95 base, and then we worked, to try and work out some incentive to help with the remodeling costs, it was 60 cents per \$100,000. We were thinking that the price would be between \$18.55 to \$20.95 per square foot of working it in the lease. Whereas we went with the Oak Park Building we got some negotiation down to \$14, and that was to try to help us offset some of the building expenses.

President Mosby: Okay.

Commissioner Fanello: Commissioner Mosby, I had a comment. I would just say that I toured this building with John Browning, and I think it is the most excellent facility for you. I really do, and I would be prepared to make a motion tonight, if that's the will of the board.

Commissioner Crouch: Second.

Commissioner Fanello: Thank you.

President Mosby: She was prepared. Well, it sounds like I got a motion and a second. So, and I will definitely say so ordered. I appreciate all the work you did. I know this was a rough road. We won't rehash any of that, but I do appreciate the board taking it's time to go back out and study some facilities. I think you've came up with an excellent facility that will suit your needs.

John Pulcini: Thanks.

President Mosby: I will be supportive in anyway I can.

John Pulcini: Well, as a matter of fact I'm going to ask for something else.

President Mosby: Okay. Always expect it when you say that. So, that's not a problem.

John Pulcini: Basically, I believe the formality is that we need an RFP for some architectural services to evaluate, you know, update the needs of the department, and also for the design of the building, the remodeling of the building. If we could have that, we would be very appreciative.

Commissioner Fanello: I would make a motion that we allow the Health Department to send out RFP's for remodeling of the facility.

Commissioner Crouch: Second.

President Mosby: Are you saying that you need help writing an RFP? Is that what you—

Commissioner Fanello: Or are you going to take care of writing the RFP?

John Pulcini: We were going to ask Mr. Winterheimer to do that, if we could please. He's been very helpful. We have a very nice synopsis letter.

President Mosby: Kevin, since I donated your help.

Kevin Winterheimer: That's not a problem.

John Pulcini: And you donated it, so.

Kevin Winterheimer: That's not a problem. I would be glad to work with them.

John Pulcini: Appreciate that. Then we have also, for the record—

President Mosby: Let me so order...you made a motion to send out an RFP, and have Kevin help write an RFP, she seconded it, I will say so ordered. Now, we can go forward. Just so it's on the record.

John Pulcini: Thank you. Also, being compliant with Mr. Winterheimer's analysis, we have a petition which is presently locked in the department downstairs. I have a copy of the petition from the public, properly signed, sealed, well, will be delivered tomorrow, over 75 signatures on that. I think the requirement was 50.

Kevin Winterheimer: Yes.

John Pulcini: So, we do appreciate very much Mr. Winterheimer's help in getting our little ducks in order.

Kevin Winterheimer: I would just say have Sam or somebody call me and we'll sit down and we'll put together the RFP and get that going as soon as possible.

John Pulcini: Great.

Commissioner Fanello: I guess, you'll need to sit down and fill in the blanks on the

lease.

John Pulcini: And the lease.

Kevin Winternheimer: At some point, we need to sit down with the Southwestern Mental Health people and negotiate the final terms. This was not meant to be any kind of, anything set in concrete. It was just for purposes of getting the discussion moving. We have a starting point here, so I would be glad to help you with that too. Just let me know when they want to get together, and we'll try to finalize that.

John Pulcini: Very good. Thank you on behalf of the board, and all who work there.

President Mosby: Thank you, and thank your board.

Maria Del Rio: Maria Del Rio again. I would like to thank you very much, and as the task master, Commissioner Mosby, gave me a long time ago about our colleagues, and in your packet is a letter from the Vanderburgh County Medical Society, as well as our Dental Society offering the support of the 500 physicians who are members of the Medical Society and the 200 dentists that are members of the society that are supporting us today.

President Mosby: Thank you very much. Is there any comments or questions?

Commissioner Fanello: I would just make one comment. I'm glad we waited, because I think you have probably the most excellent facility that you could have found. I really am glad.

President Mosby: Thank you very much. Thank your board, and, Councilman Hoy, thank you.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape change)

Madelyn Grayson: Thank you.

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| Community Corrections Discussion |
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President Mosby: Next we have discussion of community corrections.

Commissioner Fanello: Yes, sir. I spoke with Bob Ohlemiller of the Department of Corrections last Thursday afternoon. Mr. Ohlemiller had spoke with Council President James Raben, and they are in receipt of our letter, obviously, that we sent up there a few weeks ago. They were a little disappointed that the county was not going to put a match into the grant, because per the state statute, the state statute does require a 50% grant for the construction of a community corrections facility. I went back and pulled our minutes of discussions on the community corrections facility, and the Sheriff and I had actually met with the DOC the first time back in July of 2002, and our meeting that we had on July 22nd in the Commission, we stated that the DOC had asked us for a 50% grant. Then we all went back, I believe in November of 2002 with three Councilmen; Councilman Sutton, Councilman

Winnecke and Councilman Raben, and had discussions up there. I think there may have been some, I guess, misconceptions on some of the individuals parts who attended the meeting, and Mr. Ohlemiller is apologetic for that, but his thoughts were that Vanderburgh County was going to build a facility that cost \$4 million or more. So, he did not believe that the 50% match would be an issue, so he was a little surprised whenever he received the letter that stated the county, the County Council was not going to match any of the money. So, I just wanted to make everybody aware of that issue. We're still waiting for any kind of final correspondence back from the DOC. The money is still waiting, or still is there. I guess, what we really need to do is maybe just kind of get with County Council members and see where we go from here.

President Mosby: Any questions?

Commissioner Crouch: I haven't been as involved in that issue from the beginning, but I remember comments being made that there were no strings attached to the money, so I'm a little surprised that now there's a big spring.

Commissioner Fanello: I spoke with Councilman Winnecke about that also last Thursday about his recollections of the meeting, and have spoken with the Sheriff. Mr. Ohlemiller, you know, kind of said, well, we didn't really...because he had brought it up in the first meeting that Brad and I, or the Sheriff and I had, and which I came back and said that a 50% match was required in the meeting, but when we went to the November meeting, it was kind of left, I guess, undiscussed, basically, and there was almost an understanding there that the \$2 million was an outright grant. Like he said, he thought that Vanderburgh County was looking at a \$4 million plus facility, so it really wouldn't be an issue, because if we built, obviously, \$4 million, we would be at the 50% match. So, he's, you know, kind of apologetic for the misunderstanding, but it is a state law per...we've got a copy of the law here, it's 11-12-2-8, restriction on use of funds. It says;

"The department may provide funds under this chapter for the construction of a facility, an amount that does not exceed 50% of the cost of construction of the facility."

So, it is in the state statute. I had so stated in our July 22, 2002 meeting.

President Mosby: Are there any other questions? Sheriff, did you have anything that you wanted to add? I mean, I remember the statute part of it, and it coming about, I think the only thing I would say at this point is we probably need to make a motion to hold up on the architectural and engineering part of this. We signed an agreement with United to start on community corrections, and I think right now where a lot of this stands is we need a commitment from the County Council. I think it's going to be the County Council's part to commit to putting the money into this facility. If they are not going to commit to putting the money in it, then I don't see where we're going to have a grant. I mean, without the grant, I mean, we're not going to be able to build the facility. What I would like to do is entertain a motion to have United Consulting hold up on any work that might be done so that we don't accumulate a bill, or acquire any expenses at this point until we see what the County Council is willing to do.

Commissioner Fanello: I'll move that we suspend all work on the contract with United Consulting regarding community corrections.

President Mosby: I'll second that.

Commissioner Fanello: Oh, she was going to. Commissioner Crouch was going to second.

President Mosby: Sure? The only reason I did it was because you didn't—

Brad Ellsworth: Brad Ellsworth, President of the Vanderburgh County Community Corrections Advisory Board. The only thing that I would want to reiterate, and I know we've done this in writing from the board on two occasions is just stress the need for a building. Although we think that the roofs on the building at this time are substantial and put on right. We still know that it's an inefficient building to run, and we could do a much better job in a new facility, more efficiently designed facility. Actually I would have to go back to the archives to see how many letters we've written to that effect, but it would, does not change the fact that we need a new building to operate community corrections out of. Thank you.

Commissioner Crouch: Sheriff, while you're at the mike, I want to commend you for releasing the Latessa report. I thought it was very insightful. It was well thought out, and while we in the community all want things to be better, I think it did a good job of pointing out our strengths, and it also identified some other areas. For someone who doesn't know that much about community correction, I found it to be a good starting point.

Brad Ellsworth: I didn't release it. I wasn't the one that released it. I did put it out to the advisory board, the judges, the Commissioners, and the stakeholders. I still disagree with the fact that a draft is public record, and I'll go to my grave thinking that, that you don't release drafts. Final products, but I do think that the stakeholders needed some time, as well as the service providers needed time to digest that and have a chance to respond before, and return that to Dr. Latessa to, which may bring his troop back down here to re-evaluate, or, I guess, look closer at some of the things going on out there, and give some of our...maybe some things they didn't see in their first trip. So, I look forward to, I think the 11th is when I've asked for comments to come back and see what their group has to say about our responses. Thank you.

Commissioner Crouch: Thank you.

President Mosby: I'll go back to community corrections for just a second since Brad had spoke to this. My motion on having United hold up is no way a motion that, or, I guess, any thought that I'm against community corrections, because I'm all in favor of moving forward. I guess the other motion we need, or I would entertain would be to go to County Council and ask for up to \$2 million to match up to a \$2 million grant from the DOC. I mean, if we bid this out and it comes in at \$3 million, that's fine. We put up a million and a half, they put a million and a half. But, I guess, the other motion we need is to go to the County Council and see if they want to participate in this, or where we head to from here. But, I am in no way against community corrections, and I think we have to do something. I agree with the Sheriff. The building that we're in is not going to service our needs much longer.

Commissioner Fanello: Dr. Latessa's report does point out the deficiencies of that building, and, I mean, we've long understood that we need a community corrections facility. You know, while we're out there constructing a jail, I can't think of a better time to be out there constructing a community corrections facility, and also taking

advantage of any money that we get from the state. I mean, a million or a million and a half, or two million, that's a lot of money to get from the state for a grant for constructing a facility. I would hope that the Council would see how important that this is, and contribute some funding to the project. I would move that we ask the Council to consider this at their next meeting, and give us some direction so that we can continue to proceed.

Commissioner Crouch: You know, I kind of feel like we're being held hostage by the state. This has been a very poorly handled process. For us to find out, and County Council to find out at the eleventh hour that we need to come up with additional county money is a little distressing, particularly at budget time when there's so much on the plate. I will second, but, you know, I think the whole issue has to be evaluated with Dr. Latessa's report and everything else that's being addressed with community corrections. That's all.

President Mosby: I will say so ordered on the motion and the second, but I don't think it's the eleventh hour when it's a part of the state statute that a 50% grant is required, and that was mentioned in this meeting a year ago. We have the money. There's money in the jail fund. If we want to capitalize on that \$2 million, we can.
Commissioner Fanello: Commissioner Mosby?

President Mosby: Yes.

Commissioner Fanello: Just going back to Dr. Latessa's report, I know the Sheriff wants comments back by the end of the week, and I kind of did a little research on, you know, the Commission's responsibility towards community corrections, and, you know, we've given our authority to the Sheriff, and I think he is doing a very, very nice job, and commend him for what he's done out there since taking the community corrections facility over. I would probably also ask Commissioner Crouch, as our advisory board member, if you would maybe come back with, or work with that board and maybe come back with some recommendations of what maybe we need to do as a Commission, if anything. I hope that you'll take the opportunity to evaluate the report, and as our advisory board member come back to us with some recommendations over the next few months if there is anything that we need to take action on.

Commissioner Crouch: I would be happy to.

President Mosby: Is there any other questions or comments? Seeing none.

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| Jail Bond Closing Documents |
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President Mosby: Jail bond closing documents.

Commissioner Fanello: I think there should be a bunch of closing documents, and if everybody received them. They did not arrive until this morning, and I know Kevin has been working on them, so, he may have some—

Kevin Winternheimer: Yes. I think your packet is the same as mine. It may not be in the same order. Hopefully, you received it. Continuing disclosure undertaking agreement, in a nutshell this is that we will supply financial data and continue to

supply financial data to make sure that the trustee of the bond holders feel comfortable with our ability to pay the bond. That's about eight, nine pages in two sentences. You also have, let's see, a certificate regarding the preliminary official statement and final official statement, I believe. Again certifying that you're doing the project, and how much the project is, and that the material facts stated in the other documents are true and continue to be true. You have an Auditor's certificate regarding no objecting petition for the execution of the lease. This is for your Auditor to execute. There is a remonstrance provision under the leasing statutes, and I am not aware of any such petition having been filed. This is a document that the Auditor certifies to that he did not receive any such document. There is also a formal warranty deed, deeding the property to the Building Authority. There's a transcript certificate of the Auditor, let's see, stating that the minutes and the resolutions and the lease and all that, when they were executed, and that they are on file, certifying to the dates of publication, and that there is no litigation, pending or threatened affecting the existence of the county, the right of any officers to their respective offices, and similar type certifications. I'm going through my list to see if that's, did I name them all? Is there another one? Did I get them all? What they're asking for is you to approve the form of the agreement, and authorize their respective officers shown in the documents to execute those at the appropriate times. There may be, if you've ever closed on a house, there may be some slight changes to some of these documents, the standard portions will not change, the important parts will not change, but what they are asking you to do is to approve the form of the agreement and authorize the officers to execute them at the appropriate times. The closing, I believe, is set for the 17th of this month, and ask for your approval now so that the officers can execute them at the appropriate time.

President Mosby: Are there any questions?

Kevin Winternheimer: These are all standard forms, standard documents.

President Mosby: Anybody in the audience? Seeing none.

Commissioner Fanello: I move approval of the jail bond issue closing documents.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Commissioner Budget & Revenues for the Centre, Burdette and 911 |
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President Mosby: Next we have revenues for the Centre, Burdette and 911.

Commissioner Fanello: And our Commissioner budget. The 911 revenues weren't in your packet, but here is a copy. They are not too hard to digest. I've got a couple of comments on the Commissioner budget, if everybody...probably some questions on why some of these are higher. We've received several requests from outside agencies. The first one, the Southwestern Mental Health, that is per state statute, and as you see there is a huge increase from last year. We called the department of government finance, because the formula is actually laid out in the state statute. I was a little shocked when I did the calculation, I thought I was doing something wrong, but we called the department of government finance and they told us we were calculating it right, it's just the fact that the way reassessment came out, the formula is actually assessed valuation divided by 100, times .0133. So, that comes

out to a \$995,000 calculation. So, I think probably what the Council needs to do is maybe get with Southwestern Mental Health and actually see if that much is needed, or if they can lower that amount, because I don't see how we can actually absorb that much of an increase into our budget. That was one of the suggestions of the department of government finance. The other one was ARC, they have requested an increase in their budget from \$279,000 to \$500,000. I think they sent each of the Commissioners a letter, if I'm not mistaken. The Soil and Water was a request from the Soil and Water board. Emergency Medical, that was a request from AMR that we increase their budget, and they would like to have a contract with a cost of living increase every year. That's something that we'll need to consider. The other one, let's see, our copy machine lease, our lease down in the Auditor's, for the copy machine in the Auditor's office, as I understand it, is actually up at the end of the year. I set that in at \$50,000 right now, because I think we ought to actually look at buying a machine versus leasing. Some preliminary calculations that I did, I saw about a \$9,000 to \$10,000 savings in buying a copy machine instead of leasing one, and that included a monthly maintenance charge. So, something we probably need to evaluate. Then the YMCA has made a request for \$50,000 per year for three years for their new building, for their capital campaign. I think those were most of the requests. There was one error, Computer Facility Management, that really needs to be \$730,800, instead of \$720,000, so we need to amend that amount.

President Mosby: \$730,800?

Commissioner Fanello: And 800 dollars, yeah. We still did not receive the joint departments from the city, so I would just say we set those in at what they were last year, and, I guess, let them battle it out in their joint department hearings.

President Mosby: Okay. Are there any questions?

Commissioner Crouch: I just have one, just one little concern. I understand the Southwestern Mental Health increase, and the EARC those are dictated by statute as to how much they can get, although I know that EARC is not taking their full amount. You know, I'm just not sure there's going to be enough money to give \$50,000 to a not-for-profit, a new not-for-profit with the YMCA. I would really, and I think, I don't know if this is the time with everything else out there to be introducing, you know, a new request. So, I would approve the budget with my reservation on that, and certainly would understand if Council would not fund that.

Commissioner Fanello: Right, and that was a request. I believe everybody got a letter on that, so that's why I went ahead and put it in here for discussion, but I certainly echo your sentiments. Did you make a motion?

Commissioner Crouch: I can, certainly. I make a motion that we approve the budget with the corrections and setting in the joint departments with last year's amount, and then expressing our reservations on the \$50,000 for the YMCA.

Commissioner Fanello: I second that.

President Mosby: Are you taking the \$50,000 out, or what are you doing with it?

Commissioner Crouch: I'm just saying we need to, I'm expressing my reservations to Council.

Commissioner Fanello: She's leaving it in.

President Mosby: So, we're leaving it in, and this document is going forward as is. So ordered.

Commissioner Fanello: The other items you have are the estimated revenues for Burdette Park, the Old Courthouse, and the Centre, and 911. If there is any questions on those. If there are no questions, I will make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Any other questions or comments?

Draft of Energy Savings RFP and Architect RFP

President Mosby: Then the last item under action, draft of energy savings RFP and architect RFP.

Commissioner Fanello: I have drafts for everybody to look at and give comments back to Patty this week. Here we go. That's for the architect, and this is for energy savings. The energy savings one is actually a draft from the Indiana Department of Commerce, and can be modified however we would like to modify it. If everybody will get their comments to Patty this week, we can work up some final documents.

President Mosby: Okay. Are there any questions or comments? Seeing none, are we going to take any action on that? Any contracts to come before the Commission?

Public Comment

President Mosby: Public comment.

Old Business

President Mosby: Any old business?

Commissioner Fanello: Commissioner Mosby, I have just one small piece.

President Mosby: Yes.

Commissioner Fanello: I met with Norm Schneider from the Youth Care Center this morning. I'm working on getting a contract for the services that we currently use them for. Mr. Perry has been very ill over the past few weeks, but he did leave me, actually Kevin had come up with a draft and they had reviewed it, and he brought another draft back, so I will give that to Kevin and each of the Commissioners to review, but looking at getting a contract signed with them for our current services. I also spoke with him about a proposal that they had talked about for a new facility. Told him that I would really like to see some final numbers so that we can compare that with building our own facility. I mean, I think we really need to look at getting something done with juvenile detention this year, after we clear up the community corrections issue, and we're on our way to getting the jail facility built, and I think it's time for us to kind of come to some conclusion on juvenile detention. So, he was

going to work on getting final numbers for his proposal, so that we could weigh those against building our own facility and make an educated decision.

President Mosby: Okay. Any questions or comments? Any other old business?

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| New Business |
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President Mosby: Any new business?

Commissioner Fanello: Do we need to vote on this appropriation that we received from SMG? Or appropriation request? I know that Sandie was—

President Mosby: She left.

Commissioner Fanello: Oh, did they leave?

President Mosby: I think they were just here for the other.

Commissioner Fanello: Okay, I didn't know if we needed to—

President Mosby: I think that, that done went—

Tammy McKinney: Wasn't that a late transfer?

President Mosby: That was the late transfer that went into Council. I think they are going to come back at a later date to do an appropriation into the...right.

Commissioner Fanello: Okay.

President Mosby: So, that was a late transfer. Any other old business or new business? Seeing none.

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| County Highway |
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President Mosby: Department heads, County Engineer, John Stoll.

Unidentified: He stepped out.

President Mosby: Okay, County Highway, Dennis Hudnall.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all I have, I met with a representative from Pioneer Rail Corp, and they want to proceed on the St. Joe, Kuebler Road, and Mill Road railroad crossings. So, we reviewed them Friday, and they do not have to do any rail work on Mill Road or Kuebler Road. So, they asked if I could mill it and go ahead and pave it, and then they would direct their attention to St. Joe Road. But, it would take them a while to plan it. So, what I did on the paving budget that I submitted to you at the beginning of the paving season, we've calculated like Old State Road, Stacer Road, Baseline that we've already paved, and we came in under cost on those roads. So, I would like to divert the money that we've saved on these, on paving these roads over to these rail crossings. The budget will support that.

Commissioner Fanello: And still support the rest of our paving?

Dennis Hudnall: Correct.

Commissioner Fanello: Okay. I would make a motion to that affect.

Commissioner Crouch: Before I second it, is that a cost we normally would bear?

Dennis Hudnall: No. It's very difficult, I think this project's been in effect for about four years, and nobody has really wanted to commit themselves, especially Pioneer Rail Corp to the expense. So, what I've done is they fix their rail, I pave it. If I have the money to support that. Normally it's not a cost that we would expend except for the approaches to the rail, but we're actually doing in between the rail and everything right now.

Commissioner Crouch: Second. I think you've mentioned that once before, and the cost is not—

Dennis Hudnall: The cost is not a great amount. Part of the cost comes from the rental budget from milling. I have to rent a machine to mill those roads down. Part of it is the actual bituminous material that we use to pave it. So, it costs per crossing about \$4,000 to the county, which is not a great deal, but the benefit is great. Because these crossings are really, really bad.

President Mosby: You say they are going to do Mill Road. The one on Mill Road?

Dennis Hudnall: Mill Road and Kuebler Road, all I have to do is mill them down and pave them. St. Joe Road is in such bad shape they are going to have to dig the crossing up, and actually do it like they did Boonville-New Harmony.

President Mosby: Okay.

Dennis Hudnall: So, it will take a while on that one. But, I can proceed on these two in the very near future.

President Mosby: Okay. I have a motion and a second. So ordered. Is there any other comments? Any questions? Thank you, Dennis.

Dennis Hudnall: Have a good night.

President Mosby: Appreciate it.

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| County Engineer |
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President Mosby: He's back. We'll go back up and pick you up. County Engineer, John Stoll.

John Stoll: First I've got supplemental agreements with Bernardin Lochmueller for the University Parkway project. This is for an amount not to exceed \$106,900. This is to obtain the remaining permits needed for the stream mitigation so we can get this project on a bid letting. Basically, we still have to obtain permits from the Corp and IDEM for all the pipes that will be installed and all the stream crossings out there. Bernardin Lochmueller set up this agreement with the provisions in there that we would assume we would have to acquire some additional right-of-way in order to do the stream mitigation that might be necessary out on Little Creek. Hopefully,

that can be avoided, and if so, then those items will just be deleted. We won't be invoiced for anything they don't do, but in the event that they do have to go with the Little Creek mitigation, it is for the amount of \$106,900. It's requested this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request from the YMCA to use several county roads for a 15K walk and run. This would be held on October 4, 2003. The YMCA will provide the traffic control on this, and they are requesting approval to use Nurrenbern Road, Graff Road, Bayou Creek Road, Seminary Road, Duesner Road, Happe Road, Cypress-Dale Road, and Pleasant Road as part of this. They have provided a certificate of insurance for this, so, it's requested this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That doesn't need any signatures, that's just for the record. Next I would like to request approval to hire consultant, R. W. Armstrong, for the design of County Line Road. This would be between Posey County Line and Denzer Road. This was some work that was requested at last year's road hearing, and the road is currently insufficient width, and has some blind curves and hills, and this would be to upgrade and eliminate those problems.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next project I would like to request that DLZ be hired to design Green River Road, for updating the design on Green River Road between Lynch Road and Heckel Road. This is the project that was designed several years ago, but due to lack of funding it was not pursued. Now we need to upgrade the plans.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Any questions or comments? Thank you, John.

John Stoll: Thanks.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: I have no real report other than it's challenging becoming the Barrett Law expert in the state. As I said, no one has done any of these for years and years, and many communities for decades and decades. I'm reinventing the wheel with each document, and I find it particularly challenging. We're moving forward though. That's all I have.

Commissioner Crouch: Kevin, I just have a comment.

Kevin Winternheimer: Sure.

Commissioner Crouch: Then a question. I hate to even bring this up, but it disturbs me a little bit. You sent a fax to the County Auditor last week.

Kevin Winternheimer: That's right.

Commissioner Crouch: You sent a fax to the County Auditor last week regarding the payment of a county employee's vacation, and in it you had indicated that you had spoken individually to Commissioner Fanello and Commissioner Mosby, and that they agreed with your assessment. You know, I would hope in the future you would, you know, talk to me also. Even though I'm not the same party, I am a County Commissioner.

Kevin Winternheimer: Not a problem.

Commissioner Crouch: The question is are we, by virtue of that memo, are we paying that county employee extra vacation that he's already been paid for, so that he won't be in arrears?

Kevin Winternheimer: We're not paying, no, we're not paying him anything that he's already been paid for. What the new method of calculation does is what you earn this year depends on how long you were employed with the county as of the end of last year. It's not double payment for any vacation at all. It's just how much you accrue depends on how many years of service you were with the county. It has nothing to do with what he took or didn't take in the past. You do not roll over any vacation. It's what you earn this year, what you are entitled to this year as of January 1st depends on how many years of service you have for the county. There's no double payment.

Commissioner Crouch: So, he's not being paid for time he's already been paid for?

Kevin Winternheimer: No, that is correct. Thank you.

President Mosby: I think this is the same way the Sheriff's Department does it. We've discussed all this in union negotiations, and we're trying to get everybody on one system. I mean, it seems like we've got two or three different ways out here that we're paying vacation right now. At some point in time you have to draw the line. When the Sheriff explained how they did it, it's exactly what we had negotiated with the union, and it's the way, you know, that we've got the whole county set up now, so that we have one payment.

Bill Fluty: It is actually different than the Sheriff does their vacation. In the first year of employment the Sheriff doesn't allow any of their employees to have vacation time.

President Mosby: And none of ours are getting any either.

Bill Fluty: Your first year. We're talking about the employees that are currently already there. We are currently pro-rating time, you earn it as you go. This changes the policy, in effect, that you will actually be bought out, or when you come to your buy out that you actually will get those years of service vacation. So, it is different in a sense.

President Mosby: I mean, I don't know, I understood it from Eric and them that this is the way you guys did it. So, I don't know.

Brad Ellsworth: (Inaudible. Not at mike.)

President Mosby: We went to the system where you earn it this year for next year, is what it amounts to.

Brad Ellsworth: We are still firm believers in anniversary dates, but—

President Mosby: It's basically a 20 year employee that worked last year has earned six weeks for this year.

Brad Ellsworth: What we ran into, and I know that Auditor Fluty is aware of this, and Commissioner Crouch, and we all are, that what we ran into such a problem was that on the years when a person got his step up and increased to an extra year, say their employment date was December 16th, some of them felt that they were entitled to an extra week of vacation because they passed their anniversary date. This year, and essentially what they did was get an extra week of vacation, or felt they were entitled to an extra week of vacation over a person who was hired 15 days later on January 1. I mean, that was a huge problem on the Sheriff's Department. Like I say, with anybody hired November, December and that. What we run into is are these, like I said, when they are pro-rating this and leaving early, and when they depart, I mean, it's essential to keep good records. I know we've had to instill several computer programs.

President Mosby: I think that's happened at the Garage once or twice already where an employee leaves and all of a sudden they decide he owes us.

Brad Ellsworth: Right.

President Mosby: Instead of us owe him. I mean, in this case, you know, no employee in their first year is getting any vacation, and it's earned for the following year, so that we will never have an employee that owes us money.

Bill Fluty: Then again, they are different policies. Comparing the Sheriff's to what you're doing, they are not quite the same. They are for the first year employees, but they aren't for any employee that's been on payroll for years of service. If actually there is, as we pro-rate in current time you, in effect, added vacation to that employee. When they come to their buy out there's a financial impact to that buy out.

Commissioner Fanello: But you're saying that because prior contracts had people paid for vacation in the first year.

Bill Fluty: Yes. They actually received vacation the first year.

Commissioner Fanello: Right.

Bill Fluty: So, at the end of that year they had no time on the books.

Commissioner Fanello: Right.

Bill Fluty: You've made a policy change.

Commissioner Fanello: Right.

Bill Fluty: An interpretation of the previous contract.

Commissioner Fanello: Right, and we can't, I mean, you can't make a policy change that is totally equitable when you've had different contracts in past years. We're trying to make a policy change where people only get paid for vacation they earn from now on.

Commissioner Crouch: Do you think that they are being paid twice? This gentleman?

Bill Fluty: It is a policy change from previous contracts. We are on a current basis, when somebody works three months, we look at the current three months. Any time that they've taken are minus what they've earned, and that's their buy out. You're actually adding their years of service vacation into that, and their buy out would mimic any years of service. Either five, ten, fifteen, twenty or twenty-five, and that correlates with 80 hours vacation, 120, 160, 200, and 240. I've researched five people. Five from the highway and five from the detention officers, and of those people it's come to \$21,000. So, those people will be receiving those checks once all the paperwork is done. The way it was before they would not have.

Commissioner Fanello: They would not because they got it up front before they earned it.

Bill Fluty: They earned it as they worked.

Commissioner Fanello: As they worked. So, at any point in time if they left and had already taken it, they would owe us back.

Bill Fluty: That is true, but many offices have managed their office and their time, that has not been a problem in the past. It has not been a financial hardship.

Commissioner Crouch: So, yes, is your answer.

Bill Fluty: Yes, then, is the answer.

President Mosby: Is there any other comments? Seeing none. Kevin, is that all you had?

Kevin Winternheimer: That's all I had.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to add a late travel request from the Health Department. I suggest that this be approved since it doesn't cost us anything.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: That's all I have.

Commissioner Fanello: While we're adding consent items, the Auditor has one to add. It's our management rep letter for conclusion in the audit. Bill, you might want to report, but Bill and I met with the auditor last Thursday, and happy to report we have a very clean audit for this past year. So, I would make a motion that we add the management rep letter.

Commissioner Crouch: Second.

President Mosby: So ordered. Is that all you had, Tammy?

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. You have within your packet from Burdette tonight your request for views and comments from the Burdette Park Advisory Board regarding season pass or incentives for county employees. I think I had spoken with each one of you regarding the management's position on this issue. So, we will be willing to work with any type of program that you desire for our county employees regarding season passes, and any other usage of facilities at Burdette.

President Mosby: Are there any, I guess, everybody's gotten...did you get your copy of this?

Commissioner Crouch: Yes, I did.

President Mosby: Okay, and Gary talked to you today?

Commissioner Crouch: Yes, he did. Thank you. It almost appears that the advisory board seems to be in favor of instituting a policy next year. I guess if we did institute it this year there would be some logistical problems for the park.

Gary Hohman: I think the logistics of it initiating right now would be somewhat of a nightmare. I think beginning the first of the year the logistics would be a lot easier for us to implement. Plus we're going to have to come up with some means of identifying these individuals that are eligible, whether it be badge, photo ID, some form of identification system, which would entitle them to these benefits.

President Mosby: Brad, didn't you, or Sheriff, I'm sorry. Didn't you say at one time that if we needed photo ID's or something that you could make us a photo ID?

Brad Ellsworth: We've got a system down at the office that we can adapt. Are you talking for employees at Burdette?

President Mosby: Well, what we're talking about is possibly coming up with like a pass for all county employees. If they want to purchase it for Burdette, but we would need something with their photo on it and their department.

Brad Ellsworth: It's for employees, or just the public?

President Mosby: For employees. This would be for county employees only. It would be a benefit to a county facility.

Brad Ellsworth: Would something like this work?

Commissioner Crouch: Would we all look like this?

Brad Ellsworth: I'll be in there a lot.

President Mosby: I mean, I don't see why something like that wouldn't work.

Gary Hohman: We need something that is not transferable from one individual to another.

President Mosby: I don't think many people are going to pass off.

Brad Ellsworth: We can change the heading on that. We've got the equipment down there, like I said, it's just manpower. We can train somebody—

President Mosby: Okay.

Brad Ellsworth: —to sit at the computer and produce them. Tammy McKinney would be a great person. That's something we could—

President Mosby: That's something we can do right there, Gary, that if a county employee....what it amounts to, I read through a lot of these, given a family of four a pass to Burdette for a range from \$100 to \$140. If you buy the pass it would include the miniature golf for free, batting cages for free, and half price on chalet rentals in off seasons from November to March, Monday through Thursday, but no holidays and weekends. So, I mean, it is a pretty good deal to county employees. It is something, you know, as a benefit to them. I can see where putting it in right now for the Aquatic Center would be probably impossible since we're halfway through the season, but if we wanted to do something for miniature golf, batting cages, or if somebody wanted to go out this winter and rent a chalet, we could do something in that line. Then if anybody wanted to purchase it, we would just have the Sheriff—

Gary Hohman: We do have in place now, Mr. Mosby, during the off season the buy one, get one night free during the off season, provided it's through the week. It does not, it cannot go over into a weekend period, which the availability of our chalets on the weekend are very limited, 52 weeks out of the year for weekend usage.

President Mosby: Well, most all of these said no weekends or holidays, which I would agree with, but to do it during the off season, during the week, I don't have a problem with that.

Commissioner Crouch: Would it make sense if we're not going to take action on the Aquatic Center to wait until the advisory board gets together and actually takes kind of mulls this over, and comes to us with a formal recommendation. Now that we have a little time for that.

President Mosby: When's your next meeting?

Gary Hohman: The third Wednesday, which would be...I don't have a calendar.

President Mosby: The 16th.

Gary Hohman: Would be the 16th. You're asking them to come up with—

President Mosby: Something outside of the Aquatic Center, since it's so late in the year.

Gary Hohman: Along with a price.

Commissioner Crouch: Perhaps then their recommendation could include the Aquatic Center for 2004.

Gary Hohman: Regarding the other issue of non-county employees.

President Mosby: They can come up with a separate rate.

Gary Hohman: Do you want a separate recommendation for them as well? Okay.

President Mosby: Do you want to do something in that line?

Commissioner Fanello: I didn't hear you.

Commissioner Crouch: They can go ahead and make a recommendation on that also.

President Mosby: Because, well, one of them says to include city employees, one says county employees only.

Gary Hohman: I think all but one, I think, requested that city employees be included in this package.

President Mosby: Oh, okay, yeah, one, two, three. I would see what the preference of the board is, and let them, you know, decide something. If there is a separate rate or whatever they want to do. Is there any other questions or comments?

Gary Hohman: Thank you.

President Mosby: Thank you, Gary.

President Mosby: Soil and Water and Ozone.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officers Report.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent?

Commissioner Fanello: Motion to accept consent items with changes.

Commissioner Crouch: Second.

President Mosby: So ordered, as amended.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:45 p.m.)

CONSENT ITEMS:

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| Travel Requests: | | |
| Health Department | County Clerk | County Surveyor |
| Employment Changes: | | |
| Center Assessor | County Assessor | Burdette Park |
| Prosecutor | Sheriff Department | County Clerk |

Treasurer: Surplus of software.

Burdette Park: Surplus of vehicles.

Sheriff:
Weekly jail and community corrections reports.
Community corrections biennium grant.
Pest control agreements.

Auditor:
Indiana State Board of Animal Health contract.
State Board of Accounts 2002 management rep audit letter.

Health Department:
After hours cleaning contract.
Sprint contract.

Those in Attendance:

David W. Mosby

Bill Fluty

Madelyn Grayson

Maria Del Rio

Dennis Hudnall

Others Unidentified

Catherine Fanello

Kevin Winterheimer

Phil Lawrence

John Pulcini

John Stoll

Members of Media

Suzanne M. Crouch

Tammy McKinney

Joanne Alexandrovich

Brad Ellsworth

Gary Hohman

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 14, 2003**

The Vanderburgh County Board of Commissioners met in session this 14th day of July, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with Vice President Catherine Fanello presiding.

Call to Order

Commissioner Fanello: Call to order Vanderburgh County Board of Commissioner meeting, July 14th. Introductions are as follows; to my right, Tammy McKinney, Superintendent; County Attorney, Kevin Winternheimer. To my left, Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 7, 2003 Commission Minutes

Commissioner Fanello: Do I have a motion to approve the July 7th minutes?

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

Open APA013-2003: Tires and Tubes

Commissioner Fanello: Next item is Phil Lawrence, permission to open bids for tires and tubes.

Phil Lawrence: Good afternoon, Commissioners. Those bids actually were opened this morning at the Board of Public Works, but I have a bid summary. We received three bids in. Master Tire appears to be the lowest, but we haven't gone through it yet, so we can't say who's low on what. So, those were taken under advisement this morning.

Commissioner Fanello: Okay. Do I have a motion to take under advisement?

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

Phil Lawrence: Thank you.

Open Bids for VC03-07-01: Harlan Avenue Extension

Commissioner Fanello: Next item is Kevin Winternheimer, permission to open bids for Harlan Avenue extension.

Kevin Winternheimer: I have four bids, if I may go ahead and open those.

Commissioner Fanello: Do I have a motion to.

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

Kevin Winternheimer: Any bids from the audience on this project? Seeing none.

| Name of Bidder | Amount |
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| Koberstein Trucking | \$1,528,634.30 |
| Blankenberger Brothers | \$1,319,354.74 |
| Deig Brothers Lumber & Construction | \$1,807,889.31 |
| JH Rudolph | \$1,392,982.54 |

Kevin Winternheimer: The first bid is from Koberstein Trucking, Inc. of Princeton, Indiana. Okay, let me find the total. Their total, this again is Koberstein is \$1,528,634.30. The next bid is from Blankenberger Brothers, Inc. of Cynthiana, Indiana. Their total appears to be \$1,319,354.74. The next bid is from Deig Brothers Lumber & Construction Company, Inc. of Evansville. Their total, it says see attached, so I'm looking through the attached here. Total bid, \$1,807,889.31. We have one more bid. The last bidder is J.H. Rudolph & Company, Inc. of Evansville. Their total is, their total appears to be \$1,392,982.54. That's all the bids I have.

Commissioner Fanello: Do I have a motion to take under advisement?

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

First Reading of Ordinance Concerning Neighborhood Associations and Notification of Matters of Public Concern

Commissioner Fanello: Next item of business under discussion items is the first reading of ordinance concerning neighborhood associations and notification of matters of public concern.

Kevin Winternheimer: Yes, I was contacted a while back by Commissioner Fanello who wanted me to come up with a program to better inform the neighborhood associations and their presidents of what is going on in county government. What you have before you is an ordinance that attempts to do that. A neighborhood organization, a neighborhood association is an organization having a unique name, specific geographic boundary, located in Vanderburgh County. Membership is open to any resident or property owner. The organization must have defined boundaries, and hold elections of officers with a specific term and have bylaws. This ordinance applies to registered neighborhood associations, and by that we mean an association that registers who it is, and how to contact it with the Commissioners office. What the ordinance provides is, first the organization must register with the county. We need to know who they are, who we're to notify. They register, and what their boundaries are, so that we know what actions may be affecting them. They need to register at the Commissioners office. This would apply to vacation proceedings, vacations of right-of-ways, drainage easements, public utility easements; rezonings; acceptance of drainage plans; petitions for removal of obstructions to drainage easements; and the sale of surplus property by the

Commissioners. The county would then notify the president, who the association tells us to notify, of the proposed action. That is a very simplification of the ordinance.

Commissioner Fanello: I think we have some individuals here from—

Cheryl Musgrave: Cheryl Musgrave, president of Culver Neighborhood Association. There are two changes that I would like to ask be made to this proposed ordinance, and one request. The change that I'm asking for is under B1, the registration of neighborhood associations. Associations within the city boundaries already have the opportunity to register with the city. In order to avoid duplicate paperwork, I would ask that if we are registered with the city, that the county merely accept those already registered neighborhoods. That would cut down a little bit on the paperwork. Under C1 where you discuss the real property to be sold as surplus property, you discuss notifying the neighborhood of that, but I would ask that you take it a couple of steps further and notify the immediately adjoining property owners, and give those property owners the right of first refusal to buy those properties. The request that I have for you is if you would post this ordinance, with any changes, and then in final form before you vote on it, on the website, so that we may all log on and take a look at it.

Susan Harp: Susan Harp, Oak Hill Neighborhood president. The only thing I still have concerns about, and it's also kind of a grey area with the city, is about subdivisions. If they already are, if the ground is already R-1, and there's this big, huge subdivision going in, it would be nice if we knew of that. For example, Keystone, if that ground was all R-1, that's a big subdivision out there, and it would be nice to know that. So, I don't know if there's anyway we can...I know they go through subdivision review, if you got wind of that, then we can be notified. Other than that, I think it looks really good.

Commissioner Fanello: Well, you were actually the one, Susan is the one who contacted me in the beginning. So, I appreciate it, and thank you for all your hard work in neighborhood associations.

Susan Harp: Thanks for getting it finished.

Commissioner Fanello: Your welcome.

Susan Harp: Almost finished.

Commissioner Fanello: Almost finished. Well, we always welcome all comments and suggestions. We did send a letter to all the neighborhood associations asking them for their comments and suggestions. So, we do appreciate you coming tonight and giving us those comments.

Kevin Winternheimer: My only comment to the suggested changes, if the Commission decides to go that route, is the right of first refusal to the neighbors, we generally sell those to high bidder. That's what the statute provides. That's the only one that I would question as far as legality in that process.

Cheryl Musgrave: At a minimum, could you notify the immediate adjoining property owners of the action, the pending action, and not just the neighborhood association itself?

Kevin Winternheimer: If the Commissioners so desire, that would be permissible.

Commissioner Fanello: Well, this is first reading, so, we will make those...we'll look into making those suggested changes. Commissioner Crouch, did you have anything to add?

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Okay. Second, and so ordered. Then we'll have a second reading, Kevin, when?

Kevin Winternheimer: I would suggest in two weeks, if we can. For one reason that gives us time to make the changes, and then get them to you, or post them on your website, you can review and talk to your associations. Two, next week is going to be a really busy week, because that's the Mill Terrace Subdivision people are coming in for their hearing. So, if it's agreeable with everyone, I think two weeks would be better.

Commissioner Fanello: Okay.

Susan Harp: That's my neighborhood meeting night.

Kevin Winternheimer: Oh, well, okay.

Commissioner Fanello: Tammy, would you, you and Patty get together tomorrow and make those changes on our website, to get this posted on our website?

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| <p>First Reading of Ordinance Concerning the Payment of Ordinance Fines and Penalties and the Enforcement of County Ordinances</p> |
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Commissioner Fanello: Next one is the first reading of ordinance concerning the payment of ordinance fines and penalties and the enforcement of county ordinances.

Kevin Winternheimer: Yes. This is another one that we've been working on for awhile, and present to the Commission. There have been concerns raised by the Sheriff's office and by me concerning the rather arduous process of settling minor matters, ordinance violations, and a need, I think, to clarify lines of authority, and to come up with a process of how to do that. In this ordinance, what is proposed here is that, first under 1.14.010 that if a ticket is written, that a fine be paid at the Treasurer's office. Right now there is no clear method as to how you pay it, unless it is taken to court. Any matter that is taken to court, you must pay those fines through the County Clerk's office. When reviewing this process it seemed rather arduous to me that, one, that you take all matters through court, and, two, that you have to pay them through the court. I don't have to tell anyone here, the courts are extremely busy. The Clerk's office is extremely busy, and what I am proposing here is that we would pay these through the Treasurer's office. I've talked to the Treasurer, and she is willing to do this. We do not have a lot of ordinance fines. Do not anticipate a lot of them, but for the one's that we do have, this would provide a more streamlined method of getting them paid, without the necessity of having to go to court. Under 1.14.020, the County Attorney would be authorized to compromise and settle tickets, if there is no fine specified in the ordinance. The county code has numerous provisions where the fine says not less than \$10, no more than \$2,500. Well, that's quite a broad range. In consultation with the person who writes the

ticket, my proposal is to have the County Attorney be authorized to settle those without having to come to the Commissioners. You all have many, many things to do in your "part time" job that you have. For minor matters like tickets that may be written by the Sheriff's office, Building Commissioner, Plan Commission for numerous types of violations, Health Department, until we eventually go through the whole county code, at some point, and provide fixed fines, this would allow the County Attorney to compromise and settle those, and come up with an appropriate amount to get the matter over with. Under 1.14.030, the County Attorney would have the authority to bring suit to enforce ordinance. Which is the County Attorney's prerogative right now. This clearly delineates that authority, but it also provides that the proposed ordinance, that if the County Attorney does not feel that the ticket written has sufficient basis to prevail in court, the attorney would have the authority to void the ticket, without having to go to court, and then ultimately lose the law suit, and have a judge say that the ticket must be voided. This would expedite matters. I don't anticipate this happening very often, but it may happen. Someone may misunderstand the meaning of the code and write a citation, but if there is not evidence to back up that citation, then that ticket should be voided. This would give the County Attorney that authority, who would be making the call anyway as to whether or not there is sufficient legal basis to bring a suit. Under 1.14.040 it delineates who has authority to enforce ordinances. By statute the Sheriff's office, of course, has that authority by law to enforce all county ordinances. Let me find my code and I'll read the list. The law enforcement of the county would have the authority to write the ticket. Any person designated by the Health Department to enforce ordinances under that department's jurisdiction. Any member of the Board of County Commissioners. Any person designated by the Executive Director of the Area Plan Commission to enforce zoning ordinances or planning law. The County Surveyor or his designee to enforce drainage matters. The County Inspector and Deputy Inspectors of Weights and Measures. The County Parks Manager, or his designee to enforce ordinances in the jurisdiction of the county parks and parks facilities. The Building Commissioner to enforce building codes and other matters under the jurisdiction of the Building Commissioners office. Lastly, any person designated by the Board of County Commissioners would have the authority to enforce county ordinances, ie: write the ticket, write the citation, then contact my office for court action, if it's necessary. The ordinance also provides that you do not have to issue a citation to enforce an ordinance. If it's serious enough we could go directly into court, and if it requires immediate action without issuing a citation, and that we have all the remedies allowed in the laws of the state of Indiana to enforce ordinances, which would include, besides fines, matters such as injunctions, which are court orders ordering a person to do or not to do something. Finally, this ordinance is attempting to clearly delineate the authority of various persons who may be involved in the enforcement process from the person who initially writes the ticket, down to the County Attorney who may be called upon to prosecute enforcement of the ordinance. If you have any questions.

Commissioner Fanello: Are there any questions from anyone in the audience?
Commissioner?

Kevin Winternheimer: Oh, I might mention one thing. This would give the County Attorney, I did not mention, the authority to approve, and this would authorize ticket books to be issued. They would be issued, and it's final form would be subject to approval of the County Attorney. So, we would have an official county citation form to use for the various county ordinance violations.

Commissioner Crouch: Would there be any fee connected with the collection of these? Would they have to pay their penalty and then an attorney's fee or anything on top of that?

Kevin Winternheimer: No. No exceptions come to mind, but there may be one or two out there. As a general rule the law does not allow for the collection of attorney's fees in ordinance violation cases. You're limited to the fines. You must keep in mind that as with...an analogy might be in the criminal system, because there are laws and the violation results in a penalty. As with those, this is never a profit making enterprise. The goal is to have people abide by the law without having to bring an action, but in some cases it is necessary, and the county does not make money on those. This is not an attempt to make money, but to enforce the ordinances that this body has passed over the years that are found in the county code book. We are not allowed to collect attorney's fees on ordinance violation cases.

Commissioner Crouch: Move approval.

Commissioner Fanello: Second, and so ordered. Do you also want to set the second hearing for two weeks?

Kevin Winternheimer: Yes.

Commissioner Fanello: Okay.

Kevin Winternheimer: That would be fine.

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| <p>First Reading of Ordinance Concerning the Vanderburgh County Prosecutor's Office Law Enforcement Fund</p> |
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Commissioner Fanello: Next one, one more ordinance. First reading of ordinance concerning the Vanderburgh County Prosecutor's office Law Enforcement Fund.

Kevin Winternheimer: Yes. I was contacted by the Prosecutor's office, and they would like to change the method of dividing up the funds that result from forfeiture proceedings, or seizures of property connected with the enforcement of criminal laws. Currently there is a rather complex method, and I'm going to try to simplify some of this. Currently the Prosecutor's office now gets 50% of those proceeds, and that will be reduced to 45%. The remaining 55% of assets recovered by the Police Department or the Sheriff's Department will be distributed to the respective agencies apportioned based on the number of investigators, officers, deputies, clerical staff, which each agency provides to enforce the law. Initially the percentages, I think, are 14% apportioned to the Vanderburgh County Sheriff's office, based on a supply of five designated investigators, deputies and/or clerical staff. 41% apportioned to the Evansville Police Department, based on a supply of 15 designated investigators, officers and/or clerical staff. Then in instances where the officers of either the EPD or the Sheriff's Department are assigned solely to the DEA Task Force, 100% of all cash assets apportioned to either the Police Department or Sheriff Department shall be apportioned solely to either agency depending on who was working with the department. There's a lot of variables in here, and I'm not going to go over each one of them, but they have asked for this, and I don't know if the city has approved this or not, but the city will have to approve this.

Brad Ellsworth: The city has approved this.

Kevin Winternheimer: Okay. So, this is acknowledging how to divide up the money on seizures. This is principally drug enforcement activities where property, is that correct? Where property that is used in, or associated with drugs is forfeited by the courts, in many instances, and this is how you divide that up.

Brad Ellsworth: Correct. Sheriff Brad Ellsworth. This is all part of the agreement where we've entered into a task force with the Evansville Police Department, and the Prosecutor's office to take the competition for funds out. It was part of that to come up with a formula. So, we were in on the writing of the ordinance, and are in full agreement with that.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second, and so ordered.

Kevin Winternheimer: This one we might do next week.

Commissioner Fanello: Okay.

Kevin Winternheimer: I think it's going to go real quick.

Commissioner Fanello: Okay.

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| Reconveyance Agreement with the Building Authority for the Jail Project |
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Commissioner Fanello: Next item is agency agreement with the Building Authority, and reconveyance agreement with the Building Authority.

Kevin Winternheimer: Yes. Well, speaking on the reconveyance agreement. This is an agreement between the Commissioners and the Evansville-Vanderburgh County Building Authority. We had deeded, or are in the process of deeding the entire 37 acres to the Building Authority as part of the bond issue process. What this agreement states is that they agree to reconvey portions to the county within 30 days after you request it, so long as it is not part of the current jail facilities, or affiliated with the jail facilities. This would allow such things as the community corrections complex, so forth, whatever you may decide to put out there. Of course, for the bond issue they have to continue to own the jail itself and the land under it, and parking facilities and those kinds of things would continue to be owned by the Building Authority until the bonds are paid off.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second, and so ordered.

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| Agency Agreement with the Building Authority for the Jail Project |
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Kevin Winternheimer: I've got so many of these running through my head, let me see. Okay. The agency agreement is the agreement whereby the Building Authority is designating the Board of Commissioners to act as their agent to build the project, get the project up and running, and all actions associated therewith. So, you will be awarding the contract, and all matters associated with getting that facility up and running.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second, and so ordered.

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| Public Comment |
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Commissioner Fanello: Next item is public comment. Is there anyone in the audience wishing to make any comment.

Donna Payne: My name is Donna Payne, and I–

Commissioner Fanello: Do you want to bring the mike...there you go.

Donna Payne: My name is Donna Payne, and I used to work for the Vanderburgh County Clerk's office. I'm here to request the Board to investigate the reason that I was fired. My sister died July 4th, and I asked for, to have Thursday, Friday and Monday off to attend her funeral in Indianapolis, because she was cremated, which they had to hold the body for two additional days. I was told if I took Friday and Monday off that I would be fired. Marsha Abell came into the office Wednesday evening at 4:00 and asked me if I was still planning on not being at work Friday and Monday, and I told her yes, because I was planning on being with my family for my sister's funeral, and she told me to, if I was not going to be there to get my things out, that I was fired immediately. So, I would ask the Board please to investigate this for me, and let me know what you find out. I loved my job in the County Clerk's office, and I would love to be able to work for the county again.

Commissioner Fanello: Kevin, do we just want to take this under advisement?

Kevin Winternheimer: Yes. If you deem it appropriate, I would be glad to contact the County Clerk and find out the particulars. I don't know what they are, at this point, and let you know what I find out.

Commissioner Fanello: Is that okay with you, Commissioner?

Commissioner Crouch: You know, I had called in, do we have any legal right over employees that are no longer, or that are former employees? I mean, do we have any right to become involved? I know that this came up once before when I was County Auditor, and I believe that the employees had to, were advised to get their own counsel. So, I guess, my legal question is if someone is no longer employed, do we have any legal right or authority?

Kevin Winternheimer: I'm going to answer your question by rephrasing the question a little differently. The County Clerk is a constitutional office, created by the constitution of the state of Indiana. As such she has the right to hire and fire employees, as she sees fit. So, she can hire whom she wants, and terminate who she wants. However, our policy manual, I don't have it in front of me, as I recall, states that a person who has a, and I wish I had it in front of me, the exact language. I don't. In essence, a person who has an employment problem with their department head, whatever, may ask the Commissioners to look into it. Now, that you may do, if you so choose. Do you have the right to tell the Clerk that she must rehire her? No. But you may investigate, look into it, but you may not order, or direct the County Clerk to do anything further. But, that is your prerogative, whether you want to even

look into the matter. This Board's prerogative, under the personnel policy manual.

Commissioner Crouch: So, what would be the reason for the recommendation to look into it if there is really no action we could take?

Kevin Winternheimer: Yeah, I don't want this lady to infer that anything that I say reflects on her case. I don't know any of the particulars of her case. I guess, if you had a situation that was, in particular you felt a violation of somebody's rights (Phone ringing)...sorry about that. Or was done for an improper reason, or something like that, because you would end up the one defending the lawsuit against an officeholder. Or if you lost, paying the judgement. You could go to that officeholder and try to remedy the, suggest that the situation be remedied without the necessity of litigation. Again, you cannot force the Clerk, as a constitutional officer, to hire anyone, or rehire anyone. But, that would be the only matter that I can think of off the top of my head of why you would want to do that. I don't know, I don't want her to infer that anything I said refers to her case. I don't know what her particular situation is, but if you were trying to prevent litigation, or something like that, you could look into it to (Inaudible) the matter, discuss with the Clerk, see if there is something that could be done, that's it.

Commissioner Crouch: Would that be a matter for Executive Session?

Kevin Winternheimer: Well, you're asking me to think about a whole chapter off the top of my head. I would have to think about that, and look at how the statute is worded on that particular thing. Dealing with a now former employee, but I don't want to give you a definitive answer without reading, looking that up, if we get to that point. We may not get to that point about discussing it. I don't know what her situation involves. I would be glad to report to you all what I find, if that's what you want me to do. Employee situations are very delicate. I'm trying to choose my words carefully, and not commit one way or another on any matters until we find out exactly what is going on. I have no idea of the situation.

Commissioner Crouch: Can we take this under advisement?

Commissioner Fanello: Well, I think that's what we would do if Kevin looked into it. I mean—

Commissioner Crouch: I have some other...well, legal question, if we look into this and we find that there is some kind of a cause one way or the other, then how would we defend ourselves, or the county, because that ultimately is what we would be doing, wouldn't we? If an employee got outside, an outside attorney, and sued us over a matter, then we would be, wouldn't we be in the position of defending ourselves?

Kevin Winternheimer: Well, we would be in the position of defending the Clerk. I mean, essentially. In this, and I want to make this clear too, I am not here to represent you. If you feel you need to consult with an attorney, please do. I don't want to discourage you in any manner. I guess, at this point, if the employee wants to complain about an action taken by their superior, if you desire we may look into that to make sure that everything is proper. If perchance it would be determined that it was not proper, then we try to mitigate any further action by taking, suggesting action be taken, or something like that by the County Clerk. Again, we have no authority to order her to hire or rehire anyone along that line.

Commissioner Crouch: And would we be discussing all this in a public meeting? Well, you're going to have to see if it's Executive—

Kevin Winternheimer: I need to look into that to see where this falls on the different categories under the public records law. Or public meeting law rather. I mean, we're making a lot of presumptions here. We may end up going no further at all. If you want me to look into it and determine that I don't see anything improper here, it just ends. There's no further action on your part, or anybody's part necessary.

Commissioner Crouch: I'll make a motion that the County Attorney have a conversation with the County Clerk.

Commissioner Fanello: Second, and so ordered.

Donna Payne: Thank you very much.

Commissioner Fanello: Thank you, Ms. Payne. Any other person in the audience wishing to address the Board? Seeing none.

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| Old Business |
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Commissioner Fanello: Old business. Any old business? I guess, we have a little bit matter of old business. Our jail bond closing is set for this Thursday, and we have some bills that we can go ahead and pay at the time of closing. More specifically legal work and title work. This copy is for the record, and Commissioner Crouch does have a copy. The one's that I have that have been submitted for payment this Thursday are Kevin Winternheimer, Baker & Daniels, Bowers Harrison, and Jeff Bosse, or Bosse and Vollmer, and I think, and Century Title Corp.

Commissioner Crouch: The Baker Daniels bill is not detailed. Do we need a detail of that in order to make payment, to be consistent with all the other bills?

Commissioner Fanello: We can. The difference in theirs versus Kevin's and Joe's is that Baker & Daniels was negotiated on a fixed fee, not to exceed a certain amount. Ms. McKinney has called them and asked them for a detailed bill that they will supply in the morning. So, what we could do is approve it contingent on, if you want to take a look at it, and that would be fine. If there is any problems, we can hold it till Monday.

Commissioner Crouch: Okay. Motion to approve then.

Commissioner Fanello: Yes, please. Second, and so ordered. How this will work is that the Commissioners will receive all bills on the jail project and they will come to us for approval first, and we will have an opportunity to take a look at them, and then they will be forwarded to the trustee at Old National Bank for payment, so. Another matter of old business, I spoke with Robert Ohlemiller at the Department of Corrections, and he is hoping to get the county a letter by the end of this week. I do not know what that letter will say. So, as soon as I know, everyone will get a copy. So, we'll let you know more about that as we find out.

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| New Business |
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Commissioner Fanello: New business.

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| County Engineer |
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Commissioner Fanello: Department head reports. County Engineer.

John Stoll: On the Stockwell Road project we have to pay a review fee to the railroad. The review fee for the design is \$1,830. I would like to request that we reimburse American Consulting, and have American Consulting pay that fee. Basically, their design agreement did not call for any kind of reimburseable expenses like this, but they said they could pay it, which would help expedite getting the review fee paid to the railroad.

Commissioner Fanello: And how much is that?

John Stoll: \$1,830.

Commissioner Fanello: Okay, and do we have enough in our budget to cover that?

John Stoll: Yes.

Commissioner Fanello: Okay.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second, and so ordered.

John Stoll: The second thing is also on the Stockwell culvert project. This is the IDEM water quality permit application that must be submitted in order to get all the necessary permits for the project. It needs a Commissioners signature, so I'm requesting that this be approved.

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

John Stoll: Next I have a revised appraisal for parcel two on the Lynch Road project, section three. This is for a reduction of \$5,800. The amount offered to the property owner will go from \$37,680 to \$31,880. The reason for the reduction is because the property owner had requested some modifications be made to the right-of-way line, which would necessitate taking less right-of-way. So, this is in response to his request. It's requested that this revised appraisal and offer amount be approved.

Commissioner Crouch: So moved.

Commissioner Fanello: Second, and so ordered.

John Stoll: The last item I've got is that I would like to request approval to go to County Council to transfer \$500 from the St. Wendel Road Bridge Account to our Cumulative Bridge Communications Account so that we could get additional cell phones for the office. I would like to get two or possibly three phones.

Commissioner Fanello: Are one of those for Mike Wathen?

John Stoll: Right. One is for Mike Wathen, one would be for me, and then depending on whether or not we got a third one, it would be for, to be shared by Valerie and Pat.

Commissioner Fanello: Okay. Are you going to work with Phil? I know we've got some bids from Cingular. Are you going to use them?

John Stoll: Yeah.

Commissioner Fanello: Okay.

John Stoll: I know they are still trying to get all that resolved.

Commissioner Fanello: Okay.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second, and so ordered.

John Stoll: That's all I have, unless you have any questions on anything. Thanks.

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| County Highway |
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Commissioner Fanello: Highway Department.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing that I have tonight is to ask you if you have any questions on my weekly report. That's it.

Commissioner Fanello: No, except you did an excellent job, tell your crew excellent job in getting everything ready for LST.

Dennis Hudnall: Oh.

Commissioner Fanello: I know you paved part of the road down there. So, it looked great.

Dennis Hudnall: Yeah, we went down and put barricades up for them the other night. It turned out pretty good with the white lines on it. I appreciate that comment.

Commissioner Fanello: Good job.

Dennis Hudnall: Have a good night.

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| County Attorney |
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Commissioner Fanello: County Attorney.

Kevin Winternheimer: I have no report tonight other than just to remind you that next week is the Mill Terrace hearing, and I assume we will have a large crowd. That's all I have.

Superintendent of Buildings

Commissioner Fanello: Superintendent.

Tammy McKinney: I have two late consent items that need to be added. One is a late pink slip, and it's from me, from my department. I was in Indianapolis on Friday at a seminar, and I didn't get it turned in. Next the Treasurer has a late travel request to Indianapolis tomorrow.

Commissioner Crouch: Motion to include those in the consent items.

Commissioner Fanello: Second, and so ordered.

Tammy McKinney: That's all I have.

Commissioner Fanello: Thank you, Tammy.

Commissioner Crouch: Then tomorrow I will get a detail, you can send me a detail of the Baker Daniels bill?

Commissioner Fanello: Right.

Tammy McKinney: Yep.

Commissioner Crouch: Okay.

Tammy McKinney: I spoke with Tom, and he said that he would get it to me tomorrow morning. He was going to fax it to me.

Commissioner Crouch: Okay. So, if that's okay we'll pay it, and if there's any questions, we'll just hold it—

Commissioner Fanello: Right, if you have any comments or questions, get them to Tammy or Patty and let us know and Kevin can let us know if there are any issues.

Commissioner Crouch: Okay. Thank you.

Burdette Park

Commissioner Fanello: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I don't have much. Attendance is doing well. As the weather goes, we go. Haven't had any major problems with the equipment and that, so I consider it a pretty successful week.

Commissioner Fanello: Wonderful.

Steve Craig: Other than that, I got my work sheets, and if you've got any questions for me.

Commissioner Fanello: No. Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

Commissioner Fanello: Is there anybody here from Soil and Water or Ozone? Do not see anybody. Do I have a motion to accept the report?

Commissioner Crouch: Motion to accept Soil and Water and Ozone report.

Commissioner Fanello: Second, and so ordered.

Consent Items

Commissioner Fanello: Consent items?

Commissioner Crouch: Motion to accept the consent items, with the addition of the Superintendent of County Buildings.

Commissioner Fanello: Second, and so ordered. You forgot to adjourn.

Commissioner Crouch: Motion to continue. No, motion to adjourn.

Commissioner Fanello: I deny that. Second, and so ordered.

(The meeting was adjourned at 6:18 p.m.)

CONSENT ITEMS:

Travel Requests:

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| Perry Assessor | Auditor | Treasurer |
|----------------|---------|-----------|

Employment Changes:

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| Public Defender | County Engineer | Supt. of Bldgs. |
| County Clerk | Burdette Park | Auditor |

Auditor: Submit A/P Vouchers.

Those in Attendance:

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|---------------------|-------------------|---------------------|
| Catherine Fanello | Suzanne M. Crouch | Bill Fluty |
| Kevin Winternheimer | Tammy McKinney | Madelyn Grayson |
| Phil Lawrence | Cheryl Musgrave | Susan Harp |
| Donna Payne | Brad Ellsworth | John Stoll |
| Dennis Hudnall | Steve Craig | Others Unidentified |
| Members of Media | | |

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 21, 2003**

The Vanderburgh County Board of Commissioners met in session this 21st day of July, 2003 at 5:32 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for July 21, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of July 14, 2003 Commission Minutes

President Mosby: Motion to approve the minutes of the prior meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Second/Final Reading of Ordinance Concerning the Vanderburgh
County Prosecutor's Office Law Enforcement Fund**

President Mosby: First we have up second and final reading of ordinance concerning the Vanderburgh County Prosecutor's office Law Enforcement Fund.

Kevin Winternheimer: Yes, I've received no comments on it, and would recommend approval, unless you have questions.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Public Hearing and Final Resolution: Mill Terrace Subdivision
Barrett Law Project**

President Mosby: Public hearing and final resolution for the Mill Terrace Subdivision Barrett Law project.

Kevin Winternheimer: Yes, Mr. President, this is the night we've advertised for a public hearing on the project. I assume we have a large portion of the audience that may want to speak on this. Tonight is the final resolution approval, if that be your desire, to approve the project, and to make a finding, several findings, but one specifically that the proposed cost of the project will equal the benefit to be derived

by the property owners out there. We put together a preliminary estimate of construction costs of \$225,000; estimated engineering, legal, and inspection fees at \$60,000. Now, these estimates are on the high side. Hopefully, they will come down, depending on how this unfolds. Under the law we have to, we cannot exceed the preliminary estimate, unless you want to pay the difference, or kill the project, and we didn't think anyone would want to do that. So, we did estimate on the high side. The actual assessments will not be known until after the construction project is completed, but when we get the bids in we should have a pretty good idea. There are 32 lots out there that would be assessed, and they will be assessed on a per lot basis. The property owners, if they choose, may pay all at one time when the final assessment is produced. Or they may pay over a period of ten years, 20 years, or up to 30 years, if they so elect. Now, if they elect they will, of course, have to pay interest. I don't know what the rates are until we get the bond. We will have to bond for whatever is not paid up front by the property owners. Those property owners that pay initially when the assessment is determined will make that payment to the contractor, and then we'll have to bond the balance. That is a preliminary overview of the project. Is John here? I don't know if he has some comments. As you know, the streets out there will be broken up, torn up, and removed, and then concrete will be placed back in it's place. That is a...won't it, John?

John Stoll: One correction. It will be asphalt streets when they go back.

Kevin Winternheimer: They will be asphalt streets?

John Stoll: Yes.

Kevin Winternheimer: Okay. I'm sorry, asphalt streets. There will be curbs? Is that correct?

John Stoll: Yes, right.

Kevin Winternheimer: Okay. I don't know if anyone in the audience would like to speak on that. I mean, it might be appropriate if you so choose.

President Mosby: Is there anybody that would like to speak to the Mill Terrace Subdivision Barrett Law project?

Don Burton: Well, I guess, that's me. My name is Donald Burton. Good evening. I guess, basically, I've been the spokesperson for this Barrett Law project. We are in dire need. I've got pictures here if you would like these, but they are four years old. The roads have deteriorated quite a bit more than they did four years ago. In fact, my concern is a safety hazard, because I've talked to the mail delivery, and they're really having a tough time going up and down the streets. When winter time comes, it's even worse. With keeping the same postal delivery person on a continuous basis, he knows where all the bad spots are at, so, he can jog around them. It is a really bad safety hazard. I would appreciate it by the Commissioners, you know, to get this done, and get it going, you know.

Kevin Winternheimer: Mr. President, if I might. There may be a question on how we're going to proceed. If you approve this tonight, the property owners have five days to file objections. So, what I propose to do is I assume the plans are all ready, everything is ready to bid out, that at next week's meeting, if this is approved tonight, we'll set the bid dates and go out for bids formally. Then we will get the bids

back....John, did you have an approximate date probably? Roughly, about three or four weeks? About four weeks?

John Stoll: I think it was August 25th.

Kevin Winternheimer: August 25th, if that happens to be a Monday. I don't have a calendar in front of me.

Don Burton: That's fine.

Kevin Winternheimer: That would be an approximate date to get the bids back. So, if the objections aren't filed to object to the project, under the statute 40% of the property owners would have to file their appropriate objections, let's see, what's the math on it, about 13, 14 property owners, lot owners out there?

Don Burton: Yeah.

Kevin Winternheimer: Roughly is 40%, I think, something like that.

Don Burton: I think, under the Barrett Law you have to have 51%.

Kevin Winternheimer: Right.

Don Burton: Unless it's been updated, which I think we had 76%. Now it's even gone up, I think, to around 82%.

Kevin Winternheimer: Yeah, in any event, I don't want to approve....I recommend this for approval tonight, but we will not go out for bids until we see whether a remonstrance, for lack of a better term, is filed within the next five days.

Don Burton: I guess, I've got one question. You had said earlier about whatever the homeowners put up, and then they can bond the rest.

Kevin Winternheimer: Right. There is not an appropriation for this project, as I understand it. It's going to be paid for by the property owners. So, when the assessment, the final assessment is determined, a lot owner may pay the whole thing at that time to avoid interest charges.

Don Burton: But, you can actually have your full amount within the Barrett Law project over a period of time, correct?

Kevin Winternheimer: Right.

Don Burton: Okay.

Kevin Winternheimer: You'll have three other choices besides paying it initially.

Don Burton: Okay.

Kevin Winternheimer: You can elect ten years, 20 years, or as much as 30 years.

Don Burton: Okay.

Kevin Winternheimer: Those three increments to space them out, your payments.

Don Burton: Is the assessment on the property, or is it on the homeowner itself?

Kevin Winternheimer: It's on the property.

Don Burton: On the property.

Kevin Winternheimer: It will stay with the property. So, if you would sell your property, a buyer will be under notice that they will have to pay that, you know, continue making the payments, so to speak. Kind of like a mortgage.

Don Burton: Correct.

Kevin Winternheimer: It follows the land.

Don Burton: Is this like an exemption on the Barrett Law, where it's being bonded? Are you allowed to take that off of your taxes? I'm just, I've had these questions thrown at me.

Kevin Winternheimer: I don't know the answer to that one. How it's treated for tax purposes, I don't know.

Don Burton: Okay.

President Mosby: I don't either.

Don Burton: I looked in here, but I couldn't find anything on it.

Kevin Winternheimer: I don't know.

Don Burton: Okay. I don't have anything else.

President Mosby: Is there any questions by any member of the Commission? Anybody else that would like to speak? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve final resolution.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve final resolution on Mill Terrace Barrett Law project, subdivision Barrett Law project. So ordered.

Don Burton: Thank you.

President Mosby: Thank you.

Kevin Winternheimer: Just for the record, I have given Madelyn the green receipts. We got green receipts back for everyone, I believe, except for the Bronson's, and they had an address in California. They may just not have picked it up. But, everyone else I got green receipts back, and Madelyn has that for the record, that they received notice of tonight's meeting.

Don Burton: Thank you.

President Mosby: Thank you.

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| Designation of New Parking Spots |
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President Mosby: Next will be the designation of new parking spots. I believe everybody has in your packet a letter from the Chief Deputy from the Sheriff's Department. This is in regards to the parking that was created at Martin Luther King and Sycamore over here on the southwest corner. Does anybody have any comments?

Commissioner Fanello: I would probably just say, I think when we had this discussion, and I tried to find my notes before the meeting, but I think I felt we were going to make some of those new parking spots for the public.

Commissioner Crouch: I think that's correct for the one's right out front here, but I believe is this not across the street there? I thought that we had talked about the area right out front being available for the public. I don't think we really discussed that area across the street.

President Mosby: I would say, I had discussion with the Mayor earlier this afternoon, and we did discuss both, and I think if you remember correctly the front out here would cost us about \$65,000 to create 32 new parking spaces. The area over across the street we did not pay for, I think the Building Authority has absorbed that. He's in favor of the project out front, I would probably say at this time I am too. I mean, first of all we've got to come up with \$65,000. I would like to really hold this until we see if that's possible. If we can create the 32 new spots for the public to park out front, then I would have no problem with designating these 12. This is 12 parking spaces is what it is.

Commissioner Crouch: I can't remember, did we put something in the budget?

Commissioner Fanello: Well, we talked about putting it in the budget, but we didn't. We could actually file an appropriation for this year, and go ahead and get it done, instead of waiting until next year.

President Mosby: I think the Mayor is going to look for money to see if he can come up with his half. We talked about splitting it \$32,500 a piece. So, if they could come up with \$32,500, and then we could try to come up with an appropriation to go ahead and get it done as soon as possible, so that we would add to the public parking.

Commissioner Crouch: And as soon as they let us know that they do have that money, I would move that we file an appropriation.

Commissioner Fanello: I would second that.

President Mosby: That's what I asked him this afternoon. I said let me know as soon as possible, then we can try to get something on the agenda. It would be my thought to hold this one right now.

Commissioner Fanello: Okay.

President Mosby: I guess, I need a motion to that effect.

Commissioner Fanello: I'll make a motion to defer until we hear back from the Mayor.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| 2004 Joint Department Budgets |
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President Mosby: Next, joint budgets.

Commissioner Fanello: We received from the city last week their joint department budgets, which we didn't have at the time that we sent our budgets in, and Teri Lukeman already has this, and has already put it in the budget. So, it's basically for everybody's information, if they are okay with it. There is one other one that came up today. I had a meeting this morning with Matt Arvay from the GIS Department, and I don't think anybody turned in a GIS budget for them. Because last year it was turned in under reassessment, and we weren't involved in that. So, he doesn't think that anybody turned one in. So, he has given me one, and I will pass it out to everybody. I guess, I would just ask that we go ahead and maybe type up a memo and send it over to the Council, and make sure that it gets put in the budget for next year.

Commissioner Crouch: I guess, question is, is it too late to get it in the budget?

Commissioner Fanello: Well, I looked at the, I received the state, or the county bulletin from the State Board of Accounts, and we actually have until August 6th to turn in budgets according to the statute. So, it says last date for county officers and department heads to file their respective budget estimates with County Auditor is the first Monday in August, which is August 6th. So, we're still within the legal guidelines.

Commissioner Crouch: I thought that salaries were excluded of that. Is that correct that your salaries have to be turned in prior to that?

Bill Fluty: I think we have (Inaudible. Mike not on.) information on salaries by July 1 or July 15, I would have to check.

Commissioner Fanello: Right, well, which most of the, I think everybody else, I mean, turned in different things throughout the month of July. But, we didn't handle this last year, it was in the reassessment budget. So, it was brought to my attention this morning that that may not have gotten turned in. I spoke with Teri Lukeman and she didn't think that it had been turned in.

Bill Fluty: I have looked at the budget, and I don't believe it's in there.

Commissioner Fanello: Before, oh, here it says on the...excuse me, before August 20th the County Executive shall present county form 144 and it's recommendations to the County Fiscal Body. The form 144's are the salary forms. So, it looks like we're still within...yes, it says August 19th is the last date for Board of Commissioners to review statements for salaries and wages proposed to be paid to officers and employees, and to make it's recommendations to the County Council.

Commissioner Crouch: I mean, we could go ahead and submit it with the salaries, and then if they don't approve it, or it's too late they would have to appropriate, I guess.

Commissioner Fanello: It looks like from the schedule, which Bill can check it out, but it looks like from the schedule that we're still within all of the dates.

Commissioner Crouch: And this would be in the Commissioners budget?

Commissioner Fanello: I'm assuming so, because that's where it was whenever we first took office, and then last year it was put in the reassessment budget.

Commissioner Crouch: Okay. I'll move that this be submitted to Council at budget.

Commissioner Fanello: Second. One other thing on the GIS budget. There was an idea presented to me, which I will throw out to the Commission and you can think about it, but I talked with Matt Arvay this morning, I know that we're looking for a Chief Information Officer for the city and county, and there is a hiring freeze in the county, so I'm not sure that the county can add any new positions right now. But the thought was to take that existing department and make that our CIO department. We already have our director in there, obviously, and make him the CIO Director, or make that position the CIO Director, and let him run the GIS department and also be a contract administrator for our ACS contract. I think it's definitely an idea to think about since we already have a director position sitting there that, you know, we use an office that we already currently have, instead of creating a lot of new positions.

Commissioner Crouch: I think that makes good sense. We might be able to kill two birds with one stone. So, I would move that the County Commissioners make an overture to County Council through Job Study to see if this is doable. Then I presume we would have to enter into some kind of agreement with the city?

Commissioner Fanello: Right, which we already do anyway with the GIS, but we could just make that part of, we could revise the agreement, and make that part of the agreement.

Commissioner Crouch: And would that be a city employee or county employee is always the—

Commissioner Fanello: Right now, I think, it's a city employee, and we just contribute 50%. So, which I think it could stay that way, I don't think that's any big deal. If you want, I can include it in the memo to the Council with this budget that we're sending over to them.

President Mosby: So, we have a motion and a second to accept the GIS budget and send it over to the County Council along with the joint departments. I have a motion by Commissioner Crouch, and a second by Commissioner Fanello, and so ordered.

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| Community Corrections |
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President Mosby: Next we have community corrections.

Commissioner Fanello: Last Friday I got an e-mail from Bob Ohlemiller from the Department of Corrections. I believe Patty forwarded that to you, Suzanne.

Basically had some similar construction costs from other counties across the state for community corrections facilities. He also e-mailed me to let me know that he had not prepared a letter to the County Council yet, but was working on that. So, Tammy went ahead and put in an appropriation last week, since the deadline was last Tuesday for the community corrections, and went ahead and put an appropriation in for \$2 million, since that's the maximum amount of a match that we're looking at. So, we've already, she's already filed that. So, the Council can have that in front of them for consideration. So, if they decide to vote on whatever amount they feel like they can fund. I mean, we need to kind of get moving on it, so it will be there for their next meeting to vote on.

President Mosby: Are there any comments or discussion on community corrections? Seeing none. I don't think we need a motion.

Madelyn Grayson: David, was there any information for community corrections that I need to have for the record? I didn't have anything in my packet.

Commissioner Fanello: I guess, we could make a copy of the information that he sent us on the construction costs.

President Mosby: I was going to say, because it basically just tells what Dubois, Hancock, Jasper, and Johnson were. Commission contracts. I don't believe we have any. Is there any other items to be presented before the Commissioners?

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| Public Comment |
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President Mosby: Public comment? Anybody in the public?

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| Old Business |
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President Mosby: Any old business?

Commissioner Fanello: I have one piece of old business. We have an appointment open on the Human Relations Commission. I have a gentleman's name and I want to make sure I say it correctly. Ivan Arnez. He is a lawyer in the community, and his name has been submitted for a possible appointment to that board, so I would make that in the form of a motion.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to appoint Ivan Arnez to Human Relations. So ordered. Any other old business?

Commissioner Crouch: Just one item. I think I know the answer, but, Kevin, on the County Clerk's employee that was, you know, someone came before us last week, and, you know, had registered some complaints, did we get an opportunity to speak to the Clerk?

Kevin Winternheimer: Yeah, I was going to bring that up in my report, but we can do it now, if you want, it doesn't matter, so. Yes, I talked to the County Clerk last Friday, went over the situation with her, and my recommendation is that the Commission take no further action on the matter. Based on the information given to me, it appears as though the county personnel policy was followed to the letter of the law,

so to speak. I don't want to go into any great detail, other than the particular situation the employee had used, unfortunately, all of her vacation and personal time. I know that's a sticky subject with a lot of employees, but sometimes that's not the best thing to do is to use all of your vacation and personal time up as fast as you can. Because sometimes there are situations that arise throughout the year where you wish you had it to take. Unfortunately, in this situation she had used up all of her personal and vacation time and had no further time coming. So, my recommendation is that the board take no further action on this situation.

President Mosby: Is there any other old business?

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| New Business |
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President Mosby: Any new business?

Commissioner Fanello: Commissioner Mosby, I have one piece. I guess, it could have been old business. On the jail construction project, I met with our jail design team last Thursday, and they are planning on bidding out the project August 26th and allowing four weeks for response. They would like for us to hold a special meeting on September 23rd to receive the bids. They feel like it will probably be a little too much to handle in our normal meeting, so they would like for us to schedule a meeting, preferably at 4:00 on the 23rd.

Commissioner Crouch: Is that a motion?

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: I have a motion for a special meeting on September 23rd to receive jail bids. So ordered.

Madelyn Grayson: Will that require any advertising?

Commissioner Fanello: Yes. Kevin currently has documents that he is reviewing that they gave to me last Thursday. So, you will get a copy of the notice to bidders and all of the advertising.

Kevin Winternheimer: We will advertise as well as send out the notice to the media of the special meeting. Being not a regularly scheduled one.

President Mosby: Okay. Any other new business? Seeing none. Department head reports.

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| County Engineer |
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President Mosby: County Engineer, John Stoll.

John Stoll: The first item I've got is that I would like to request approval to get purchase orders for title searches on the Jobe's Lane sewer project. This would be for title searches on nine parcels. In talking with Judy Weatherholt on this project, we need to have 50 year title searches done on each parcel where we are requiring easements. On nine of the parcels where we need easements, 20 year searches

have been done. So, it will cost us \$150 each to update the 20 year searches to 50 year searches. Then we've also got three other parcels where we have to get 50 year searches that had no previous search done. So, the grand total would be \$1,800, and I would like to go ahead and get a purchase order with Mills Title, since they had done the previous work. I would take this out of the Riverboat Infrastructure Account.

Commissioner Fanello: So moved.

Commissioner Crouch: Is that for Jobe's Lane?

John Stoll: Yes.

Commissioner Crouch: Okay.

President Mosby: Second. So ordered.

John Stoll: Next I've got the, I would like to request approval to award the Harlan Avenue extension contract to Blankenberger Brothers for the amount of \$1,353,804.74. This includes the base bid of \$1,319,354.74, and the alternate bid, which was a water main extension, and that price was \$34,450. So, I would like to request that the base plus the alternate be awarded to Blankenberger.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is that I would like approval to contact some contractors to get price quotes to be submitted at the August 4th meeting for repairs to Briar Court. We received a complaint about the condition of Briar Court where there were some concrete failures, and also there are some drainage problems. The grates in the street there have, basically, vertical pipes, but there is bare dirt around those pipes, there's not even concrete. So, I have a real good idea of why the water is getting under the road, and the road is falling apart. We plan to patch the street, plus replace those curb inlets. Estimated cost is about \$25,000, and that would come off of the Road and Street Contractual Account.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's the last thing I have, unless you have any questions on anything. Thanks.

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| County Highway |
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President Mosby: Next we have County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have tonight is my report, and to see if you have any questions on it.

President Mosby: Any questions on Dennis' report? Thank you, Dennis.

County Attorney

President Mosby: County Attorney, Kevin.

Kevin Winterheimer: Yes, I've already done part of my report. The only thing I've got left is that I wanted to bring up Bayou Creek Road, 5700 Bayou Creek Road, and this is somewhat of a rhetorical question at this point. You can think about it and let me know next week how you want to do it. I'm putting in the paperwork. Somebody mentioned to me that there may be oil under this property. I don't know if there is. I did drive out there, there is a working oil well in the neighborhood, so to speak. So, I don't know if there's oil out there or not. You could sell it, and retain the oil rights. So, that's my question for tonight. Think about it and let me know for perhaps next week, if you are able to make a decision on do you want to sell the whole thing outright, or do you want to retain the mineral rights. Who knows if there is oil under it or not. In any event, that's something to think about and let me know, because I'll need to structure the paperwork if we're going to retain the mineral rights to the thing. No one has mentioned oil to me. They've all said that they want to use it for recreational purposes, but, who knows. I assume that will affect the bids, though. They will need to know that initially whether they are getting it in fee, or subject to the retention of the mineral rights. So, just let me know. That's the only item I had tonight.

President Mosby: Are there any questions or comments? Okay.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I need to add a late service for request to the consent items. We had a phone go out at the County Highway this morning, so I ask for that to be added to the consent. Besides that I don't have anything.

Commissioner Fanello: Motion to add to consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Crouch: Tammy, we got some information from someone that lives at, regarding a property at 728 South Englewood. Are you on that? Or do you know anything? Can you—

Tammy McKinney: Well, I took a message last week and looked into it with Code Enforcement. They didn't have an active file on it. Today the lady came in, and that is a city property. So, I referred her to DMD, to the Code Enforcement there. I don't know what she found out from there, but it's not a surplus property, it's a city property. So, I'm waiting to hear back from DMD about that, but I am aware of it.

President Mosby: Are there any other questions or comments? Seeing none.

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| Burdette Park |
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President Mosby: Burdette Park, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. You have our work report, as well as the minutes from the Advisory Board meeting. The only thing that they did not address regarding the pass proposal for county employees, presently we are issuing six passes per county employee. Is it your wishes that this be, this policy be continued, or discontinued if the new season pass policy is adopted for all county employees? We're issuing somewhere in the neighborhood of around 5,000 individual one day visits right now.

Commissioner Crouch: I would think we, if we do vote to allow the county employees discounts on the season passes, I think it only makes sense to then eliminate the distribution of the season passes to every county employee.

President Mosby: The county, I mean, I guess the way I understood it, at one point is that the passes were given in lieu of a county picnic. I don't see where every county employee is going to purchase, you know, or benefit from a season pass. I'm not sure that you wouldn't still give the county employees their six passes, just to use throughout the year, if they elected not to buy, you know, the special pass.

Gary Hohman: The special pass, yes.

Commissioner Fanello: Yeah, because I think we have two different issues here. One is offering employees a discount to encourage their participation at Burdette Park, but the other one, like Commissioner Mosby said, was the six passes were in lieu of the county paying for a county wide picnic.

Gary Hohman: Right. Like I said, this was something that was not addressed in the Advisory Board meeting, and, you know, before this new policy is implemented we will need to have some guidelines, guidance from the Commission to either a year or a day to establish this, or continue this policy.

President Mosby: Was there any discussion whatsoever by the board? I mean, is this something they didn't act on?

Gary Hohman: It was addressed. They were aware that we are giving those passes to the employees, but they did not address, or make it a form of their recommendation that you have here this evening.

President Mosby: Okay. I guess, it's something that we could decide what we want to do.

Commissioner Fanello: I would say that we vote on that at the same time we vote on the discount prices.

Gary Hohman: Also, Ms. McKinney presented me with a letter tonight, from, I think that had been addressed to the chairman from the airport advisory board.

Tammy McKinney: It's the letter that Ed Bassemier sent to David about that.

President Mosby: Oh, on the passes.

Gary Hohman: But, we did not have a copy of that letter for the board, for the advisory board to address at our, this past Wednesday's meeting. If it is your wishes that we honor this request, we can do so.

President Mosby: I would look for the pleasure of the board.

Commissioner Fanello: Well, we determined that they were not county employees, is that correct?

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: Well, we don't give passes to city employees.

Commissioner Crouch: I thought I read that the board was recommending that we do that.

President Mosby: I think the board—

Gary Hohman: No, this I think is a separate issue. They had, the airport advisory board had drafted a letter requesting that "x" number of passes be given to their members. It has been your policy in the past that the advisory board make this decision on a yes or a no situation. We did not have that letter to present to them at this past Wednesday's meeting. By virtue of our next advisory board meeting, the pool would only be open a very short window for them to use those passes, if they were granted to the airport advisory board.

President Mosby: I think right now we give just passes to county employees. We don't give them to city employees. As far as I can see, I mean, the airport is not county employees, unless somebody corrects me. I mean, I don't see where they are county employees.

Commissioner Crouch: I guess, the only argument they probably can make is that the County Council votes on their budget. So, they aren't county employees, that's correct.

President Mosby: I mean, if we give them to them, we could end up giving them to the city. I think on the passes, they are going to give the opportunity to the city, I guess, to buy into these passes?

Gary Hohman: Yes, sir. They have set a fee for county employees, and then a little elevated price for city employees to purchase as well.

President Mosby: So, I mean, I don't know what we do about the airport.

Commissioner Crouch: I don't have a problem with the airport, only because the County Council, as I said, does vote on their budget. So, in a sense, they do receive approval of the county, but it's whatever you all want.

Commissioner Fanello: Was the letter for free passes?

President Mosby: Six miniature golf and six swimming passes, like all the county employees get.

Gary Hohman: I just saw, Tammy just presented the letter. I think there was, what? Do you have a copy of that, Tammy?

President Mosby: They were asking for the six swimming passes and six miniature golf passes.

Tammy McKinney: I think they're asking to be considered just like a county employee.

President Mosby: Any other county employee. I have a, did you make a motion?

Commissioner Crouch: I didn't, but I will make a motion. I'll make a motion that they receive the six passes.

Commissioner Fanello: I think I'm going to pass on that, because they are a separate taxing entity, and I think we almost open ourselves up to the library board wanting free passes, the school corporation wanting free passes. So, I'm going to pass on that one.

President Mosby: Okay. Dies for lack of a second. Anything else?

Gary Hohman: That's all the information I have, sir.

President Mosby: Okay. Any questions or comments?

Commissioner Crouch: Question, Gary, I saw in the minutes where the advisory board members were going to approach the Commission about being paid to be on the board, \$300 a year.

Gary Hohman: This motion was denied. It was denied by the advisory board. The motion was made and seconded, and two members abstained from voting.

Commissioner Crouch: Good.

Commissioner Fanello: I was going to say, we only have, do we have any paid boards?

Commissioner Crouch: ABC.

President Mosby: I don't know that we do. Thank you, Gary.

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| SWCD & Ozone Officer Reports |
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President Mosby: Motion, I guess, to accept Soil and Water.

Commissioner Fanello: I'll make a motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Then that brings us to consent items.

Commissioner Crouch: President Mosby, I would ask that the board pull out of the consent items the bill for Jeff Ahlers, and we vote on that first, because even though that is a contract with County Council, he is a member of the same firm as my husband. So, I would ask that, or move that the Commission do that.

Commissioner Fanello: I'll make a motion to pull out Jeff Ahlers bill for separate consideration.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. We will pull Jeff's contract, or bill.

Commissioner Fanello: I'll make a motion to approve all consent items as submitted with the addition by the Superintendent, excluding the Jeff Ahlers bill.

Commissioner Crouch: I'll second. I have just a couple of questions.

President Mosby: Go ahead.

Commissioner Crouch: On the Baker Daniels bill, the mortgage, preparation of the mortgage, has that always been treated separately in a bond issue? Or would that be—

Commissioner Fanello: The only thing that I know, Kevin may have some more to add to this. The only thing that I know is that this is not usually done.

Kevin Winternheimer: Right.

Commissioner Fanello: This was a different situation for some reason. I'm not a legal expertise to be able to give you the technical reason why, but as I understand it, that's not usually done that way, but it had to be done that way under these circumstances.

Kevin Winternheimer: That's correct. It's not always done, and I wish I could remember all the reasons for this, but I believe it had to do with getting us the best price that we could on our bond rates. I remember the discussion, but I don't remember the particulars on it.

Commissioner Fanello: Well, he did submit a letter. Now that you say that, he did submit a letter with the bill that said in order to save the county approximately \$100,000, they needed to set up a mortgage this way, in order to be able to secure bond insurance. It was actually \$100,000 less expensive by doing it this way with the bond insurance.

Commissioner Crouch: But that wouldn't be something that would be part of his normal, his contract that he signed with us, part of the whole bond work?

Commissioner Fanello: Well, we wouldn't have been able to issue the bond without it. I mean, according to this, if we didn't get bond insurance, I don't know how we would have been able to issue the bond. We wouldn't have been able to get the 2%, 3%, 4% rates that we've received. So, and he did have to make a split decision on that. In order to save the \$100,000 he did make that decision to do that.

Commissioner Crouch: Then on Kevin's bill, that was just a resubmittal for some additional charges. I presume that's all in the contract.

Kevin Winternheimer: It was to bring it in line with the Building Authority's attorneys fees and rates. That's what that is. Crediting the \$7,500 that I received in the mail, I guess, over the weekend.

President Mosby: We can get more explanations from Tom, if you would like. I mean, it says right here in the bottom if you have any questions. I would be happy to call him on the \$100,000 for the \$4,000 bill. If you want, I'll call him tomorrow and see if he'll send something down so it would explain further exactly what he had to do.

Commissioner Crouch: That's fine. I mean, I don't know if that's enough to deny it, but certainly it would be nice to have that for future bond work. If there is something out there that we need to prepare for in the future.

President Mosby: I mean, I'm just going off of...I mean, because it just says to accommodate the insurer's request, I mean, he made a split decision to do this and save \$100,000. So, and I could ask him if it's something that's out of the ordinary. Is there any other questions on any of the bills?

Commissioner Fanello: Did she second the? Okay, I'm sorry. Motion to approve County Council attorney's bill.

President Mosby: Oh, I haven't done the other one yet.

Commissioner Fanello: Which one?

President Mosby: She said she had questions.

Commissioner Crouch: I got them answered.

President Mosby: Okay. So, then, I guess, I need a motion to approve—

Commissioner Fanello: I made a motion to approve all the consent items, and she seconded.

President Mosby: Okay. So, all the—

Commissioner Fanello: Excluding Jeff Ahlers' bill.

President Mosby: Excluding Jeff Ahlers, yeah. So, I have a motion and a second. I'll say so ordered, since questions were answered. Then we have the Jeff Ahlers bill, which I had some questions on that one. Some things that I highlighted when I got back in the office today. It's the first chance I had to look at it, and I've lost my copy. I would just like to, I guess, the questions I have, and I know this is pertaining to the bond issue itself, and that's what we are paying for. As I went through and

was looking, I found where we were paying for investigation and research of United Consulting. Research of legal issues regarding the jail. Issues with the jail contracts, on numerous occasions. Resolutions determining the necessity of the jail. I find none of these as bond, strictly bond issue questions. I mean, we are paying for, I mean, these fees because they pertain strictly to the bond. I went over Joe Harrison's bill, and, I mean, everything that is in Joe Harrison's bill with the Building Authority pertains directly to the bond issue. I mean, was serviced in some way, you know, directly, and it tells you exactly what he did. I would like to see us break some of Jeff's bill out, and it tells you in here that he was having a lot of contact with Jim Raben, Lloyd Winnecke, Councilman Winnecke, Councilman Bassemier, I think that's something that they should pay out of their budget. I mean, they have a budget for attorney fees that they could pay out of. I don't see why we should be paying this out of the jail proceeds when we need as much money as possible to build this jail. I mean, we have in every way tried to live within our means as they have asked. Now, I see us being billed almost \$12,000 for somebody to have a conversation at \$75 a whack. I am just totally against some of what I see in here. I would be glad to pay some of what I see regarding the bond and writing of the resolution for the bond, but I think some of it could be...I would like to ask the County Council to look through it and take some of it out of their budget, so that we can get as much out of this jail project as possible. Because we don't have a lot of extra money, and some of that bothers me.

Commissioner Fanello: Well, I would just say that I spoke with Councilman Winnecke, who had an opportunity to review the bill, and felt like that it was in-line with their contract with Mr. Ahlers. So, I guess, if I make a motion to approve it, it's probably going to die, but I would make a motion to approve since it's in-line with their contract and they felt like the charges fell within their bill. Or within their contract with Mr. Ahlers.

Commissioner Crouch: I must abstain.

President Mosby: Dies for lack of a second. I would be glad to discuss this with Councilman Winnecke, if he wants to give me a call. Or, Tammy, you can call him and I will be glad to discuss it with him. Put it on for next week. Any other questions or comments. Seeing none. That brings us to rezonings.¹

¹Consent items listed on page 28.

**VANDERBURGH COUNTY
REZONING MEETING
July 21, 2003**

The Vanderburgh County Rezoning Board met in session this 21st day of July, 2003 in Room 307 of the Civic Center Complex with President David Mosby presiding. The rezoning petitions began to be heard at 6:19 p.m. during the Vanderburgh County Board of Commissioners regular meeting.

First Readings:

**VC-14-2003: Petitioner: Robin A. & Bonnie L. Fraser
Address: 4011 Wolcott Street
Request: Change from R-1 to M-2**

**VC-15-2003: Petitioner: Warren W. Spurling
Address: 5100 Spring Valley Road
Request: Change from C-4 to C-2**

**VC-16-2003: Petitioner: Louis M. & Cynthia B. Zeller
Address: 9301 Cynthiana Road
Request: Change from Ag to C-4**

President Mosby: First reading, VC-14-2003, petitioner, Robert Fraser and Bonnie Fraser, 4011 Wolcott Street, request change from R-1 to M-2. VC-15-2003, petitioner, Warren W. Spurling, 5100 Spring Valley Road, request change from C-4 to C-2. VC-16-2003, petitioner, Louis M. Zeller III, and Cynthiana B. Zeller, 9301 Cynthiana Road, request change from Ag to C-4. Do I have a motion to adopt first readings?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Final Reading: VC-10-2003
Petitioner: Fred H. Puckett
Address: 6318 Peacock Lane
Request: Change from Ag to C-2
Action: Denied 3-0

President Mosby: Which brings us to third and final reading of rezoning petitions. Is Tammy gone? I needed her to go over and get Steve Bohleber.

Kevin Winterheimer: I'll go get him.

President Mosby: Steve's going to be in City Council, so just holler at him. Final reading VC-10-2003, petitioner, Fred Puckett, 6318 Peacock Lane, request change from Ag to C-2. Is the petitioner here?

Unidentified: (Inaudible. Not at mike.)

President Mosby: Okay. Or a spokesman for the petitioner?

Ken Colbert: Good evening.

President Mosby: Good evening.

Ken Colbert: The name is Ken Colbert. Quick introductions, Fred and Jodie Puckett are the actual petitioners. The owner of the real estate is Mr. Walter Bunner.

Madelyn Grayson: Mr. Colbert, do you have an extra copy for the record by any chance?

Ken Colbert: Yes, I do. Do you need any extras?

Madelyn Grayson: Whatever you gave the Commissioners.

Ken Colbert: The request is obviously to rezone it from agricultural to a C-2, special use commitment for an antique shop. Under the C-2 classification, as you're probably aware, there is approximately 110 different classifications that are available, and the Puckett's request is to only have the rezoning for one exclusive purpose, and that's for their home based antique shop. In front of you are some photographs actually taken from the property surrounding it. Directly south of it there is a single family dwelling that has been a rental unit where they've had, regrettably, some drug activity. They've also had some non-conforming zoning take place, there was an upholstery shop there at one point. You'll notice too that the northwest corner is also, it's currently agricultural, but it is being marketed by the Remax office for commercial application. Same way with the northeast and the southeast, that's

the Woodward development. Directly west there is currently an operating business. There's a photograph of the actual truck on the property. The aerial view of the Lynch Road extension may help to clarify that photo as well. Directly north there is a strip of land that is currently zoned agricultural, that is currently being marketed by ERA as commercial development. My point is, the Peacock property, literally all around it, is currently commercial or being marketed as commercial real estate. When the developer of this property, Mr. George Peacock, developed this approximately 50 years ago, there have been a number of home based businesses on a non-conforming use that have been taking place. I mentioned one of them which is directly west known as Kuper Trucking. There is also another one at 3300 Durre Lane by a Jeff Norrington. There is currently two pole barns that he uses to manufacture different types of craft items that he sells throughout the community in different locations. Directly south, again, there was a non-conforming upholstery shop. My point is, historically there has been some type of commercial activity that's been occurring on that particular lane for a number of years. Almost all of it non-conforming. Regrettably, Mr. Bunner was having difficulty in selling his real estate as strictly a residential property, which would be the ideal purpose, but because of the recent development that has occurred, it's left the Bunner's with very limited options to be able to divest themselves of that real estate. They either do nothing with it, or, obviously, rent the property out, which is obviously a detriment. It's been proven based upon even the rental property directly south of there, where they had the drug runs. Or obviously Mr. Bunner could impact his investment by substantially reducing the price of the real estate. We believe that the best use of that real estate would be to still have it as a single family dwelling, but with the condition that it be allowed to promote and market an in-home antique shop, based upon this special use commitment. The Puckett's have no plans to do any further exterior modifications to the property. It would still be maintained as a primary residence. In their use and development they also said that they would not allow or permit any type of billboards to be erected, which is available in the C-2 classification. There was concern in front of the Area Plan Commission about the excess use of traffic being generated. Obviously, the real estate is on the corner of Lynch and Burkhardt, and if any traffic would occur, it would not even be going down that particular lane. The Puckett's had been talking to a number of the people in the community about their intent to have the property rezoned. There were a number of them, one particular individual that had commented that they were not adverse to the antique shop, but asked that the property not be rezoned, which basically they were asked just to continue doing it, even though it was non-conforming. The Puckett's with the integrity that they have, are asking for the property to be rezoned for that application. There was also further concern that perhaps if the rezoning was made available, that it would open up Pandora's box, or the opportunity to do something different with the real estate. With the use and development, obviously, it's for one sole purpose, and it would have to go through the entire process with the Area Plan Commission to make those necessary modifications, based upon a different type of use. The Puckett's have been in business, Puckett's Treasures and Collectibles, for over 50 years. They are now down sizing. They've had shops throughout the community, in different states, and their intent is to literally divest themselves of the majority of their holdings, and have a mom and pop organization directly in the family room, which is approximately 400 square feet. There's currently 20 houses in this particular development, which would include Peacock Lane, Fitzgerald, and Durre Lane. They are currently either zoned agricultural or residential, at this point. Thank you.

President Mosby: Thank you. Is there any questions of Mr. Colbert? Seeing none. We'll give their attorney a chance to speak, and then if you want to have a two minute rebuttal, you can.

Ken Colbert: Thank you.

Kevin Winternheimer: Mr. President, what we just passed out by the Area Plan Commission staff, a petition I believe that was received at the APC meeting against the rezoning. We want to make it a part of the record of the meeting.

President Mosby: Okay.

Steve Bohleber: Yes, members of the County Commission. Welcome, my name is Steve Bohleber. I represent Bob and Shirley Kuper, and Mike Kuper, who are sitting behind me, and some of the neighbors along Peacock and Fitzgerald Road who are opposed to this petition. This is for many of them their fourth time to be down here to voice this opposition, and they do come armed with a significant number of their neighbors in petition form, and I do ask that that be made a part of the record. I also ask that my previous comments and the records of the Plan Commission be made a part of the record as well. The assertion that this is surrounded by commercial is certainly not borne by the maps that you have been given. With the exceptions of the properties to the east of Burkhardt, everything along this section of Burkhardt, to the west, is residential or agricultural. The Plan Commission recognizes this and has drawn a line saying that, in their opinion, it is not a good idea to develop commercial activities on the west side of Burkhardt along this section. To do so would be contrary to the comprehensive plan, which is intended to protect this residential development. In the past this Commission, although not the current elected members, has steadfastly refused to rezone property west of Burkhardt in this neighborhood. In July of 2000 after a significant public debate, the Commission unanimously rejected a petition to commercially rezone property south of Peacock and west of Burkhardt. My clients respectfully disagree with the petitioner and the realtor representing them, if this property is zoned C-2, the residential character will be forever altered. Peacock would become a commercial conduit. A commercial drive would need to be installed on the property. Commercial property, paved parking with aisles would need to be installed. Based upon my experience with the County Health Department, there would even be careful scrutiny about the septic system that serves this unit, and may even require a commercial system, which wouldn't even probably fit on that lot. As currently presented, to rezone this property would create a non-conforming residential structure when the entire lot becomes C-2. That means the house can't be enlarged, remodeled, or changed. It would become frozen in place, and a hostage to the commercial zoning classification. As you're well aware, if a residential, non-conforming structure ceases to be residential for a period of time, it forever loses that ability. The net effect of doing this would destine, not only this property for greater commercial development, but would invite others up and down Burkhardt on that side to attempt the same thing. Because this has appeared three times before the Plan Commission before it got to you folks, the first time I was not present, but because of comments by your engineer, John Stoll, and at the urging of the Plan Commission members, the petition was continued to ask the petitioner to submit a use commitment. That was done. Unfortunately, that falls far short of protecting this neighborhood. All it does is generically limit the property to an antique shop, without limitation on the square footage, and also prohibits billboards. Nothing prohibits the use of this entire parcel for commercial purposes. Nothing guarantees a continued residential use. If this business is successful, and the proposed owners have been successful antique dealers for

decades, it's logical to believe that the entire structure would be consumed by that commercial purpose. Obviously, if this happens, there would be increased traffic, parking would be adversely affected, and it would create the very congestion that these folks fear the most. Such a development would only encourage the contiguous properties to seek commercial status. My clients have reason to believe that an adjacent owner to this property is anxious for this to be rezoned, so that he can use this rezoning to bootstrap his own ambitions to seek commercial rezoning for his property. My point is with the use commitment, if they intend to use 420 square feet, why isn't that in the use and development commitment? With respect to signage, the use commitment only prohibits off premises advertising, or as we call them, billboards. Your C-4 classification, or C-2, excuse me, allows a 200' on premises sign at 50' that can be lighted. The possibility of that sign just advertising this little home business is frightening enough. Such a sign would be just as undesirable to this neighborhood as any billboard. Likewise, and again, I wasn't at the first meeting of the Plan Commission, but I get the impression talking to my clients that the Plan Commission members felt that a more viable approach to this, if it was to be passed at all, would be something in the use commitment to require the owners, whoever they might be in the future, to come forward again and rezone the property back to it's current rezoning if it ever ceased to be a antique shop. That's not included. I realize that's kind of unusual, but I've used that mechanism many times to solve some knotty problems, and gain some favor from the neighborhood. Sixty people have signed that petition. The opposition is strong. It's dedicated. These people have been here four times. They vigorously oppose this petition. They believe it will only lead to a destruction of the Peacock Road residential neighborhood that they all cherish. As you notice, this does come with a relatively strong "do not pass" recommendation from the Area Plan Commission. I think there's some folks back here, just about everybody here is probably, who is opposed to this? Raise your hand, stand up. This is probably a smaller turn out than they've had at some meetings, but there's been a resolute and steadfast opposition to this. I ask the Commission to do what this Commission did last time someone attempted to rezone property for commercial purposes on this side of Burkhardt. I ask the Commission to do what the Area Plan Commission did a couple of weeks ago, and that's vote no on this petition. Thank you.

President Mosby: Any questions of Mr. Bohleber?

Commissioner Fanello: I have one question for Mr. Bohleber.

Steve Bohleber: Yes, ma'am.

Commissioner Fanello: Mr. Bohleber, we've heard, I've heard conflicting stories about, and Mr. Colbert I think just stated a few minutes ago about other commercial type businesses. Can you explain there? Do you have anything to offer?

Steve Bohleber: I have no knowledge of commercial businesses in that area. I have a long standing knowledge of that lane, because my former secretary lived there. I think various people spoke at the Plan Commission meeting and denied that. Some of them are here this evening.

Commissioner Fanello: I read that in the Area Plan Commission minutes. That's why I'm asking.

Steve Bohleber: I didn't go out and do a house to house search, okay? But, my clients tell me that that's not accurate. They told the Plan Commission that's not

accurate. It sort of begs the question, because if somebody's operating illegally, we should shut them down. We're not talking about illegal operations, we're talking about whether we should legalize a C-2 classification here. That's the peril.

President Mosby: Is there any...was there any other questions of Mr. Bohleber?

Commissioner Fanello: Not unless anyone has anything to add to that?

President Mosby: Was there any other neighbors that wanted to speak? Okay. Let's just start this a way, and we'll work our way to the right.

Lisa Kohl: Hi, my name is Lisa Kohl. I live at 6113 Peacock Lane. I guess, my big question is, why with so much opposition and in this particular stage in life that these individuals want to start a business in an area that is so adamantly opposed against it. I think that there's bigger things going on here. I fear that the adjacent property across the street will indeed, if this passes, come before you to again be passed to a C-2. It is for investment type purposes. The individual owns that property and front footage of the other properties. I would also like to note that in back of us on Fitzgerald, there is residential development right now. So, as far as I know there's not any commercial development on our side of the street. I think that you're doing a great injustice. I mean, we are already there, and we should offer some protection. You have a recommending board, and that was the Area Plan Commission, and so, I hope that you will take their recommendation into consideration. I don't want to keep going over the same thing, but it's very important, you know, it's our property. I can understand Mr. Bunner's frustration with, you know, we did have, we did suffer some damage with the rezoning of the Woodward development across the street. I mean, that's a fact, but that's the way that it is. There are other properties, if you go up and down Burkhardt...at the Country Trace Subdivision, when they widened, he's not the only property there that's been hurt by that. All of those people still maintain their residence. So, you've got, you know, not just our small neck of the woods, but you've got residential development behind us, and over 100 homes right across the cornfield that would be greatly affected, because you are going to pick it to pieces, because people wanting to make a quick buck, or make more money off of the property by rezoning it in a commercial area. You know, I think you need to be fair to the property owners that already live there. So, I would appreciate a no vote. Thank you.

President Mosby: Thank you. Any questions? The next gentleman.

Charlie Sumner: My name is Charlie Sumner. I live on Fitzgerald Road. I've been to four of these now, and actually I think Mr. Colbert should consider a career change from real estate to fertilizer sales. I'm very offended by some of the remarks he's making about our neighborhood. We do not have a retail operation in our neighborhood, nor do we want one. That's why we're fighting this so hard. That is, that's everyone in this neighborhood. Most of the people that have been showing up, we're about half of what have been at the meetings. Those people are out of town or working and couldn't be here, otherwise we would have a bigger force here. We're really hoping that you will go with the decision made a few weeks ago, and listen to our voice. It's our neighborhood. Please save our neighborhood. Thank you.

President Mosby: Any questions? Thank you.

Jeff Norrington: I'm Jeff Norrington. I live at 3300 Durre Lane. My wife and I had a craft business in our garage, in our home for 12 years, but contrary to what you heard tonight, we never sold out of there. We took our stuff, loaded it in the truck, took it to craft shows. We never, ever created a problem, had people in buying stuff. That never happened. So, I just wanted to clarify that, and let you all know what the deal was. Now we've been out of business for three years. Thank you.

President Mosby: Thank you. Did anybody else want to speak? Did you want to speak?

Bob Kuper: My name is Bob Kuper. I live on 6319 Peacock Lane. I guess, I'm the guy that caused the trouble with the truck you all got a picture of. This truck hasn't been, I've been retired for four years. It never done any commercial stuff except for Mulzer Crushed Stone. After I retired from one job, I got another job with Mulzer's. But this truck was just drove by me back and forth and parked. It seems like everything...there's a home that was sold across the street from Bunner, is waiting for a C-2 too. It's just a matter of if it gets it now, all of it will be. This neighborhood has always been people that had two jobs, and, you know, in the 60's and 70's you had to do this. Times weren't that good. So, that's why people done odd things like this, but they never created a problem, or somebody would have complained in the neighborhood. These people all stick together. I think we'll have a real traffic problem at that intersection, because the younger generation, they can't come off of Burkhardt like it used to be, they gotta keep moving. Thirty feet from that intersection is going to be cars selling antiques, bringing them, and buying them, and looking and not buying. Too many vehicles at that corner, if you all have ever been there and took a good look you would know what I'm talking about. Thank you.

President Mosby: Thank you. The gentleman behind him, did you want to speak?

Ken Larmore: My name is Ken Larmore. I live at 6108 Fitzgerald Road. Pardon me. My wife and I built the house, actually the second house on the first block of Fitzgerald in 1998, and were welcomed by many of the neighbors who had lived there for years and years. There are more young families coming into the area. I know my neighbor who has been here to all of these meetings has three children. My wife and I just had a child. The kids are prevalent in the neighborhood. There are more and more of them riding their bikes, just being kids. It would be a shame to see any kind of a commercial establishment encroach not only in our neighborhood, but also on the east side of, rather the west side of Burkhardt. I almost resent the gentleman's assertion that there's a drug problem in the neighborhood. I know that there was a rental property at the end of Peacock where there unfortunately was some difficulty, but this is a very close knit neighborhood, and there is not a drug problem in this neighborhood. One of the things that scares me about the potential commercial development with this property and potentially others is that it will lock us back in this little corner, where none of us, should we choose, would be able to move out of. I have seen that happen in some different areas in Evansville, and I think that the Planning Commission has addressed some of those problems certainly with the future development. My hope is that you will continue to recognize that, and vote your conscience. So, thank you.

President Mosby: Thank you. Did you want to talk? I'm looking behind you, did you want, and then I'll.

Unidentified: I wasn't going to get up anyway. I can't even hear good enough to be up there.

President Mosby: Then I'll come around the front.

Rosa Lateulere: I wasn't going to get up. I'm a little nervous.

President Mosby: We're not forcing you. No, go ahead.

Rosa Lateulere: I am Rosa Lateulere. I live at 6211 Peacock Lane, which is the third house on the left from the Bunnars, the residence that is in dispute. The only thing that I want to say is that the street is very narrow, very close to the intersection. It is extremely difficult to get in and out of there anymore, because we don't have a light, but when they used to have their parties, Christmas parties, when they used to live there, the traffic just from the people that work at school, I guess, their friends, would come and the traffic would be very bad, and the very narrow road. They had to park all the way down to the front of our house, and that creates a problem. That was only once a year, so, it's okay, but now that they want to put a business and bring all that stuff in there, and trucks in and out, like the other neighbors said, that's going to really create a problem, because then we won't be able to go in or out. When you are coming in, you have to go in fast, or you're going to get out fast. If you have cars parked on each side, and who is going to go and make sure that the cars are not parked on the street, because there is nobody going to do that. It's just going to be very difficult to get in and out. Like the other neighbor said, there's kids that live on that road, and there's busses that go on that road, down that road, those big busses from school, and they have to come around. So, there's no room for commercial properties in there. There really isn't, unless they are going to widen the road. Thank you.

President Mosby: Thank you.

Jim Oglesby: I won't say too much. I'm Jim Oglesby, I live at 6109 Peacock Lane. I hope that you had drove out and kind of looked at our little cul-de-sac, so to speak, since it's not a thoroughfare, it's just a little lane. A very narrow street, no curbs, or nothing of this nature. It's nice and tranquility, and a nice place to live. I was hoping that you would get out there and kind of look it over and see if you could find any commercialism that's going on anywhere in the block, either on Fitzgerald or wherever out there. It's not commercial part of the district. There's too many other places here in the city of Evansville that are vacant, especially along Burkhardt Road for God's sake that's got all kind of houses down there for sale, just perfect for any kind of a business such as this kind of a business he's trying to endeavor. But that's beside the point, I just want to thank you very much and come on out and look at it.

President Mosby: Thank you.

Unidentified: Could I give you some pictures of the neighborhood to look at?

President Mosby: Sure. Just start them right down here.

Unidentified: (Inaudible. Away from mike.) A few of them here are just being built. These people don't even know about this.

President Mosby: Okay. Did you want to speak, sir?

Unidentified: No.

President Mosby: Did you want to speak?

Unidentified: I can.

President Mosby: No, I mean, we're not forcing you.

Richard Clouse: They claimed that I was a, my name is Richard Clouse, I live at 5701 Peacock Lane. Years and years ago I did have a private stable back in the woods, but I wasn't part of the Burkhardt addition. But, my bottom line is, I'm the furthest away from this. Is it going to adversely affect me? Well, traffic wise, yes, because I step on brakes at least eight times when I'm going north on Burkhardt before I try to turn left on Peacock Lane, because I don't want to get backside by somebody. Sometimes they barely miss you, and sometimes they just "whew" blow you off the road, when they don't realize that you're not turning at Lynch Road. My point is, the integrity of the neighborhood. This has been an established residential neighborhood since 1947, as far as I know. That's as long as I've been alive. There is a situation to where when you have an established neighborhood for families and children that's residential, like a number of the other neighbors have said, you're going to open a Pandora's box. The Plan Commission says that they really don't feel like they should do that. They didn't feel like things were properly prepared. My concern is not for myself, it's for the other neighbors and their children. I do not want to see people who are searching for a particular business where there isn't a sign, and there shouldn't be anyway, because that's going to cause a problem with traffic on Burkhardt. Looking for a place and not paying attention where somebody's kid is riding their bike. That is not right for the youngsters, it's not right for the families. This is a family residential neighborhood. There are a number of new homes being built up, single family residences, that's the way it was established in the Burkhardt addition in 1947, and I would ask you to help it remain that way. Thank you.

President Mosby: Thank you. Is there anybody on the remonstrance side that didn't get to speak, that would like to speak? Mr. Colbert, did you want a rebuttal? Okay. You have a couple of minutes.

Ken Colbert: Thank you. I also believe Mrs. Puckett would like to say a few words too, is that possible?

President Mosby: Okay. Sure, she can come up now if you want before.

Mary Jo Puckett: I only have two things to address about this. Number one, we did have an in-home antique shop when we lived in the south. I wish that we could have a big business with people coming in and out, but if any of you have ever been antiquers and go to little individual shops, you find out you might have a customer, or maybe two one day, and you may not have anyone the next day. We are not anymore, my husband's age has prevented us from doing shows now, and we used to have Puckett's Treasures at Washington Square Mall. We sold three years ago. Now we're just getting too old to even think about doing all that with the antiques. So, we are going to down size, and it would be a very small business. There would never be a large sign. This light business and all that, we're not going to put that kind of money into having a huge sign out there. But, the main thing, and the main reason that we have gone ahead with this, on a Sunday before the first Commission meeting, Area Planning Commission meeting came about, my husband and I saw Mr. Kuper, Mike Kuper next door drive into his driveway and we were out at the house looking around at the outside. So, we stopped to get acquainted. When we started talking to him that we had applied to begin the process of getting it commercially zoned, he said don't do that. He said, this neighborhood all works together, there's no problem. You can have an antique shop and nobody will say a

word. I've had a business for 20 years. If you'll look at the first month's meeting of the Area Planning Commission he related the very same thing to them. That's where we're getting the business bit. It was said personally to us, it was said personally to them. I said, no, we have paid our \$500, and we are going to either do it right, or not do it all. He insisted that we should just forget it, and go right ahead with our business. So, that's really the whole story in a nutshell. That's why we went ahead and continued to try to get it there. We want to do it properly. Thank you for your time.

President Mosby: Thank you. Is there any questions by any member of the Commission?

Ken Colbert: Mr. Bunner, do you want to say anything? Do you mind?

President Mosby: No.

Walter Bunner: I would like to address the traffic issue, and I suppose as much as anybody here I lived on Peacock Lane for almost 50 years, so I know the area. They talk about the narrowness of the street, I was there when it was a gravel road, so I know the condition of the road and the traffic and everything else. 6318 is located on the corner of Peacock Lane and Lynch Road. Anyone going to 6318 Peacock Lane would not travel 50' on Peacock Lane. They would turn off Lynch Road, or Burkhardt Road and directly on into the driveway at 6318. There would not be going up and down the road and running over kids on bicycles, and things of that nature. I would take exception to some of the things that were said up here, but I expect I'd better not. I'm just happy my wife's not here. Thank you.

President Mosby: Thank you.

Ken Colbert: Just another comment, if I may on the traffic issue.

President Mosby: Sure.

Ken Colbert: Interesting this weekend there was a rummage sale on Peacock Lane. In fact, the amount of traffic was far greater than what the expectation would be with an antique shop.

Unidentified: That's a one day affair.

Ken Colbert: Rose Zigenfus from the Transportation department, actually, I think it is part of your packet had also made the requirement that the necessary parking had to be there based upon the square footage, and that they could not back out on Peacock Lane. The aerial photo also shows there's more than enough access to be able to turn around for that one client per day that would be coming in. In regards to the drug issue, that was actually communicated by one of the residents there at Peacock Lane. It was brought up during one of the rezonings that had taken place. I don't have first hand knowledge of that, but that was communicated by one of the residents about the drug activity. In conclusion, again, our request is to have the rezoning, based upon what you heard the Puckett's say as well, to only have the in-home antique shop with the use and development, of not wanting to do any exterior renovations to the property or expansion. Mr. Puckett is 79 years old, I don't anticipate him wanting to develop his business any further. Thank you.

President Mosby: Thank you. Are there any questions by any member of the Commission? Seeing none, the chair would entertain a motion.

Commissioner Fanello: Just so everyone understands, in case you've never been to a rezoning, we have to make a motion to approve this to get it on the floor, and then we take a roll call vote. So, motion to approve VC-10-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion to approve VC-10-2003, 6318 Peacock Lane. We will have a roll call vote. Commissioner Crouch?

Commissioner Crouch: This has been a very difficult rezoning. I've been there with most of you through the four meetings. When you look at the aerial photo it becomes very apparent to me that at some point in time this is going to be commercial, or there is going to be a commercial zoning that is going to affect you either by being near you, being right next to you, and being somewhere closer than where you want it. I appreciate and respect the Puckett's for wanting to do what's right, and to follow the process and the procedure. I just don't think that right now is the time for this particular rezoning. I think it's coming at some point in time, but not today. So, I vote no.

President Mosby: Commissioner Fanello?

Commissioner Fanello: I would echo some of those same comments, and while I appreciate the fact that I doubt that an antique shop would probably bring a lot of people during the day, I'm very hesitant about voting for a C-2 in a residential area at this time. So, I vote no.

President Mosby: And myself, and I will vote no. There being three nays, no ayes, this motion is defeated.

Unidentified: Thank you.

President Mosby: Is there any further business to come before the Commission? Seeing none. Yes?

Commissioner Fanello: Do I need a motion to adjourn here?

President Mosby: I will accept a motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: So moved.

President Mosby: Okay. Second. Second and so moved. So ordered.

(The meeting was adjourned at 6:57 p.m.)

CONSENT ITEMS:

Commissioners:

Jail expenses: Baker Daniels, Kevin Winternheimer, United Consulting

Travel Requests:

Health Department

County Clerk

Employment Changes:

Circuit Court

Coroner

County Clerk

Sheriff Department

Burdette Park

Request for Service: County Highway.

Treasurer: Submit Monthly Report for June 2003.

Those in Attendance:

David W. Mosby

Catherine Fanello

Suzanne M. Crouch

Bill Fluty

Kevin Winterheimer

Tammy McKinney

Madelyn Grayson

Don Burton

John Stoll

Dennis Hudnall

Gary Hohman

Lisa Kohl

Charlie Sumner

Jeff Norrington

Bob Kuper

Ken Larmore

Rosa Lateulere

Jim Oglesby

Richard Clouse

Mary Jo Puckett

Walter Bunner

Steve Bohleber

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 28, 2003**

The Vanderburgh County Board of Commissioners met in session this 28th day of July, 2003 at 5:32 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting, Vanderburgh County, July 28, 2003. Introductions are as follows; Patty White, sitting in tonight; Kevin Winternheimer, Counsel; Commissioner Fanello; myself; Commissioner Crouch; Todd Hochstetler, sitting in for Bill Fluty; and Madelyn Grayson, Recording Secretary. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of July 21, 2003 Commission and Rezoning Minutes

President Mosby: Do I have a motion to approve the July 21, 2003 Commissioner and Rezoning minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Second/Final Reading of Ordinance Concerning Notification of
Neighborhood Associations on Matters of Public Concern**

President Mosby: I don't believe we have any bid advertisements or openings, so we will go to discussion items. Second and final reading of ordinance concerning notification of neighborhood associations on matters of public concern. Is there any discussion? Kevin? Anybody got any questions?

Kevin Winternheimer: I assume, did you all get the changes that I made? Okay, if you don't have any questions. I haven't received any comments. I recommend approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Second/Final Reading of Ordinance Regarding the Payment of Fines
and Penalties and the Enforcement of County Ordinances**

President Mosby: Second and final reading of ordinances regarding the payment of fines and penalties and the enforcement of county ordinances.

Kevin Winterheimer: Again, the only comment I received on this one was from the Building Commissioners office, and they are very excited about it. They said it should reduce a lot of paperwork. The way the fines currently work through their office is you pay them at their office, the money goes to the city, the city holds it for about three months or so, and then the money is paid to the county. This will get the money to the county quicker and there will be less paperwork for them. The only comment was positive.

President Mosby: Any questions or comments? Chair would entertain a motion.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Purchase Agreement for Centre Refunding Bonds |
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President Mosby: Purchase agreement for the Centre refunding bonds.

Kevin Winterheimer: Yes, let me find that. Asking for your approval of this purchase agreement. Under this agreement this represents to the different entities that will buy the bonds, and the underwriter that we have authority to issue the bonds along with the Building Authority. That there is no actions pending that would prevent the issuance. That we're in compliance with the law, which we are, that we agree to continue to pay off the bonds as required, and that we not take any action that would prevent the bonds being properly paid off. Asking you to approve the form of the agreement tonight. The issuer will price out the bonds, I believe, tomorrow, and the blanks can then be filled in after that.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second, and we'll get then one with the blanks filled in?

Kevin Winterheimer: Right, when they know—

Commissioner Crouch: Exactly what it is.

Kevin Winterheimer: Exactly.

President Mosby: I have a motion and a second. So ordered.

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| Personnel Policy |
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President Mosby: Personnel policy. Is there any discussion? Any questions on the personnel policy?

Commissioner Crouch: I had a couple of just questions or comments. I don't know if you want to take the time to do them now, or if I should just e-mail you tomorrow. This is just a draft, is that correct?

Kevin Winterheimer: Right. These were some suggested changes based on our last meeting and some discussion I had with Commissioner Fanello to put something

in writing so you can take a look at it, consider it, and get your comments, and get feedback. I'm not asking you to approve this tonight, but just wanting to know your comments. Hopefully, we're moving closer and closer to what you finally want, so that we can present a final document to you for your approval.

Commissioner Crouch: I will just briefly go through and mention the pages. On page 11, at the top on number three, is the employer the Commissioner or is that the officeholder/department head? I just thought maybe that ought to be clarified.

Kevin Winternheimer: Number three?

Commissioner Crouch: Yes. Just a clarification.

Kevin Winternheimer: In this case the employer is the county.

Commissioner Crouch: Okay. Number 12, or page 12, I'm sorry. 2.8, on orientation, that first sentence talking about pink slips processed and signed by the County Commissioners before they may physically begin to work. Often times people do start working before we are able to sign the pink slips. I wondered if it would perhaps make more sense to delete the "physically begin working", and substitute "before they may be paid by the county Auditor's office"? That's just a suggestion. Only because we a lot of times, not a lot of times, but it's not unusual to hire people to start working before the pink slip gets through here. That's when, you know, we've had a holiday—

Kevin Winternheimer: And you only meet once a week.

Commissioner Crouch: —and haven't been able to...yes. Page 17, on the exit interview. That paragraph where it's bold. When it talks about suggestions, complaints about midway through the paragraph, suggestions, complaints and questions may also be expressed. Should they be expressed in writing, and should that go to a particular office? Just kind of a clarification.

Kevin Winternheimer: The intent there, and we may have to, I'm always open to better wording, but the idea was that by the next sentence there;

"A written response shall be submitted to the office of the Board of Commissioners."

What we are looking for there are suggestions, complaints and any questions that may be submitted during the exit interview by the employee. We're always looking for a better way to do business, and if they've got suggestions, we would be glad to listen to them and consider them. If you think it needs clarification, but that's what was intended there.

Commissioner Crouch: Right. On page 20, on the vacation time, is that, it was a little unclear to me, and are we giving people then additional vacation? Or are we holding their vacation for a period of a year? Or are we just treating new employees this way? Maybe I'm missing something, I mean, I just...it was a—

Kevin Winternheimer: Okay, this is an attempt to get a uniform method of calculating vacation based on what you worked in the previous year. You don't necessarily earn it in the previous year, but it's based on how much you worked in the previous year. The attempt here is to make it consistent with the Teamster contract. So, how long

you, how many months you worked in the previous year will determine how much vacation you get in that first year and so forth, unless you have a specific sentence you were referring to.

Commissioner Crouch: Right, I know we'd had this discussion before, but, I guess, I'm just unclear as to whether if I get vacation this year for what I earned last year, but currently we're paying people to date. At some point in time I'm going to have to give people additional vacation banked, or give them some banked vacation.

Kevin Winternheimer: The idea is that you won't be able to roll it over. So, whatever the vacation that you are entitled to this year is based on how long, how many months you worked the previous year, and how many years of service. So, the idea is that you will use it in this year. So, there shouldn't be any roll over or those kind of problems come in. There is a provision on rolling over in certain situations.

Commissioner Crouch: Right.

Kevin Winternheimer: The idea is that you are going to use it all in this year, what you're entitled to based on years of service, or in case of the first year, second calendar year of employment, how much you worked in the first calendar year of your employment. After that it goes on the basis of how many years of service you've had.

Commissioner Crouch: Okay. I guess, I'm still, currently we're paid to date. So, the vacation that I'm taking this year is the vacation I'm earning this year. So, if we're going to pay them in arrears, at some point in time we have to either give people additional vacation, since they're currently being paid to date and they are taking their benefits based upon this year. Or we have to hold a paycheck or do something like that, like the city did.

Kevin Winternheimer: No, you will be entitled to it on January 1st, based on what you worked the previous year. So, we're not going to pay people in advance, it's they're entitled to it as of January 1st. Now keep in mind, they will have to schedule it with their supervisor for proper scheduling, but you're not being paid ahead of time. You're entitled to it on January 1st based on how many years of service you had as of December 31st of the year before. So, there is no advance payment. We're trying to stop that, and prevent that. You're, what you're entitled to, you earned as of January 1st of that current year.

Commissioner Fanello: Right now, I mean, the way it's set up now we have people owing us if they leave early in the year. I think the whole point is to prevent people from owing us back for vacation, because currently we're paying people for vacation they really haven't earned yet. When you say paid-to-date, you're paying them all up front, and they haven't earned it yet.

Commissioner Crouch: Does the Auditor's office—

Commissioner Fanello: This is based on as of December 31st, how many years...this is based on the number of years of service. So, on January 1 of this year, if I would have worked, what three years as of December 31st, then I would get ten days vacation on January 1, and it's vacation that I earned. Like Kevin said, we don't carry over vacation, so it really shouldn't be an issue of paying people extra vacation. I think where that came in, what you might be thinking of, the union contracts there

were several different contracts in place over the many past years. I don't think that's the case in regular county employees.

Commissioner Crouch: Alright, well.

Kevin Winternheimer: One thing I wanted to bring to your attention, since I put this together I gave it more thought and I was just curious as to whether we need to put a provision that, let's see, I think it's 3.1 the vacation takes effect January 1, 2004, so that there's not a confusion this year. I don't want anybody to be disadvantaged who may have taken it all in January, versus somebody who waited until November. So, I mean, we can do that if that's your pleasure. Add a sentence that says 3.1 takes effect on January 1, 2004, so it won't affect anybody getting more or less this year.

Commissioner Crouch: Okay. Alright. 25, page 25 on bereavement leave. In the first, or the second paragraph, about midway through;

"An employee shall be eligible for five calendar days off for the death of his mother or father."

Why would we give calendar days as opposed to consecutive working days? When we're giving consecutive working days on the deaths of every other family member.

Commissioner Fanello: That's the same question I just asked.

Kevin Winternheimer: Okay. We, probably we should make them read the same. You're right, we should make it...this is taken directly out of the Teamster contract. In any event, we can make it read all not consecutive...well, wait a minute. You get more working days for the death of a spouse or child. Calendar days are not necessarily working days.

Commissioner Crouch: Correct.

Kevin Winternheimer: You may get, if the death occurred on a Thursday, you would get five days off. Two of those days would be weekend days, which you're probably not scheduled to work.

Commissioner Crouch: But if you, if someone, this is a morbid subject, but if someone's parent would die on Sunday, then you would get five days off. So, it seems to me not to be quite fair, just depending on when the parent dies, someone may get more time off than someone else.

Kevin Winternheimer: I guess, the fairness comes into the scheduling of the death, which is not scheduled. You're right. In certain instances somebody would get more work days off, but they are getting the same in terms of calendar days off. You're right, depending on when they—

Commissioner Crouch: But some people, we're paying more for some people than for others, depending upon when that parent—

Kevin Winternheimer: If they die on a Monday you're going to get more time off than if they die on a Thursday, because you have a weekend in there.

Commissioner Crouch: Right. So, I would like to either change this, if the feeling is that you want to give more days off for the death of a spouse or a child, then perhaps we ought to change it to three consecutive days off. I don't know. It's a suggestion.

Commissioner Fanello: I think you're right, Commissioner. I think spouse, child, mother, father ought to be the same though. I mean, I don't know why we're distinguishing between levels of relatives, but spouse, child, mother and father are just as important, so I think they ought to read the same. If you have a suggestion for that.

Commissioner Crouch: On 26 personal leave, and this really probably ought to apply to vacation and sick also. Do we want to say what increments that people can take their time? Or do we want to stay away from that? I know some offices require you to take four hours at a time. Other offices allow you to take 15 minutes at a time. So, I don't know if that's kind of micro managing, if we want to stay away from that, but I've heard employees complain about, you know, well, so and so's letting their employees get to take less. It's just a, I'm just putting it out there. I don't think it's a big deal.

Kevin Winternheimer: I guess, most of it is an accounting thing. Trouble trying to keep track of it, more or less. You know, you may have, if you can take it in a matter of a few hours, I guess, you could cover your doctor's visits, those kinds of things, or whatever. But, I did not change that, that's how it currently exists, I believe.

President Mosby: I personally am for leaving it up to the office holder. I mean, some offices might be bigger than others. Some people might be able to do without an employee for four hours, others say I would like to have you back in two. So, depending, I mean, I would leave it up to the officeholder. I don't want to micro manage it.

Commissioner Fanello: Don't you think there ought to at least be a minimum? Because it seems like if they are letting them take it in 15 minutes, that seems to be almost disruptive, rather than, I don't know.

Commissioner Crouch: I think Commissioner Mosby raises a good point, the different offices, depending upon the size probably can allow more flexibility. But, anyway, I just am throwing that out, and it's really not a big deal. On page 29, employees who arrive at work more than 10 minutes after the beginning of the work day are considered tardy. Do we want to put a time in? Because if you have an employee who consistently is nine minutes late, they really aren't tardy by virtue of our definition. But, certainly someone who's late day after day after day, in my mind would be someone that's got a problem getting to work on time. I just throw that out. I don't know if we need to make a decision now, but that bothers me a little bit.

President Mosby: That bothers me too.

Commissioner Fanello: I've never seen a manual written without a specified time though. I mean, that was the suggestion of Baker and Daniels. I don't know, the one's I've seen have always had five minutes, ten minutes or whatever.

Commissioner Crouch: Then in the paragraph below that;

"Absence from work for three consecutive days without notification will constitute a voluntary resignation of employment."

But, if someone resigns, don't they get certain benefits? As opposed to being fired. Or does that resignation, I can't remember, does that resignation require a certain notification process? Therefore, that wouldn't apply to this.

Commissioner Fanello: Didn't we say two weeks notice.

Commissioner Crouch: Two weeks notice? So, that just by voluntary resignation there they don't get those benefits?

Commissioner Fanello: We might want to specify that.

Commissioner Crouch: I think I'm just about finished. Page 34, at the very top. It talks about a complaint and it may have to go to the county personnel committee. Is that job study? I don't know as if they've ever done that. So, I just was curious. I mean, not that they couldn't do it. I'm not sure that they've ever heard a complaint.

Kevin Winternheimer: Whatever your pleasure would be. We can leave it in or take it out.

Commissioner Crouch: I mean, I would almost, usually it ends up here.

Commissioner Fanello: Right. I would take it out.

Commissioner Crouch: I don't think job study has ever taken on that task. I'm not sure we, that they might not want to do it. I'm not sure we want to relinquish that authority.

Kevin Winternheimer: We can take it out, and then if you desire to appoint someone, or a committee, you always have that ability.

Commissioner Crouch: That's usually you, isn't it?

Kevin Winternheimer: A lot of times it is.

Commissioner Crouch: A one member committee.

Kevin Winternheimer: Yeah.

Commissioner Crouch: That's all. Thank you.

Kevin Winternheimer: Okay.

Commissioner Fanello: There were a couple of things in there that I think we're supposed to make a decision on as a board. I think Kevin kind of left some of them up to us. A couple of the one's that I talked to him about were the pre-employment drug testing. We originally, Baker and Daniels had originally put that in there that all employees would be subject to a pre-employment drug testing, but Kevin needs to know if we want to do that.

Kevin Winternheimer: My question was, I'm sorry. Do we do it? If not, do you want to do it? And three, do you have the money to pay for such a thing? That all falls in line there.

Commissioner Fanello: So, you might think about it this week and get back with him.

Commissioner Crouch: I don't even know what they cost. Does anyone know what drug testing costs?

Commissioner Fanello: I want to say 35 on up depending on the type of test. I'm, of course, they vary, in the Sheriff's Department they do different things. So, I don't know, but we could find out a standard price, and I can let Patty or Tammy let you know.

Commissioner Crouch: Do most employers require drug testing for their employees? Most private employers?

Commissioner Fanello: Do they do it in the city for all employees?

Kevin Winternheimer: I'm not sure what the city does? I don't know.

Commissioner Fanello: I don't know. I think it just varies. Personally, I mean, I've never encountered it, but, I guess, it just depends on the size of your organization, and the type of organization. So, we can figure out, or find out what those costs are for sure, and maybe kind of mull over it over the week and think about it. The other one, there is when we talked about roll over of vacation and extenuating circumstances, if they couldn't take it in December. I think, it's in there that the Board of Commissioners would approve that rollover, but I'm not so sure that the respective officeholders shouldn't make that decision instead of us making that decision. I don't know if we want to make that decision or not.

Commissioner Crouch: I know in the past that Commissioners have made that, have approved that, and I believe the only instance I recall is at Burdette Park.

Commissioner Fanello: Oh, that's right. Yeah, I remember that.

Commissioner Crouch: Because of seasonal work, and, you know, being able to do it. I don't have a problem with it coming to this board.

Commissioner Fanello: I didn't know if we would be micro managing or not though.

President Mosby: My thought is that all of a sudden you are going to have several different policies.

Commissioner Fanello: That's true.

President Mosby: I mean, if you've got individual officeholders doing it, we're going to end up with six different ways, and then people are going to be complaining to us that it's not uniform. So, I say it stays uniform.

Commissioner Fanello: The other one was providing insurance while on military leave. I think Kevin kind of left blank how long we wanted to do that, or how much we wanted to contribute towards that cost. So, that's something that we need to think about over this next week and let him know what to put in here. So, that's all I had.

President Mosby: Any other comments or questions? I guess, we'll put this on for final reading next week, then?

Kevin Winternheimer: No, I won't be able to work on it for at least a couple of weeks.

President Mosby: Okay. We won't do that to you then. We'll just, that's right, when you get back we'll just take it from there—

Kevin Winternheimer: Yeah, right.

President Mosby: —and then put it back on the agenda.

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| Contract with Youth Care Center |
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President Mosby: Okay, contract with Youth Care Center.

Kevin Winternheimer: I think you received that in your packet.

President Mosby: Right.

Kevin Winternheimer: It's been reviewed by Judge Niemeier, and I believe it's ready for signatures.

President Mosby: I don't guess Judge Niemeier is here, is he?

Kevin Winternheimer: I don't see him.

Commissioner Fanello: Mr. Perry is here.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

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| Public Comment |
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President Mosby: Public comment.

Susan Harp: Susan Harp, Oak Hill Neighborhood Association. I just want to thank you for all your time and effort in doing the neighborhood bill of rights. I'll go to my meeting at 6:00 and share this with those people there. Also on behalf of the United Neighborhoods of Evansville, which involves other counties and other neighborhood associations, we thank you.

Commissioner Fanello: Thank you, Susan.

President Mosby: Thank you. Is there any other public comment? Yes, ma'am, come on.

Lucy Coffee: (Inaudible. Not at mike.)

Madelyn Grayson: Can you please come to the microphone, ma'am?

President Mosby: Yeah, you'll have to come to the mike.

Lucy Coffee: I'm here for the same purpose that she mentioned. The neighborhood associations who do not know they have one. Pertaining to drainage easements. The maintenance of drainage easements.

President Mosby: Are you here for the Drainage Board meeting?

Lucy Coffee: I'm going to stay for that too.

President Mosby: Okay.

Lucy Coffee: But, I thought this was what the article in the paper was for yesterday. A new—

President Mosby: On the drainage board ordinance?

Lucy Coffee: Uh-huh.

Commissioner Fanello: The new drainage board ordinance. No, we are going to talk about that in the drainage board meeting.

Lucy Coffee: Okay.

President Mosby: The neighborhood bill of rights was just a neighborhood association us contacting them and letting them know what's going on. That's got nothing to do with drainage.

Lucy Coffee: Okay.

Madelyn Grayson: Ma'am, can you state your name?

Lucy Coffee: Maybe I misunderstood the article. Or was that a different article?

Commissioner Fanello: It's a different article.

Lucy Coffee: Okay.

Madelyn Grayson: Can you state your name for the record, ma'am?

Lucy Coffee: Lucy Coffee.

President Mosby: Is there any other public comment? Seeing none.

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| Old Business |
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President Mosby: Old business? I guess, this can be brought up under old business or new business, either one. I received a letter from Robert Ohlemiller today, that was addressed to the Sheriff and myself and President Raben. Basically, with the issue, with the 50% match for the community corrections, and he did state in there that he regrets the apparent confusion about the statutory provision requiring funds provided for the construction of a facility not to exceed 50% of the cost. It also says it's now imperative that we move past this and work together to reach a decision. To put the department's \$2 million offer in perspective, if it happens, it will be the largest construction award ever given to a county. These are just some of the things

he states, the demand for community correction dollars right now are increasing constantly. He said if we choose to go this route, he will allow six weeks to get back with him, because there are several things that are yet to be required. He said I want to lay out clear expectations for the future of the residential project. Please do the following; let us know your local consensus concerning the scope of the project, number of beds, male and female, consider the needs for classrooms and other programming, let us know if you want to visit facilities in other communities, which they have worked on, and there's four of them identified in here. Decide how much of the \$2 million that you are requesting, keeping in mind the amount cannot exceed 50% of the total construction cost. Let us know how the program will be regional, get endorsements from the community correction advisory board, acknowledge acceptance of provisions contained in the July and December 2002 letter, or any changes you are requesting on which the DOC has discretion, example not mandated by statute. We need to respond to this issue by September 8, 2003 so that money can, money not required can be reallocated. So, it is a matching grant, and I just received this letter late this afternoon, and in here he stated that he regrets any apparent confusion.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: Yes, I'm going to make sure that Patty gets a copy to you and Catherine and Councilman Raben should have a copy. It went to him and the Sheriff. I don't see the Sheriff here, so. I guess, we're open for discussion, if there's any discussion on this issue.

Commissioner Crouch: I would like to read the letter first.

President Mosby: Okay. I'll be sure that Patty gets a letter to both of you tomorrow. Is there any other old business?

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| New Business |
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President Mosby: Any new business?

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| County Engineer |
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President Mosby: Department head reports, County Engineer.

John Stoll: First item I have is a letter to send to INDOT on the University Parkway project. This is for the county's share of the local, the county's share of the railroad review costs. Basically, we have to pay all the fees associated with the railroad reviewing the plan for the bridge out there that will be over the CSX tracks. It's estimated to be up to \$12,000. That letter will suffice as far as INDOT's concerned, saying that we will agree to pay that. That's the only way we can make the project proceed. We have to do it. So, its requested that letter be signed so that we can send it to INDOT.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I have is an agreement with DLZ for the Green River Road project. This agreement is set up in two phases. It's got a phase one and phase two. Phase one consists of the section between Heckel, I mean, sorry, Hirsch and Lynch. Then phase two is set up for the section between Hirsch and Heckel. The reason it was set up that way was that it was anticipated that the phase one up to Hirsch could potentially be constructed with local funds, while phase two would be federal funds because of the cost of the bridge. The way the agreement is structured, the amount not to exceed for phase one is \$476,000. A grand total for phase one and phase two would be an amount not to exceed \$1,411,500. The way the agreement is structured, it also calls out that your signatures this evening would only be for phase one. The balance of it for phase two would be subject to additional funding being appropriated later. Phase one, like I said is \$476,000, and that would consist of an evaluation of what we need to do in regard to the bridge. It also consists of the design up to Hirsch and all of the survey work. The evaluation for the bridge needs to be done, because right now the bridge is beneath the 100 year flood elevation, and depending on what elevation we design the bridge at dictates how much money the project would cost. The road and bridge are up to, I believe 2' to 3' beneath the 100 year flood elevation. So, once you raise the bridge and all the beams up out of the water we could have 6' or 8' of fill in order to raise the bridge up high enough that the entire structure is out of the 100 year flood. Whether or not we can afford that remains to be seen, and that's one of the things that will be studied as part of the evaluation that will be done in phase one of that project. So, it's requested that this agreement be signed, so that way we could proceed with phase one. Like I said, that will be for \$476,000, and there is sufficient funding in the Green River Road Account for that.

Commissioner Fanello: At the end of phase one we'll have estimates of, we'll have final cost estimates of—

John Stoll: Right, their evaluation is supposed to be finished by the end of this year, and then once that is done, then we know what the project would cost based on how much we wanted to elevate the road. It really, it's important to look at making sure that it's elevated properly, because all of the development that's been going on up in the Kansas Road area, there are hundreds of lots, and the soccer complex, so we don't want to build a road that floods. Likewise, we may not be able to afford a road, may not be able to afford the project depending on what the cost might be. It all hinges too on the availability of federal aid. That's another thing we'll have to look into as well.

President Mosby: Does this flood now?

John Stoll: Pardon?

President Mosby: Does this flood now?

John Stoll: Not frequently, but it does. I believe the last time it was under water up around the bridge was about '96 and '97.

President Mosby: Okay.

Commissioner Crouch: Are there any guesstimates on what the range of the construction cost could be?

John Stoll: Up to \$17 million. The problem with raising it to get totally out of the water also necessitates construction of retaining walls, because they can't run the fill slopes out, a 3:1 slope or a 4:1 slope whatever the case may be, all the way out, because they would end up being in the creek. So, that's why they would have to build a retaining wall at some point, which helps run the cost up to that \$17 million figure. They are also, overflow structures would have to be constructed as well, because, in effect when the road and bridge are raised, it would build a dam, for all practical purposes, which would increase the flood elevations upstream of the bridge. So, to prevent that, they would have to add additional structures, lengthen the existing bridge plus put in overflow structures. So, that's what helps get the cost up even higher as well.

Commissioner Fanello: Did they have a guesstimate on phase one, since we're looking at doing that with local funding?

John Stoll: That was, I believe, up to \$2.7, \$2.8 million.

Commissioner Fanello: Okay, and we put how much in that? We put over that for budget request, didn't we?

John Stoll: Yes.

Commissioner Fanello: Okay. And phase one could be started next year?

John Stoll: Probably the latter part of next year, but, yes, as long as there aren't any floodway permit issues. That would probably be the biggest potential hold up. Right now the road starts going down to a lower elevation several hundred feet south of Hirsch. Since Hirsch would be the north end of phase one, it depends on how the permits would be dealt with with DNR up in the area of Hirsch. But, potentially, yes, that could be ready to go by the latter part of next year.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got a notice to bidders for the street reconstruction in Mill Terrace Subdivision. This is the Barrett Law project. It's requested this notice to bidders be signed and approved for advertising. There were, it's my understanding that there were no objections filed to the project, so we can proceed.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I also have a Mylar cover sheet for those plans, and request that that be signed as well.

Commissioner Fanello: Do I need to make a motion on that?

John Stoll: Pardon?

Commissioner Fanello: Do I need a motion on that? To sign this?

Kevin Winterheimer: You already approved that, you're just signing off on it. John, when are the bids due back on that? The end of next month? The last meeting of August?

John Stoll: August 18th. The next item I had was the letter to file with IDEM for the Rule Five notice of intent letter on the jail project. That needs to be filed just in order to proceed with getting all of the Rule Five permits for the jail site itself. It's requested that be approved.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item, I just want to request approval to file for the sewer extension for the jail site. Speaking with Jim Farney with Bernardin Lochmueller, an application needs to be made for the extension of the sewer to the site. This has an \$85 application fee, and I just wanted your approval for me to go out and take care of that paperwork as well.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you've got any questions on anything.

President Mosby: Any questions by any member of the Commission?

John Stoll: Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. I only have one thing, on the paving progress page of my report, it's kind of misleading and I would like to clarify a little bit of it. Some of the roads that we paved have been contracted out by John Stoll and the Engineering Department. They are completed. So, I will add those to that pie chart that you see on the report. Then we have to add Orchard and Schenk, but Orchard I have about three more days on it. So, you'll see a jump in this dramatically. It looks like we're behind, but we're really a little bit ahead. Once you get those roads done, those were the longest roads to pave. It will probably go up to about 55% by the end of this week.

President Mosby: Are there any questions?

Commissioner Crouch: Just one question. I don't know if this goes to you or to John, but I know that the other Commissioners also received an e-mail from a Linda Kleik regarding the Meadow West Subdivision. Did you all get a copy of that? You did? And you're addressing that?

John Stoll: Yeah, I got a copy of that, and I'm going to have Tom Goodman go out and take a look and see what the cost of cleaning out all those joints and then resealing it, what all that would be. If memory serves me correctly, I think we've typically paid 50 cents to a dollar a foot for that work, but I'll get a more specific estimate and let you know.

Commissioner Crouch: Okay.

Dennis Hudnall: That's all I have, unless you have any questions.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney, Kevin.

Kevin Winterheimer: Yes, I just have a few matters. The first is I need your approval and signature of a quit claim deed. This is in reference to the settlement on the condemnation with the Nurrenberns. We had a little piece of property left over that was of no use to anyone. They are contiguous property holder and they wanted it. This is part of the settlement agreement and ask for your approval and signature on that quit claim deed of the Nurrenberns.

Commissioner Fanello: So moved.

Commissioner Crouch: Is this the, this isn't the Bayou Creek property?

Kevin Winterheimer: No, no, no.

Commissioner Crouch: Second.

Kevin Winterheimer: Part of University Parkway.

President Mosby: So ordered.

Kevin Winterheimer: The second item for approval is an agreement, actually there is two. It's an agreement and a settlement agreement, and I'm not exactly sure why he split them into two, but I'm sure he had a very good reason. Shawn Sullivan prepared this, he tells me this is consistent with the settlement that you approved in your meeting. It's been reduced to writing, and it needs to be executed. I ask for your approval on that.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The other two are just housekeeping matters. I've got a disk for Madelyn for the two ordinances that were approved tonight. I also make it a part of the record that the last two green receipts were received on the Mill Terrace. The one from California to the Bronson's and, actually, I sent it to the local address as well as their California address, and both were signed. I'll give those to you, Madelyn, to make part of the record after the meeting. That's all I have.

President Mosby: Are there any questions?

Superintendent of Buildings

President Mosby: Patty?

Patty White: You have one additional telephone request for service. You'll notice in your packets there was already one from Circuit Court, it's an addition to that request. They are paying for these changes, with the exception of the repair that's listed on the new one dated today. I request that that be added to the consent items.

Commissioner Fanello: Motion to add to consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette. I actually don't have anything to report other than my work sheets, and to answer any questions you may have.

President Mosby: Any questions of Steve by any member of the Commission? Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: Motion to accept consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:14 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department
SWCD

Treasurer

County Assessor

Employment Changes:

County Highway
VCCC

Burdette Park

Health Department

Requests for Service: Circuit Court.

County Clerk:

Surplus of Copy Machine. (Election Office)
Submit Monthly Report for May 2003.

Auditor: Submit Financial Statement.

Juvenile Court: Submit Grant Application (JAIB- Start II)

Sheriff:

Submit Weekly Jail and Community Corrections Reports.
Approval of OSSI Quote (Additional Service and Software)

Those in Attendance:

David W. Mosby

Catherine Fanello

Suzanne M. Crouch

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| Todd Hochstetler | Kevin Winternheimer | Patty White |
| Madelyn Grayson | Susan Harp | Lucy Coffee |
| John Stoll | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 4, 2003**

The Vanderburgh County Board of Commissioners met in session this 4th day of August, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for August 4, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Rob Faulkner, County Attorney, sitting in for Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of July 28, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the July 28, 2003 minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Award APA013-2003: Tires and Tubes

Commissioner Mosby: Bid advertisements and openings. Phil Lawrence, permission to award APA013-2003, tires and tubes.

Phil Lawrence: Good evening, Commissioners. How are you?

President Mosby: Fine. How are you?

Phil Lawrence: Oh, not bad for an old dude. Did you all—

President Mosby: I didn't say that.

Phil Lawrence: I did. I can feel it. Do you all have your tabulations? Did you get them?

President Mosby: Yes, I did.

Phil Lawrence: Oh, you did? Okay.

President Mosby: Are there any questions by any member of Council on the tires and tubes? Anybody in the audience that would like to speak? Seeing none. Chair would entertain a motion.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Thank you, sir.

President Mosby: Made that easy on you.

Phil Lawrence: Yeah, boy, I like it.

President Mosby: Thank you, Phil.

Phil Lawrence: Thank you.

Open Quotes for VC03-07-02: Concrete Repair of Briar Court

President Mosby: John Stoll, permission to open quotes for VC03-07-02, concrete repair of Briar Court. Do we have any bids in the audience? Any quotes or bids? Seeing none. Chair would entertain a motion to open bids.

Commissioner Fanello: Move to open bids.

Commissioner Crouch: Second.

President Mosby: So ordered. Counselor.

Rob Faulkner: Bid from Concrete Pavers, Inc. for a total bid amount of \$27,759.60. Deig Brothers in the amount of \$24,467.50. J.H. Rudolph Company in the amount of \$27,790.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement for VC03-07-02, concrete repair of Briar Court. So ordered.

Discussion of Election Equipment

President Mosby: Next we have discussion items. We have election equipment. I guess, Marsha, did you want to speak on this at all?

Marsha Abell: Not necessarily. I'll just answer questions if you have any.

President Mosby: Okay. I think one of the reasons we put this on the agenda, I should say, is because I read in the newspaper the other day where the Council was debating on approval for funding for election equipment, and I had sent Ms. Abell a letter, and it's not my thought at this time to be looking at this, since we are so close to an election here in November, and more importantly a lot of the stuff that I read, partially in the newspaper, and stuff that Patty White has pulled off the Internet for me, is, I guess, per se the bugs aren't worked out of all the equipment yet, and there's still a lot of irregularities. So, rather than Evansville be a test area for what's going to happen around the country, it's my thought at this point just to kind of lay

back and let others be the test area this time, and we will go with what seems to work here in the next year or so. I don't know if anybody else has anything to say or not.

Commissioner Crouch: My only, I guess, concern, would be the funding that, the reimbursement that we may get, and what the timing of that is. I know that so many mandates that come from the state and federal government are unfunded, and this particular mandate does have some funding with it. So, I am curious as to whether there is a limited amount of money, you know, is there reason for us to, you know, act sooner rather than later upon this? I don't know what the answers to that are, but if there is, then we may want to look at it a little more seriously so that we don't miss out on monies that may dry up if we don't get on board.

Commissioner Fanello: I think that's a good question, and I think probably from my viewpoint, I mean, I said last year that this needed to be a priority, but I would like to see us do it in a responsible manner, and, you know, still be eligible for our funding. So, I would like to see us, you know, move forward and maybe look at implementing this in a primary election, preferably the primary next year. Maybe Marsha might have something to add about the funding. If you know anything about if there is a reason we should move in the next three months, or if implementing this in the primary would be acceptable.

Marsha Abell: Marsha Abell, County Clerk. The only reason I think that it would be financially advantageous to go now, is because we will be able to draw \$521,000 in 2003, another \$521,000 in 2004. If we wait until the primary we only get the 2004 payment. We won't get the 2003. Then we get a 2005, but 2005 is not going to have as much money in it, and Indianapolis has already done theirs and they've taken \$8,800,000 out of the \$15 million that's available. So, the money is dwindling pretty quick with Indianapolis getting in there first. They've already purchased their equipment and used it this last election, in fact.

Commissioner Fanello: Is that for a lease payment?

Marsha Abell: That's a lease payment. \$521,000 is a lease payment.

Commissioner Fanello: Would there be, and I think you were talking about what, a five year lease?

Marsha Abell: A five year lease at \$521,000.

Commissioner Fanello: What would be our options at the end of the five years? If we didn't want to continue leasing, or if we wanted to purchase, I mean, is there any reimbursements available after that?

Marsha Abell: Yeah, it's a reduced price that they would sell it to us for. If we wanted to buy it, which I would suspect that knowing that computers only have a lasting year of approximately three to five years, I don't think that that would be a smart thing to do, at this point. It could be better at that point. Or we could renegotiate the lease and continue it. Or we could look out to the market to something else, some other company, if there is something else available, providing the state allows that.

Commissioner Crouch: So, there's \$15 million you said that is available, and it's a first come first served?

Marsha Abell: Yes.

Commissioner Crouch: And they will, when is the soonest, what is the soonest election, or the earliest election that you can make application for that monies?

Marsha Abell: Actually, you can make application for that money for the election of 2002, which is what some counties have done, but they only get \$4,000 per precinct. If they'd already purchased their equipment, they're on what they call tier B, and they only get \$4,000 per precinct. If you're going to purchase it now, because of the mandate, then you're entitled to tier A, which is \$8,000 per precinct. That's what Indianapolis was entitled to, because they're going from lever machines to the computerized machines, that they did in their last election. So, that's why they were able to go ahead and put their request in. My understanding is that they're the number one person to get the monies as soon as the committee meets and distributes the money.

Commissioner Crouch: So, you are proposing that, and you may not be, so correct me if I'm wrong.

Marsha Abell: Okay.

Commissioner Crouch: If I understand correctly, you're proposing that we implement this, we make application, and we implement it for the fall election? That would then allow us to get monies that we won't ever be able to get in the future?

Marsha Abell: Well, we made application, I think you will remember that you sent me a letter, and we made application. That was about last year, I think.

Commissioner Fanello: I think that was last year.

Marsha Abell: So, our application is there. What we have to do though is show them that we've made the intent. We don't even have to actually expend the money. All we have to do is send them a copy of the contract, whichever contract we do. The problem that I see with the purchase over the lease is that the lease provides all the service with it. That's, did I send you all that spreadsheet breakdown today?

Commissioner Fanello: I don't have one.

Marsha Abell: Let me get it. I've got it with me. Hold on for just a minute. If we lease the equipment, the lease price is \$2,606,847. That's paid out over five years at \$521,600, something, I'm talking without my figures, but it's close to that. Then at the end of the lease, you know, the lease is up, just like any other lease. It's not our equipment, we've only leased it. To purchase is \$3,255,345, over five years would cost us that much. What we would have to put up front would be \$2,326,845. The difference, the big difference is that if you lease it, it comes with the service, which is somebody here to actually run the machines, and they would live here, in Evansville, and be what they call our site manager. They would train the people to work at the polls. They would do all that type work. If we purchase it, we have to pay extra for that, and that runs about \$182,000 the first year, and \$130,000 each year after that, to have somebody. I would suspect that neither one of the political parties wants to have one of us running the machines. Whether it be me or the opposition party. We've always had ES&S' people, our vendor, run those machines that night. We don't run the machines. I think that takes all of the skepticism out of what might have happened at the machine level. So, we would want to expend this

extra money. This also includes production of ballots, which we would have to have, which would look like this. This is actually Marion County's. It goes to the scanner, it's an optical scan. The purpose for this is our absentee ballots, because we can't send a machine out. So, this how we would do absentees. We would have one machine like this that would actually read these ballots in the Election Office, probably election night like we normally do, and then bring in the others from outside. There was a gentleman in my office today who expressed some concern about no paper trail, and I did notice that on ES&S' proposal, they have a 150 Compaq, which is a modem and a thermal printer. It would print out something similar to a receipt from a restaurant. He actually indicated he thought that everybody should be able to get one of those back, look at it, and see if that's how they voted and take it with them. I think that would be nice that we would print it out, and I think we can, although I will certainly call the vendor and find out. I don't think you want people walking out of the polls with a piece of paper that shows how they voted. I think that opens it up for somebody to stand outside and to say, you bring me a piece of paper and let me see how you voted and I'll give you two dollars. I think that's something that happened in Chicago 50 years ago, and I don't think you want that to happen in Evansville. I think proving your vote is not something we want people walking away with. So, I wouldn't recommend that we give somebody something they can leave there with that shows how they voted. I do think that if you wanted them to have a printout, we could have a ballot box there, and they could drop that in there just like they did their regular ballot, and we would have a paper trail. We could compare the paper one's to the electronic, if that's a concern. I don't know if that's a concern or not, but if it is, we certainly could do that. You know, we can debate whether or not we want to keep our punch cards, quite frankly I haven't had any problems with them, but it doesn't make any difference. They are going to be, they are decertified, our company that sells them to us now says they will not be producing anything for them in the year 2006, or possibly 2004, if Indiana doesn't get the waiver, we're looking at, we're definitely looking at 2004 if we don't get the waiver. Which means we'd have to do something for May. I guess, my main reason for wanting to get it in November, from my standpoint, work wise, it's a smaller election, it would be easier to do. All the machines would have the same ballot on them, whereas in the spring, in the primary, you are going to have different districts, have different names on them. The other thing is that I think it puts us \$521,000 ahead of the game.

Commissioner Crouch: Help walk me through this process. What actually locks in the money? Is it the appropriation from County Council? Or is it the Commissioners signing a contract? What is it that actually commits that money to us?

Marsha Abell: The Commissioners signing the contract. They will take that, they will take that as a, the state will accept that as your proposal that you're paying for the—

Commissioner Crouch: Can the Commissioners sign a contract committing that money and not implement it this fall? Would we still get, you know, I guess I'm a little—

Marsha Abell: Sign one for 2004? You wouldn't be able to get the money till 2004. But if we sign one for 2004, we would get the money in 2004. We wouldn't get any in 2003. The way that ES&S presented it to the Council, and, you know, I'm sure I'm not telling you anything you don't already know, the Council hasn't appropriated a dime. So, this is kind of a mute point really, because they may not appropriate any money, at which time the whole discussion is futile. If they were to agree to this, and say that they would appropriate the \$521,000, ES&S has said that they will not

expect payment until the state releases that money. So, we would go ahead and use the equipment, and be under contract with them, and we would not be required to make a payment until the state, they know the state is going to release the money or they wouldn't have made that statement. So, they are pretty, you know, they are confident. I think they may have made that same offer to another county.

Commissioner Crouch: And they would be willing to put that in their contract?

Marsha Abell: Yes, they said they would. They said so at the microphone last Wednesday. Their representative was here and agreed to that.

Commissioner Crouch: So, the sooner we act, the better chance we're going to have at locking in that money?

Marsha Abell: Well, the more money you are going to get. Because right now there is \$15 million. In 2005 there's supposed to be the other dump of another \$15 million. Supposedly, and if you didn't get this memo, I kind of hate that, because I thought I sent it over to you. There was also a page out of Todd Rokita's letter to me where he indicated the federal government will end up paying 95%, and the state will end up paying 5%. We'll pay nothing. If, at worst case scenario, we'll pay the 5%, is what they are telling us. If the state doesn't have any money, they may not appropriate any, but the federal government, evidently, cannot pay 100% of any local funding. There has to be some match from the local entity, which is the state. So, it's just a matter of, you know, it's something we've got to do at some time, whether when you want to do it is probably the whole issue.

President Mosby: So, you're saying if we act today, we're getting what, \$8,000 per precinct? If we act next year we get \$4,000 per precinct?

Marsha Abell: No, if you act next year, well, no, if you act next year you still get \$8,000 per precinct, because we haven't, because we didn't purchase something before the legislation went in. See, there were counties that, there were some counties that have been on electronic voting for two or three years. Gibson County for instance has been. So, the state is only going to give them \$4,000 per precinct.

President Mosby: So, how are we going to get less money if we act next year as opposed to this year?

Marsha Abell: Well, this year we'll only have six months of use, but we can get the whole \$521,000. Whereas next year, we're only going to get \$521,000, but that puts us six months behind.

Commissioner Crouch: So, what you're saying is, \$521,000 a year is what we could get.

Marsha Abell: That's what you get, yes.

Commissioner Crouch: So, if we take action this year we can get \$521,000. If we don't take action until next year we've lost this year's \$521,000.

Marsha Abell: Yeah, you won't get this year's, you'll get next year's.

President Mosby: Okay, but the \$521,000 is just going to the lease, right?

Commissioner Fanello: Right.

President Mosby: I mean, it's not money that we're going to get in hand and put in our General Fund and spend on something.

Marsha Abell: No.

President Mosby: Okay. Well, that's, I was going to say.

Marsha Abell: It goes to the lease. No, it goes right to the lease.

President Mosby: Right, it just goes to the lease, and we're just paying somebody to use their equipment, which I would almost, I still think I would rather look at purchasing.

Marsha Abell: That's your decision. You know, I just—

President Mosby: Because at some point this money is going to run out.

Marsha Abell: Yeah, that's why I wanted to go ahead and get ours now, because I think it is going to run out.

President Mosby: Exactly. I mean, the only person making money here is the guy selling the machines.

Marsha Abell: Oh, sure.

President Mosby: We're, you know, I mean, it's not like there's any big benefit to us.

Commissioner Fanello: Because at the end of five years you're in the same position. I mean, we don't own any equipment—

President Mosby: Exactly.

Commissioner Fanello: —and there's no place for us to get any money for the equipment. So, why wouldn't we go ahead and purchase, and take advantage of the full reimbursement for equipment that we own, instead of five years down the road we have no money to lease or purchase any equipment.

Marsha Abell: That's true, except that you're still going to have to come up with \$182,000 the first year, and \$130,000 the next years for service, because they won't include service in a purchase.

Commissioner Fanello: Yeah, but at the end of the five years I own the equipment.

Marsha Abell: That's true.

Commissioner Fanello: I won't have to go look for another \$3 million, because there is going to be no federal funding to get any more reimbursement.

Marsha Abell: That's right.

President Mosby: Don't we pay the company out of Chicago right now to come down here and run the election?

Marsha Abell: Yes, we do.

President Mosby: How much is that?

Marsha Abell: I think we spend, all toll, about \$200,000 an election, but that's not all for them. That's printing and everything.

President Mosby: But, I mean, couldn't we put that towards the \$180,000?

Marsha Abell: Oh, sure.

President Mosby: That's why I say it shouldn't be that big of an offset. But, I would still rather look at purchasing, because I'm thinking exactly what the Commissioner just said. I mean, we're going to give this company \$521,000, which we're going to get reimbursed by the state, which cost the taxpayer nothing, but at the end of five years the taxpayer is still going to have to pay for machines if we haven't purchased any.

Marsha Abell: That's exactly right. You know, it's a crap shoot. You're gambling that in five years those machines are going to be great, and everybody is going to use them, and, you know, the state could come in and decertify those. You don't know. It's just a chance that you're going to take. That's the call that you all have to make. You have to figure out what you think....I will tell you that ES&S, I mean, that Tim looked at the equipment when the vendors were here about, he looked for the security issues on them, and, in fact, that was probably over a year ago, and he pointed out the security problem with the one vendor, even before it was ever in the newspaper. He said this is a security problem with this one company. So, we sort of put them aside.

President Mosby: I guess, the other thing, and I would like, I mean, you are saying these paper back ups. I guess, I would go back to the primary of this year, what would we have done? You know, if we had no paper back up, we had two recounts, each race within less than four or five votes.

Marsha Abell: It had, actually it has a paper back up, it's whether or not you print it out at the precinct level is the issue. It's got the paper back up. It's just whether or not you want to print it out—

President Mosby: I didn't think some of them...this one that you're looking at does?

Marsha Abell: This one has a paper back up, yeah. But it whether or not you want to print...that's why they're charging us for modems and printers.

President Mosby: Because there are some of them that don't.

Marsha Abell: Yeah, there are some of them that don't.

President Mosby: Some of the companies that I talked to that were in this room said, there's nothing.

Marsha Abell: Yeah, they have no printer back up. Yeah, this one has a paper back up, it's just whether or not, you know, we just have to come up with some pretty detailed instructions about how we want to handle it. Do you want to print it out? Do you want the people to have access to it? Do you want them to have it in their

hand? Do you want them to have to put it in a ballot box? Do you want to let them walk out the door with it? You know, those are issues that are serious issues that we're going to have to think about if we print it out at the precinct level.

President Mosby: Well, I think a lot of your candidates or your party, either party is going to say what are you going to do in the case of a recount. If this comes up two votes different. I think they are going to ask us that question.

Marsha Abell: Oh, yeah.

President Mosby: And that's something we're going to have to decide. I mean, as far as—

Marsha Abell: That's why I say it's got the print out, but you're just going to have to decide what you want to do with it. You know, how extensive you want to print it out. One vote by one vote. Or, I mean, person by person, not a vote, a one vote, one person thing.

President Mosby: This company you're talking with, how many people are using their machines right now?

Marsha Abell: In Indiana, or everywhere?

President Mosby: In Indiana really.

Marsha Abell: They have 42 of the counties so far.

President Mosby: That are on-line now? I mean, did they go through last election?

Marsha Abell: No. Not all of them have gone through last election. I think they're about 22, 23 right now that are on.

President Mosby: I was just wondering how many counties have like used them in the primary, and are going to use them this fall.

Marsha Abell: About 20, there's about 20 to 22 that have already used them.

President Mosby: Because, I mean, in my opinion, I would like to wait until after this election and see how these 22 counties perform, or what their, I guess, rating is of their performance. I mean, even though it's not our money, \$541,000, I mean, it's state money, it's somebody's money, and I still don't want to jump the gun. That's my opinion. I'm just one person.

Commissioner Fanello: I would like to, I mean, I would like for us to look at purchasing. A purchase versus a lease, but probably more purchasing since we are getting the full reimbursement, we might as well take the money and purchase the equipment. So, I would probably like to see, if you have three vendors for comparison, and then I would like, you know, for us to evaluate, maybe look at the results of other counties in the fall election. But, I would like for us to move forward and look at these being implemented in the primary of 2004. Just so we have enough time. I feel like we're almost at a disservice to the voters by throwing them on them in three months, because the poll workers have to be trained, and we don't want to shock the public. I mean, this is going to be something totally new for them.

I think they'll like it once they see it, once they, you know, get used to it, and get a chance to use, but we definitely want to be fair to the public too.

Commissioner Crouch: And we can continue to, you know, look at vendors and even sign a contract—

Commissioner Fanello: Right.

Commissioner Crouch: —which would lock in our money.

Marsha Abell: Sure we can.

Commissioner Fanello: I think we need to move forward on it, and look at doing that this year, but look at implementing it for the primary of 2004.

Commissioner Crouch: Then Council will be taking some kind of action Wednesday?

Marsha Abell: They will be. I mean, I assume they will be. They said they were going to, so, I assume they will be. If they don't, it's a mute point for November anyway, because I have to order my ballots by the end of next week. So, if they decide that they don't want to go with that, I'm going to have to go ahead and order my ballots, because we're at that point with punch card, because they have to be produced, whereas it's not that, they don't have to be produced in the touch screen. It's all, you know, on the screen.

Commissioner Fanello: Can you give us some cost comparisons? I know there is going to be another voter demonstration this week. Are there going to be different touch screens there? Or what's going to be involved?

Marsha Abell: No, we were just having one brought in for—

Commissioner Fanello: You're just having one.

Marsha Abell: —people to see what they look like. Actually they have several on-line. I think that they are all the same, because the state negotiated the deal. That everybody, all of the costs would be the same. It's a QPA, but I will certainly call the Election Division and double check that with them.

Commissioner Crouch: I would be curious to see what other counties, the 22 that have currently, or the 40 some odd that have currently signed contracts with this vendor, particular vendor you are referring to, how many did lease and how many did purchase, because I know this issue came up back with computers for the Court View, and we ended up leasing them.

Commissioner Fanello: Right, but we weren't getting federal free dollars either.

Commissioner Crouch: Right.

Marsha Abell: Well, I could call Indianapolis, because they used them...find out what they did, because they've already used theirs through one election. They used it through the primary. I'll be happy to send you a written report. I really, you know, I don't see any particular reason to have this discussion and take up time on Monday night until we're ready to do something.

Commissioner Fanello: Well, I don't necessarily think that's true. I think it's important for us to have the discussion, so we kind of know what direction we're going to go. Because if we're going to plan this for primary 2004, I think we need to be looking at it right now.

Marsha Abell: Well, yeah, but I meant I could send you written things. If the Council doesn't appropriate the money, there's no sense in me standing up here wasting your time on Monday night, because I would like to have a Mercedes, I don't have the money. That pretty well takes care of that problem, so. I think that, you know, there's other issues that you've got going on, and I can certainly send you memorandums and notes on things. When we get to the point where it looks like we're going to do something, then I think we should definitely spend our time on this issue. I just don't think, I just don't know where the Council stands on what they want to do at this point.

President Mosby: Any other questions or comments?

Madelyn Grayson: Marsha, can I make a copy of the—

President Mosby: Anybody in the audience?

Madelyn Grayson: —memo for the record?

Marsha Abell: Yes, you may.

President Mosby: Thanks a lot. Thank you, Marsha.

Centre Agreement: Pre-Bid Construction Meetings for Jail Project

President Mosby: Next we have contracts, Centre agreement. Everybody should have a copy in your packet. If there's no questions or comments.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Public Comment

President Mosby: Is there anybody in the audience that would like to speak? Okay.

Old Business

President Mosby: Any old business?

Commissioner Fanello: Just a couple of things. On the energy savings contract, I think maybe the Auditor, Bill Fluty, can help. Will they actually vote on approving the fund next week? Will they vote on that in August, approving the Old Courthouse Fund?

President Mosby: In the budget.

Bill Fluty: I think you've set in \$550,000.

Commissioner Fanello: Right.

Bill Fluty: So, they will vote on that.

Commissioner Fanello: Is that next week? Is that next week that they're voting?

Bill Fluty: That's next week. This week will just be for preliminaries.

Commissioner Fanello: Okay.

Bill Fluty: Discussion items.

Commissioner Fanello: I would just say that, you know, we wait until we hear the Council's, or the Council's decision on whether they are going to approve that fund or not, and then we move forward on issuing the energy savings RFP. If that's okay with everybody.

President Mosby: Any questions? Did you have something else?

Commissioner Fanello: Yeah, the space allocation plan, Dave Rector dropped off some cost estimates, and I think everybody probably got those in their box today. I would like to see us set a space allocation meeting, and prioritize some of these, and get moving on reallocating some court space since the Health Department is going to be moving out. If that pleases the board.

President Mosby: Okay. When did you want to do this?

Commissioner Fanello: If we can just do it before one of our regular meetings.

President Mosby: The 18th? Hold it, that's the third, when is that?

Commissioner Fanello: We have Solid Waste next week.

President Mosby: Do we have anything on the 18th?

Commissioner Fanello: Not before.

President Mosby: The 18th we could do 5:00, I guess?

Commissioner Fanello: Right. Because I think we need to, I mean, we are going to have to turn in an appropriation of some sort to the Council, you know, to pay for some of these renovation costs. So, we need to prioritize them. I move that we set the space allocation meeting on August 18th at 5:00.

Commissioner Crouch: Second.

President Mosby: So ordered.

Madelyn Grayson: May I make a copy of the memo from Dave Rector for the record?

President Mosby: Any other old business?

New Business

President Mosby: Any new business? Department heads.

County Engineer

President Mosby: County Engineer, John Stoll.

John Stoll: The first item I've got is in regard to the Mt. Pleasant Road project. We have an issue where a property owner has a driveway culvert, I mean a driveway that's actually not located on their own property. The area that's highlighted in blue, I mean, the red line shows where the driveway currently exists. You can see this orange property is the neighbors property. The parcel we are talking about is owned by Susan Smith, the abutting parcel is owned by Brad Sterchi. Basically, the existing driveway is split on the Sterchi-Smith property line. So, when Morley and Associates drew the plans, they kept the driveway in the same location. Now, that we're trying to settle the acquisition with Smith, one of the things she has brought up is whether or not she could acquire this property. Morley and Associates has discussed this with Brad Sterchi, and he's willing to just give that to Smith, but he wants no costs, he doesn't want to incur any costs on that. So, Morley and Associates said they could prepare the documentation for \$500, and then Sterchi could just donate that to Smith, and then the driveway would be all on Smith's property. So, what I would like to request is that you authorize payment of up to \$500 for Morley to put together the paperwork needed for the legal description to transfer this from Sterchi to Smith in the event that's the final thing we need to do to settle that parcel.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The buyer had discussed that with Mrs. Smith, and she had tentatively agreed to that, but I spoke to the buyer again today and he hasn't got anything official. So, this deal still may fall through, and we still may have to end up in condemnation, but right now this is a possibility that might get that settled. The next item I've got is a change order on the Roth Road culvert installation. This is for a net increase of \$3,384.12. The primary reasons for our increases were we needed some additional asphalt patching and paving out there. Basically, the existing pavement that was out there prior to the project was in very poor condition and it fell apart, so we had to do more than we had anticipated. It's requested this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have two agreements with INDOT that need to be signed. This is for the railroad grant reimbursement that you had approved a few weeks ago. This is for pavement markings that will be done by the traffic department. INDOT will

provide us with a reimbursement of \$6,432.50. It's requested both of these, both copies of this agreement be signed.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got a clarification on the Harlan Avenue project. Back when I requested the award be made to Blankenberger Brothers I had requested that it be awarded on the basis of the base bid plus the alternate bid for a total of \$1,353,804.74. The problem was that the Form 96 contract only showed the base bid amount of \$1,319,354.74. So, in order to properly reflect that in the contract balance, what I'll have to do is end up bringing a change order in here in the future, so that way it will be a change order that is, in effect, for work you've already approved, but the balance, given the fact that the Form 96 only had the base bid on it, the balance isn't correct. So, I just wanted to make you aware of that, and when we get to that point I'll just bring a change order in and let you know that's included in the change order. The last item I've got is that I would like to request that the concrete repair on Briar Court be awarded to Deig Brothers for the amount of \$24,467.50. I went through all three bids, and there were no errors, and Deig was the low bidder, and everything was in order with their bid.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything else. Thanks.

President Mosby: See you at budget hearings.

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|-----------------------|
| County Highway |
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President Mosby: Usually they wait for you to call. Are you ready? Next, County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have tonight is to update you on the paving. We updated the pie chart. We're at 59%, and the budget is holding up. We're probably about 10% savings so far. So, we might have enough to do some more roads if you have a couple more roads that you want paved at the end of the season. We don't know exactly right now because it's kind of a variable type thing when you're estimating. So, but keep in mind if we have \$50,000 or \$60,000 left, if you want to add another road we've got a long season, so, and we're ahead of schedule on it.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Thank you. Have a good night.

County Attorney

President Mosby: County Attorney.

Rob Faulkner: Nothing to report.

President Mosby: No report.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have a report.

Burdette Park

President Mosby: Burdette Park.

Gary Hohman: I'll make it simple as well, we have no report other than our work report that's been presented to you.

President Mosby: Okay. Any questions or comments? Thank you, Gary.

SWCD & Ozone Officer Reports

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: Motion to approve consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. And right before I take a motion to adjourn I'll remind all county department heads that budget hearings start at 9:00 in the morning.

Commissioner Fanello: Wait, I just noticed something that wasn't in the consent items. Or it's not in my packet anyway. Form 144's. They're in the signature file.

Commissioner Crouch: I guess, my question would be, do any of them exceed 3% I wonder.

Commissioner Fanello: Right, and we haven't had an opportunity to review them. We might want to pull those out. We've got until August 20th to approve those, I think.

Bill Fluty: If any office did put them in at 3% they are going to be reviewed at the budget hearings, and may or may not be lowered. I can't say that, but they were requested to put all salaries in at 3% for a starting point.

Commissioner Fanello: Maybe we could just pull those out and just look at them. We can always approve them next week in the consent items.

Commissioner Crouch: Did the Auditor's office prepare a budget summary book?

Bill Fluty: They're working on that.

Commissioner Crouch: Okay. We can get a copy?

President Mosby: Okay.

Commissioner Fanello: What is the pleasure of the board, I guess?

President Mosby: I'll need you to withdraw your second.

Commissioner Crouch: It doesn't matter to me. I mean, it's up to you.

President Mosby: I mean, you have to withdraw it.

Commissioner Crouch: You want to go ahead and pull them?

Commissioner Fanello: Yeah, I mean, we can add them back in next Monday. We're not in a hurry.

Commissioner Crouch: Alright, I withdraw my second.

Commissioner Fanello: Okay.

President Mosby: If you withdraw your motion to accept the consent items.

Commissioner Fanello: Withdrawn. Motion to accept consent items excluding submission of Form 144's.

Commissioner Crouch: Second.

President Mosby: So ordered. I was going to have you make a motion to withdraw them and then come back, but that's okay. Motion was to accept consent items excluding submission of Form 144's. So ordered. Motion to adjourn?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:13 p.m.)

CONSENT ITEMS:

Travel Requests:

County Assessor County Engineer

Employment Changes:

County Highway Circuit Court PTABOA
Prosecutor

Requests for Service: County Clerk/ Election Office.

Superior Court: Agreement for Professional Services: Frank Lutz.

Those in Attendance:

| | | |
|---------------------|-------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Rob Faulkner | Tammy McKinney |
| Madelyn Grayson | Marsha Abell | Phil Lawrence |
| John Stoll | Dennis Hudnall | Gary Hohman |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 11, 2003**

The Vanderburgh County Board of Commissioners met in session this 11th day of August, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioner meeting for Vanderburgh County, August 11, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. It's my understanding that we have some Boy Scouts from Troop 312, Nativity, in the audience again tonight. If you would, step forward to the mike and we'll let you lead us in the Pledge.

(The Pledge of Allegiance was given.)

President Mosby: If you would, for the record, give us your names, and we'll put that in the minutes of the meeting.

Andrew Heggeman: Andrew Heggeman.

President Mosby: If you would, say it a little bit louder in the mike.

Andrew Heggeman: Andrew Heggeman.

President Mosby: Andrew Heggeman?

Andrew Heggeman: Yeah.

President Mosby: Okay.

Matt Wilm: Matt Wilm. Matt Wilm.

President Mosby: Matt Wilm. Okay. We'll have that in the minutes of the meeting, and if you want a copy, let Madelyn know, and we'll get you a set.

Approval of August 4, 2003 Commission Meeting

President Mosby: Do I have a motion to approve the August 4, 2003 minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Resolutions Approving a Qualified Airport Development Project:
Graham Packaging & Pyrotek**

President Mosby: I don't believe we have any bid advertisements or openings. So, we will go to discussion items. Resolution approving a qualified airport development project, Graham Packaging. Approving a qualified airport development project, Pyrotek. Is there somebody with DMD here?

Rob Schaefer: I'm Rob Schaefer with DMD. These two resolutions are part of a process to designate the two locations in the Vanderburgh Industrial Park as a qualified airport development, two qualified airport development projects, which, basically, allow those companies to exempt their inventory tax. The next step will be to go back to the airport board, and then we'll be going to the County Council for them to actually take advantage of the property tax credits.

President Mosby: Are there any questions by any member of the board? Seeing none. Is there anybody else in the audience that would like to speak? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve. So ordered. Thank you very much, Rob.

Rob Schaefer: Thank you.

President Mosby: Okay.

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| County Assessor: Permission to Advertise PTABOA Meeting |
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President Mosby: County Assessor, permission to advertise PTABOA meeting.

Commissioner Fanello: We didn't have any information about when or where. I don't know if we can approve it, because we didn't have the facts about it.

President Mosby: I don't have anything. Just this here.

Commissioner Fanello: I would be happy to approve it if we had a date and a time.

President Mosby: Bill, do you know anything about it?

Bill Fluty: I believe it's just the opening of the board, I think, for the 2002 pay 2003 appeals.

Commissioner Fanello: Okay.

Bill Fluty: So they can start that process. It's required to open that board.

Commissioner Fanello: I can make a motion to approve, if Madelyn, I guess, it's okay if you get the details later for advertisement.

Commissioner Crouch: Second, and that is a continuous meeting. So, they don't advertise every single time they have a meeting. Once they advertise, they are in session until all the appeals have been heard, as I recall. So, I'll second that.

President Mosby: I have a motion and a second for Madelyn to advertise, I think, with the stipulation that they just get us a date and time of when this is going to begin, in case somebody asks, because it just says meeting, so. So ordered.

**Auditor: Permission to Advertise DLGF Notice of Submission:
Cumulative Courthouse Fund**

President Mosby: County Auditor, permission to advertise DLGF Notice of Submission for the Cumulative Courthouse Fund.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Commissioners: Permission to Advertise Jobe's Lane
CDBG Public Hearings**

President Mosby: Permission to advertise Jobe's Lane CDBG public hearings. We have to do this because, I see, yes, you can come forward. We've submitted our grant, but before, I believe, the grant can be heard, it has to have two advertisements, so.

Judy Weatherholt: Judy Weatherholt with the Southwestern Indiana Regional Development Commission. We had a site visit last week on the Jobe's Lane project. We submitted a proposal back in the early part of the year, but did not make the grant application at that time. So, we're submitting a grant application September the 5th for the Jobe's Lane project. From our site visit they told us that we needed, because it was in the second cycle of the grant application, we had to have two more public hearings. So, we will have to advertise that. So, I need permission from you all to advertise this in tomorrow's Courier and Press. We're going to advertise both of these at the same time. We'll have one on the 22nd and one on the 29th of August.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve advertisements for August 22nd and 29th. So ordered.

Commissioner Fanello: Who will be delivering those to the newspaper? Will you be giving Madelyn something?

Judy Weatherholt: I think Patty has already sent those over—

Commissioner Fanello: Okay.

Judy Weatherholt: —with, subject to your all's approval.

President Mosby: Okay.

Madelyn Grayson: My only question was, is that a meeting that requires us to record? Are all the Commissioners going to be present?

Judy Weatherholt: No. We will need some recording. We will have to have the minutes recorded for that.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: No, I don't think the whole body has to be present, do they?

Judy Weatherholt: No. No.

President Mosby: No, it's just a public hearing.

Judy Weatherholt: It's just a public hearing.

President Mosby: Really, I don't think any Commissioners have to be present, from the way I understand it from them. We had a meeting here Friday morning.

Judy Weatherholt: We will reference the previous meetings also.

President Mosby: Thank you, Judy.

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| Election Equipment |
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President Mosby: Next, election equipment. Is there anybody here that wants to speak?

Marsha Abell: There are two of us here that want to speak.

President Mosby: Okay.

Marsha Abell: I'm Marsha Abell, the County Clerk, and this is Mark Foster, the president of the County Election Board. I think what we had sent to you were the two sales agreements from which a contract would be written for new election equipment. This is using ES&S as the vendor. I have printed out, from the QPA, to give you tonight, the different companies. I would be happy to pass these around. I don't think we made enough copies for all of you to keep them. Basically, the four vendors that the state has approved are Diebold Election Systems, out of McKinley, Tennessee; Micro Vote out of Indianapolis, Indiana; Election Systems and Software out of Omaha, Nebraska; and Hart Intercivic out of Austin, Texas. I'm familiar with three of these, I'm not familiar with Hart Intercivic. Don't know of anyone that's using them. Of the three, the most expensive vendor is Diebold, the next one is Micro Vote, next is line is Elections Systems and Software, and the cheapest one is Hart Intercivic. I have these costs that you can take a look at.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: Oh, I was going to say.

Marsha Abell: Yes, there are four different one's. The four different—

President Mosby: I thought you gave me one for each Commissioner and the record.

Marsha Abell: No, there's four different companies, and there's that the print outs from the four different companies, what they have to... Election Systems and Software is the third from the top. They are not the cheapest, they are the next to the cheapest. There are two more expensive one's above them. I think Mr. Foster would probably like to say a few words, and then we will be happy to answer questions about anything that you want to know.

President Mosby: Okay.

Mark Foster: We, as the Vanderburgh County Election Board, started this process a couple of years ago, in looking at new equipment. Actually, we started it before the fiasco in Florida. After that, it kind of started a little quicker pace. We've had three or four public demonstrations of the various equipment. In fact, three of those four vendors that did submit bids under the QPA were at one of our demonstrations over in the Civic Center. The, I do know that Diebold was there, and Micro Vote, along with ES&S. We demonstrated various systems, whether it be an optic scan or the touch screen. We've put a lot of time and effort in comparing the different companies, and the different systems, and the different options with each of those. That's why we would come here tonight and make a recommendation. That would be to recommend ES&S. They have been our vendor as long as I've been on the Election Board, and I know for many, many years prior to that, and that's who we've got an on-going relationship with. Their service has been impeccable. We know that will continue. So, we do know that that is a given that we do know what we're getting here, because it's somebody that we've dealt with in the past. The, as far as the equipment, we would recommend the touch screen versus the optic scan. The reason for that is under the ADA we would have to have touch screens anyway for the disabled voters. So, instead of having two separate systems that we would end up having to merge, and we would have to have touch screens in the polls anyway, we would think that touch screens would be the most appropriate way to go for the entire system. The lease versus purchase option, we would recommend the lease option. There is a very, very, good reason for that. Obviously, there is reimbursement money available, and of that we would expect to receive 95%. If there's a third batch of money that comes, even 100%. That's what we've been told by Mr. Rokita. There may be, at least 95% reimbursement. With a lease, they will, it's a package deal, and our administrative costs are included in the lease agreement; our printing, our support, our software, all that's included. We do get reimbursed for that under the lease option. With the purchase option, yes, they will reimburse us for the purchase of the equipment, but they will not reimburse us for administrative services. Under that agreement, I don't have the numbers here, I think it's approximately \$180,000 a year in printing costs, support services, and things such as that over the next five years. So, basically, you're talking about close to a million dollars that the county would have to spend under the purchase option, which we would not spend under the lease option. So, that's why we think the lease option would be the most appropriate to go under. With that, we would recommend that the county approve the lease option with ES&S for the touch screen system.

Marsha Abell: This is if we purchase it, and there's what we have to pay every year for seven years.

Mark Foster: Every year?

Marsha Abell: We pay this, if we pay it in five years, it costs us that much in five years. Six years—

Mark Foster: I'm sorry, I misspoke. For five years—

Marsha Abell: Well, that's a purchase. This is lease. You were right, but this doesn't include any support, except the first year. So, you were right.

Mark Foster: Oh, okay.

President Mosby: Okay. Go ahead.

Commissioner Crouch: What is the timing on this? What does the Election Board recommend? Or, do you have a recommendation on, in terms of when you want the equipment to be in place? The second part of my question is, is there any benefit to the election equipment being in place for this election, as opposed to next year's election?

Mark Foster: Do you want to address that?

Marsha Abell: Actually, the purpose, we originally were looking at this in 2004. The reason that we may ask for an appropriation to start it in 2003, there's several reasons. One is that it's a smaller election. I have fewer people to have to train. We're going to do a train the trainer type training. So, that we can have the best, we only have 96 inspectors that we have to train for a city election. For a county election I've got 139 inspectors that I've got to come up with. It's hard to come up with 139 people that are that qualified to be inspectors. It's hard to come up with 96, quite frankly. We felt that the training would be better, much easier on us to train enough for 96, as it would for 139. Then 96 would already have one election under their belt, and they could become train the trainers for next year. They could help us, we could put them with people who have not done it before, and could then help them go through it. Although we would always have ES&S to do our training, because that's part of the package is that they will do all of the training. Whereas right now, I do the training. They will be here to do the training. The financial reason is because if we go in November, if we have, if we can do this now, we draw, we can draw our \$521,000 and some change, in 2003. We can also go back in 2004 and draw it. We can continue to draw that, that \$8,000 per precinct as long as there is money at the state level to pay it. The theory is, what we've been told is that in the third year, in the year 2005, the federal government will submit another amount of money to take us through the rest of the years. That is certainly, if that happens, as it's supposed to, it actually is a mute point, whether it be in 2003 or 2004. However, if they don't come through with it in 2005, we would be short probably the first \$521,000, because they are going to run out of money. Indianapolis has already put in for theirs. They have 1,100 precincts at \$8,000 per precinct, that takes over \$8 million out of the \$15 million that we've got. That leaves the rest of that money for the rest of us to vie for. It's a first come, first served basis, we've been told by the Secretary of State. The first one in line starts getting their money. We need to get in line first, so that if they, if the federal government doesn't come through with money, and I've no reason to think they won't, but if they didn't come through with their second batch, we're going to have to pay it anyway, because we're mandated to change our system. So, if they didn't come through with it, if the war became so expensive that we didn't have any money, or whatever could happen, we would lose out. We can go ahead and start getting our money up front, drain the money as much as we can in the beginning, because that is what all the other counties are going to try to do too. Whoever is at the end is going to be the one that doesn't get as much. Because, eventually, what's left over is going to run out.

Commissioner Crouch: What exactly locks in the state money, or the reimbursement? Was it the appropriation by Council?

Mark Foster: Signing the contract.

Marsha Abell: Signing the contract.

Commissioner Crouch: But, you could sign the contract with the stipulation that it would be for whatever election you wanted it for, is that correct? Or does that lock in...is it the actual election itself that locks in the money?

Marsha Abell: We think we could sign the contract and not use the equipment until the spring. Is that the question that you're asking? We think we could do that. We think if we had the contract signed, we could go ahead and get our 2003, and then also get our 2004. Nobody has told me that, but that is what we think it reads.

President Mosby: I would prefer to know that before I would vote on this.

Mark Foster: The other thing, we do have Mr. Black here from ES&S, as he advised in the County Council, and I'm sure he will confirm this. They do not expect a penny from Vanderburgh County until we get the reimbursement from the state. So, even though we sign a contract with them, they are going to hold off. That's how sure they are that the money is going to come. They would hold off for their payment until we get that money from the state, at least the initial payment. Is that correct, Mr. Black?

Jack Black: That is correct.

President Mosby: Okay.

Commissioner Crouch: And that could be put in the contract, Mr. Winternheimer?

Marsha Abell: You could put that in the contract?

President Mosby: I want to go back a minute, because referring to the \$521,000 you're referring to, and you say if we sign a contract we won't lose the money. I mean, what are we really losing here? That's what I don't understand. I mean, this \$521,000 is for a lease. So, if we don't use the equipment, we don't spend the money, it's still available next year, and for the next four years after that.

Marsha Abell: As long as someone else doesn't get it first.

President Mosby: Okay, but I can't see just signing a lease to blow \$521,000 for no reason.

Marsha Abell: Well, you're not blowing it though, because you're going to get it back from the state before we ever have to cut a check.

President Mosby: Well, I realize that, but state money is still taxpayer money too. I mean, whether it's county money or state money, it's, you know, it's still taxpayer money.

Marsha Abell: Well, it's not blowing it though. We're mandated to, we have to change the system whether we want to or not.

President Mosby: I understand that, but if we're not going to put the equipment in place, or, I'm not willing to put the equipment in place just to spend \$521,000 from what you're saying. You're saying let's hurry up and put it in place just so we can get \$521,000. I would rather look at purchasing the equipment and making good use of the money. If I'm going to spend, say \$2.1 million of taxpayer money, I would rather own something in the end. You're wanting to spend \$2.1 million, and we're going to have nothing at the end of five years, and still be facing a \$3 million question here.

Mark Foster: Well, as I pointed out, you know, if we spend \$2.1 million to purchase, we've got to add another million dollars to that, or \$180,000 a year in administrative costs.

President Mosby: We discussed that last week, and, I mean, you're already spending that. I mean, every election you have money in there—

Mark Foster: Right.

President Mosby: —for administrative costs. So, that's not a new, you know, thought to the whole equation.

Mark Foster: But, we would be able to save that amount of money with a lease, versus going ahead and spending it anyway. The net result is, we can run an election cheaper than what we're running it right now, because we are paying the lease out of reimbursed money, versus spending the money that we're paying now, and we could actually save money for the county by leasing the equipment and getting reimbursed for the administrative costs.

President Mosby: I'm saying we take the money from the state, spend it towards the purchase of the equipment, which still is not costing us anything, and at the end of five years we own the equipment.

Mark Foster: Which very well may be technologically outdated.

President Mosby: Well, and—

Mark Foster: As what we've got right now. I mean, yes, well, we lease the equipment we've got now.

President Mosby: But, at the end of five years you're still going to own nothing, and still be signing a \$600,000 lease every year. You have nothing towards the purchase.

Marsha Abell: Well, you can purchase it. We've got a purchase proposal from them. You can purchase it over five years. You can purchase it over six, or you can purchase it over seven, and they've got the annual payment broken down for us. The thing is, we still have to pay...the first year the \$182,000 is included. After that, it is not, and we would have to pay our own support. It is true that we spend that much on an election now, but that's not just for them, that also includes paying all the workers that work at the polls, and all the food, and all the rentals and all the expenses.

President Mosby: I understand that.

Marsha Abell: So, we're still going to have those expenses on top of what we pay the \$182,000 for the support services.

Commissioner Fanello: So, what are your total election expenses now per year, support, plus election expenses?

Marsha Abell: The contract is about \$50,000 a year, and it averages out to about \$300 a precinct for the precinct kits and the support information, the stuff that we have to have. Which, I think, I multiplied that out, that it's about \$28,000. On top of that we pay our election workers, and I don't know what that's going to be yet, because the County Council hasn't approved my budget for next year, but we've put in for a substantial increase for the poll workers. There's five poll workers at every poll, and some of them get paid more than others, but they average out at about \$75 a person. On top of that, each person gets a \$10 a day food allowance. So, that's another \$50 per precinct.

Commissioner Crouch: Was it mentioned last week, I can't remember, that the lease would have option to buy wording in it? At the end of five years.

Marsha Abell: You asked, we asked, they said they do not have it. Is that correct, Jack?

Jack Black: In the proposals you have before you—

Marsha Abell: You might want to come up here, because I'm not sure if Madelyn can—

Madelyn Grayson: Please state your name for the record too, sir.

Jack Black: My name is Jack Black with Election Systems and Software. Commissioners, with the two proposals that we have given to Vanderburgh County, that was not one of the options that we ever explored. I guess, I can say that we can go back to the drawing board, if that's what everybody wants to do, but that's not one of the options that we explored.

Commissioner Fanello: Well, if we did have the option to buy in there, would there be federal monies, you know, that would come into play. I mean, if we're going to lease this over the next five years, and then we want to buy it, I mean, is there going to be any federal money to buy it? I mean, I'm still not convinced we're going to be in any better situation at the end of five years with the lease situation.

Marsha Abell: You mean after they...this is a one shot deal, is that what you mean?

Commissioner Fanello: Right.

Marsha Abell: This is a one shot deal. You spend whatever is available now, and in 2005, and that's when the second amount comes, and that's it. There's nothing after, after that you're on your own.

Commissioner Fanello: That's the only thing that worries me about the lease. I'm all for the purchase, but the thing that worries me about the lease is what kind of situation are we going to be in in five years, and where are the taxpayers going to get the money to purchase two to three million dollars worth of equipment in five years?

Marsha Abell: Uh-huh.

Commissioner Fanello: While we're getting this money, you know, federal monies, while it's still taxpayer money, we are getting federal monies to pay for this equipment right now.

Marsha Abell: Again, they did give us a proposal for purchase, and that's certainly something that we can explore. Like I say, the figures are here, I will be happy to give you this. This is purchase and this is lease.

Commissioner Crouch: On the purchase, if I understand correctly, Mr. Foster, you had indicated that there would be about \$180,000, \$187,000 that the county would have to then pay for—

Mark Foster: For the support.

Commissioner Crouch: —administrative services and support?

Mark Foster: Right. It's included the first year, but not the subsequent years.

Commissioner Crouch: So, that would, for four years would be, is that right?

Jack Black: I'm sorry?

Mark Foster: The support?

Jack Black: Yes.

Marsha Abell: Included the first year, but after that we would have to pay for it.

Mark Foster: So, that's approximately—

Jack Black: I think we had it in there about \$171,000 (Inaudible. Not at mike.)

Marsha Abell: \$182,000, I think.

Mark Foster: \$182,000? That's our printing, and, you know, they send people to come and run the tabulators on election night, do the public test, you know, that's all what is included in that.

Commissioner Crouch: That \$182,000, that would be for four years, is that correct? Because the first year is covered.

Mark Foster: Yes.

Marsha Abell: Right.

Commissioner Crouch: Can anyone besides this particular company do the support for these machines? I mean, can ACS do that?

Marsha Abell: No. Because it's proprietary. We'll own...it's like the court system, our Court View software. We own all the data, we do not own the footprint. We cannot duplicate their system. When there is trouble with that system, actually, Maximus has to repair it, because they are not going to give anybody their footprint. ES&S is

not going to give out their footprint for some company to steal, actually steal their information. The answer to that is, no. ES&S, ACS couldn't help us with those type things. I mean, they help us with things like, if the printer doesn't work, but they can't help us with the actual programming type stuff of the computer. That would only be ACS. On the purchase option, B.J. handed me this. She had pulled this out of information they had given us. The first year is \$182,000, and it is included. Actually, it drops the second, third, and fourth, the next year's to \$130,000 for their services. \$60,250 for the warranties that we have to have on the hardware and software. So, you're really looking at \$190,250. I would be happy to give you this breakdown. This breakdown also shows you what the total cost will be over five years from a purchase, as opposed to what the total cost is over five years for a lease.

Commissioner Crouch: What are we spending now in terms of the support?

Marsha Abell: We spend....we don't have a contract, so I kind of hate to say our contract says this, because they've been keeping us year by year. Our contract expired in 2000. We pay about \$25,000 an election, \$50,000 for the year. We figure that we spend about another \$300 per precinct for the additional support. That's about \$28,000. That's per election, not per year, so, that's another \$50,000. The rest of the monies that you see coming out of your budget, or you see that we budget for is for, you know, the workers, the food, the rental place, and that type of thing. Now, we do have budgeted about \$100,000 for this November election, which is city reimbursed money, which we could apply toward the \$521,000. So, we would really, we would be paying 400 and something, but we would apply to the state for the reimbursement. I would suspect that the city would want their \$100,000 back. Although I haven't asked anybody if they would want it back, but I would suspect if they knew we were getting reimbursed, they would probably want it back.

Commissioner Crouch: So, it's about \$50,000 that we're just paying for support currently to ESS?

Marsha Abell: That's just our lease. That's just to use their equipment.

Commissioner Crouch: Okay. So, what I'm trying to get at is, in two years we're going to \$190,000—

Marsha Abell: Right.

Commissioner Crouch: —or whatever thousand. We're talking about an increase in two years, in the budget, of \$140,000, \$150,000.

Marsha Abell: Yes. Yes. Large increase. It's a much more expensive piece of equipment. There's no question about that.

Commissioner Fanello: But, at the end of five years you're going to be paying a lease payment to somebody for \$500,000 or \$600,000 per year for equipment.

Marsha Abell: Probably not, but I don't...but we will be paying lease payments...Jack, do you have any handle on how much a lease payment would be if we extended the lease into the sixth year? Why don't you just stay up here.

Jack Black: I do not know what it would be extended. Just to explain the idea behind the leasing is, the equipment cost is up front in that first five years. So, at the end

of five years, you could either go to something new, if there was something new on the market, and go through another lease. Or you could continue to lease that same equipment at a much reduced rate, because the equipment cost has been covered in the first five years. I think that was Commissioner Fanello's question. To address that, at the end of the five years would be at a greatly reduced rate. There is some residual value in the hardware, but I can't tell you what that would be.

Commissioner Fanello: I mean, those are the kinds of things that I would like to know. What kind of position we will be in at the end of five years, because we have to look beyond the five years, or we're not going to have anymore federal money to reimburse for this equipment.

Jack Black: Your on-going expense of the election is going to be at a reduced rate for the use of equipment. Your administrative costs are going to continue to be the same, and probably go up. Question?

Mark Foster: Would that also apply, the reduced rate, obviously, we were talking about a five million dollar purchase—

Commissioner Fanello: Three million.

Marsha Abell: \$2.6.

Mark Foster: Six million dollar purchase now, if we're purchasing five year old equipment that's already been paid for, we're not going to be paying \$2 million?

Jack Black: That's correct.

Commissioner Fanello: But, it's still money that the taxpayers are going to have to come up with.

Jack Black: Unfortunately we have, we don't have a choice about changing our voting system, and as we've moved along, and there have been greater demands placed by the voting public on voting equipment, it's certainly gotten more sophisticated, more costly to maintain, more costly to operate, more costly to run. You know, it's just like, you used to be able to change a carburetor in a car. Today you've got to take it back to the dealer, and they've got to put it on the computer. What used to cost you going to the auto store to buy a new carburetor, now it's probably seven or eight times as much as it used to be.

Commissioner Fanello: I'm just trying to get the best bang for our buck for the federal monies that we're going to receive as reimbursement. That's what I'm concerned about.

Jack Black: Well, over the long run, adding the numbers, and thinking, let's think ahead to even the end of that five years, you are going to have on-going expenses, because you're going to be conducting elections. The best bang for the buck over the next five years is the lease. That's pretty well (inaudible) out.

Marsha Abell: I think what we thought about at the election board meeting when we were discussing the lease was the fact that if we do spend \$185,000, for instance, on support, or \$190,000, whatever that worked out to, if we didn't have to spend it in five years, and we were frugal enough to save it, at the end of five years we're going to have plenty of money to do whatever we would need to do. Maybe even,

you know, change systems, if we wanted to. Now, obviously, if we take that money in five years and we don't make any effort to save any for what happens after the five years, we're going to be in a financial bind, no question about it. But, if we're using the federal money for five years, we certainly should be able to save county money and earmark it for election equipment expenses at the end of five years, and be money ahead.

Commissioner Crouch: Did the Election Board vote on this?

Mark Foster: We did vote. We had a resolution that we would recommend the lease with ES&S of the touch screen system. That was the vote of the Election Board.

Commissioner Crouch: Was that unanimous?

Mark Foster: Yes.

Commissioner Crouch: Why tonight? Why do you need a decision tonight?

Marsha Abell: The County Council approved it last Wednesday. I mean, I didn't want to come last Monday. I mean, I came just as a spectator last Monday night, because I never thought that it was time to present this to you until the County Council appropriated the money. They appropriated it last Wednesday, indicated that their appropriation was an indication that they wanted to go forward. So, that's why we're here tonight. That wasn't part of my budget for next year, that was an appropriation for 2003 that they passed on last Wednesday.

Commissioner Crouch: So, you want the contract signed as soon as possible so that you can get us in line for the money? Is that...and does it, if the Commission doesn't approve that tonight, how does that impact?

Marsha Abell: Well, if I don't get a contract this week, or know that we're going to be changing systems, we have to order our ballots for November. Because we're getting to the point now where they have....not the punch cards, but the layout that has the people on it, and the book that turns has to be printed. So, we're getting close to having to make a decision, which system we're going to use in November.

Commissioner Fanello: I've got a couple more questions. I'm a little confused about the state QPA, because we got an e-mail from Kristi Robertson today that said they are not going to send a state QPA out until later this year. She says they hope to have the new QPA's issued by October. Is there any chance for better pricing on the state QPA later this fall.

Marsha Abell: Not that we've been made aware of. I talked to Todd Rokita's office first part of last week, and they didn't indicate that they thought there was going to be anything forthcoming.

Commissioner Fanello: Okay. The other thing, I want to get away from just the dollars, because we haven't focused on what kind of equipment. I know we're buying touch screen equipment, but what are the specs on this equipment? I haven't seen any specs on it. I mean, I haven't had an opportunity to sit down and talk with a sales person, and I don't know if the other two Commissioners have, but, you know, what kind of equipment are we buying here?

Marsha Abell: Well, we had ACS look at all the equipment when they were here, and I suspect that Tim could probably address that better than any of us. Where is he? Or maybe even Mr. Black could probably tell you what kind of equipment they have.

Commissioner Fanello: I don't know if this is the forum to do it. I'm going to tell you what would make me feel comfortable, I don't know about the other two Commissioners, but I would like to have the opportunity to sit down with, you know, maybe talk to each vendor, and, you know, talk about the specs that we've developed. I would hope that the Election Board developed some specs for equipment. You know, take a look at those specs and compare the lease and purchase. I'm not sure I can make a decision tonight with just information coming to me in a meeting here.

Mark Foster: Well, we—

Commissioner Fanello: On such a big issue like this.

Mark Foster: We've had three public demonstrations with every vendor there, with every system there, and everyone of you were invited.

Commissioner Fanello: And we held one of those demonstrations, and I was there. In fact, I was at two of the three.

Mark Foster: Well, then that's the equipment we're talking about.

Commissioner Fanello: Okay, but I would like to, you know, we didn't get into real detailed information in those demonstrations about, you know, I can point to a whole handful of newspaper articles about fraudulent touch screen voting machines. I want to feel comfortable that we're purchasing something that, you know, I can stand up here and say, yes, this is a good piece of equipment.

Mark Foster: The word proprietary came out earlier, and I think both Tim and Jack could address this, their software is proprietary, they are not going to give it to anybody. Generally that's a bad thing, but in elections, it's a good thing, because nobody can hack into this system, because nobody has it. I mean, they are the only one's with a footprint of it, and they are the only one's that are going to be able to work on it. Again, they are the only one's that are going to be able to deal with it. So, nobody can actually get into it. It's a closed system. I think maybe Tim can address that a little more.

Tim Van Cleave: Good evening, Timothy Van Cleave with ACS, Computer Services. When taking a look at this equipment last year and the year before, one of the things that I did like about the ES&S software solution was that it was proprietary. Normally when I come to this board talking about computers and hardware and software, proprietary is not one of those things that we like, because it does drive up your costs. But, proprietary does help secure your systems. In this particular scenario, I would recommend looking at a proprietary system for that reason. The particular company that was in question, I had brought up to Marsha that one of the concerns was that you could go out onto the open market and buy the same card that that company was sliding into their touch screen device. So, anyone would be able to get that, swap out that particular card, and it would go down to election headquarters and be registered. The ES&S system doesn't allow that type of switch to occur, because it is proprietary technology and software. As Marsha indicated, I don't think one of the four vendors was even present at the one, so I can't really speak to that

one. I don't know if that helps with your information gathering here this evening or not, but I'm certainly open to any questions that I can answer.

President Mosby: Is there any questions of Tim? Thank you, Tim. Is there any questions by any member of the board? Anybody in the audience that would like to speak? I'm just going to give my opinion and feeling here. First of all you say that you would like to conduct it in November when there would be fewer people. I really hope there is not fewer people that vote this fall than do next primary. Usually primaries are very lacking in attendance very much. So, I would prefer to see us do this in the primary, but I would like to see your office get with some of the vendors and see if they would put six machines throughout the city this year in the fall election, and as people vote, let them look at them. Possibly play with them, you know, have somebody there from each one of the companies that would be willing, if the companies are willing to do that. I would like to see one put in each ward, possibly in a central location, where not only the people going into that precinct, and I would try to find precincts that were doubled and tripled, to where there would be more people going by. Any vendor that is interested in the City of Evansville/Vanderburgh County, can bring in six machines and put them in six locations throughout the city election, and people look at these machines and give us their opinions on them. That's what I would like to see. Before we jump in and just do something, I would like to see the product put out there for exploitation, more or less, and let the public look at it. I don't believe there will be fewer people vote this fall than will be in the next primary.

Marsha Abell: I don't think I said that either. I think I said that there would be fewer people for me to train to work at the polls, not voters. My concern is the people that run the polls. This year we had two people who had been totally trained, who worked a precinct and still took the wrong ballot knowing, and voted it.

President Mosby: I understand. I sat through that recount.

Marsha Abell: You know, they had the training, they knew there was, which color ballot meant what, but they still took the wrong one. So, I'm talking about the people that I trained would be fewer, because I would have fewer precincts to work with. I'm sure each vendor would be happy to bring a machine here, however I have been told by two of the vendors that I approached with that, that they could not do it on election day, because they're already spread out across the state running elections. Their whole staffs. They, election day is a day that their staffs are out. As here, we have ES&S staff on-site all day long, on election day. The other one's do too. So, there's, we could do it in a mall, we could do it in schools, we could do it, but I don't think it's a possibility to do it on election day.

President Mosby: That would be just something that I would like to ask them, and see how they respond.

Commissioner Fanello: May I ask an opinion of our County Attorney? If we decide to go with a purchase option, do we need to bid this out, if we're not going to go with the state QPA list? At this point we don't have a state QPA list.

Kevin Winternheimer: Well, that's what I was wondering. Has the state bid this out? Or have they just approved the type of machine, period?

Commissioner Fanello: According to Kristi Robertson, they have not bid this out yet.

Marsha Abell: That is not at all what they've been telling us for an entire year. I have a letter from Todd Rokita saying that they did enter into a QPA agreement, that they have the agreements with these four vendors. These are the four vendors that they've approved, and no other vendor is allowed to sell their equipment in Indiana.

Kevin Winternheimer: That's my understanding that the state has to approve the system, I guess, if you want to call it that.

Marsha Abell: Yes. Absolutely.

Kevin Winternheimer: So, they've approved four?

Marsha Abell: That's right.

Kevin Winternheimer: And the systems are all different in some respects, I gather? Is that—

Marsha Abell: Similar, but different.

Kevin Winternheimer: Okay. I don't, I haven't talked to the people. That wouldn't surprise me if that's not the case. Being that there's only four qualified vendors, you choose the type of system that you want, and you're at the mercy of the vendor's price. It being a little different than buying automobiles, which are essentially all the same. These have unique characteristics. So, it may be that since the state mandates that you only accept their qualified vendors, you really are down to four vendors, as I understand it.

Marsha Abell: That's correct.

Kevin Winternheimer: Then you just choose what you want. I haven't talked to anyone, but that wouldn't surprise me if that's not the case.

Marsha Abell: That's what we've been told.

Kevin Winternheimer: That's how they've done this particular system as opposed to bidding it out. Because they've limited the field to four.

Marsha Abell: You know, they spent a year doing this, and their reason was that there are companies popping up, over night now, that are selling election equipment that have never run an election before in their lives. Most of them are in some other computer world. So, they've drawn into this since the fiasco in Florida, thinking that this is a good way to make a quick dollar. Indiana did not want to get tied up in some company that really couldn't perform. So, these are the four that they've accepted that could perform.

Kevin Winternheimer: By the same token, I don't know if they plan to expand that list for next year or not. If they will pre-qualify more vendors or not. I don't know that. That's up to the state.

Marsha Abell: Well, I think if they are going to do anything, they might eliminate one of those people.

Mark Foster: My understanding is, it doesn't matter where you're at, whether you're Vanderburgh County, who's, you know, third largest, fourth largest, Indianapolis, the

largest, or Crawford County, you get the same price from every, from the vendor. So, it doesn't, I mean, it's not like, you know, we're at their mercy. That, you know, if we choose this system that, you know, since we're not Indianapolis and purchasing, you know, machines for 1,100 precincts that we're going to get stuck with a higher price. The fact is, we get the same price Indy gets, and the same price that the smallest county in the state gets. So, it's not whether we can, you know, negotiate and get a better price out of them, because that's set by the state QPA. My understanding is that's been approved.

Marsha Abell: I do think, one thing that we also need to remember is, that Indiana has applied for a waiver to keep from having to purchase new equipment until 2006. However, it's not been approved by the federal government. The original wording of the waiver was that it would be approved for state's to extend it from 2004 to 2006 if the federal dollars are not in place at the time that 2004 came around. The federal government dollars have been in place in Indiana since May. We may be faced with having to buy in 2004 anyway, and if we are, there's another 40 something counties in Indiana that are in the same boat we're in, and I don't know where we stand in that line of getting the kind of attention that we could get now, but.

President Mosby: Well, if I understood you right a minute ago, even if we came back in November, and decided what system we liked, what machine we liked, and we signed a contract with this guy, then we'll still get the \$521,000 reimbursement for this year.

Marsha Abell: I would think that that's true. I haven't asked that question, but I would think that that's true.

President Mosby: So, I mean, we really haven't lost nothing.

Commissioner Crouch: Question, the, I guess, the real sense of urgency, not necessarily for this evening, but is that there is limited dollars. Marion County has already taken over half of that pot. So, the rest of the counties have got to take action, or those counties that take action first will get reimbursed. Is that not correct? So, there's a possibility that if action is not taken, a county would not get reimbursed?

Marsha Abell: You may not get your full amount if you're at the very end. Because they're gonna, you know, eventually they are going to run out of money. You know, it's just a matter of fact. We're, the law says that we get \$8,000 per precinct, we have 139 precincts, but if there's not \$8,000 per precinct available, we may get \$6,000 per precinct. But, I think the main thing is the contract, and getting in the line, and having them say, yeah, you get the money. Your question about do we have to do it before the November election? I'm going to say that I doubt it. I doubt that we would have to do it before the November election. I think that if we do it in 2003 by Christmas or so, we would probably get the 2003, and then, I guess, the next year we would get it again. So, I don't think, that's not my urgency on the money. My urgency is I would like to have it in place for a smaller election. It would be easier for me to train people, but financially it may be a wash. Because whether you do it in August or September, October or November.

President Mosby: Well, if you put the equipment in place for the November election then you're going to expend the \$521,000, I guess, to ESS for that system for this election.

Marsha Abell: Yes.

President Mosby: The way you said it a minute ago, if we wait, sign the contract, we've got \$521,000 we didn't expend and we carry it over till next year.

Marsha Abell: Oh, we still have to send it to them. I mean, we can't get it and keep it, no. It has to go with the contract. I mean, if we get \$521,000, we'll have to send it to ES&S. If we sign a contract with them, we're going to have to send them the money.

President Mosby: Well, why would we send them \$521,000 if we don't use their equipment?

Marsha Abell: Well, if—

President Mosby: I mean, what are you going to pay them for?

Marsha Abell: Well, if you're not going to be buying their equipment, the best gig in town would be signing a contract and draw \$2 million and never use it.

President Mosby: Are we talking about leasing?

Marsha Abell: You know, the state isn't going to let you get by with that.

President Mosby: I'm just saying that we could extend it a year. Not use it this year, but we would extend it five years beyond—

Marsha Abell: And I said, as I said, I think that's probably correct, but if we send the contract to them, if you sign the contract and I send it up there, and they sent the County Auditor a check for \$521,000, that check would have to go to ES&S, because that's what that money is for. You know, they would be sending their equipment in here. I mean, the equipment would arrive—

President Mosby: Then, I wouldn't do it this year, because if the election is already over, I wouldn't need their equipment until next year. So, then I would carry it over until next year. The way you said it a minute ago, you wanted to go ahead and get the 540...\$521,000—

Marsha Abell: And we would get the equipment. We wouldn't have to use it, you know, we could have two systems sitting down here. We wouldn't have to use both.

President Mosby: Why would you want \$521,000 worth of equipment sitting down there that you're not going to use?

Marsha Abell: I wouldn't, I would like to use it in November.

President Mosby: Okay. Well—

Commissioner Crouch: There's a couple of issues, at least as I see it. One, the vendor, who is the vendor who is going to be utilized? What type of a contract are we going to sign? Would it be a purchase or a lease? Then when are we going to do it? Will it be this fall, or will it be sometime in the future? With the first issue, with the company, the Election Board is a bipartisan board, they voted unanimously to recommend, a resolution to recommend this company. So, that is good enough for

me, in terms of pursuing something with that company. The contract versus purchase, I would like to see...and what we have is, you know, an agreement, I guess, but it's not a contract. I would think that we would want to see a contract, and have the County Attorney review it before anything was signed. I would like to see a contract with a purchase, and then a contract with a lease to purchase, so that we can really compare, and know what we may end up with. Then in terms of the election, whether we do it now, or whether we do it next year in the primary, I tend to agree with my fellow Commissioners that next year in the primary would probably be a better time to do it, providing that we aren't going to lose our funding. We want to be sure we're going to get our reimbursement. So, I would want to feel that if we do do it next spring, we're still going to get our reimbursement. If we're comfortable with that, I would like though to see us act upon this request as soon as possible. I don't want to wait until after the election, because if someone else gets in front of us, we may not get the full reimbursement that we're entitled to, and that the taxpayers in Vanderburgh County deserves. So, I would like to see, or I would like to make a motion that we ask ESS to give us a contract to purchase, and then a contract to lease with option to purchase. Which, I guess, means that we probably aren't going to be able to do anything for this election, because you said you need action pretty much tonight. I also am, you know, I think we need to look at some other options before, and look at some contract wording before we actually sign off on something. But, I am committed to doing it sooner, than later.

Commissioner Fanello: I agree with my fellow Commissioner. If that's a motion, I will second your motion.

Commissioner Crouch: So, if we could get a contract from ESS, one with the option to purchase it outright, and then one with a lease with the option to purchase at the end of five years, and then we really could compare and see what the best deal would be.

Commissioner Fanello: I would like to see copies of the information that was handed to us tonight.

President Mosby: I've got it all right here, I'll just stack it up so that we can run copies for everybody.

Marsha Abell: I have extras of the sales order recap, but I think that was in your packet, wasn't it?

Commissioner Fanello: We can't, it's really kind of almost hard to read.

Commissioner Crouch: I also want to thank the Election Board and the County Clerk for the time they put in. I know that you all have worked very, very diligently, and very hard, and I know that I can speak not only on behalf of this Commission, but the taxpayers of Vanderburgh County, that because we are required to do this, hopefully, we will end up with the best system, and with the largest reimbursement we can have.

Mark Foster: Hopefully, Mr. Black can get those to Mr. Winterheimer fairly quick. I think the only changes, I mean, we've already got the purchase, the only change is to add an option to purchase to the original lease. That shouldn't be, I wouldn't think that would be too difficult.

Commissioner Fanello: I would hope that there would be more information with the contract than what we see here, because there is no, I guess, liability, there is no responsibility, there is no wording to the contract except numbers. So, I would hope that there would be more to the contract that we could look at.

Kevin Winternheimer: If they would just send it to the Commissioners office, then they can distribute it to me and the Commissioners at the same time, and we can all be looking over it at the same time. It give us one place to send it, to the Commissioners office.

Mark Foster: Okay. Thank you.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: May we make a tape change please?

Tape Change

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| Corradino Group: Burdette Park Master Plan |
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President Mosby: Next we have a presentation of the Burdette Park master plan. I believe we have some folks from Corradino. I see Darrell Veach here. Darrell, if you want to come up front and introduce who you have with us. I know Steve Craig, the Manager of Burdette, is here.

Darrell Veach: I didn't mean to clean the room out. Good evening. The Corradino Group was most pleased to have been given the opportunity to conduct this master plan study of Burdette Park. The personnel that conducted the study have had similar projects in many states, and locales, and I must say, with this one I heard comments that they were overwhelmed with the, or impressed with the beauty and location of this particular site. At this time I would like to present Rolando Llanes, the chief architect of the study, who will give you a brief overview of our findings.

President Mosby: You just eliminated everybody over here being able to see.

Rolando Llanes: We're projecting this is in the building across the street, so you might (Inaudible. Not at mike.) Thanks, Darrell. My name is Rolando Llanes, I'm director of architecture with the Corradino Group. I come from the great state of Florida, the state that brought the whole problem you were just talking about a while ago. We are, as Darrell said, we've been extremely pleased to have been selected to work on this project, and to look at the future of Burdette Park, and help the county and staff, the advisory board come up with, basically, a kind of vision for the future of the park. The park, as Darrell mentioned, for us, and having been involved in the project since it's inception about a year ago, has allowed us to sort of see the natural beauty of the park, the character of the park, as something quite unique in southern Indiana. We think that when we first sort of tried to analyze what it was about the park that made it appealing, and also where it's promises lay, we sort of came back to the notion that what you wanted to do was really look at, as you improve the park, and as you add amenities, or as you consider new amenities, that you almost look at it with the notion of preservation, rather than alteration. So, that somewhat tainted our thought as we moved forward in the master plan. I'm going to have to move this...can you hear me if I stand over here?

President Mosby: Yeah, but we can't get you on tape.

Rolando Llanes: You can all see in this layout the existing park, and I'm not going to go through specifics at this point in terms of the components, but the park stretches itself out over I think about 115 or so acres, and contains all kinds of activities, both active and passive recreational activities, throughout the span of space. We began the master plan project a year ago, and what we termed phase one of the project started with three main components, we had an information gathering phase, where we collected all historical data, came to the site, took photographs, and produced a tremendous amount of visual information, and collected a tremendous amount of visual information. We evaluated the existing facilities. We went building by building, amenity by amenity and took accounting of the conditions that they were in. Then we wrote an initial assessment report, which I believe you have. Looking at kind of an initial overview of those facilities, and I've made some initial recommendations. Phase two was essentially the completion of the master plan, and it was composed of three main components; one, the user surveys that were conducted this past summer; an on-site workshop a few months ago; and then finally the submittal of the master plan document. One of the first things that we did in trying to sort of organize our thoughts about the park was divide it and sub-divide it into a series of activity centers, and we generated 17 activity centers. I'll show you the way that they play themselves out. Actually, we started along Nurrenbern Road is the first one with all the different entry points. There are five different entry points to the park—

Madelyn Grayson: Sir, we're not going to be able to pick your comments up—

Rolando Llanes: Oh, sorry. The Nurrenbern gateways, Burdette lake, Burdette commons, the aquatic center, Lily Creek, Bishea activity center, chalet hill, westside shelter houses, club house shelter houses, the RV campgrounds, the Discovery Lodge, the primitive campgrounds, the BMX stadium, I'm missing one from the list. The baseball complex, the scout circle, and the north side shelter houses comprise the 17 activity centers that we organized, or that really the park is organized around. Those were a starting point for us, but also they sort of became the basic components of the park. The sort of (inaudible) the puzzle that you see there. I'm going to go very quickly through images of each of those...just keep going, Todd, that's the main gate, there's the main entryway, there's Burdette lake, what we call Burdette commons activity center with the main office building, the aquatic center, Lily creek, Bishea and all of the activities that surrounded that activity center, including the tennis courts and other shelter houses, chalet hill, the north shelter houses, west side shelter houses, club house road, spectacular view there, the RV campgrounds, the O'Day Discovery Lodge which has just recently been completed, as you all know, the primitive campgrounds, the BMX track there, the scout circle campgrounds, and the baseball complex, and finally the WPA heritage trail. We discovered, in analyzing the history of the park, that it has a very rich tradition that goes all the way back to it's inception, where many of the structures and bridges, and even functional buildings, were designed and built during the WPA movement in the 30's. As a result, we thought it would be a great idea to reconstitute that trail, or connect all of these structures, restore them, and open them up to the public for enjoyment. So, that became the 17th and final activity center, which is, in essence, spread out throughout the whole park. We looked at potential funding sources, this is just a handful of opportunities that are out there for generating additional funding for improvements to the park over the course of the next few years. The on-site survey that was done in the summer of '03 helped generate some clearer notions and ideas about what people liked, didn't like, wanted to see in the park, and that

helped when we came down to do our workshop, and then subsequently to put together the master plan. Allowed us to kind of cement some of the thoughts in putting together some of these images that you'll see. This image here shows already some of the improvements. You'll notice that, in this general area here, where the main office building and the picnic pavilion is, is where a large amount of activity or new improvements are made. Those areas, right now, currently or in one case it's a large parking lot. In another case it's a service area, and so on. What we tried to do, was the large scale moves that we were proposing as part of the long range or short range improvements to the park, occur in areas where the natural beauty of the park, the natural settings were not disturbed. So, I'll take you, this takes you, and the document you have before you takes you through these in greater detail. I'll go one by one...well, go ahead, these are the three main categories that we generated that, again, you have in the booklet. We have a series of improvements that are recommended for immediate consideration. We then have a one to five year set of priorities, and a five to ten year set of priorities. Each of those three categories is spearheaded or buttressed by one significant project that would make kind of a large contribution to the park. The first one that we thought, from again the user surveys and discussions and being there and looking at what people want, the direction that people wanted the park to go, is the lazy river ride. Which became, I'll show you in a second, a kind of a challenging design question in terms of where to locate that. New chalets, chalets are one of the more popular activities in the park. We certainly recommend that over the course of time, newer one's are built, and certainly an immediate installation of one is certainly recommended. An interactive aquatic play structure in the activity, in the children's pool. Across the board parking lot improvements throughout the park, and landscape improvements, I'll show you some of those in a second. An enhanced marketing budget. Marketing is, marketing the park is always, I think, extremely important, and we even recommend in the book that you might consider the production of a short public service announcement video that may be shown on public television on a routine basis to sort of get the word out and show people what the park has to offer, in addition to all the other things that are done. Then we also sort of noticed that, one of the things in meeting with the advisory board, and talking to others that a lot of the park's amenities needed to be more ADA friendly or accessible to people, persons with disabilities. So, we thought that that would be a wise thing to do, would be to put a portion of dollars throughout the course of the first five to ten years for bringing up to code, or bringing up to accessibility standards, the park in general. Then we looked at the construction of an enclosed roller skating rink, which goes back kind of in time, because there was an original one there. In fact, more or less in the same general area that we're proposing this one. Improvements to the main office building. Miscellaneous improvements to certain shelter houses that currently are not air conditioned or heated, and/or do not have bathrooms or restrooms nearby or in the vicinity. We think that by improving that, that if you look at those that do have those amenities, how much better they do over the course of the year, we think that that would be money well spent. Architectural design guidelines, one of the things that we noticed was the great care in which the staff, headed by Steve Craig, as you all know, have, in essence, taken care of the park over these last bunch of years. They've been very careful about what, how to rebuild or repair certain aspects of the park. We think that if you could codify that and kind of delineate through our design standards and guidelines any new improvements, or any new elements that are added to the park, that would ensure for a long period of time that there is a sort of aesthetic consistency in anything that's built from here on forward. Of course, the restoration of the WPA heritage trail, as well, which includes the restoration of the old amphitheater that is right now about northwest of the aquatic center, buried in the woods, literally buried in there, and I

think there's even been some recent moves to bring that back to life. Finally, the last set of recommendations include the installation of a wave pool, the improvements to the Nurrenbern Road entry features, and a fishing pier on Burdette lake. In addition to all of that, you can go to the next slide, in addition to all of that, if you go back to the initial assessment report, you'll notice that there is a slew of other miscellaneous improvements that we're recommending be done throughout the course of time in the park. Starting with the lazy river ride, this was a very difficult and challenging problem, because the lazy river requires about, in this case, about 900 lineal feet of flat land to locate the actual river itself. There is not much flat land certainly around the aquatic center. We discovered that there was one area in particular that actually lent itself quite nicely, and that is the service parking lot, service yard, where there is now the main pool equipment that would have to be relocated to a location that would also include the location of the new equipment for the lazy river. I'm going to show you a kind of before and after of that in a second, but what we have here is a, as I say, a 900 foot long lazy river ride, which, depending on the speed of the jets, and the movement of the water, it could take anywhere up to five to eight minutes, and even longer to navigate. So, in the middle of all of that you have islands of water, and activity islands. So, while you're actually traversing the river, there could be other activities going on in the middle between the two bodies of water. That element is located in access from the main pool deck, and you would have to go down a half a level to get to that level. So, Todd, you can go to the next one. You'll see the area that we're talking about there is, here where the picture is being taken from the upper deck of the aquatic center looking down at that piece of flat property there, and if you click it again you'll see the lazy river in place. Looking down over the chalet area to the northeast, and then, of course, accessible to the pool deck to the west. We looked at a couple of, four different locations for new chalets. We noticed that the chalet that rents the most is the most secluded one in the park. So, we looked at areas that were secluded for new ones, so that you could benefit the most from that. Also they would not have as large an impact on the natural setting of the park. Next, the aquatic play structure that we're recommending be installed in the children's pool, we think would have great benefit and add a tremendous amount of activity to that pool. In fact, the pool is big enough to actually absorb two of these. We right now showed one. You'll see it here. Next, what we call Burdette commons, the area that is currently right now, essentially a large asphalt parking lot, and we know that parking is an issue. We recommend in the master plan that no additional large parking lots be built in the park, that parking, and this goes back to actually a couple of the previous master plan that was done ten or so years ago, also recommended that, well, they had some other recommendations that we are sort of happy, sort of were including the asphaltting of the lake in part for a parking lot. Another solution to parking would be that when you have large events that you bring people in from remote locations by way of a trolley or something like that. That certainly makes sense, but in addition to that, we recommend the restriping of the existing parking lot and adding landscaping. You have, you can probably pick up the same amount, if not more spaces, by looking at a whole other geometry in there, and we think that it would also beautify that area as the central core of the park. That's, essentially, the first point of arrival for visitors to the park. Here you'll see the before, and then the after looking from the deck of the lazy river ride, down over that (inaudible) landscaped parking lot. The marketing budget, as I mentioned before....keep going. The first recommendation for a large project in the five to ten year, in the one to five year set of priorities is a new enclosed roller skating rink, located where there currently now is a service parking lot next to the picnic pavilion. The location of that rink, and you see it in it's exact size there, I believe it's about 14,000 square feet, will allow for the framing of what is now a parking lot, to be turned into a kind of public plaza. Plaza where you could

accommodate rides, carnival rides, on a periodic basis, and an understanding that also when you have large picnics sometimes that's what's set up out there in that parking lot. So, we talked about relocating the service components of the park there to another location. In fact, in some cases you can probably locate some of it right nearby, and kind of appropriating that area, because, also because of it's adjacency, not only to the picnic pavilion and the main office and the main parking lot, but also to Burdette lake. Right now, that fourth wall of Burdette lake is defined by a parking lot, and in this case we feel that this would be a much more appropriate use of that space. This is the interior of what one might look like. Next, the, we also recommend that the improvements and the upgrades of the existing office building. Next, not just internally, but also externally to bring it more in sync with the rustic nature of the architecture of the park. Next, these are the miscellaneous shelter houses that we feel need either improvements by enclosing them and climate controlling them, providing restrooms, either within the structure, or adjacent to the structures, and we would see structures that now rent 5% of it's available time skyrocket, I think, probably triple in rentals. Next, the design guidelines that would generate, again, the kind of starting point for new buildings, and new structures in the park that are consistent with it's traditions. The amphitheater that I mentioned before, there you see the general location of it, and I'm going to show you an example of one, I believe this is in Yosemite National Park, where you actually have also an outdoor screen where you could show movies or slides in the evenings and have performances. We think that that could be a spectacular place for those that are either visiting the park, staying at the park, or even coming from other places to come see events in the middle of a wooded area in an amphitheater like setting. It's quite unique, and you have the basis of it there already. Next, the wave pool was something that we debated and went back and forth as to where the wave pool might go. Looking at two locations, we recommend one over....there is two locations that we're recommending, but one really that we feel is much more appropriate. The one that I'm not showing here is located where the current Liquid Lightning slides are, which also are coming up to either being repaired or replaced for a significant amount of dollars as well. We talk about that in the initial assessment report. The other location that we recommend, actually over the previous one I mentioned, is the location of the current bumper boat ride. There is just enough room there to locate, what is not the largest wave pool in the world, but one, the scale of the one that I'm showing there is the exact scale of one we did in Florida, in the city of Hialeah, and, in fact, if those of you that were at the workshop, I showed some images of that one. That's exactly the same size, and it fits nicely ensconced in the area where the current bumper boat ride is. This is actually the Liquid Lightning location, and you see one of the ideas, and this could work in either case, is that there is, going back to the old WPA roots, the original pool was fed by a natural spring that came and fed the pool. We thought recreating that with the waterfall, that then would generate the waves. Next, the entry gates that we're recommending, signage and/or, in particular in the case of the main entrance, maybe a structure be erected there where, not only does it incorporate itself with the lush sort of entry that you have now, the flowers and the trees and all that, but also provides for, in large events, for the location of a person there, or persons, to help move traffic around. That's a drawing of what one might look like. By doing that along Nurrenbern Road, in varying degrees of intensity, people that are just passing through don't miss the fact that the park is there, and that it has a variety of different amenities. Finally, the fishing pier that comes off of that Burdette common area, the courtyard, the plaza, jutting out into the lake, allowing for a real spectacular kind of panoramic view of the lake, and also fishing from that outer point. You'll see a kind of before and after. I believe that's it. This is, in essence, for me, the completion of the master plan submittal. I want to say, again, thanks to Vanderburgh County, thank you to Steve Craig and his staff,

and the advisory board, and all of those who participated over the course of the last year, and have expressed an interest in the future of Burdette park. It's truly a wonderful amenity that you have. We hope that what we've produced will help you make the decisions you have to make over the course of the next coming years, in terms of how to improve the park. I will just leave that with you, the thought that as you sort of move forward in that direction, that you always look at what it is that makes the park special and unique, and try to always make sure that any improvements that are done preserve those qualities. Because I think that that's what is attractive about the park, and what will ultimately be long and lasting. As rides kind of peak and ebb and flow, in terms of popularity, you know, what is really truly special about Burdette park has been there forever, and should always remain. So, with that, I will open up for any questions if you have them. Again, thank you so much.

President Mosby: Are there questions by any member of the board first of all?

Commissioner Crouch: I have a couple of questions. With the economy tightening up, and, you know, revenues being tight here in Vanderburgh County, as I'm sure you're experiencing everywhere else, it seems to me that our priority ought to be to maintain and improve what we currently have, as opposed to expending large amounts of money for something new. Explain to me why we shouldn't focus in that direction?

Rolando Llanes: Well, I think you should. I think the notion that, I think could be analyzed and studied is, really how do you do both? How do you, I think preserving and maintaining is key. I mean, I started the presentation saying that, that, to me, was the kind of foundation of all of this. I think that you're also looking at ways in which to improve the generation of revenue in the park to the extent that you can, while not, again, sort of altering it's sort of basic characteristics. So, I think that the challenge that one faces is how do you do both of those things? I think it's also, some of the, I think many of the improvements that we're recommending actually aren't just, in essence, revenue generating, but also repair work that's done to areas of the park that we think will be brought back to even more the kind of conditions that are consistent with the qualities of the park. So, while I think that the preservation and maintaining, and the maintenance of what you now have is extremely important, we were also looking at other opportunities that the park may yield.

Commissioner Crouch: Then, this may be a question for Steve. Is there, do you have any information on, when there was a skating rink, what the revenues were? And then what the expenditures were? And what percentage revenue was contributed by the skating rink? I would be interested to know that information, if you can get that for us.

Steve Craig: (Inaudible. Not at mike.)

Commissioner Crouch: Okay, that would be good to know, I would think. Then on the improvements that you had, the immediate, and then the five to ten year, there were other things that were recommended that weren't necessarily included in there. Is that correct?

Rolando Llanes: Yeah, I think there's a note at the bottom of that list that refers back to the initial assessment report of about \$600,000 in improvements. There's really two documents that we produced, one is the initial assessment report, and then this final one. This one kind of absorbs an abridged version of the initial assessment

report in it. However, that original report went through an even lengthier, more microscopic, sort of look at a bunch of little and miscellaneous things throughout the park that needed, some of which have actually been already done in the last year. You know, adding or improving the RV campgrounds, and, of course, the completion of the O'Day Lodge and all of those things. But, even some of the little things, I found, surprisingly, when I was back recently that have already started happening, which is great. So, yeah, these three categories do not include those as well. So, I think, really what you have is a menu of things that now need to be sort of sifted through.

Commissioner Crouch: I was wondering if, perhaps, Steve, you could even put pen to paper and try to figure out what those small amounts are. That would be good to know, because, as I was reading through the report it seemed to me that those are things that we ought to be just addressing in our general maintenance.

Rolando Llanes: Right. Many of them are that. They were things that we saw that needed just initial repair, you know, things that were sort of very easily, sort of rectified. Sure.

President Mosby: Are there any other questions? Is there anybody in the audience that would like to say anything? Any comments from anybody? Seeing none. Rolando, thank you.

Rolando Llanes: Thank you.

President Mosby: Appreciate your time. Thank you for coming down tonight.

Commissioner Fanello: You did a very good job.

President Mosby: I want to thank all of the Corradino Group for their support and help. There is a couple of copies of the book that will be in the office, if somebody would like to look at one of them.

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| Board Appointment: SW Indiana Mental Health Center |
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President Mosby: Next, we have one board appointment.

Commissioner Fanello: My term is up on the Southwestern Indiana Mental Health Board, so if either one of you are interested. I do have a conflict that night, I have two other board meetings, so.

Commissioner Crouch: What night is it?

Commissioner Fanello: It's on Tuesday night. I believe they have a light dinner from 5:30 to 6:00, and they start the meeting at 6:00.

Commissioner Crouch: (Inaudible. Mike not on.)

Commissioner Fanello: It's a monthly meeting. I think it's the second or third Tuesday.

Commissioner Crouch: I would be happy to arm wrestle you for it.

President Mosby: You win.

Commissioner Fanello: Motion to appoint Commissioner Crouch.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to appoint Commissioner Crouch to the Southwestern Indiana Mental Health Center Board. So ordered.

Voices for I-69 Contract

President Mosby: And we have one contract for Voices of I-69. That should be in everybody's packet. Is there any questions? If not, chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Public Comment

President Mosby: Any public comment?

Old Business

President Mosby: Any old business?

Commissioner Fanello: I have one item, or a couple of items of old business. One, I noticed where the County Council deferred any action on community corrections, and I would just say that I would hope that they would move a little more expediently to come to a decision, rather than waiting to about five days before information is due to the state. You know, we're concerned about making sure we get money for voting equipment, we should be equally as concerned about making sure that we have a place to house alleged criminals, and convicted criminals. Even though they may be non-violent offenders, we do need a place to house them, and a community corrections facility is a lot less expensive than a jail facility. So, I would hope that the County Council would see the urgency in making a decision in this. So, I regret that they have not, are not acting a little bit, like I said, more expediently on this. But, I'm very worried that, you know, by their lack of action, you know, I'm worried that we're going to lose our up to \$2 million grant from the state. I think we should be concerned about that as a board, and we should each be pushing them to make a decision as soon as possible.

President Mosby: I will just say that I attempted to attend the County Council meeting last Wednesday, and I got here about ten after three, and found out the meeting happened at 12:00. In the meantime, had been on the phone with the Sheriff and a couple of others, and we were going to attend the meeting to let them know of the fact that our deadline date in this letter was September 8th, and we really needed them to act on something last Wednesday, if anything, so that we could get some of these questions answered. The meeting had done passed, so I have not had an opportunity to talk with them. So, I don't know what's going to happen yet, but—

Commissioner Fanello: Well, I'll just remind the board—

President Mosby: —that remains to be seen.

Commissioner Fanello: —that we've sent three or four letters to the County Council requesting action on a \$2 million grant from the state. You know, whether or not we have to put money in is not the issue. The issue is there is \$2 million laying on the table for us to grab. Just like the election equipment money, there is money laying on the table for us to grab, but we have to make the motion to do that. The County Council is holding up, you know, this action, and I'm a little disappointed that we're not moving forward with this and taking advantage of some free money. I guess, nothing is free, it may not be free money, but it's definitely a gift from the state.

President Mosby: Is there any questions or comments? Seeing none. Any other old business?

Commissioner Fanello: One item, I think every Commissioner had the opportunity to meet with United Consulting last Friday, and I believe that we will be making a final motion on the bids specs next Monday night. So, if you have any questions, please get those to United Consulting, but the schedule is to have the bid documents available to the public for bid on August 22nd, obviously with us opening them up on September 23rd, so.

President Mosby: I did have an opportunity to attend that, so, very interesting. Any other comments? Any other old business?

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| New Business |
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President Mosby: Any new business?

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| County Engineer |
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President Mosby: Department head reports, County Engineer.

John Stoll: I would like to request approval to make offers to purchase right-of-way on the Lyle Road project, subject to getting with the County Attorney to have him review the offer letter format and the appraisals. Subject to Kevin's input, I would like to request making an offer of \$2,500 on parcel one, owned by Floyd Staub, Incorporated; parcel two of \$1,100 to Talifaro; parcel three, \$400 to Austill; and parcel four, \$700, to Sullivan.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request that streets be accepted in Ashton Park Subdivision. This is 623' of Ashton Park Drive, 333' of Fenbrook Court, 393' of Glen Cove, and 549' of Dellwood Court.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Last, I would like to request approval to go to County Council to transfer \$25,000 from the Roth Road Culvert Account to the Motor Vehicle Account, and \$1,000 from the Roth Road Culvert Account to the Radio and Pager Account. This would be for the purpose of purchasing a new vehicle for the erosion control position in my office, and also pay for the installation of a new radio in the truck. The Roth Road culvert project is complete, and we won't be needing more money out of that account, so that is why I was wanting to transfer it from there. Basically, they are all three bridge accounts. All out of the Cumulative Bridge Fund.

Commissioner Fanello: Will that vehicle be purchased from the state QPA, or will we be bidding that out?

John Stoll: I will probably try off the, try to get it off the QPA. Because that's where we got the last one, and it was a pretty easy process to go through.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have unless you have any questions on anything.

President Mosby: Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, I think Reggie is with us tonight.

Reggie Haskins: Reggie Haskins, Vanderburgh County Highway Department. I hope you received Dennis' reports. I don't have any new business, and I am open for any questions that you have to direct to me.

President Mosby: Reggie, the other day I had talked with Dennis, and I know we finally got Boonville-New Harmony done, but we're fighting St. Joe railroad tracks, and Mill Road.

Reggie Haskins: Right.

President Mosby: Dennis was talking about, I guess, they had dug up that law where we can notice the railroad 30 days, repair it, and bill them for it. Has Dennis talked with you about that?

Kevin Winternheimer: In general, not specifically the St. Joe, but we've talked about it in general.

President Mosby: He had, I talked with him about going ahead and noticing the railroad on St. Joe and Mill Road, and he was going to bring it up. I forgot he was on vacation.

Reggie Haskins: Yeah, he's on vacation. He has the letter written up, and he's got it stored in his computer, but he is going forward with that. He gave, you gave him an ordinance stating that they had like 30 days, once he sends it, they've got 30 days, and then after that we will take it in our own hands and go ahead and fix it, and then bill them.

President Mosby: The problem being, Dennis talked to me, he is trying to get a hold of this guy at the railroad now, since Boonville-New Harmony is done, and the guy flat refuses to call him back. So, I told him, he was going to ask approval of this board to go ahead and send the letter, and notice them, and put them on a 30 day notice that if they don't want to respond, we'll fix them, and bill them for it. So, really, I think we need a motion from this board to give him the authority to go ahead and send the letter. That would be on St. Joe and Mill Road.

Kevin Winternheimer: That's fine. After you, before you send it out, let me check it again.

President Mosby: Right, he was going to get with you.

Kevin Winternheimer: I haven't talked to him for a little while about that.

President Mosby: He said he would get with you, if we would give him that authority.

Commissioner Crouch: Motion to approve sending the letter.

Commissioner Fanello: Second.

President Mosby: So ordered.

Reggie Haskins: That's all I have.

President Mosby: Any questions of Reggie? Thank you, Reggie.

Reggie Haskins: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: The only thing I have to report, really, well, two things. First of all, vacation was a tremendous success. Secondly, on the Lyle Road, all I need to do is look at the form we've used in the past, and just need to make sure the state legislature didn't change the format on that. I'll do that first thing in the morning. So, we can move right ahead on that. That's all I have to report.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I don't have anything.

Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette. First of all, I would like to thank the Commissioners for having the foresight to allow Burdette park to do a master plan. It's a lot easier to take care of the park and that when you have vision of what you want to do in the future, and it helps you plan in what order you want to do them. I just wanted to thank them in public. The Aquatic Center, miniature golf, and batters cages has closed during the week for the summer. We do remain open on weekend throughout Labor Day. The Day Camp is closed for the summer also, and we've returned all the children back to EVSC for the winter. The paving of the Discovery Lodge is coming along well, and should be done tomorrow if they don't get rained on again. All of our plants, bushes have arrived for the first phase of our landscaping at the Discovery Lodge and we're in the process of planting them. Much of them will be planted by master gardeners from the Southwestern Indiana Master Gardeners Association. That's about all I've got to report this evening.

President Mosby: Any questions? Seeing none. Thank you, Steve.

Steve Craig: Thank you.

Soil & Water Conservation District

President Mosby: Soil and Water.

Norma Duckworth: I'm Norma Duckworth—

President Mosby: You can pull that down.

Norma Duckworth: —from the Vanderburgh County Soil and Water Conservation District.

Todd Thomas: Todd Thomas, SWCD Supervisor.

Norma Duckworth: We don't have anything major to report, and I won't go through these item by item. Just the top part, sort of, hit some of the main points of our erosion control. The only real problem, at this point, is Fawn Creek, because there is no noted improvements going on there. Then, just some of the activities that we've been having. We did get another 319 grant, and the \$7,000 for the lake and river enhancement grant for a study on Barr Creek. Several of the projects, we've got a lot of waterways going in, and filter strips, and then, also the Clean Water Indiana Fund Projects at Howell Wetland is supposed to start possibly even as early as next week, and the zoo project started on July 23rd, and it's looking real good. The only other thing is that we are going to be hosting the Heartland of America Grazing Conference in January. That should bring in about 400 people to the city for a couple of days. So, we're real happy to get that.

Todd Thomas: I just wanted to comment that we're looking forward to participating on the preview committee for the new erosion control ordinances. So, on behalf of SWCD we appreciate that offer.

Norma Duckworth: I think you have my activity sheet, is there any questions?

President Mosby: Are there any questions by any member of the Commission?
Thank you for coming down.

Todd Thomas: Thank you.

Commissioner Fanello: Thanks.

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| Ozone Officer Report |
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President Mosby: Ozone.

Commissioner Fanello: Motion to approve Ozone Officers report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent items.

Commissioner Fanello: Motion to approve consent items, excluding item under contract approvals for voting equipment purchase.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second excluding voting equipment purchases. So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 7:13 p.m.)

CONSENT ITEMS:

Commissioners: Jail Bond Expenses: Jeffrey Bosse.

Travel Requests:

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| Commissioners | Voters Registration | Health Department |
| Superintendent of Bldg. | | |

Employment Changes:

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| County Highway | Health Department | VCCC |
| Auditor | Burdette Park | |

Auditor:

Submit A/P Vouchers.
Submission of Form 144's.

County Clerk: Submit Monthly Report for June 2003.

Perry Assessor: Agreement for T-1 Line (GIS and SBC)

Those in Attendance:

| | | |
|-----------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Andrew Heggeman | Matt Wilm |
| Rob Schaefer | Judy Weatherholt | Jack Black |
| Marsha Abell | Mark Foster | Tim Van Cleave |
| Rolando Llanes | Darrell Veach | John Stoll |
| Reggie Haskins | Steve Craig | Norma Duckworth |
| Todd Thomas | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 18, 2003**

The Vanderburgh County Board of Commissioners met in session this 18th day of August, 2003 at 5:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for August 18, 2003. Introductions are as follows, Superintendent of Buildings, Tammy McKinney; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of August 11, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the August 11, 2003 Commissioner's meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Permission to Advertise APA052-2003: Wireless Bridge Implementation

President Mosby: First action item, Phil Lawrence, permission to advertise APA052-2003, wireless bridge implementation.

Phil Lawrence: Yeah, that's a mouthful. We're not quite finished with the specifications. We do want to go ahead and get the advertising dates set, and the opening date set. Eric and I are meeting tomorrow to finalize, I've got the boilerplate, just to put the specifications, to complete those. I'll get those to you before we mail them out. The advertising dates are August 29th and September 5th, and open September 15th.

President Mosby: Okay.

Commissioner Fanello: What exactly is this?

Phil Lawrence: It's, I could explain it, but neither of us would understand it after I got done.

Commissioner Fanello: So, would somebody like to explain?

Phil Lawrence: If Eric could come up here and talk about Tsunami. Something like that.

Eric Williams: Tsunami is a brand name, but actually what we're specifying is a wireless connection between Central Dispatch and this building to make up for the

lack of connection that SBC provided. We've got a T-1 connection right now, which is insufficient to meet our needs. This is a solution that we would own, as a city and county, that would meet our needs. To give you some idea, a T-1 connection provides maybe four MB's of data. This would be approximately 100 MB's of data, which is what the new OSSI software requires to function properly. We do have the funding jointly between the city and the county for it.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

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| Open Bids for VC03-07-03: Mill Terrace Subdivision |
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President Mosby: Next, we have County Attorney, permission to open bids for VC03-07-03, reconstruction of Mill Terrace Subdivision.

Commissioner Fanello: Motion to open bids.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Any other bids from the audience? I have three. Seeing none. The first bid is from Koberstein Trucking, Inc. of Princeton, Indiana. Their total bid is \$205,967. The next bid is from Accurate Underground of Evansville, Indiana. Their total bid \$257,145. One more, the final bid is from J.H. Rudolph and Company, Inc. of Evansville. Their total bid \$232,351. That's all the bids we have.

| Company Name | Bid Price |
|--------------------------------|--------------|
| Koberstein Trucking, Inc. | \$205,967.00 |
| Accurate Underground | \$257,145.00 |
| J.H. Rudolph and Company, Inc. | \$232,351.00 |

President Mosby: Motion to take bids under advisement?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Did we have an estimate or anything on that?

John Stoll: Yes.

Kevin Winternheimer: Do you know about what it was?

John Stoll: If I remember correctly, the engineer's estimate without the contingency was \$201,000.

Alan Teeple (ACS): Permission to Advertise RFI for Web Services

President Mosby: Okay, next, we have Alan Teeple, permission to advertise RFI for web services.

Alan Teeple: Good evening. Alan Teeple, Computer Services. What you have in your packets is an RFI, and I think I also included the notice to bidders for your review. It has been before BPW this morning. It's been before both lawyers, although it wasn't required, and I know that. And it has been reviewed by Phil Lawrence, and the committee that was appointed by the Data Board. This is showing three weeks to almost a month of work of going out for bid on the re-design and maintenance of the website. Are there any questions?

President Mosby: Any questions by any member of the Commission? Seeing none. Chair would entertain a motion.

Commissioner Fanello: I would move that we would advertise the RFI for web services.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Alan Teeple: The only question that I've got, Commissioner Mosby, is Joe, during the meeting did not....the lawyer for BPW, did not care whether we opened it here, which is what I have down, or whether we opened it in BPW, and left it, pretty much, at your pleasure. Do you want to leave it as is today?

Commissioner Fanello: What do we have in there right...let's see.

Alan Teeple: That bids are due back at 4:30 on the 15th, and will be opened at 5:30, at your regularly scheduled meeting on the 15th. Then I will just go the next week and say this is how many bids came back, this is what the total number of dollars back to BPW. He's fine with that too, if you all are.

President Mosby: That's fine with me.

Commissioner Fanello: That's fine with me too.

Alan Teeple: Okay.

President Mosby: That's what it says, so that's fine.

Alan Teeple: Then I'll get the request to Madelyn tomorrow morning. Thank you.

President Mosby: Thank you, Alan.

Commissioner Fanello: Thanks, Alan.

**Roger Lehman: First Reading of Ordinance Amending the
County Code Regarding Flood Hazard Protection**

President Mosby: Okay, next we'll go to discussion. Roger Lehman, first reading of ordinance amending the county code regarding the flood hazard protection.

Roger Lehman: Roger Lehman, Building Commissioner. We have provided a...your attorney has provided a copy of the proposed changes. We received these from DNR and FEMA concerning our ordinance, in order to keep our NFIP, National Flood Insurance Program, current. They requested we make these changes. Most of them are fairly editorial. Most of them reflect practices we've had in place for several years anyway, but just had not made it into the ordinance. I would be glad to answer any questions anybody had. Like I said, just more definitions and clarifications of how we enforce the flood plain ordinance that we've been doing, mostly, all along anyway.

President Mosby: Is there any big changes we should be aware of?

Roger Lehman: The, really there is no big changes from looking at the thing overall. The, well, no, there's no big changes. Like I said, probably the biggest change in here is something that we've been doing in our office for about the last five to ten years that wasn't in the ordinance. That was enforcing the flood protection grades in zone B, and we've been doing that. But, we were involved in a court case that brought it to our attention that we had questionable authority to do that. It's, frankly, saved our rear ends in numerous occasions. So, we wanted to be sure it was clearly in our authority to do that. So, that's the only change that was not proposed by the state or FEMA.

President Mosby: Any questions or comments by any of the Commissioners? Anybody in the audience? Seeing none.

Commissioner Fanello: Motion to approve first reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve first reading. So ordered.

Roger Lehman: Thank you.

Kevin Winternheimer: If I might, Mr. President? Roger, if you could be back next week, we anticipate the second and final reading next week. If you could be back in case there are, somebody comes in with some questions.

Roger Lehman: Okay.

President Mosby: That's fine. Thank you.

**Sherman Greer: Approval of Homeland Security Sub Grant Application &
Comprehensive Emergency Management Plan**

President Mosby: Next, we have Sherman Greer, approval of the homeland security sub-grant application and comprehensive emergency management plan.

Sherman Greer: I think you have before you copies of the sub-grants, part one and part two. Do you have any questions?

President Mosby: Are these the first year for these grants?

Sherman Greer: This is the first year for these grants.

President Mosby: Okay.

Sherman Greer: The homeland security is an office of domestic preparedness. Part one and part two, as you can see, the first one is for about 130 some, \$132,000. The second one is \$400,000. Over \$400,000. Now, what we have put together is a terrorism task force that we have here in the county. It's made up of the law enforcement agencies, the fire departments, the hospitals, the emergency management/emergency medical services, Board of Public Works, all first responders people to be on the front line, in case something happened within our community. We will decide what we're going to purchase with this funding for emergency responses in our community. One of the things we do not want to do though is duplicate other grants, other purchases that are going to be made by the feds and by the state. So, we're trying to get all those things aligned to the point to where we do not waste our \$500,000 on something that we're going to get anyway.

President Mosby: Okay. Any other questions? Anybody in the audience? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve homeland security grant application.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Sherman Greer: The other portion is the comprehensive emergency management plan. We've taken the document that we've had for the last 11, 12 years that I've been here, and we had to rework that completely. Adding a terrorism element to it, also we have our LEPC element to it, severe weather element, and the 18 emergency support functions, to be in line with the state emergency management agency and with FEMA. So, we've exercised that plan a couple of times, bio-terrorism table top exercise that we've had. We've exercised the LEPC plan a couple of times. The LEPC plan is exercised every time we have a hazardous materials incident within our community. Severe weather was just exercised this weekend, because they were predicting severe weather this weekend. I would also like to pass it on to the County Commissioners that when you pick the paper up tomorrow, you may see that Vanderburgh County was declared a disaster, under the disaster act declaration that happened up north, from the flooding that we had over on Madison Avenue. We had FEMA in here last week, and we tacked that on as a declaration for public assistance for the individuals over there, so that we can get them some emergency assistance through FEMA, and also through the SBA, Small Business Administration. FEMA will be in town Wednesday setting up a field office, and they will be at our office to where people can come in, fill out the proper paperwork, and see if they can get some type of assistance on top of what insurance they had. Or some of them that did not have insurance.

President Mosby: Any questions? So, do I have a motion to accept the comprehensive emergency management plan?

Commissioner Fanello: Yes. So moved.

Commissioner Crouch: Second.

President Mosby: So ordered. Thank you very much, Sherman.

Sherman Greer: Thank you.

President Mosby: Okay.

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| Jail Project: Notice to Bidders and Bid Specs Approval |
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President Mosby: Next, Commissioners, we have jail project notice to bidders and bid specs approvals. Are there any questions?

Commissioner Fanello: I just have one question for Kevin. I just noticed it, we don't have the dates that these will be, that this notice to bid will be advertised. Do we need to specify those tonight?

Kevin Winterheimer: You don't have to specify the exact dates. So long as they comply with state law it will be alright.

Commissioner Fanello: Okay.

Kevin Winterheimer: I don't know those off the top of my head. If you know them, that's fine, but they'll have to be advertised two times, a week apart, and we usually go ten days before the bids are to be received—

Commissioner Fanello: Okay.

Kevin Winterheimer: —as a minimum. They can be more than that.

Commissioner Fanello: Okay. So, that's something...when do you have to have the, Madelyn, to give to the newspaper?

Madelyn Grayson: We could have it in this Friday, which would be August 22nd, and again August 29th, as long as I get it to the paper by 11:30 tomorrow.

Commissioner Fanello: I think, I would like to see that. I think that would be, and Patty has this on the computer.

Madelyn Grayson: Okay, I'll just get that from her in the morning then.

Commissioner Fanello: Okay, so the...what did you say?

Madelyn Grayson: The 22nd and the 29th.

Commissioner Fanello: And the 29th, okay. Before I say motion to approve, I'll just say, hallelujah. So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise bids August 22nd and August 29th. So ordered. We have no Commission contracts, that I know of. Other items.

Public Comment

President Mosby: Public comment. Anybody from the public that would like to speak? Seeing none.

Old Business

President Mosby: Any old business? One point of old business, being as, myself, I'm going to be out of town the rest of the week. We need to appoint Judy Weatherholt as our hearing officer for Friday's meeting on the Jobe's Lane project. So, if I could have a motion to that effect, I would appreciate it.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to appoint Judy Weatherholt the hearing officer for Friday's meeting. So ordered. Is there any other old business? Seeing none.

New Business

President Mosby: New business? I had a lady come in the office recently and I had spoke with her for a pretty good amount of time, and I have a letter laying on the desk tonight, and it's in reference to Adventures IN Evansville, which is the group that is looking at constructing a salt water aquarium, and an IMAX theater, and all this will be entertainment in Evansville, and, hopefully, to attract tourism. Also, will go on further to focus on education with the children's museum, and it will feature, you know, exhibits and try to stimulate the mind of the younger ages. It sounds like a very exciting program. They were not asking for funding, thank God, but, what they were looking for was more of an endorsement to their project. After reviewing the project, and a lot of the things they had listed, they are willing to cross market and work with other venues, like the O'Day Discovery Lodge at Burdette Park, Angel Mounds, SMG. It really is an exciting program. I believe it will be one of a kind for the City of Evansville/Vanderburgh County. As they say, after their start up, and probably within the first three years will even employ a couple of hundred people. So, after reading that and listening to Ms. Thuerbach for about an hour and a half, I told her that I would be willing to bring a letter to this board, asking this board to endorse their project. In front of you, you have the letter, and I would be glad to try to answer any questions possible.

Commissioner Fanello: I don't really have any. I had the pleasure of meeting with one of the members of the board, and would just like to say I think they've done an excellent job in bringing this project together. It's a huge project, and I could really tell from my conversations that they have really worked hard, and put a lot of effort into this. So, I support it fully.

Commissioner Crouch: I don't have a problem with supporting it as it is worded. But, I also would like to see this not be used as an endorsement to get monies over other projects, where perhaps other projects should also be looked at. So, I don't have a problem endorsing that, and supporting it with that kind of understanding.

Commissioner Fanello: Well, I'll make a motion to approve the letter as submitted.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the letter of endorsement for the Adventures IN Evansville. So ordered. Is there any other new business? Seeing none. Department head reports.

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| County Engineer |
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President Mosby: County Engineer, John Stoll.

John Stoll: The first two items I have are revised offers for the Lynch Road project, phase III. The first one is for parcel two that's owned by the Lankford's. The parcel was originally, the offer on the parcel was originally \$37,680. That was revised to \$31,880 once the property owner requested that the right-of-way be revised to lessen the impact on his property. The \$31,880 offer was approved back in mid-July. Now the property owner is wanting to relocate his septic system. That is going to be relocated as a part of this project. He originally specified one location, and that cost to move the septic system was \$7,630. Now this new location he wants to move it to will cost \$9,105, for an increase of \$1,475. Bernardin Lochmueller has prepared this for the Commissioners signature, basically to approve upping the amount of the offer by \$1,475 to a grand total of \$33,355. It's requested this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other revised offer was for parcel nine, owned by Baker. They were originally offered \$6,800, and the property owner countered with a request for \$10,000, plus paving his driveway. The counter proposal that Bernardin Lochmueller is recommending that we approve is \$9,000 without any paving of any driveways. So, it's requested that this be approved to raise this offer amount from \$6,800 to \$9,000 with the provision that if the property owner doesn't accept the \$9,000 by September 1st, then we would proceed with condemnation on the original \$6,800 offer.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I was forwarded a request from Pat Tuley on Caren Drive. His neighborhood is wanting to have a block party on Sunday, August 31st. His

neighborhood is West Haven Subdivision, which is located off of Red Bank Road. He is requesting permission from the Commissioners to block off Caren Drive between Meadowlark and Magnolia for their party, which would last from 1:00 p.m. until whenever, basically, is the way this letter is written. He says by blocking off only one block, they are allowing ample egress to and from the subdivision for emergency vehicles. It's requested this be approved, subject to any input that Kevin might have as far as anything that we might need to do from the legal side of things.

Kevin Winterheimer: I think that block parties are a great thing.

Commissioner Fanello: I think they are too. So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a cost estimate for doing some street repairs in Bolin's Meadow West Subdivision. A couple of weeks ago we received a request from Mrs. Linda Kleick to reseal the joints in the street. Tom Goodman in my office put together this estimate of \$32,416 for these repairs. This does include some additional work above and beyond cleaning and resealing the joints. There were some bad areas of concrete, and Tom has included some concrete patching in this as well. I've got this estimate, and if you want to take a look at it, and then let me know if you would like for me to proceed with putting the contract together. That's all I have, unless you have any questions on anything else.

Commissioner Fanello: Do you need a motion on this?

John Stoll: If you just want to get back with me in the next couple of weeks and let me know if you want to pursue it. Or if you're ready, make a motion.

Commissioner Fanello: Do you want to go ahead? Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Okay.

Madelyn Grayson: John, was there any paperwork to be signed for those two revised offers?

John Stoll: Yes.

President Mosby: Here, I've got them right here. I went ahead and just signed this. I just printed President of the County Commissioners on it. Is there any questions or comments for John? Thank you, John.

John Stoll: Thanks.

President Mosby: County Highway, Dennis. Welcome back from vacation. Reggie did well last week.

Dennis Hudnall: Dennis Hudnall, County Highway. Reggie informed me last week that you inquired about Pioneer Rail Corp. I would kind of like to bring you up to date of where we are at and what we're trying to achieve out there at this time. It's been kind of slow. They've switched from Allen Brown now to a Shane Cullin. So, I'm dealing with a different person. I would like to hand you out, one, the first thing that's on this hand out is a letter that I wrote to the President of Pioneer Rail Corp the first time to get Boonville-New Harmony done. Then the second thing on here is Indiana DOT Rail regulations stating that we can give public notice to them that we wish to have this rail crossing repaired, and if they don't respond within 30 days, then the county or the town can contract for repairs and send the billing to them. What I would like to do on this is just, basically, say the same thing that I did in the first letter, but incorporate some of the language from the INDOT rail regulation. If I don't get a response in a reasonable amount of time to fix these rails, because I have been getting a lot of inquiries by phone to the condition of St. Joe and Mill Road. So, this regulation right here...I was in correspondence with Shane Cullin this morning, he requested that I fax the regulation and fax him a copy of the letter that I wrote the President. I'm going to give him a reasonable amount of time to respond to that, and try to get a date. This is what I want, a date to close the road...we're going to start on Mill Road first. If I can get that date, get the road closing in, and then we'll worry about St. Joe next. All I'm doing is getting you up to date right now. I'll keep you informed on where we're at. As far as next week, I've got to give Mr. Cullin a chance to respond to my request, because he is new right now. Mr. Brown is out of the picture.

President Mosby: Okay.

Dennis Hudnall: So, next week, what I'll do, if Mr. Cullin hasn't responded, I will do a draft letter incorporating these, and run it through to see if we can okay it, and I would go ahead and send it.

President Mosby: Okay, that's fine.

Dennis Hudnall: That's all I have besides my report. If you have any questions.

President Mosby: Are there any questions?

Dennis Hudnall: I know there's a mistake on...we got flip flopped the paving done, and the paving to be done. Bill brought it to my attention. So, I think they were testing me to see if I caught it, which I didn't.

Commissioner Crouch: I just have kind of a personal question, who's that beautiful woman sitting next to you?

Dennis Hudnall: That's my sister-in-law.

President Mosby: I don't have any other questions. Thank you, Dennis.

Dennis Hudnall: Have a good night.

Commissioner Fanello: Thanks, Dennis.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: Yes, just a few matters here real quickly. I ask that the flood protection ordinance that you passed on first reading tonight be on second reading this coming Monday night. Next, I report that we had our first drainage ordinance committee meeting today, the Rule Five drainage erosion control ordinance. It was well attended, and what they decided to do is, the next meeting is on September 15th at 3:30, hopefully in the same room, 318. The public is invited. The media is invited. We had no media there, or other public, but you're more than welcome to come. What we intend to do, the ordinance, as I recall, is roughly 90 something pages, and we're going to try to go over the first 36 pages, and concentrate on those first at that meeting, and take any questions, comments, or proposed revisions. But, we are proceeding, and I wanted to let you know that meeting time and date. The other thing that I wanted to report is that last Friday, Dr. Heidingsfelder, Sam Elder and myself, we met with the attorney for Southwestern and worked out, I believe, most of the language, changes, or questions, or concerns on the Health Department lease to the Southwestern building that they proposed to lease. They are going to get with their people, and go over it, and, hopefully, we can have something to bring back to you very shortly on that. The meeting went real well. Lastly, if you are able to, and this is not urgent, but if we have time for an Executive Session next Monday night. I believe we're going to be able to talk about, the two categories would be pending litigation, and the possible initiation of litigation. If you can at 5:00. It shouldn't take more than a half an hour. I don't know if you have any other meetings, pre-meetings.

President Mosby: I don't believe we do.

Kevin Winternheimer: If it turns out that we're not quite ready yet for that, I'll let you know, and we can always cancel. I just want to advise you, that if you can, I would like to have one at 5:00 next week.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: That's all I have.

Commissioner Crouch: Kevin, I have a question, a legal question. Commissioner Mosby and I are both going to be at the "What Works Agenda Workshop" up in Columbus, Indiana tomorrow. I guess, we're going up tomorrow, and we'll be up there Wednesday and Thursday, and then I'm coming back Thursday evening. We had planned, I think, to travel together to go look at a community corrections facility. Is there any problem with any of that?

Kevin Winternheimer: No. Let me turn my mike on. No, you can do on-site inspections, that sounds like part of what that is. I'm sorry, I didn't catch the first part, what was the first...you're going to some kind of meeting?

Commissioner Crouch: It will be Dr. Latessa's workshop.

President Mosby: "What Works", in Columbus, Indiana.

Kevin Winternheimer: Okay, is that open to the general, I mean, other commissioners?

Commissioner Crouch: Oh, yes.

President Mosby: It's open to the whole state.

Kevin Winternheimer: No. What we usually do in a case like that, as a courtesy, we usually notify the media that the both of you will be attending whatever the name of the meeting is, and let them know, but I see no problem with that. It sounds like it's a workshop type thing. I see no problem with that. What we usually do is notify the media of the time, place, and date and that you would be attending that. The on-site inspection, I see no problem with that. What you want to avoid, you may ask questions of the people there, obviously, but you don't want to get into a situation where you're making any kind of decisions or that kind of discussion, you know. You can ask, if you're touring the facilities, ask questions about that, but you're not supposed to be making any, you and David making any decisions regarding what you're going to do. But, there is no problem with that either.

President Mosby: Okay.

Commissioner Crouch: Thank you.

President Mosby: Any other questions or comments? Seeing none.

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| Burdette Park |
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President Mosby: Burdette Park, Gary.

Commissioner Fanello: You missed our Superintendent.

President Mosby: Oh, we'll come back and get that. Go ahead.

Gary Hohman: Sorry, Tammy, I didn't mean to get you bumped. I have some informational updates for you on the Discovery Lodge project. The parking lot has been paved, as well as all of the striping has been completed. The curbing is 90% completed around the perimeter of the building. The landscaping for phase one, 60% of the units are in ground. The wiring for the parking lots and the footings have been completed. The parking lot poles and fixtures are scheduled to be delivered on the 12th of September. The contractors estimate a three to four day time period to get those wired up and operational. The signage for the entrance of the Discovery Lodge has been ordered, and we're looking at a four week delivery date from this past Friday. The floor staining and sealing on the interior portion of the building was completed this past Friday. Unless it has been changed within the last hour or two there is a contractor's punch list inspection to transpire tomorrow for all of the contractors that have been involved on the project. That's all I have, sir.

President Mosby: Any questions or comments? Thank you, Gary.

Gary Hohman: Now go, Tammy.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I thought there for a second Loretta wasn't going to be able to travel. I need to include a late travel request from Weights and Measures. They got approval from Indianapolis today that their weights were approved, and they would like to go pick them up on Wednesday.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: That's all I have.

President Mosby: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Soil and Water and Ozone.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

President Mosby: Consent items.

Commissioner Fanello: I had one question on the Greenway by-laws. I don't know if anybody took the time to read them, but they're proposing six year terms for each of their members, which I thought was a little excessive. I don't know that they were staggered terms either.

Commissioner Crouch: Do you want to hold it and ask them why?

Commissioner Fanello: Yeah, maybe we should. I mean, I don't recall ever seeing a board that has a term that's that long. Maybe we might want to ask them why.

Commissioner Crouch: I move that we hold it and have someone ask why.

Commissioner Fanello: And put it on for next week. Second.

President Mosby: I have a motion and a second to hold the Greenway by-laws. So ordered.

Commissioner Fanello: I'll make a motion to approve all other consent items as submitted.

President Mosby: As amended?

Commissioner Crouch: Second.

President Mosby: As amended with an additional travel request?

Commissioner Fanello: Yes.

Commissioner Crouch: Yes.

President Mosby: A second, and so ordered. ¹

**VANDERBURGH COUNTY
REZONING BOARD
AUGUST 18, 2003**

The Vanderburgh County Rezoning Board met in session this 18th day of August, 2003 during the regularly scheduled County Commission meeting in Room 307 of the Civic Center Complex with President David Mosby presiding. The rezoning petitions began being heard at 6:11 p.m.

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| First Readings |
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President Mosby: That will bring us to rezonings, which we will go ahead and start immediately. We have no first readings on rezonings tonight.

¹Consent items listed on page 18.

Final Readings
VC-12-2003: Petitioner: Haas Development, Inc.
Address: 8000 and 8500 Wolf Creek Court
Request: Change from R-3 with UDC to R-3 with UDC Amended
Action: Approved 3-0

President Mosby: We have first two final readings. First we will hear VC-12-2003, petitioner, Haas Development, Incorporated, address, 8000, 8500 Wolf Creek Court, change from R-3 with use and development to R-3 with use and development. Mr. Atkinson is with us.

Jerry Atkinson: Good evening, my name is Jerry Atkinson, I represent Haas Development, Inc. We were here many times in the year 2000, and again in 2001 obtaining approval of a rezoning to construct Wolf Creek Condominiums on the west side out by USI. As a condominium development for senior citizens, luxury condos, if you will, we promised certain things; that it wouldn't be student housing, that it wouldn't take 12' of fill dirt to be able to construct the project, that we would be good neighbors, and among other things, that there would not be more than eight single story condominium buildings. There in lies the problem. Four of the buildings have been constructed, and there is great demand among the...excuse me...we have four buildings constructed, and we've discovered that there is great demand among prospective purchasers for creating a bonus room above the garage. When we put together the use and development commitment, we believed that single family was a certain height, I'm sorry, single story was a certain height. Conceptually, if you're not raising the roof any, it's still single story, but we had done a private covenant, and a use and development commitment, committing the project, if you will, to single story. If you put a bonus room above the garage, it then becomes something other than a single story. Is it a two story, a story and half, or bi-level? So, we set out to correct that. We have 12 unit owners, and we have collected consents from all of the owners of the 12 units to make that change. We did a private covenant with the owners of property in the 300 block of Key West Estates, and we have collected signatures from all of the owners of the property in the 300 block of Key West Estates. So, that everybody out there would like to see the option of having bonus rooms for these folks so they can have somebody from out of town stay over night, or they can put their treasures of a lifetime in a house, and they don't have to downsize that much. In order to accomplish this, we have to amend the use and development commitment, which means we have to do another rezoning. That's why we're here. The filing fee has been paid. The publication is going to be paid, this is a substantial effort. We're asking that you approve to allow an option, allow us to amend the use and development commitment to provide an option for a bonus room above the garages in the remaining four buildings. There will be not more than 14, I'm sorry, not more than 18 possible units that would have that option, and not all of those would have the garages. From the outside you won't be able to tell the difference with the exception that there will be a dormer. The building won't get any higher, it won't get more ugly, it will simply have a bonus room, and the people will be able to keep their stuff, and perhaps have their family come in.

President Mosby: Are there any questions by any member of the Commission? Is there anybody in the audience that would like to speak? In reading the Area Plan report, I think this passed unanimously with one abstention, so the chair would entertain a motion for VC-12-2003.

Commissioner Fanello: Motion to approve VC-12-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. This requires a roll call.
Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three ayes, no nays, VC-12-2003 is hereby declared adopted.

Jerry Atkinson: Thank you very much.

President Mosby: Thank you.

VC-13-2003: Petitioner: Charlestown Square LLC
Address: 730 Citadel Circle
Request: Change from C-4 to C-2
Action: Approved 3-0

President Mosby: Next, we will hear VC-13-2003, petitioner, Charlestown Square LLC, address, 730 Citadel Circle, and this is a request change from C-4 to C-2 which is a down zoning.

Les Shively: That's correct.

President Mosby: Mr. Shively.

Les Shively: Members of the Board of Commissioners, my name is Les Shively, representing the petitioner in this particular matter. As I said at the beginning of the presentation for the Plan Commission, if this request looks familiar, it should. We were here regarding, basically, the same project back in April that you approved. What has occurred, which is kind of a good news-good news situation, is that after the rezoning was approved, and the company, the developer out of Indianapolis that is purchasing this property, Kendall Construction, they started more detailed plans, and basically determined they needed a little more land. It's going to be close to 200 apartment units, first class apartment units with separate garages. All of these apartments will, in fact, face the lake that is out there already, the retention basin, excuse me, the borrow pit that was filled in, that became filled with water that the time that I-164 was done is now a beautiful lake there at the northeast corner, if you will, formed by I-164 and the Lloyd Expressway. This simple request is just to allow this additional land for the project so that there is plenty of area for the development. I just would note parenthetically that there's a lot going on in this area. You probably read about the 100 bed hospital that's going over to Gateway, and that will pretty much extinguish any available land in that particular area. The area where Cracker Barrel and all that is, is pretty well built out. The area that is where Town and Country Ford and where the new Tri-State Orthopedics is going is, if they opt, if the last option is exercised, it will be pretty well built out, so, this is the last remaining area. So, we see a lot of activity taking place, and we believe this is really going to be a very big plus for Vanderburgh County. Again, we hope to close this thing the first of next month, and start construction yet this fall. More than happy to answer any questions you have.

President Mosby: Questions by any member of the Commission? Seeing none. Anybody in the audience that would like to speak to VC-13-2003? Seeing none, chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-13-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three ayes, no nays, VC-13-2003 is hereby declared adopted.

Les Shively: Thank you very much.

President Mosby: Now, the chair would entertain a motion to adjourn. There's your paper, John.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. We stand adjourned.

(The meeting was adjourned at 6:19 p.m.)

CONSENT ITEMS:

Commissioners: Jail Bond Expenses: Crowe Chizek.

Travel Requests:

| | | |
|--------------------|-------------------|---------------|
| Weights & Measures | Health Department | Commissioners |
|--------------------|-------------------|---------------|

Employment Changes:

| | | |
|-------------------|-----------|----------------|
| Health Department | Legal Aid | Superior Court |
| Circuit Court | Recorder | |

Treasurer: Submit Monthly Report for July 2003.

Those in Attendance:

| | | |
|-----------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Eric Williams |
| John Stoll | Alan Teeple | Roger Lehman |
| Sherman Greer | Dennis Hudnall | Gary Hohman |

Jerry Atkinson
Members of Media

Les Shively

Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SPACE ALLOCATION MEETING
AUGUST 18, 2003**

The Vanderburgh County Board of Commissioners met in special session this 18th day of August, 2003 at 5:06 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: Call to order space allocation meeting of Vanderburgh County, August 18, 2003. I think all the, each Commissioner received a letter from the Evansville-Vanderburgh County Building Authority, David Rector, in which he had put together some costs and square footage as far as....David, did you want to go over this just real briefly? I don't know if everybody has seen it.

Dave Rector: I can go into as much detail as what you would like. I hope that with that you also got a copy of this matrix that broke it down by itemized line, where you can prioritize what areas you think you may need to tackle first. Obviously, the total bid hit was the \$8,755,000, if everything happened. Also with some assumptions and qualifications around that, that necessarily would not be the total amount. You could probably incur another two million if the state would require us to sprinkle the building. I am concerned that may happen, with the massive renovation, under current building codes. Also the AE fees of another \$875,000. So, if those things happen, you are quickly getting up to ten, eleven million dollars, for everything. We tried to break it down by department, by areas that would be necessary to move, once the old jail vacates. Then on those offices going to the courthouse, tried to make some assumptions that if you had an energy savings program in place, that some of the major things would be done; mechanical, electrical, plumbing. If that wasn't in place, we tried to estimate what the cost would be if we had to try to correct those. Just please be aware, these are budget figures, you can't just do it by square footage, because each one, representatively, has a different square footage amount according to how much renovation was necessary. Obviously, in the old jail, we're going to have to gut the whole thing, reconstruct for what's being proposed for juvenile courts and offices, the third floor, juvenile detention, but, whereas, in some of the other office areas, the second floor, it's just a matter of moving some people about, some expansion and cosmetic type renovations. So, you'll see some square foot estimates in here, on some of the areas, quite high, and some others much lower. One big item, perhaps, to look in there, because it would be the loss of, to gain more meeting space and available conference rooms in the area where we were looking at taking the women's lounges on each floor, cutting those in half, still leaving a women's lounge, but creating a smaller break room area, and taking the break rooms and converting most of that into multi use conference rooms. If you look, most of the time our break rooms really aren't too crowded around here. The first floor probably the most, and at lunch time if you see six, eight people in there, a lot of days that's crowded. Obviously, the county is going to have to make a decision, you all, on do we do this? Do we not do this? Do you approve for what we've recommended for who to go where? Then the Mayor on the city side is going to have to decide if he agrees with these. He's also seen all of this. Then the real mix of the whole thing is that we're proposing, we just looked at space objectively, but we're proposing the city going into some county spaces. That's county spaces, do you all agree with that happening? We're looking at the city going over into the Old Courthouse, in some offices. Do you agree with that happening? Conversely, we're looking at some county offices intermixing where city is. So, there's a lot of issues that will have to be addressed before this ever happens.

President Mosby: Questions? Comments?

Commissioner Crouch: I spoke to the Finance Chair of the County Council, because they also received this plan, and asked their input, or at least his input on the priority, and he said there is no priority, we have no money. So, I don't know if that's going to change sometime in the near future. Obviously, if we're going to have empty space, it needs to be addressed.

Dave Rector: And we....we have two issues. One, obviously, we don't face the major domino effect until the jail moves to the new jail. The more immediate one that we've talked about....you also have a letter, that we've met with Judge Niemeier, Judge Heldt, Judge Trockman, and the Sheriff and Eric Williams, is about the Health Department moving. That space then being taken over by Circuit Court and Juvenile Court, and then that area over there being renovated. That's more immediate nature, that you have a separate letter that I copied you on from our meeting with them.

Commissioner Fanello: Well, I would like to see us address the Health Department, because they are going to be moving, since the Commissioners voted to let them move to the...what is that building over there?

Dave Rector: Oak Park.

Commissioner Fanello: The Oak Park building. So, that is space that we do need to address, and, obviously, we have a problem with the court systems, so, I would like for us to prioritize that, and see that addressed at this time.

Dave Rector: And we do have that--

Commissioner Fanello: Because we can't let the Health Department sit down there empty.

Dave Rector: --laid out pretty final. I would say preliminary, but it's pretty well set now. There are a couple of little, small changes. We have the budget estimate with that. That also included taking Human Relations space, that I've met with the Mayor and he is open and understands that Human Relations would need to move from the building for that to happen. Then we also have some proposed arrangements of the existing juvenile area that I've shown to Judge Trockman. We haven't had a chance to talk yet, and I don't know if you've even had a chance to look at them yet. But, we have those that we're working on also.

Commissioner Fanello: So, the two, the different figures that you list in here, the \$800,000 would be to renovate the Health Department--

Dave Rector: Yes.

Commissioner Fanello: --into the courts. The \$325,000 would be to renovate the juvenile court/probate departments.

Dave Rector: Then another \$75,000 to do room 210, which is Judge Heldt's area. Those figures, as I mentioned, do not include new furniture, and they do not include, for the Health Department down here, the necessary security equipment, x-rays, metal detectors, and any additional man power the Sheriff may need to handle that.

Commissioner Crouch: I think when I added up all the numbers that you had in your letter it came up to a little over \$1.5 million. Then again, you know, where is that money going to come from? This is kind of, I'm just throwing this out on the table, because it was asked of me, would it be cheaper for the Clerk's office to move into the Health Department space, and then use the Clerk's office to expand the courts? Or is that not a fair question to ask?

Dave Rector: Suzanne, I can't answer, because I haven't looked at it that way. I don't know the square footage, the lay out, how we would configure it to work. It may or may not be. I mean, we can look at it that way.

Commissioner Crouch: Has that ever been considered by any of the judges?

Carl Heldt: I don't think that...Carl Heldt from Circuit Court. I don't think that's ever been considered to the extent where any plans were drawn up. We've been kicking around space for years, as to what could go where. I think one of the comments made about moving the Clerk over to Health Department space was that someone suggested then that you wouldn't have to have the security over there. I do know for a fact that Clerk Abell wants security, because she's got some of the same security problems over there that we do in all the courts building. So, I'm not sure that she would go happily there without any security. Also, it wouldn't provide near the space, and near the answers and the problem solving that this would, if we would move. Let's see, if we move juvenile, and probate and our probation down there, we could reconfigure, I know it's money involved, but we could reconfigure the space that's going to be vacated over there, and we would have enough courtrooms for the foreseeable future. I mean, we would really be in decent shape. If all you sent over there was the Clerk's office, perhaps I could expand Circuit Court space a little bit into the Clerk's office, and perhaps might be able to get a courtroom or so, I don't know, out of what the Clerk's office is now. Then we still have a shortage of office space and of courtroom space. I just don't think the, I mean, it's possible to do it, but it would be sort of a band-aid approach, and it might last us for a few years. This one we're talking about here would last us for a lot of years. Solve a lot of problems, so.

Dave Rector: If you're speaking just the County Clerk's office itself, it's about 6,000 square feet. What we're talking about down here is twice that, about 12,000 square feet.

Carl Heldt: So, I mean, it's a possible solution, but it's not—

Commissioner Crouch: The best.

Carl Heldt: No. Once again, it would take some, it would take renovating, especially...I don't even know if it would do you any good at all up there.

Brett Niemeier: If I keep what I have now.

Carl Heldt: Yeah.

Brett Niemeier: I mean, otherwise it's not going to do me any good, because it's not increasing any space (Inaudible. Not at mike.)

Jeff Tornatta: Judge, there was another concern—

Madelyn Grayson: Can you please make your comments at the mike, judges?
Thank you.

President Mosby: Yeah.

Jeff Tornatta: Jeff Tornatta, Superior Court. There was another concern, and Mr. Rector and Judge Heldt could address this better than I can about, because we did talk about using the Clerk's office, and one of the things that you could accomplish by using the juvenile space is that there is a direct route, there's a bridge from the jail, the current jail down. So, you have secure, and what we had talked about is moving our felony court into what's now juvenile court, so that eliminates that problem. Judge Heldt, I don't know that the bridge from Circuit Court could be extended to the Clerk's office. I suppose it could, but I think when we addressed it before somebody said it couldn't, and that was a major concern, because one thing that we're interested in is freeing up, what we use divorce court now, where you do not have a jury, and we also use division two for administrative things. Because it would be much more expensive to build new courtrooms that are jury trial ready. If we use the plan that is on the books, we can put all of our administrative type things in what's now juvenile court, and that will free up four courtrooms that are jury ready. There would be a little bit of a problem with the jury room, but we've talked about that also. I concur with Judge Heldt, if you want to do a band-aid approach, maybe the Clerk's office, if you want something where...and it's hard to predict, I think when they probably built that building they never foresaw ever getting to the point where we've been for some time. It would be a much longer cure, without question.

President Mosby: Any other comments? I had invited the Council here today, some of the Councilmembers, but nobody showed up. I guess, my biggest fear is how we're going to pay for this.

Dave Rector: Yeah, and, I guess, with your agreement, I think that, at this point, we've completed, to this stage, the space allocation proposal that you requested of us to look at. If you're wanting me to go further, let me know, but I really don't see any sense in going to a lot of additional expense beyond this until we know is there money going to be coming available? And when, and in what areas? This could just go on and on quite extensively to try to get better defined numbers. I think at this point, I hope that you've at least got an idea of what could happen.

Commissioner Crouch: I think you've done a very nice job, and it certainly gives us enough information to look at the long term and prioritize. Everything, of course, is contingent upon money, and I'm wondering if there is any merit to President Mosby meeting with President Raben and Finance Chair, Lloyd Winnecke, to perhaps discuss whether we have any sources of funding for next year. Because this would, I guess, you would have to expend some money this year even.

Dave Rector: Quite actually, yes. The plan would be to be ready to go into the Health Department, if they would move November, December-ish time frame, I would like to, if they are going to do it, be able to start construction document design specifications to have it out for bid, and a contractor ready to go in there and start demolition as soon as they move. Or else we are going to delay these folks from moving in, and an empty space sitting. We've got to have money to do that.

Commissioner Crouch: I would be happy to put that in the form of a motion.

Commissioner Fanello: I'll second that motion, because we really do need to make a decision, because we cannot let the Health Department space just sit dormant. We do need to come to some conclusion to get some more court space. So, I'll make a motion that we do that, and maybe have another meeting in two weeks.

Carl Heldt: Can I say one more thing?

President Mosby: Sure.

Carl Heldt: I know maybe we're preaching to the choir here, because I think, or the Commissioners have been on record in the past, in the past few years as being on board that when the Health Department moves that the court has first access to that space, but in case we need to sell this program to the Council or whoever, there are still very, very compelling reasons why we need space. It is not a, "we just want more elbow room" deal. It's a critical situation. We've got, this building over there has been there, obviously, the same number of years as the jail, since 1969 or '70. We've got at least three times as many judges, and probably four to five times as much business, and we have people crowded in areas that they shouldn't have to work in. It's inefficient, it's slowing us down, and there's all kinds of compelling reasons to do this. I understand the money situation, but I would like to assure everyone that the money is needed to do this, and the sooner the better. This almost provides a perfect solution, with the Health Department leaving. I know it's a million and a half dollars, but it's cheaper than a new courthouse, or trying to add on to that with bricks and mortar. So, I sure would hate to pass up the opportunity.

President Mosby: I totally understand where you're coming from. I will say that I had conversation, and I'll have Tammy set up a meeting as soon as possible with Councilman Raben and Councilman Winnecke. I had conversation with them last week, and this was a big part of their concern, is that they don't have the money available right now. I mean, budget hearings are going on, they're still looking for monies to even get through the budget hearings alone, outside of this. We did talk about this, that's why I'm wondering if there is any other money available, any other source of revenue or way we can go through the Building Authority or whatever to try to make.....I mean, this needs to happen. It has to happen, and I totally understand that.

Dave Rector: For this immediate move with the Health Department, I'm not aware of any additional funds that we could use on that project. There is in 2006, you heard me talking to the Council about when all of the financial obligations are done with this building's bonds, there is going to be three million dollars or so that would be coming back that could be used for these other projects. But that won't happen for another two years here. I don't even, I indicated that I'd sent Catherine an e-mail that I just recently found out about if we can create a building to be what's called a "clean building", the federal government has some grant monies available for that. I don't even know enough about it other than just to tell what I did on it, but I'm sure it wouldn't be enough money to fund a project like this, but I'll continue to pursue seeing what money might be available.

Commissioner Crouch: I have a question for the Auditor. Are you anticipating we'll be at our maximum levy next year?

Bill Fluty: Yes, we will be.

Commissioner Crouch: So, in order to fund this, if we don't have any outside revenues, we're either going to have to apply for an excess levy appeal, or we're going to have to look at some kind of a fund that would establish a new tax rate for this project. As far as I know those are the only alternatives, unless there is some money available by looking at some other areas. Certainly, I think that's what, now that the dust has settled, maybe, you know—

Dave Rector: It's too little, too late, but, I guess, we all were aware this was happening, but with the good interest we got on the bonds for the jail, it would have been nice for the whole bond issue to have been for enough to handle this whole project. Knowing that it was all going to snowball and domino effect and be done. That's done and over with, those bonds are sold. We know the bond market has changed drastically in the last month since we did that, so, I don't even know how reasonable it would be for us to get additional bonding for this kind of a project.

President Mosby: I don't either at this point. Bill, do you know of anything that's available?

Bill Fluty: At this time, David, we've probably done all we could just to get through this budget cycle. The Council and I think the Commissioners were both committed to let the Health Department move, and for them to keep their unappropriated balance of a million four, which is their estimated cost for their moving. We managed that, but to continue with new renovations, when they do move, at this point I don't know where that money would come from. We may be able, after the Health Department moves in next year look at it then, or later in the year.

President Mosby: Okay.

Dave Rector: I don't know what you do for these folks without doing this. You've got four walls that we're surrounded in , and there's nowhere to go. Adding on would certainly be more prohibitive than what this is.

Commissioner Fanello: We can't let 10,000 or 12,000 square feet sit down there empty. That's not a good financial decision either.

Dave Rector: I think, and, judge, as you mentioned, part of all this happening too, when this happens you need that small renovation in your office to complement what's going on over here. Then, obviously, when Judge Niemeier is gone, Judge Trockman needs that space to accommodate his needs. So, the whole thing is kind of a package.

President Mosby: This whole package is like a million and a half, is that what it came up to?

Dave Rector: Uh-huh, somewhere, after you add all the figures.

President Mosby: Okay.

Commissioner Fanello: What, I said two weeks, but I think that's going to be Labor Day, isn't it? So, the following week after that?

President Mosby: Yeah, September 1st, it would be September 8th.

Commissioner Fanello: Set it for September 8th at 5:00?

President Mosby: Well, I will immediately try to meet with Council President Raben and Finance Chairman, Lloyd Winnecke, and see if we can explore, come up with any ideas. In the meantime, if anybody else has any ideas, let me know.

Wayne Trockman: David, if you want a representative, or a couple of representatives from the courts when that meeting occurs.

President Mosby: I'll take a couple.

Wayne Trockman: Just let us know. We'd be happy to attend.

President Mosby: Okay. If you guys, if you want to appoint a couple of people, I'll let you know when the meeting is. I'll have Patty set it up with them one day next week probably. Yeah, because I won't be available this week.

Dave Rector: (Inaudible. Not at mike.)

President Mosby: Okay. I'll have, yeah, if you will give us a couple of names to Tammy, and then I'll have Patty set up a meeting with the two of you and myself, and the two Councilmen and Mr. Rector.

Carl Heldt: It should probably be the three of us.

President Mosby: Okay.

Carl Heldt: Judge Niemeier (Inaudible. Not at mike.)

Commissioner Crouch: Is that a quorum?

Carl Heldt: If you don't mind three judges in the same place.

Madelyn Grayson: Commissioners, I'll also need copies of the documents that were presented to you. I don't have those for the record. The memo, and the cost matrix, and the letter addressing the juvenile division.

President Mosby: Okay, we can get you copies of this. Just for the record, Judge Heldt, Judge Niemeier, and Judge Trockman will be a part of the committee to meet with Councilman Raben, Councilman Winnecke, myself, and then Building Authority Director, David Rector.

Dave Rector: I've only presented this to you all. The Council, they don't have copies of everything that you have. So, if you're wanting them to get that, let me know, and I'll get it to them.

President Mosby: I think they've seen it. I had invited them to this meeting.

Dave Rector: Okay, I know I didn't copy them on it. I would be happy to.

President Mosby: Okay, I think we did, or I might have.

Dave Rector: I don't know if, correspondingly, the Mayor did with the City Council or not. I've just addressed the issue with you and the Mayor, because you are the space gurus here.

President Mosby: Okay. Kevin?

Kevin Winternheimer: I've got a question. I had the impression that this was sort of an ad hoc meeting, not an official committee. Are you making it a committee? Are we giving public notice, and do you want the media there? Otherwise, it's just, we don't want to call it a committee, because it's not. It's just an ad hoc group of the Commissioners and the Council and the judges. I think that was your intent, right?

President Mosby: Yeah.

Kevin Winternheimer: Okay. I just wanted to clarify that.

President Mosby: This is not going to be a formal committee. It probably won't meet but just once. So, is there any other comments or questions? If not, we will adjourn this meeting, and meet again on September 8th. Do I have a motion to adjourn? Thank you, judges.

Commissioner Fanello: So moved.

President Mosby: I have a motion to adjourn, can I have a second?

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 5:24 p.m.)

Those in Attendance:

| | | |
|---------------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Dave Rector | Carl Heldt |
| Jeff Tornatta | Wayne Trockman | Brett Niemeier |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 25, 2003**

The Vanderburgh County Board of Commissioners met in session this 25th day of August, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, August 25, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of August 18, 2003 Commission and Rezoning Minutes

President Mosby: Thank you. I need a motion to approve the August 18th Commission and Rezoning minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of August 18, 2003 Space Allocation Minutes

President Mosby: Approval of the August 18th space allocation meeting minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of August 25, 2003 Executive Session Summary Minutes

President Mosby: And tonight's Executive Session.

Commissioner Crouch: I would move that we approve the minutes for the Executive Session. It convened at 5:00 and we finished at 5:25, we dealt with personnel and litigation matters.

President Mosby: I second that, and so ordered. I don't believe we have any bids tonight, do we?

**Second/Final Reading of Ordinance Amending the County Code
Regarding Flood Hazard Protection**

President Mosby: Discussion items, first we'll hear second and final reading of ordinance amending the county code regarding flood hazard protection. We had this on first reading last week.

Roger Lehman: Roger Lehman, Building Commissioner. The City Council passed this last week. We need to get it to DNR this week, actually tomorrow. So, I'm not aware of any questions or problems. Nobody has contacted us with anything. So, we would recommend final passage tonight.

President Mosby: Is there any questions by any member of the Commission? Seeing none, chair would entertain a motion.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Roger Lehman: Thank you very much.

President Mosby: Do we need roll call on them, Kevin?

Kevin Winternheimer: Yeah, you should.

President Mosby: Okay. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Three yes', no nays. Thank you.
(Motion carries 3-0)

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| Contract for Voting Systems Equipment and Services |
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President Mosby: Next we have contract for voting equipment systems and services. This was in my packet today, and being as I was out of town all last week, I really haven't had a chance to review it, and, Kevin, I don't know, have you seen it?

Kevin Winternheimer: I've seen it, but I have not reviewed it. I'm sorry, I'm not ready to make any kind of recommendation or comment on it tonight.

President Mosby: Okay.

Commissioner Fanello: Well, and the other thing is, I had a chance to read the contract, but it didn't seem to include all the information. I was wondering if Ms. Abell had prepared the stuff that we had asked for in our last meeting?

Carla Hayden: In addition to?

Commissioner Fanello: Well, we, I believe Commissioner Crouch brought it up that we would like to see a contract for a lease, and a contract for a lease to purchase, and I haven't....there wasn't any costs or anything in this contract.

Carla Hayden: We know that this did not include any numbers with this. The numbers were what was presented previously, and based on what you would choose, then those numbers would be plugged in. On the lease to purchase, ES&S is still getting us numbers on that.

Commissioner Fanello: Okay, well, I would suggest that we not sign anything until we get all of the information, and we have a chance to review that information. I would like to see a final spreadsheet or something about the prices. I know I have this information, but it was a little confusing. So, if you could put together a pricing summary for us, that we could look at, that would be helpful.

Carla Hayden: That's one thing, I have Robb McGinnis with ES&S here, and one of the reasons that he's here is to make sure that we know everything that you need to have, and that we get that to you so you can make a decision, and we can move on with this.

Commissioner Fanello: I think Commissioner Crouch laid that out in the past meeting, and those are well documented in the minutes. I'm sure as soon as we get that information we can make a decision.

Robb McGinnis: Sure. If I could, I would recommend, by mid-week this week I will have the number for you that shows ownership at the end of the term. So, we will then have the purchase number, the lease number, and the lease to own. I will have a new spreadsheet that shows you the breakdown of every dollar—

Commissioner Fanello: That would be great.

Robb McGinnis: —all of the equipment, so that you would have all three in front of you—

Commissioner Fanello: Thank you.

Robb McGinnis: —for you to compare. From there, when you give us direction on which way you would like to go, we simply take that boilerplate contract and plug in those figures. So, I will get, you will have all of those to you, you will have them by Wednesday.

Commissioner Fanello: Well, we don't have a meeting next week—

President Mosby: Yeah, it's not important.

Commissioner Fanello: —so I would just make a motion that we defer this—

Robb McGinnis: Okay.

Commissioner Fanello: —until the next meeting.

Commissioner Crouch: I'll second. So, if I'm understanding you correctly, you'll give us the pricing options that we can look at—

Robb McGinnis: Correct.

Commissioner Crouch: –and then, depending upon what we decide, you will plug those numbers into the contract–

Robb McGinnis: That’s all they do.

Commissioner Crouch: –and then let the attorney review?

Robb McGinnis: Correct. Then our attorneys speak with your attorney, and take it from there. But, certainly, by the end of this week you will have all three sets of numbers.

President Mosby: I need a motion to hold.

Commissioner Fanello: I just made a motion.

President Mosby: Okay.

Commissioner Crouch: Second.

President Mosby: So ordered.

Robb McGinnis: Thank you.

President Mosby: Thank you.

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| <p>Reimbursement Agreement with the Water and Sewer Utility for Jail Road Project</p> |
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President Mosby: Next we have the reimbursement agreement with the Water and Sewer Utility for the road project. Is there any questions? I think everybody knows it’s a 50% reimbursement. So, anybody in the audience? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| <p>Centre Refunding Bonds</p> |
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President Mosby: Next we have the Centre. Centre refunding bonds which came in.

Kevin Winternheimer: Just to speak to that briefly.

President Mosby: Okay.

Kevin Winternheimer: You have a second addendum to lease between the Evansville-Vanderburgh County Building Authority, as lessor, and the County, as lessee. The document in front of you, prepared by your bond counsel, it reflects the three years that are cut, I don’t know, cut off the bond payments. I don’t have the

figures on the savings on that, but, I think Commissioner Fanello does. It reflects changes in what the County Option Income Tax is used for, can be used for. Then, finally, it allows for the purchase of a surety bond to guarantee payment. This is one of the factors that helps in keeping the rates down, and ends up saving the money. Rather than just keeping cash available, you have the surety bond option. That's a brief summary.

Commissioner Fanello: If anyone's interested in those numbers, the savings came out to be \$5,234,195.92. We are going to be able to pay it off three years early. The interest rates were lowered to anywhere ranging from 1.15% to 4.72%, which was quite lower than what we had before.

President Mosby: Are there any questions? Seeing none, chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Proclamation of Women's Equality Day |
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President Mosby: Next is a proclamation of Women's Equality Day.

Commissioner Fanello: Yes. Tomorrow marks the anniversary commemorating the women's right to vote, or the passage of the women's right to vote. There are a group of women who are getting together tomorrow to have a breakfast to honor that day, as there are across the state, and we do have a proclamation that we would appreciate the Board of Commissioners approving. If it so pleases the board I can read that proclamation.

President Mosby: Go ahead.

Commissioner Fanello:

"Whereas, many decades of efforts by women and men were required to give women the right to vote; and whereas, 155 years ago the first women's rights convention took place in Seneca Falls, New York; and whereas, the observance of August 26th not only commemorate the passage of the 19th Amendment, but also calls attention to women's continuing efforts toward full equality for all citizens regardless of race or sex; and whereas, the women of Vanderburgh County are to be commended and supported in their organizations and activities, Now, therefore, be it resolved, the Vanderburgh County Board of Commissioners does hereby proclaim August 26, 2003, Women's Equality Day in Vanderburgh County, in remembrance of all those women and men who have worked to develop a more equitable community in which all people share burdens and benefits in truly equal partnership, acknowledging both the similarities and differences between women and men."

I would move approval of the proclamation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve. So ordered. Commission contracts, I don't believe we have any Commission contracts. Other items? Are there any other items?

Public Comment

President Mosby: Public comment. Is there anybody in the public that would like to speak? Okay.

Old Business

President Mosby: Old business. Go ahead.

Commissioner Crouch: Mr. President, we were, you and I and the Sheriff were at the "What Works" conference, and I thought perhaps the Sheriff could come up and give us a little brief report. I left a little early, so he might have a little additional information.

Brad Ellsworth: Good evening, Sheriff Brad Ellsworth. I'm also the President of the Community Correction Advisory Board. I would like to thank Commissioner Crouch and Commissioner Mosby for attending the conference in Columbus, Indiana this week. I think there was a lot to be learned, and a lot clearer understanding of what went on here in the last few months. Just for a brief update for the audience, and some people over here, and those who care, we did finally meet Dr. Latessa. We didn't fight. He was a pretty big guy, so I wasn't going to do that. He seemed like a very nice man. We had a lot of discussion. After one of his first presentations, he and I both agreed that had he visited Vanderburgh County prior to his report, the draft report coming out, that it probably would have, some of the articles in the newspaper, the news reports, and some of the things that, the perceptions we had would have been totally different, as to what community corrections is in Vanderburgh County. I told him had he spent an hour talking to us before hand, then we could have, you know, really settled things down before they got out of hand. We did call him today to schedule the meeting, his visit to Vanderburgh County where he'll address the stakeholders one day, and the public meeting the next day. He was out of his office until Wednesday, and he should get back with us on Wednesday. Just, and I'll be very brief, but the one thing that I think we learned the most was about what they're talking, when we all refer to "What Works", is what they're talking about. We're talking about cognitive behavior based curriculum is what the Department of Correction is leaning towards is what they feel that works. Dr. Latessa, the Department of Correction, as well as that group, feel that cognitive behavioral therapy is what works. There's empirical data, they say, that backs that up. We'll be looking at that data, and making that decision for ourselves as a county. It is very clear that the Department of Correction believes in this, and they will base their future funding on agencies and counties that move towards the cognitive therapy. So, that's a decision we will have to make going down the way with the Advisory Board and the Commission. I don't need to remind the two that went that this is one school of thought. As Dr. Latessa said himself, one hundred years ago they would measure people's earlobes, and the circumference of their head, and the bumps on their head, and decide if a person was going to be a criminal or not by their physical attributes. That was a school of thought one hundred years ago. We then evolved through, and there's been several theories since then. Cognitive is one

theory, but, like they said, there is empirical data that works, and if that works, if it does work, then I think it's incumbent upon us to move that direction with that, with the blessing of the Advisory Board and the Commission. You know, we came out of that report feeling pretty bad about ourselves, but after the first day at the school, I think we felt a little better, in that in Indiana there were only five counties who were considered pilot programs who have made a commitment to move toward cognitive based corrections. Nobody is there yet in our entire state. I think that's important for the public to know that we're not so far behind the eight ball that...nobody's there yet in Indiana, and there's only five pilot programs who have signed on. They also said, which was encouraging that this is about a ten year process. Anywhere between a five and ten year process to switch a program's thinking, and go to a cognitive based theory. They also said that people that profess to do cognitive therapy, don't always do it. They call it cognitive, but they aren't always doing it. Basically, you know, you go, well, what's cognitive theory? It's basically changing the way they think. Now, that seems pretty common sense. Isn't that what we want to do is change a criminal behaviors way of thinking, and I agree with that. If this is the way the DOC wants us to go, I've got a commitment from Mike Brown with DOC to come down and attend our advisory board meetings, come down and assist us through this process, but it's not going to be an overnight thing. Like I said, everybody was in agreement, this is a five to ten year process of switching over. We talked about better use of some of the instruments, some better screening methods to use that, to predict a person's ability to make it through community corrections. I think there will be more information in the future. They did say that the final report was in the mail, which I've heard that before. It didn't come today. So, it's supposed...the final report is in the mail, but I think, actually, more than that final report, we'll get more out of Dr. Latessa's visit when he comes down through. I don't know how many changes there will be in the final report from the draft, but we'll have to wait and see. I did get a letter today from the Indiana Association of Community Corrections at Counties. We refer to it at IACCAC. But, basically, it's, like I said, when you're feeling pretty down about yourself, the letter was to Major Woodall, who said;

“On behalf of the member of the IACCAC, it's my privilege and pleasure to inform you that your agency will be honored during the awards and recognition banquet at this year's fall conference in Indianapolis, Indiana.”

So, like I said, we're probably after 20 years, we'll have a 20 year plaque for being in the business of community corrections for 20 years, because of Judge William Miller and his foresight over 20 years ago. I think, like I said, we'll learn more when Dr. Latessa comes. Like I said, I went up there a little mad, but coming back very encouraged on what we're doing here, and what we can do here. So, if you have any questions, or if the Commissioners want to add to it, but I appreciate you all going, that helps.

President Mosby: I would just say it was a learning experience, even though I don't deal with the offenders, it was definitely a learning experience. I brought the material back that you're talking about, so, I'll give it to Tammy and we will have it in the office. I think the one other thing that I wanted to mention, and I really wish there had been a couple of Councilmembers that had went on that with us. On Tuesday afternoon, when we got up there early, me and the Sheriff and, I guess, it's Major Woodall, also took the opportunity, the three of us drove up to Hancock County, and then back over to Johnson County. I know there's a lot of discussion right now in Vanderburgh County about building community corrections, and I believe if anybody

had visited these two sites, and looked at them side by side, you could see exactly why they don't want you building a pole barn. That's not my sentiment, that I believe that's the Sheriff and Major Woodall's. If you looked at the two...first the site in Hancock County, which just opened in March, was a very durable building. I mean, the building was put together very well. I think it was put together for about \$2.1 million, if I remember correctly, is what they told us. When you went in the building, it flowed. I mean, it was actually a building that had the offices, the classrooms, everything flowed together right into the offender area. It was a nice building. We got the eye opener when we got to Johnson County, and pulled up in the middle of the county garage and found a pole barn that when you walked into it, nothing flowed. I mean, there was a little area that you entered that probably wouldn't hold ten people, and, I mean, everything was just, the offices were scattered, there was stuff everywhere, I mean, you could almost tell the building wasn't built for the way they were using, actually operating it. There was paper on the windows to keep people from looking in certain areas. If you went back in the offender areas all the base board was falling off of the walls, we noticed that. It was put together very cheaply, but still cost about \$1.2 million, I believe, which is only about \$900,000 less. The building inside was not finished, it was not efficient. I think they said their lighting was terrible, I mean, there is nothing in the ceiling. So, I wished that a couple of Councilmembers would have an opportunity to go up and look at them two facilities, and it would be very easy to distinguish between the two and why you would not want to build something, I would say, cheaply, if that's the quick word.

Brad Ellsworth: If I can add to that. You know, Hancock County was very nice, maybe it's something that we don't need to go quite that far with the brick finish and that, but I was trying to envision the pole barn structure right next to, 20' away from the new facade of the new jail, and it's going to look kind of funny. I noticed low on the pole barn, and that's literally what it was, I mean, and we all do this at our homes when you cut grass and throw a rock, there were dents, you know, the first five feet up all over the side of the building from where the rocks and the lawnmowers were thrown, or people leaning against it and put a foot against it, or whatever. Then we build this, we're making a ten year commitment to use it as community corrections. Another thing that struck me funny about the pole barn is the employee and the morale. Like I said, we don't want a Taj Mahal, even though that term gets thrown around. The director gave us the tour, goes, welcome to the pole barn. That was their first statement. The morale in the building, for the employees, and the whole time she talked about basically we're the stepchildren, I remember that term came out of her mouth. You know, here we are, it was, you know, it's just not conducive, even though, like I said, there are ways you could make that flow inside by a different design....it's a building that, I think, we need to be proud of, and that we show the employees and the public that we're not going to put just anything out there. So, that's, you know, remains to be seen. But there are certainly some reasons to build a better building. One thing that I did want to add was when we talk about "What Works", nobody ever claimed that "What Works" works 100% of the time. The whole goal is to reduce recidivism, but this theory doesn't make crime go away. We're not going to fix everybody out there. There is going to be people who re-offend, as long as we let people out of there, and they are in programs, people are going to re-offend. We had some horrible example of this last week, or two weeks ago now, but, you know, we got criticized for making this a second jail. It's not a second jail. We release them, we have programs, and when you let somebody back out on the street, without a crystal ball, we're going to have incidents of reoccurrences of crime. It's just going to happen. The only way to prevent that is to make a really big jail, and the first time somebody offends, lock them up, and lock them up forever. I don't think we're ready to do that. So, we need to be prepared, we can reduce the

recidivism rate, and that's always our goal and the model we want to follow, but we're never going to get rid of it 100%. We'll have occurrences like we did last week.

Commissioner Crouch: Mr. President, and not to belabor this, because I think you both had excellent points, but to just add to it, our group that went up there, I think there was some skepticism, and there was a defensiveness on those of us that were going up there. It was interesting to see that as the days went on that there became a willingness to embrace and to explore this alternative. I think the other point is, when you hear of the different counties that are in the pilot project, it seemed like when they were making their comments, they all did things just a little differently. I think we can't lose track of the community, in community corrections. What we do here in Vanderburgh County is going to be a little different than what they do in Marion County, because our community is different. The way we look at community corrections, as a community, is different. So, I don't think we want to lose site of that. I think that's what you're saying is that we aren't going to utilize probably 100% of everything that they have offered, but if it helps us do a better job, then that's what we're all working for.

Brad Ellsworth: I couldn't agree more. Thank you.

President Mosby: Any other comments? Any other comments about community corrections?

Commissioner Crouch: Mr. President, while you're meeting with Councilmembers Raben and Winnecke regarding the space allocation and how much money would be available, if you could broach the subject with them also, and see, you know, we had read at one time that a million was what they were considering in terms of their contribution towards community corrections. If you could explore that subject with them while you're talking about money.

President Mosby: Okay.

Commissioner Crouch: And see if that number has changed. That might help us better prepare our course of action.

President Mosby: Hopefully, I think that meeting is set for next Tuesday, I believe. I believe that's what Patty told me. I think the meeting is set for next Tuesday, because Judge Trockman was out of town this week. So, we were trying to set it for when he got back. So, and I will talk with them again. I have talked with them once or twice already.

Commissioner Crouch: Since you're going to be with the judges anyway, that would be interesting to hear their input on that subject also, again.

President Mosby: Oh, I agree. I wish they had, like I said, I wish they had time to go look at this, but we're under the deadline here now of getting this done. Any other discussion about community corrections? Any other old business? I want to bring up one thing in discussing with Councilman Winnecke and Raben, we had a couple of meetings, I guess, or phone calls with Council Finance Chairman Winnecke and Council President Raben, going over the budget and the budget comes back up, I guess, it's September 3rd, right, Bill? They're going to do their finalizations for, I think they set salaries, wages, and PERF and FICA that day. There was a lot of discussion amongst myself and the Council, and we came to a couple, three or four

agreements. I believe the working relationship was very well. I will admit the dialogue went very well. We were able to continue to put all the street and road projects in the budget that we were trying to fund that we had in the budget for 2004. They did take out \$125,000 of the Sheriff's police cars money. I have talked with the Sheriff and told him that if it's the willingness of this Commission that we would put another \$125,000 back in there to fully fund public safety and Sheriff Department cars. They asked if we would agree to let them have the Old Courthouse Fund for one year, and one year only, and that statement was made by the Finance Chairman on the floor of the Council, to help offset their deficit in the budget. We agreed to that. Hopefully, it would be my pleasure and whatever the Council thinks to try to fund part of that Old Courthouse project, even for the year 2004, out of CCD, if we have the money available. I'm not sure where that's going to be. I guess, the other thing is the Council would like for us to take a vote amongst the Commission to eliminate one penny off of the Bridge Tax to help offset some of these costs that we're talking about in employee raises and things like that. It's my opinion that this Commission has done an excellent job in trying to save money. I know we went through a big deal last year with health insurance when we reworked a couple of the plans, and was able to save this county a million dollars. We worked on refinancing several bond issues this year. I guess my main concern in all this is the fact that we do give up the \$750,000 one year from the Courthouse Fund and \$750,000 from the Bridge Tax, and I know the Council is going to use a million of their money that they have laying in an account, but this \$2.5 million, I'm not sure where it's coming from the following year. I don't want the Council to get dependent upon this body here to fund, you know, their budget. I think Councilman Sutton said that very well in the newspaper when he said the Commissioners are not the only budget and the only body in the county. It just seems like it's becoming a burden on this body here to try to move things forward, and we've done that, but our street and road tax has been cut since the day I come on this Commission, and it was cut a million dollars the first year and two million the second year and we continue to keep losing money. But, in the same sense, we continue to keep saving money. I guess, that's my biggest fear, but I'm asking the rest of the Commissioners here tonight, I mean, what they want to do with the Bridge Tax. I mean, it's this body's decision. But, that's kind of where we lay going in to next Wednesday.

Commissioner Fanello: Well, just to clarify what you've said, and make it a little bit more clear for the public who doesn't really understand about all the funds that we have. When you say give up the Old Courthouse Fund, I'm assuming you mean the Council is not going to let us use that for the Old Courthouse, but they are going to take the original penny that we took off the Bridge Fund and use that penny to fund the General Fund.

President Mosby: Exactly.

Commissioner Fanello: Okay.

President Mosby: I agree, and I should have explained myself.

Commissioner Fanello: Same thing with Cum Bridge.

President Mosby: I should have explained myself. This Commission voted to put that money there in the Courthouse, and they want to take it.

Commissioner Fanello: Will they be, you know, I guess, reinstating the Old Courthouse Fund in the future? I mean, how do they plan to handle that in the future.

President Mosby: They stated on the floor, and Finance Chairman Winnecke is the one that made it in his opening statement, that he would like for us to agree to give up that fund that we set aside, which they had asked for, and we wanted to do. He said it would be reinstated the following year.

Commissioner Fanello: Okay.

President Mosby: It's a one year deal.

Commissioner Fanello: Well, CCD does have an unappropriated balance, I believe, of nine....oh, we have our financial statements in our packet tonight. \$927,000, so there are unappropriated monies there that we could use, you know, to fund an energy savings contract next year, and also to help fund cars for the Sheriff's Department. So, I guess, I have a couple of motions to make, but I'll wait and see if anybody else has any questions.

President Mosby: Do you have any comments?

Commissioner Crouch: No, I mean, I understand the situation with the money. The concern that I have, which I think you both have voiced is, what do you do next year? While this Commission does set the rate for Cum Bridge, and we could very easily reinstate that rate, you know, that could in terms handicap their efforts next year too. So, that is a concern.

President Mosby: That was the point that I had brought up with the Councilmen, meeting with them, that, you know, we've got two and a half million dollars here that we're talking about, and this is a one time shot. So, next year, I mean, we start, I guess, two and a half million in the hole, and work from there. It was kind of, and there were some budgets that were cut that I know are going to have to be reinstated. So, that bothers me a little bit too, but I think we can probably live with that, and get through it.

Commissioner Fanello: Were they able to, I don't know, you may have just mentioned it a minute ago, I didn't hear it but, I know they were looking at how to fund employee raises for next year. Is that--

President Mosby: That is a part of the penny.

Commissioner Fanello: Okay.

President Mosby: From the Bridge Tax, that employees will get a raise, and benefits will not be decreased in any way.

Commissioner Fanello: Well, I have a few motions to make, if, first motion I will...well, I have one more question before I make my motion. It will probably be for the Auditor. Are we going to get through this budget season without raising taxes?

Bill Fluty: Without raising taxes?

Commissioner Fanello: Uh-huh.

Bill Fluty: Right now we don't have the assessed valuation in the Form 11's from all the departments. So, I don't have a number for the increased assessed valuation. You also know that we have 3,500 appeals, so, that also has an effect on the assessed valuation. We are at our maximum levy, so, we are pushing and pulling at all stops. I can't answer that question at this time.

Commissioner Fanello: I would just say that I hope by us transferring, you know, a couple of pennies over to, you know, the General Fund that we can get by without raising taxes. My first motion would be to reduce the Cum Bridge by one cent.

Commissioner Crouch: Second, and do we need to fill out any paperwork on that? Do you know?

Commissioner Fanello: That I, did we fill out any paperwork the last time?

Commissioner Crouch: I don't know.

Bill Fluty: I believe a resolution would be in order.

President Mosby: I think that's what we had to do on the Old Courthouse Fund, is that we had to bring a resolution to this body to move \$750,000. Kevin, on these motions do I need a roll call?

Kevin Winterheimer: Yeah, you should.

President Mosby: Okay. I have a motion on the floor to reduce the Bridge Tax by one cent to help offset the cost of the budget and save employee raises, I guess.

Commissioner Fanello: I believe you have a second.

Commissioner Crouch: Second.

President Mosby: Okay, I have a motion and a second. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes.
(Motion carries 3-0)

Commissioner Fanello: I would also move that we seek to have Tammy turn in an appropriation, or an additional appropriation to fund Sheriff's cars out of CCD money, which has been done in the past.

Commissioner Crouch: Second.

President Mosby: Okay, is that for \$125,000.

Commissioner Fanello: I believe we already have \$125,000 in there, so, this would be for an additional \$125,000.

President Mosby: That's what it was, we budgeted \$125,000 and they couldn't match it, so. I have a motion for additional cars, \$125,000 for the Sheriff's Department, and I have a second. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes.
(Motion carries 3-0)

Commissioner Fanello: I have one more motion to make. I would like to see us go ahead with issuing the RFP for the energy savings contract for the Old Courthouse, and work with the Council to see if that could be funded out of the CCD Fund.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to work with the Council on appropriating money out of CCD to fund the RFP for the energy savings. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. I will just say briefly, I had discussion with the Council about the Old Courthouse, and their theory is to do whatever possible to continue progress on this building. Kind of the indication that I got is everybody is for the Old Courthouse, it's just that we need to find a way to fund it now. We thought we had a way, but we don't.
(Motion carries 3-0)

Commissioner Fanello: I think we should say thanks to the President for working with the Council on the budget negotiations. I think the budget went very well this year, and everybody worked very well together. So, I think there's a big congratulations to everyone.

President Mosby: I will say thank you. Is there any other old business?

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| New Business |
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President Mosby: Any new business? Department head reports.

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| County Engineer |
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President Mosby: John Stoll, County Engineer.

John Stoll: These first two items I have are the Mylar cover sheets for the University Parkway project. One is for the road plans, and one is for the bridge over CSX

Railroad. These will need to be signed by the Commissioners. As it stands right now, we're on target to get on a December bid letting. So, so far so good. We're hoping that we'll hit that target. This is one of the things that we need to get signed off on before the plans are submitted to INDOT.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next two items I've got are also related to University Parkway. The first one is a notice of intent letter for disturbing 74 plus acres on the project. We need to file that. So, it's requested that be approved by the Commissioners.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other permit application is the IDEM water quality permit. It's requested this be approved also.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have the Form 96 for the reconstruction of the streets in the Mill Terrace Subdivision. The low bidder on the project was Koberstein Trucking. Their bid was in the amount of \$205,967. It's requested that this be awarded to Koberstein.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Last I've got street acceptances for Stone Creek Subdivision. One is for section two of Stone Creek, and one if for section three. In section two we have a total of 325' of Clippinger Road, and 300' of Chatteris Road. It's requested that these be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: In section three we have 586' of Clippinger Road, 420' of Chatteris Road, and 248' of Chatteris Point. It's requested that these streets also be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions.

President Mosby: I guess, the question should have been asked of you awhile ago, and, hopefully, it's not too late, but do you feel comfortable with the penny out of the Bridge Fund for one year?

John Stoll: For next year, yes. The big expense that we're still looking at will be the Green River Road bridge. Given the fact that it's going to cost six, eight million dollars, and knowing that INDOT's not been real receptive in the past to giving federal bridge money to urbanized areas, the total funding picture of that bridge is a big unknown. So, for next year, knowing that we won't be going to construction on that bridge next year, it shouldn't be a problem. Long term, we'll have to wait and see.

President Mosby: I knew you was at the budget hearings and knew what was going on, so.

John Stoll: Yeah.

President Mosby: Is there any questions of the County Engineer? Seeing none. John, I think this is the last one that needs to be signed.

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| County Highway |
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President Mosby: County Highway, Dennis. John?

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Last week I told you that I was dealing with Pioneer Rail Corp on trying to get St. Joe, Mill Road, and Kuebler Road completed. That if I hadn't heard from Mr. Cullin within a reasonable amount of time that I would draft a letter and have it prepared for you tonight for your okay. I drafted the letter because Mr. Cullin did not call, but he did call at 4:30 this evening, right before I came here. So, I already had the letter prepared, and it probably wouldn't hurt for me to submit that to you for your approval, if nothing more than lessons learned in case we have to do this again. The rules and regulations from INDOT Rail, it's on the Internet, it's a lot of research, but we already have that research done now. So, Mr. Cullin is going to call me in the morning, we're going to try to close the road by Tuesday of next week, but he wants to start on St. Joe first instead of Mill Road. That's fine with me, it's just a more difficult road to close, because of Browning and Ferris. So, in the morning I'm going to try to meet with Browning and Ferris' Operations Manager to see what we can do about detouring some of his trucks for a week. So, I will write e-mails to keep you informed of what the progress on this is, but I have to give a notice of three days before I can close

the road. So, I'm going to hand out this letter that I drafted. I would like to have our opinion on it. That way if I do have to invoke it, we already have that over with.

President Mosby: Has Kevin seen it?

Dennis Hudnall: No.

President Mosby: Okay.

Dennis Hudnall: It's just a draft. I mean, I don't have to have it okayed, because I'm not going to send it until, unless I have difficulty getting this road closing, getting this work process going.

President Mosby: Kevin, I would just ask that you look at it and make sure everything is legal.

Kevin Winterheimer: Right. That's fine.

President Mosby: Thank you, Dennis. Any other, or, I'm sorry, go ahead.

Dennis Hudnall: The only other thing I have is if you have any questions on my report. The report that I have here, now that you know this is a week behind, we're at 83% on the paving. I know we've got here, I think it's 74%, which is a quarter, but we're a week behind and we had two small roads completed this week.

Commissioner Crouch: I would like to make a motion that we accept the letter and authorize the sending of it if the case is warranted. That's contingent upon the County Attorney's approval, but since we aren't meeting next week, if for some reason—

President Mosby: That's true.

Commissioner Crouch: —we've been down this road before—

Dennis Hudnall: Yes, we have.

Commissioner Crouch: —that if, you know, if they don't come through, you don't have to wait for us.

Dennis Hudnall: I appreciate that.

Commissioner Fanello: Second.

President Mosby: I say so ordered.

Kevin Winterheimer: Also, wouldn't it be appropriate to officially authorize the temporary closure of St. Joe to do the work that he described. You know, let the Commission officially authorize him to close it for this repair. Didn't you say you were going to start with St. Joe first.

Dennis Hudnall: Yes. When I was talking to Mr. Brown, now you have to understand that the personnel has changed. So, I'm talking to an Operations Analyst now, instead of the Operations Officer. When he spoke with me tonight over the phone, he was speaking of St. Joe, and I said, well, St. Joe is what we discussed to close

first, because it was easier. Well, I'm not going to argue with you over which road, and I don't want to argue either. I just want them done.

Kevin Winternheimer: I just want to make sure you had the authority that you needed to, in fact, close the road, set up the necessary detours and all that for whatever you—

Dennis Hudnall: Well, what I would like to do is give Browning and Ferris the courtesy of going down there and setting down with them and trying to get a plan together before we actually close it. Then I have to put it in the news media for three days that I'm going to close that road so everybody's informed. But, Browning and Ferris uses that road extensively, and they are going to have to do a little planning before we do that.

Kevin Winternheimer: I still think it would be appropriate to have a motion authorizing him to make the necessary closures, publish notice, whatever to get this effectuated.

Commissioner Crouch: Could that motion include all the roads?

Kevin Winternheimer: Sure.

Commissioner Crouch: Then I'll make a motion that we authorize you to close the roads as the timetable permits.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to allow County Highway to close St. Joe, Kuebler and Mill Road at their prospective time. So ordered.

Dennis Hudnall: Thank you.

President Mosby: Thank you. Any other questions? Thank you, Dennis.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: I have two matters, one is just notification that we are progressing with the Health Department's lease with Southwestern. I talked to their attorney today, and he is putting something together and should have it to me in a few days, and I'll forward it on to you, for your review as well. So, that is progressing. Hopefully, we can get it to the Board of Health, have them approve it, and then bring it back to you with their recommendation. Second matter is, and, Jerry, you have magnificent timing. I'll let, this is Jerry Atkinson representing, I believe it is Wynnfield Subdivision.

Jerry Atkinson: Yes, Wynnfield Development, Inc., Landmark Quality Homes, and it has to do with Wynnfield Subdivision, lots 78 and 77. Do you want me to just plunge in and describe it?

Kevin Winternheimer: Sure.

Jerry Atkinson: These lots are adjacent to each other. Between the two lots is a drainage easement. The drainage easement is 6' on 78, 6' on 77. The house is constructed in the wrong place by a contractor. The edge of the house comes to the edge of the 6' drainage easement that's located on lot 78. There was some fill dirt placed on that lot in that area, and in order to stabilize the house, they were going to put some slanting steel pins with jacks on them that would lift up and stabilize that. If you look at the drawing you'll see that a few inches of two of the pins encroaches into the drainage easement as platted. That's either a problem or not a problem. If you do a consent to encroachment, there has to be indemnification, there has to be insurance. Wouldn't it be simpler, golly gee, yes, it would, for the county to quit claim to Landmark Quality Homes, which is an organization owned by Scott Railey, one foot of that drainage easement so there is no encroachment, and for Wynnfield Development, also the principal of that organization is Scott Railey to give you an additional foot on lot 77. So, you still wind up with a 12' drainage easement with a pipe within the 12' drainage easement, there's no encroachment, no hassle, no problem. I submitted a quit claim deed and a proposed grant of easement to accomplish that result. We're merely moving over the platted drainage easement without the necessity of a formal vacation. As I understand it, the County Attorney and the County Engineer are okay with that concept. We can fix the problem immediately.

Kevin Winternheimer: He brought those documents over to me this afternoon, that's why you didn't see them ahead of time. I concur with Mr. Atkinson, this is the easiest way around this problem. As long as his clients, or the ultimate homeowner is not within our easement, then we don't have an issue. I think this is the way you accomplish all that. It merely shifts it one foot. I talked to John, I don't know if John's still here, but I talked to John and he had no problem at all with that, and was glad that they would not be within the easement any longer. So, I recommend approval also.

Jerry Atkinson: The downside to the encroachment is that it might potentially impair title to the house, and also there is probably a cheaper and better fix available for the fill dirt issue if they've got an extra few inches to work in, believe it or not. I would ask that you sign off on the quit claim of one foot, and we'll give you tomorrow morning another foot on lot 77.

President Mosby: Chair would entertain a motion.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to sign off on the one foot quit claim. So ordered.

Kevin Winternheimer: Thank you.

Jerry Atkinson: Thank you very much.

Madelyn Grayson: Jerry, do you have the original document for them to sign this evening?

Jerry Atkinson: Either one of those can be an original.

President Mosby: Do you want to put these in the file?

Kevin Winternheimer: He needs to take one to his client and get it signed yet.

Jerry Atkinson: Yeah, I'll collect that in the morning.

Madelyn Grayson: I'll have it in Room 208.

Jerry Atkinson: I'll give you an extra copy as submitted. Thank you very much.

President Mosby: Thank you.

Kevin Winternheimer: That's all I have.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything except for my weekly report.

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| Burdette Park |
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President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I've not forgotten your request for the cost estimate on the smaller items. I'm waiting from some of the companies to get prices back on the playground equipment and other stuff that was in the master plan. On here I seen, have the advisory board minutes down on the agenda, and I was wondering if you had questions on them.

Commissioner Crouch: I noticed, we visited this issue once before about, I guess, now they voted to allow themselves \$300 raises, provided they attend 50% of the meetings?

Steve Craig: Yes, that's what was voted on at the meeting.

President Mosby: Well, the Council didn't fund it.

Commissioner Fanello: Right, we don't anywhere to pay that from.

President Mosby: Yeah.

Commissioner Fanello: So, I mean—

President Mosby: We took it, yeah, the Council didn't approve it.

Steve Craig: Last time they had a hung jury on it, I guess, they voted 50/50. This time it was unanimous.

Commissioner Fanello: There's just no budget for it.

Steve Craig: I had my worksheets.

Commissioner Crouch: Tell them that their time is worth more than that.

President Mosby: That's true. Are there any questions of Steve? Thank you, Steve.

Steve Craig: Thank you.

Soil and Water Conservation District

Darrell Rice: My name is Darrell Rice, I'm the District Conservationist with the Natural Resources Conservation Service, representing the district tonight. First off I want to tell you how much we appreciate your support for the Soil and Water Conservation District, and the things that go in and on in Vanderburgh County. I don't know if you've received a run down of our budget, but through your funding of the Soil and Water Conservation District last year, which was \$141,000, the Soil and Water Conservation District was able to bring in over a quarter of a million in IDNR and federal funds to help perform the duties within Vanderburgh County. On top of that they were also able to garner cost share funds through federal and state agencies through Indiana Department of Natural Resources. They were able to acquire \$40,000 worth of cost share funds which would go to land users in Vanderburgh County. Also through the federal agencies, the U.S. Department of Agriculture, EPA, and some of the grants, we were able to acquire \$268,000 worth of cost share funds which go to land users in Vanderburgh County. So, for every dollar that you invest in the Soil and Water Conservation District, they are able to bring back into the county four dollars, which is pretty outstanding for a small agency. I brought with me tonight Norma Duckworth who is our Urban Erosion Control Specialist and Educator, and also Rick Obenshain, who is the Watershed Coordinator for the Pigeon Creek watershed. Over the last four years Rick has completed a detailed study of Pigeon Creek and it's watershed, which was funded by one of the grants. His grant is running out within the next few days, and I had asked him if he would do a presentation on exactly what was performed by that grant. I think you'll find it interesting some of the findings from the grant study. So, I'll turn it over to Rick Obenshain.

Rick Obenshain: Thank you, Commissioners, and staff and guest citizens. It's a pleasure to be here this evening. I am Rick Obenshain. I've been toiling in relative obscurity in Vanderburgh County, and Gibson, Warrick and Posey. The grant funding for my position came down through EPA to the state. It's a way for EPA, through the states, to meet some water quality objectives. Next slide please. There you go. I'm actually employed by Four Rivers RC&D, which is a federal agency who's sole objective is to improve the quality of life and the environment in the counties that it serves. Next. One of the most important tasks of my grant was to provide cost share dollars, mainly to agricultural landowners to install erosion control and nutrient management type practices. Some of the numbers there, 721 tons of soil. 732 pounds of phosphorous, and 1,500 pounds of nitrate. That's a potential savings of those things over a years time from the things that went in through my cost share money. My work also had the side effect of generating a lot of interest in the federal programs, conservation programs, USDA, so there's sort of a trickle down effect from my grant in that aspect. Next slide. My favorite part of the grant was doing the education and outreach activities. I worked with a lot of schools in Vanderburgh County, including; Castle High School, Stanley Hall Enrichment Center, Lincoln, Washington, Evans. I also got to work with the Junior Park Rangers through the Greenway. Very rewarding for me, and I think the kids got a lot out of it too. I always tell the kids that I have a great job, I get paid to go play in a creek.

That is it. It is great. Some of you may have seen a few newspaper articles in the Evansville paper, maybe not. There were a few mentions of my program in the newspaper. Next slide. Next slide. There's my mobile lab in the back of my truck. I monitored eight streams in four counties, just about every month, over two years to gather some data, and used that data...next slide, to generate a watershed management plan to encompass the whole, about 300,000 acres of watershed we have in southwest Indiana. Right now we have the only approved watershed management plan in the state that meets IDEM's 2003 specifications. So, I'm very proud of that. What that means is that when we go to apply for future grants, we have a very good chance of getting those and bringing that, those assets back to the counties to further our work. Next slide. I also did a lot of work in GIS, tracking the practices that went in and the water quality data. Next slide. This is a map of Vanderburgh County, it's very hard to see because it's small. We have a full size, about a four by five version of this map in the SWCD office. It just gives an example of some of the practices that went in, where they went in. It gives you an idea of what they were. A lot of them were just grass. Never underestimate the power of a strip of grass between a farm field and a creek. It does a lot of good. Next slide. In my stream sampling, like I said, I monitored eight streams in four counties. I would like to compare and contrast two very different bodies of water for you. Carpentier Creek in Vanderburgh County, and the West Fork of Pigeon Creek near Fort Branch. Next slide. These are just average values from Carpentier Creek taken downstream of the Hogue Road Bridge. Dissolved oxygen, which is the oxygen that aquatic life needs to survive, is in a pretty good range there. Saturation, which means the amount of oxygen in the water relative to temperature, that's also reasonable. Ecoli bacteria, 431 colonies per hundred milliliters. The state water quality standard is 235. Ecoli, in this aspect, originates from sewage. We have some problems in Carpentier Creek from septic tanks that don't have any leach fields. You have a tank and you have a pipe, that's it. So, that's something that we'll get to in a little bit. Ph is reasonable. Bio-chemical oxygen demand, that's reasonable. Total phosphorous, that's great. That's a good, low number. Nitrate is very low. Turbidity is just a measure of cloudiness, and there again, that's in the good range. Okay, next slide. West Fork Pigeon Creek, this drains a large agricultural area around and west of Ft. Branch. Dissolved oxygen is actually higher, in average, than Carpentier Creek. Dissolved oxygen saturation is over 100%. That's what we call super saturated. It's unhealthy. It becomes super saturated when you have a lot of algae growing in the water, and, as you know, green plants generate oxygen as they grow. The problem with this is, you have a lot of algae growing, they die off after a while. When they die off, bacteria moves in to break down that dead algae. Bacteria use up the oxygen, and you end up with a fish kill, which we've seen a little bit in this creek. Ecoli bacteria, 550 colonies. As I said, the state standard for full body contact is 235. This particular sample site is downstream from Ft. Branch's waste water plant. So, not good water quality. There again, the Ph is elevated because of the algae growth. Bio-chemical oxygen demand is high due to the solids leaving the waste water treatment plant. Total phosphorous is high. What I discovered on the phosphorous is that not all of that is coming from the waste water plant. There is quite a bit of farm land upstream of the waste water plant that contributes nutrients. Nitrate is also very high. Turbidity is within reason. So, that's just a little comparison of those two. As I said, I used the data to construct the watershed management plan, and I would like to get into just a little bit of that. It's a very extensive document. If you would like to review it at some point, it is on CD in a Word document that you can open and read at your convenience. Next slide. I had to generate some problem statements using the data that we had, and the data from past years. Problem statement number one, sediment is the greatest contaminant by volume in the streams in Highland and Pigeon watershed. That was

very clear from the data. Loss of riparian habitat, that's just the trees, you see a lot of streams like West Fork of Pigeon Creek, they are open ditches, there aren't any trees. Not healthy for aquatic life of any kind. High levels of phosphorous and nitrate. There again, encouraging algae growth. Discharges of raw and inadequately treated sewage and/or runoff from livestock operations, making water unsafe for recreation. There again, that was confirmed by the data. Illegal dumping of solid waste. That's a problem all over the watershed. See it everywhere. Loss of wetlands reduces runoff storage, leading to flooding problems. Wetlands are also natural filters for pollutants. So, we've lost a lot of wetlands. The data implies that, we can't really measure that with what we did. Urban erosion control practices are not being followed, or need to be improved. Now, that's confirmed by the data we had from the urban sub-watersheds that showed high rates of sedimentation in the absence of farm land. So, that's a problem. Streams in the watershed are unsafe for children. Yes. In some cases where I work with school kids, I didn't let them work with real creek water. I had to make up some water, using tap water and I would add some artificial things to it to make it interesting to test. It's just not safe to handle. Number nine, lack of education about water, watersheds, and land use has contributed to the above problems. Yes, indeed. I was really amazed at the lack of knowledge of, not only the school children, but the adults and some of the teachers regarding these issues. Okay, next slide. We generated some prioritized goals and a time line. A very optimistic time line. We're going to attack sedimentation in some of the worst sub-watersheds first. We're going to look at the livestock issues. We've already got a handle on quite a few of those. As I said, the educational opportunities need to be increased, I think. Right now, Gibson County is the only soil and water district that has a full time educator. I really think that's a need that needs to be addressed by all the districts. Discharges of raw and inadequately treated sewage. For the entire watershed, I see septic tank problems in all counties. Of course, we have the combined sewer overflow issues here in Vanderburgh County/City of Evansville. High phosphorous levels from mainly agriculture. Some of it's from mine land over in Warrick County. Streams are impaired for ALUS, that's aquatic life use support. That is, the streams, for one reason or another, just don't support the aquatic life you would expect to find there. There again, looking at the absence, or lack of wetlands, and then urban erosion control. On the urban erosion control, I'm sure you've been made aware of the new rules that are coming into effect soon, and I think there is going to be a real need for more staffing, some more vigilance on the part of the county government. Okay, then we also developed an action register. There again, kind of refined our time line a little bit, kind of narrowed down what we were going to do and where and how long it would take, and where the resources were coming from. Of course, we're going to deal a lot with the agriculture, and you may wonder, well, you know, what good is installing 75 acres of filter strip in Gibson and Warrick counties going to do Vanderburgh County. I think you'll see, eventually you will see a positive effect, because what we do upstream from Vanderburgh County will have a very definite effect on the quality and also the quantity or the timing of water as it enters Vanderburgh County. That's a big issue down here, because you've got a flat county. Two thirds of it is in the watershed of Pigeon Creek and tributaries. Okay, next slide, so, that's sort of a rundown of what we want to do. Now, one thing that I've been, that I stuck in here, was preliminary engineering reports in all four counties to take a closer look at your wastewater treatment. I'm not talking about the sewered areas in Evansville and Vanderburgh County. I'm talking about the areas that aren't served by municipal sewers. I think we need to revisit that, take a closer look at what's happening there, the sighting of septic systems, that kind of thing. I know we do have some problems within the city limits areas that are supposed to be sewered, but houses aren't tied in. That's come up in the past. So, we need to take a look at

those things in each county. Then, finally, provide educational opportunities for all citizens of the watershed. There again, drawing on various resources and funding. Okay, before we get to any questions you might have, I would like to report to you that the SWCD in Vanderburgh County intends to apply for a grant in the Locust Creek watershed, which is tributary to Pigeon. We're going to be doing what they call Core 4, which encourages no till on farm land, and also the filter strip practices, and some other things that will really make a difference in the quality of water coming out of Locust Creek. Okay, would you have any questions for me this evening?

President Mosby: Are there any questions by any member of the Commission? I don't have any.

Rick Obenshain: Okay, thank you. I would like to leave a copy of my final report for this project with you this evening.

President Mosby: Thank you very much. Appreciate it. She gets it.

Ozone Officer's Report

President Mosby: Ozone.

Commissioner Fanello: I move that we accept the Ozone Officer's report.

President Mosby: Okay, we have a motion to accept the ozone report.

Commissioner Crouch: Second.

President Mosby: Second, and so ordered.

Consent Items

Commissioner Fanello: Move to accept consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept consent items. So ordered.

Commissioner Fanello: Move for adjournment.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:45 p.m.)

CONSENT ITEMS:

Travel Requests:

Health Department
County Assessor

Veterans Services
County Clerk

Treasurer
Surveyor

Pigeon Assessor

Employment Changes:

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|-----------------|-----------------|---------------|
| Circuit Court | Treasurer | Burdette Park |
| Center Assessor | County Assessor | VCCC |
| Prosecutor | | |

Commissioners:

Greenway By-laws.
Convention and Visitors Bureau E-mail Authorization.

Sheriff:

Submission of Weekly Jail and Community Corrections Reports.
Surplus of Copy Machine and Van.

Auditor: Submission of Financial Statement.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winterheimer | Tammy McKinney |
| Madelyn Grayson | Roger Lehman | Carla Hayden |
| Robb McGinnis | Brad Ellsworth | John Stoll |
| Dennis Hudnall | Jerry Atkinson | Steve Craig |
| Darrell Rice | Rick Obenshain | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 8, 2003**

The Vanderburgh County Board of Commissioners met in session this 8th day of September, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for September 8, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of August 25, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the August 25, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Advertise Health Department Lease

President Mosby: Next, bid advertisements, County Attorney permission to advertise Health Department lease.

Kevin Winternheimer: Yes, we need to have a hearing to approve the Health Department lease. The date that I'm suggesting is three weeks from tonight. I have to advertise it ten days before, that gives us plenty of time. Plus, with the latest draft, and I don't know if that's been handed out yet, but the latest draft they came back with, I had some questions on several of the sections as to what their intent was. On a couple of them I had other concerns about. After we met, I thought they were going to make some minor changes, and then all of a sudden the lease got a little thicker than I anticipated. So, I'm trying to set up a meeting with them for this week to try to iron these out. So, we should have all that worked out, and we can have...it will give us plenty of time to advertise for the 29th of this month, if that's okay.

President Mosby: Any discussion?

Commissioner Fanello: I'll make a motion of that based on our discussion in space allocation that those conversations will happen with the County Council before that date. So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Voting Equipment

President Mosby: Next, discussion items, County Clerk, voting equipment.

Carla Hayden: Carla Hayden, Chief Deputy Vanderburgh County Clerk. Here we are again.

President Mosby: Okay. I guess, I just, I got a couple of questions.

Carla Hayden: Okay.

President Mosby: I don't know that you can answer them or who. I know it says that we have to have, I think the grant ends, Patty told me by October 31st or something.

Carla Hayden: October 31st.

President Mosby: But, you know, in looking through the paperwork that she gave me, and what we needed to sign, and, Kevin, I don't know if you've had time to go over all of that where it says if we sign this and we opt to take the money that, you know, we are going to be responsible that every polling place, you know, is going to meet all this criteria, plus the federal criteria plus the parking criteria for disabilities. You know, before I sign off on something like that, I don't know if we need to get somebody, and I'm not going to say who for sure, but to go out and check everyone of these polling places, and have this criteria with them. Because, you know, in my discussion with the County Council, it's obvious they don't have the money. If we sign this, and we take the reimbursement, and then all of a sudden find out we're liable to make all of these improvements to these polling places, which who knows what it could cost. You know, where's that money coming from?

Carla Hayden: But, we have to have election equipment either way. That is a requirement. So, you're going to have to buy new election equipment either way. Whether you take the reimbursement or you don't take the reimbursement. You're right, if you don't meet all the criteria, if you don't live up to your end of the bargain, yes, you do have to return that money.

President Mosby: I understand we have to have it. I'm just saying do we have to have it today? Or is this something that we need to budget for and look at for next year?

Carla Hayden: Well, right—

President Mosby: That's what I'm trying to figure out.

Carla Hayden: Right now we've taken it upon ourselves to do a little preliminary evaluation of the polling places. We've sent some teams out looking at them. We are still in that process, hope to finish that by the end of the month. My understanding is that there will also be some teams sent out, officially, in the primaries to look at all the polling places. Those will be people appointed from the state level, I believe, and will include voters with disabilities looking at those. They will be making their recommendations on those.

Commissioner Fanello: To add something to that, Commissioner Mosby, reading through all the material, I think B.J. dropped it off at our office, it says no later than

December 31, 2003, the county legislative body, which would be this board, will adopt an ordinance to establish a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance to the county in choosing polling places. It goes on to say that we should appoint members, you know, with a variety of backgrounds from the community. So, it seems that this board needs to take some action on that.

Carla Hayden: Yeah, on the official level.

Commissioner Fanello: Yes, well, we do need some official answers, and we need to probably look at doing that in order to answer your questions.

President Mosby: I agree. I agree, to get some of this answered. I mean, I'm just worried that if we sign this, you know, immediately, what kind of liability we're putting this county at.

Carla Hayden: Well, I'm afraid because they have set the deadline as October 31st, if we don't get this in, it's not just sign that, you have to have a signed contract attached to it, that that money is going to be gone and we won't get it. Because if you read that you'll see many times first come, first served.

Commissioner Crouch: I don't disagree with either of the Commissioners in terms of being sure that our polling places meet the standards that are required. But, I was of the impression that this is just the different options, and we need to make a decision as to which option we think would be best for Vanderburgh County. Then our attorney would get with the company's attorney and would work out contract language. That contract language, I would presume could set dates in terms of when this would be in place, that would be mutually agreeable. You know, in terms of what would be addressed to making this all work. So, I was of the impression that we're looking at options, and this isn't really signing anything. It's not until, at that point in time where a contract language can be actually hammered out that we would be in a position, or be asked to sign anything. So, I was, I had looked at the options, and if it's alright I have a couple of questions about that.

Carla Hayden: Okay.

Commissioner Crouch: The first, if I'm looking at this, that first sheet that you did give us. The first column where it says operating lease of equipment, that would require us to come up with \$557,182 a year? Is that correct?

Carla Hayden: That's correct. I also have with me Rob McGinnis from ES&S, which is the company we're talking about, and I also have B.J. Farrell, our Election Deputy, who put together this spreadsheet and the numbers. So, I would like them to come to the mike. They may also have some input on the questions.

Commissioner Crouch: Okay. So, that means we would be required to come up with \$557,182 a year over the course of five years. Six years?

Carla Hayden: Five.

Commissioner Crouch: Five. Then at the end of that five years we would be able to purchase the equipment, we don't have to, correct?

Carla Hayden: Correct.

Commissioner Crouch: But, it's our option to purchase?

Carla Hayden: An option to buy at the end of that, at that price.

Commissioner Crouch: For \$382,000 additional dollars?

Carla Hayden: Yes.

Commissioner Crouch: And we don't have to make that decision until later?

Carla Hayden: My understanding is that that can be written into the contract as an option to buy at a price, or at an amount no greater than the 3,082, or the 382,000.

Commissioner Crouch: Okay, and then the next column over where it says purchase of equipment, and I presume that's just an outright purchase?

Carla Hayden: Right. That is an outright purchase of the equipment. You're just buying machines.

Commissioner Crouch: And we have then annual costs associated with that. The third is purchase of equipment, tell me the difference between—

Carla Hayden: That is a lease purchase. That would be, basically you're paying this for the five years, and at the end of it, you would own it outright, but that would include all the extra services that we've talked about previously. All the support, all the printing, and all of those other services that are included in a straight lease.

Commissioner Crouch: Okay, but we would have to come up with \$2.9 million right up front? Is that correct?

Rob McGinnis: It depends on how you would like to finance.

Commissioner Crouch: Can you come to the mike maybe? I have some more questions you can answer. Alright, so I interpreted that as meaning we have to come up with \$2.9 million up front. No, I guess, we could borrow the money.

Rob McGinnis: Correct. That just depends on how the county would like to finance.

Commissioner Crouch: But, we would have to give that money to you in a lump sum, up front?

Rob McGinnis: For that, actually, for the amount of the hardware only, which for the Team II that would roughly be a little under two million. The services, in those cases, are not billed until they are provided.

Commissioner Crouch: Alright, so we would have to come up with two million up front?

Rob McGinnis: Correct.

Commissioner Crouch: Then the very last option you have, which is Team II purchase of equipment, that would be an annual cost to us of \$668,268, which would include everything, but you all, we're borrowing the money from you, correct?

Rob McGinnis: Correct.

Commissioner Crouch: We're paying—

Rob McGinnis: That's if we're financing, which by the way we've got it at four and a quarter.

Commissioner Crouch: Four and a quarter?

Rob McGinnis: Which typically county's can do better than we can.

Commissioner Crouch: So, the options, I would guess, Commissioners, would be the first and the last. Because I don't....we were talking about not having enough money for space allocation, and we're looking at coming up with either 2.2 or two million up front with those two middle options. To me it looks like that option one looks like the best bang for our buck in terms of the annual costs, and in terms of the option to purchase the equipment and own it outright after the end of five years. Also, if we choose not to purchase it, because of outdated technology or whatever, then we really aren't out any money for the actual contract. So, I would like to see us move in the direction of that first option.

Commissioner Fanello: Well, I'm not ready to make that decision tonight. I would like to...Patty White was trying to get in touch with your office—

Rob McGinnis: Right.

Commissioner Fanello: —I would like to sit down and talk with you personally, if that works into your schedule—

Rob McGinnis: Absolutely.

Commissioner Fanello: —sometime this week?

Rob McGinnis: Sure.

Commissioner Fanello: So we could go over some of these figures and the equipment. Then I think I could probably make a better decision.

Rob McGinnis: Okay. Would be happy to.

President Mosby: Okay.

Carla Hayden: I just want to make sure that everyone understands we are on a deadline with this.

Commissioner Fanello: We have until October 31st, so I think we've got some time here over the next week or so to have Kevin research maybe this ordinance that we have to do with the board that I was just talking about, and, you know, what our responsibilities are, and whoever wants to meet with the representative, I'm sorry, say your name again?

Rob McGinnis: Rob McGinnis.

Commissioner Fanello: I think we can come to some conclusion here in the next couple of weeks.

Commissioner Crouch: Yeah, I would hope that we could arrive at a decision that would allow us to get a reimbursement, but the contract would be crafted in a way that best benefits the taxpayers.

Rob McGinnis: Sure.

President Mosby: Are there any other questions? Thank you.

Commissioner Crouch: Do we need to put this on next week's agenda?

Commissioner Fanello: Well, I would like to—

President Mosby: Depending on, I guess, when they get all this set up.

Rob McGinnis: I'll contact you.

Commissioner Fanello: Right, you can contact me through the Commissioners office, and we'll set up an appointment.

Rob McGinnis: Will do.

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| Community Corrections |
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President Mosby: Next we have community corrections. I think we, is there a letter in our packet? The letter that we sent to the state? Right, I was going to say, I knew we had the letter, everybody's got it. No, I've got it.

Madelyn Grayson: I'll need one for the record.

President Mosby: There was a letter in your packet, and we need to get this up today, tomorrow, I guess. If everybody agrees with the letter, we'll need to pass that, that letter is saying that we will take advantage of the 1.83 million that we will match off against the two million that we were offered. The Council did appropriate 1.3 the other day, so, this should in turn, if everything goes right, and the verbal commitment comes through, we should have 3.13 to work with.

Brad Ellsworth: Right, I took the liberty, in the interest of time, to go ahead and write that. I'm not sure that my name is the one that ought to be on it, but if everybody's in agreement, I guess, it doesn't matter who signs the bottom of the page. If that's the consensus of everybody.

Commissioner Fanello: It doesn't matter to me. We're getting money from the state.

President Mosby: Yeah. You run corrections, that's fine.

Brad Ellsworth: Okay.

Commissioner Crouch: And I believe this meets the criteria that they had asked that we address.

Brad Ellsworth: It should.

President Mosby: Yes.

Commissioner Crouch: There will be a lot of other issues, I'm sure, that will be negotiated or decided upon?

Brad Ellsworth: Right, in the...the next step, according to Mr. Fistrovich, is to get with Mike Brown after the verbal and the first letter, which is on the back of your all's document, went up. Then he said we need to get with Mike Brown. Of course, we sent this second letter, which is on the top, and work on the amendment to the grant, which will secure the funds. So, I'll start that next. If they, I don't hear back from them shortly, as soon as they get it, I'll call back up there. If I don't hear back from them, we'll work on that with Mike Brown.

President Mosby: So, is there any questions on the letter? Do we have a motion to send the letter to the state?

Commissioner Fanello: Before I make my motion, I would like to say thanks to the County Council, and also to Commissioner Mosby and the Sheriff who worked hard over the budget process to get the Council to make a commitment. So, thanks to that, but I'll make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the letter. So ordered.

Brad Ellsworth: Thank you all too for your cooperation in this.

Commissioner Crouch: Commissioner Mosby?

President Mosby: Yes.

Commissioner Crouch: While the Sheriff is here, I thought we would update you all on what had transpired at the last community corrections meeting. There was a discussion about placement criteria. Jump in and correct me at any point in time, but the advisory board discussed the fact that there was a sub-committee that was supposed to be looking at the placement criteria. They had been put on hold, or had put their decision on hold until there was some resolution to the amount of beds, and, you know, what kind of a facility we were going to build, and what kind of prisoners we were going to house. At the next meeting, I presume that, Vanderburgh County community corrections meeting, there will be some discussion about that. It probably would be helpful, now that we know what we're going to do, if that sub-committee could meet prior to the next community corrections board meeting and have some kind of a discussion. I did bring a copy for the other two Commissioners of the placement criteria, so that you all could take a look at it, because I believe that the advisory board ought to make recommendations to this body, and there has been a lot of discussion about that. I think some of the issues that probably need to be resolved, and correct me if I'm wrong, is there should be some clarification as to direct placement versus indirect split or modified placements and sentences. We probably ought to look at prior charges or convictions, not necessarily just what they were being sent there for. And probably should look at the number of times they've been in the facility, and the length of stay. So, those are

some of the issues I presume that we will be looking at, and coming back to this body with some recommendations.

President Mosby: Well, I was going to, I was getting ready to say my next part of community corrections discussion here, on the same note, was going to be the exact same thing, because I've got the exact same paper. What I was...I had, was contacted by a newspaper reporter last week after the 3.1 million, or hopefully 3.1 million came about, and the first thing that was said was is this going to be your second jail? My answer was, no. This is not a second jail. What I'm going to ask you to do tonight, and the other Commissioner to do is to take this and give me your recommendations on what you think, and I will send that over to the advisory board to look at. If they agree with it, fine. If not, it is my desire that this Commission will do something. Now, I mean, the judges will have a say so in it. I have talked to the Sheriff about it, and I will ask the advisory board for their comments on it, but I think the final decision lays right here.

Commissioner Crouch: Well, I could—

President Mosby: And I totally intend to deal with it in the next three weeks.

Commissioner Crouch: And I don't disagree with that. In a sense I think we would be putting the cart before the horse if we don't allow the advisory board to at least make some recommendations to this body. I understand the sense of urgency, I don't disagree with that, and that's why I'd asked the Sheriff if perhaps that sub-committee could meet prior to the next advisory board meeting, so they could actually make some recommendations that then could be moved to this body. You know, I personally would like to see that process followed, because that's the process as I understand it. I understand and respect your opinion on that.

President Mosby: Commissioner Fanello?

Commissioner Fanello: I agree with both of you. Now is the time, since we have the report back, to make these recommendations, and I think we have to work together with the advisory board. The advisory board is their to advise the County Commissioners on what to do with the community corrections program. There were a couple of things in that report that I found disturbing, you know, the number of violent offenders that have been in the facility. I read the full report, and, I think, you know, there were a lot of good things in there too. I think the thing that does need to be stressed is, you know, the treatment agency, or the agency that we use for treatment and for programming, you know, those are outside agencies that we out source, you know, their services with. So, I think the Sheriff has done an excellent job in turning that facility around. You know, the treatment agencies themselves have to look at some of the recommendations that Dr. Latessa made to see if they can incorporate some of those suggestions into their programs. But, I did go ahead and take the opportunity, excuse me, opportunity to look at the placement criteria, and I would like to go ahead and throw out some recommendations that I would like for you to take back to the advisory board, just to see if we're on the right track, or if I'm on the right track, and see what they think about some of those recommendations. Kind of, so we can have dialogue back and forth. If you would take some of those back, but I do have a few recommendations. Section one of the criteria, I would like for you to revisit the phrase in that paragraph that says, "no person shall be directly placed in the Vanderburgh County Correction Complex who has been convicted of one of the following non-suspendable felonies." It seems to me that that phrase, "no person shall be directly", may be deleted, because I think

it goes along with some of the comments about indirect placement, direct placement, so, we might want to look at deleting that phrase. In section two and three, I would like for you to look at deleting the phrase, "unless exceptional circumstances exist". I find it very hard to believe that there are exceptional circumstances that could exist that would allow a child molester to be placed at the Safe House. So, I have a problem with that. Section four, this actually goes along with section four and section six. In looking at maximum stays, I think Dr. Latessa's report made a comment about nine months, and I think we should look at somewhere between nine and twelve months as a maximum stay, and that's it. In order to get away from the perception that this is a second jail, because it is not a second jail. Section five, I would like for you to look at deleting, in it's entirety. You know, again, that section talks about exceptional circumstances, and the judges may override some of the placement criteria, and I think we need to take a look at that section, and it possibly may need to be deleted in order to strengthen the placement criteria that we finally decide on. So, those are just some of my comments after looking at the placement criteria.

Commissioner Crouch: And I think those are good suggestions. I can't say that I disagree with them.

President Mosby: Also, in section three, if you would, the end of the, "unless exceptional circumstances exist", there I would like to see that deleted too. So, if you would take that back. I'm not sure that somewhere along the line we shouldn't be looking at past record. I think I had talked to the Sheriff about that, and in some of these instances we might want to be looking at past record. So, that might want to be looked at.

Brad Ellsworth: I would jump in there and say I agree with everybody. But, I do, for different portions of what everybody says.

Commissioner Fanello: Yeah, I think everybody here is on the same page. I think we're all working towards the same goal here.

Brad Ellsworth: The one, on the very first section, I'm not sure, Commissioner Fanello, about the direct placement. I think that follows, and I'm not disagreeing, that it follows the state statute that says that nobody will be directly placed. So, that should be mirror the state statute.

Commissioner Fanello: Okay.

Brad Ellsworth: I think where we get into that limbo is that indirect placement--

Commissioner Fanello: Yeah, so maybe if there is some way you can clarify that.

Brad Ellsworth: --where you can go to prison for a month, and then come back. Or go to jail for a week. But, I agree, I think this is one where we're all elected and appointed to do the public's will, and we have to gauge, as elected officials, what the pulse out there is. So, I think you're all on track on this. We are going to be, you know, have a reduction in numbers somewhat, it looks like, so, we're going to have to find a natural way to pare this down. All of your suggestions are exactly ways to do that. Looking at the type of offenses we take. I can tell you that just historically when we first got involved in '99, there was no limits on the amount of stay. In fact, there was an inmate, or a participant that was sentenced to 20 years out there, in-house, and that lasted about a month and a half and he violated, and then they gave

him another chance and he violated again, then, I think, they sent him off to prison. Pretty much the consensus, PMSI said it, Latessa says it, that the length of stay is too long. Anything over nine months to a year is counter productive and you set yourself up for failure, and we certainly don't want to do that. So, I think that's an area that we definitely need to look at. Prior record, definitely. I think that's another area that when Latessa comes in we talked about, but perhaps he'll also give us some insight as to what throws up the red flag on previous record, you know, of...if he's been in prison for robbery, community corrections may not be able to, you know, help him, at that point. He may be too institutionalized to be helped by the community corrections program. So, I think these are all good things. We're going to have arguments, and I know it was quite a lively debate on this on what we're saying, you know, the exclusionary, and taking away the judiciaries, you know, options there of overriding that system, but, like I said, I think that this is where we decide, with the advisory board and with this Commission of where we're going to go with this. There's a story for every story, and that's what we'll have to filter through of what we're going to do.

Commissioner Crouch: Would it be possible, do you think, Sheriff, if that sub-committee could meet prior to the next advisory board meeting?

Brad Ellsworth: Sure. I'll try to remember who's on it. I know Russ Woodson was on it and myself, and I'll find out who else was there. I'll go through the minutes.

Commissioner Crouch: One of the things that I forgot to mention is the AWOL policy, whether there is a set period of time before someone is actually AWOL. If not, then maybe there should be, and certainly it should probably be less than what it is.

Brad Ellsworth: Right, we've got that in place, but, and this is just their policy, unless they are gone 24 hours, that the Prosecutor's office won't file charges. Now, as soon as we find out, we're putting the packet together and forwarding that to the Sheriff's office and they are, as they get a chance, out looking for that person. So, that's another benefit of involving our agency is that we've got access to law enforcement when we need it. So, although we sometimes get criticized for, you know, they don't think we can turn that hat around and be the corrections side. It certainly helps when somebody goes AWOL, you know, to be out looking, because, quite honestly, in '99 if they went AWOL there was nothing done until they showed back up or got arrested later.

Commissioner Crouch: Dr. Latessa will be in here what date? October 11th is it?

Brad Ellsworth: October 10th, I believe.

Commissioner Crouch: The 10th?

Brad Ellsworth: Yes.

Commissioner Crouch: And if any of the Commissioners, we discussed this at the advisory board meeting, if any of the Commissioners, or anyone has any questions that they would like to forward to Dr. Latessa in advance, if you send those to the attention of swoodall@vanderburghsheriff.com.

Brad Ellsworth: Right.

Commissioner Crouch: Because he's just going to be here for a set period of time, and we don't want to ask questions and have him leave. So, as you read through that report, if you have any questions, if you can e-mail those they will forward those to him so that we're sure he addresses those points.

Brad Ellsworth: Right.

Commissioner Fanello: So, are you on the sub-committee, Commissioner Crouch?

Commissioner Crouch: No, I'm not.

Commissioner Fanello: Okay, well—

Commissioner Crouch: It was formed before—

Commissioner Fanello: —can you forward our comments to them?

Commissioner Crouch: Oh, sure. Absolutely.

Brad Ellsworth: Alright. I can do that also. Would be glad to.

President Mosby: Is there any other questions?

Madelyn Grayson: I will need a copy of both the DOC letter and the placement criteria. I didn't get those.

President Mosby: Do you have the extra? I wrote on my DOC letter.

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| Personnel Policy |
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President Mosby: Next, Commissioners, personnel policy. Everybody should have the personnel policy. Is there any comments or questions?

Kevin Winternheimer: Well, if we have the time. I didn't know how you wanted to do this. If you want to proceed tonight with some of these issues, or if you wanted to give me some issues, or look over where we're at now. Just let me know, and we'll take it wherever you want to go with it.

Commissioner Fanello: This afternoon I e-mailed Kevin some more, kind of tying up some of the loose ends that we left (Inaudible).

President Mosby: Why don't we leave it at if you have something, get with Kevin over this week, and then we'll have it back on the agenda for next week.

Commissioner Crouch: Alright, because I quite honestly haven't had an opportunity to look through all of it.

President Mosby: Okay.

Commissioner Crouch: So, that would be fine with me.

President Mosby: That will be on for next week.

**First Reading of an Amendment to the Erosion and
Sediment Control Ordinance**

President Mosby: Next, County Attorney, first reading of the amendment of the erosion control. Everybody should have that, CO.09.03-005.

Kevin Winternheimer: I should probably let John address this. This came from his office. This is, in general, in response to the new employee, and in a nutshell you could say it's transferring some enforcement authority over to his office, in light of the new job duties and the new person that he has in his office.

John Stoll: Right. Basically, the old ordinance specifically referenced the SWCD for all the inspection and enforcement, and now that that employee has been transferred to my office, we just need to amend the ordinance to say that the duties would be through my office. In doing that, basically, the main change that we made was, instead of saying the SWCD was responsible for all those duties, we just called it an authorized agent. That way it's either an employee in the Vanderburgh County Engineering Department or other employee designated by the Commissioners.

Commissioner Crouch: Question. If the Commission does this and it takes effect immediately, do we need to do anything in an agreement with the state?

John Stoll: As it stands right now this will just deal with non Rule Five sites. Whenever the ordinance that Bill Jeffers is working on gets adopted, once we get a final format for that, then we'll have to submit that to the state as part of our Rule Thirteen compliance. At that time they'll review that ordinance and see if they agree that it establishes appropriate review and inspection for Rule Five sites. If so, then they would grant Vanderburgh County the authority to do the inspection through the committee that Bill Jeffers has proposed, as opposed to having Rule Five sites go through the SWCD as well. So, over the long haul, yes, we will need the state's concurrence, but it won't be on this ordinance, it will be on the other ordinance.

Commissioner Crouch: Do we know if the city is also making these type of changes?

John Stoll: I'm not sure. The city ordinance is very similar to the county ordinance. It specifically calls for the SWCD to do that work on the what was typically called the local erosion control issues, which was deemed to be non Rule Five sites. Unless they make similar changes, then the enforcement would all lie with the SWCD for the City of Evansville and for the Town of Darmstadt as well.

Commissioner Crouch: I raise that, Commissioners, because that might be something that we want to explore with the city, and if, in fact, they would like for the County Engineer to participate in regulating the sites in the city as opposed to SWCD, then, at some point in time there would probably have to be an inter-local agreement between the city and county. I know that's far off down the road, but it might be something that we might want to think about, and then perhaps get some reimbursement from the city.

Commissioner Fanello: That sounds good.

John Stoll: I was going to say, it's my understanding that basically Darmstadt, the city, and the county were all taken care of by one person at SWCD. So, depending

on how the work load changes once the Rule Thirteen regulations are adopted, I would say it could be done. Right now it would definitely take ordinance changes, and probably an inter-local agreement to take care of it.

President Mosby: Okay, is there any other questions? Any questions pertaining to the ordinance? Chair would entertain a motion.

Commissioner Fanello: Motion to approve first reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Crouch: Do we need a roll call on that?

President Mosby: On a first reading? Do we need a roll call on a first reading, or just final?

Kevin Winternheimer: I would go ahead and do one.

President Mosby: Okay, roll call vote, Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Three ayes, no nays. Erosion control ordinance passes first reading.

(Motion carries 3-0)

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| Approval of Transfer of Property for Purposes of Centre Bond Refunding |
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President Mosby: County Attorney, approval of transfer of property for purposes of Centre rebond funding, or bond refunding.

Kevin Winternheimer: Yes, I do not know the history, maybe some here might, but for whatever reason a portion of the Centre property is owned by the county, a substantial portion is owned by the Building Authority. In trying to finalize the refinancing, refunding bond, whatever, the title people, and the bonding people are insisting that the Building Authority needs to own all of it so they can get title insurance so that the people that buy and sell the bonds are satisfied. So, what they are asking you to do, and there is a deed prepared by Joe Harrison, Jr. for the Building Authority, I looked it over and it looks fine, transferring that smaller portion to the Building Authority so they own the whole piece of property that is the basis of the refunding. Like I said, I wish I knew how that came to be that two entities owned two parts of it, but I don't have that information.

President Mosby: Are there any questions? Chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Airport Authority Board Appointment: Paul Wallace

President Mosby: Do we have any Commission contracts? Seeing none, other items, I want to make one appointment. Jim Will, Sr. who was our appointment to the Airport Authority Board had sent a letter, I think about three weeks ago, saying that he had turned 70 and he was ready to travel, and wanted to get off the board. So, we need to fill his position on the board, and I would like to put the name of Paul Wallace in as the appointment to the Airport Board.

Commissioner Fanello: I'll make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for Paul Wallace. So ordered. We will need to contact him, and I guess whatever paperwork and contact Bob Working to tell him who the new member is.

Public Comment

President Mosby: Public comment, is there any public comment? Yes, sir.

Jerald Jones: Jerald Jones, I live on Lyle Road. As probably most of the people on the board realize that my brother and I have been coming up here for, well, I don't know, the past few years, and we are very enlightened by the governmental process. We've watched millions of dollars appropriated for various things. We're trying to get, as you well know, the Lyle Road project, it was approved early on in the year. We don't know what the status is. We're just trying to get a little dirt and gravel put on the road. It's not a complicated project, but we don't know what the status is. If you could shed some light on that I would appreciate it very much.

President Mosby: I think, and, John will correct me here if I'm wrong, you can wave, but I know we've got the appraisals in and I think there's what about ten or twelve owners to that piece of property? So, we're going to end up having to try to contact between ten and twelve people to try to make purchase on this piece of property. Now we have all the appraisals and everything is in, but that's where we're at right now.

Jerald Jones: Okay, so Mr. Grimes, who's the, one of the main property owners of that tract of land you're speaking about, has offered and has talked to John and offered to provide all of the addresses and so forth if that would help you. He can be contacted.

President Mosby: I think we have his name already, but.

Jerald Jones: And our offer as far as the dirt on the project is still there. I mean, my brother and I would be happy to donate the dirt, if it's suitable for the project. You know, we'll do anything we can, we would just like to see it...we don't know when it's going to be done. Here it is already September, and this project was approved early in the year. We just don't know.

President Mosby: Well, we just got the appraisals what, two weeks ago, I think?

John Stoll: That's about right.

President Mosby: About two or three weeks ago before we got the appraisals back.

Jerald Jones: Okay.

President Mosby: So, I mean, that's where we're working from right now, and trying to make contact, and, I mean, we'll have to make them an offer, whether they take it or not—

Jerald Jones: Sure.

President Mosby: —is a different story.

Jerald Jones: Sure, sure. I wish we could have done this earlier in the year, you know, that way we would maybe have had the compaction of dirt is now going to be maybe a problem. I don't know. If we start the project soon, you know, but, whatever you can do to expedite the process, I would love to see it happen.

President Mosby: That's what we're trying to do.

Jerald Jones: Thank you.

President Mosby: Thank you.

John Stoll: I did speak with Mr. Grimes today, and I believe I've got some more of the information regarding the ownership of one parcel. It is split into six people own a thirtieth each, and three people own one fifth or two fifths each. I believe we've got that resolved to the point that we can make an offer on that. Offers have been made on the other three parcels. Kevin and I met for about two hours last week trying to figure out how to make the correct offers on the one piece of property that has the multiple owners involved. There's another parcel out there where the offer has been made, but, there again, the owners have died, it has been transferred to another individual, we don't have the paper trail indicating how, who really owns it at this point, so, it's not been sitting around with nothing going on. It's more than just a little dirt, it's six feet is what we're going to end up raising the road. So, it's taken some time, there's no question of that, but it is progressing. Unfortunately given the time of year, if we were ready to bid today, we couldn't open bids until early October, and we're getting into the time of year where it's not going to be too feasible to do dirt work. So, it very well could be into next year. Well, the property owners have 30 days to evaluate, or 25 days to evaluate the offers anyway. So, I don't see the project getting done this year. I would like to say it would, but I don't think it's really that feasible at this stage of the game.

Kevin Winterheimer: If I might add to that, and this one was particularly challenging. Conceptually it looks like a regular little road widening project, but as John said we've got one thirtieth shares, and as it works out the people may only be entitled, what were we figuring \$68 or less—

John Stoll: \$38.

Kevin Winternheimer: -\$38 a piece, but we still have to go through all this procedure, and it's not, the situation with a lot of road projects where the people are living there these people are in Ohio and all over.

John Stoll: Chicago, Hammond, Gary, Evansville, Princeton.

Kevin Winternheimer: You have a situation where people have died, and, of course, we don't know whether estates were opened up. So, there's no records here in Vanderburgh County. I was telling John we almost need a genealogist as much as we need anything else, because the record trail is not there. We're making progress, but it is a, title wise, and as a government entity, we have to be sure we have the title. It's a challenge, but we are making progress.

John Stoll: We did get the green cards back on the mail that we sent out, so we do know that the three where the offers have gone out they did receive their offers. So, at least the clock is ticking on those.

Kevin Winternheimer: I told John if this was private planner, I would almost tell him to go ahead and do it and see who complains, and we'll pay them the \$38. We can't do it that way, as a governmental entity we have to figure out who owns it and make legitimate offers. Like I said, we're going to spend more time and effort trying to pay somebody \$38 than, you know, what the \$38 is worth, but that's the procedure that we have to follow to do it.

John Stoll: We did get some good news on it last week too, we thought there was the potential that we would have to get a flood way permit from DNR, but it's just outside of flood way fringe, and since it's outside the fringe, no DNR permit is required. Even if it's in the fringe, the flood way permit's not required, but if we went another 50' west, we would be getting a DNR permit as well.

President Mosby: Mr. Jones.

Jerald Jones: I do want to thank John and Kevin and everybody else that has worked on this. It looks like it's not going to be done this year. The money that was allocated for the project, will that still be there for early next year then?

President Mosby: Yeah, we can encumber that.

Jerald Jones: Okay.

President Mosby: John will take care of that.

John Stoll: If it turns out that we get the right-of-way secured, even if it's December, we can still put it out for bid and get a contract awarded, we'll just put a completion date of sometime next year when the weather is dry where the work can actually be done. So, if we get an awarded contract, that will definitely allow us to carry the money over as well.

President Mosby: Okay. Any other questions or comments? Is there any other public comment?

Old Business

President Mosby: Any old business? That's easy.

New Business

President Mosby: Any new business? We're zipping right through. Department head reports, County Engineer.

County Engineer

John Stoll: First I've got a street acceptance request for section five of Bridlewood Subdivision. This is 565' of Tempsford Drive, and 146' of Winterfalls Lane. These streets were constructed generally in accordance with the approved plans, and it's requested these be accepted for maintenance. This subdivision is located at the northwest corner of Fischer Road and Boonville-New Harmony Road.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I've got another street acceptance request. This is for section three of Stonecreek Subdivision. This is for the realignment of Seib Road. It's kind of a unique acceptance because we've also got some road that was deleted as well. When Stonecreek Subdivision was approved, it was approved on the condition that Seib Road, which currently runs straight north-south and ties into Kansas Road at the south end, and Boonville-New Harmony on the north, was realigned to provide greater separation between 57 and Kansas, and the Seib Road and Kansas intersection. This portion is the curve that connects the old portion of Seib Road to the new portion of Seib Road. So, this street acceptance actually deletes all this cross hatched, not cross hatched, but shaded area of road, which is existing Seib Road, and then adds all the road from this point, which is listed as Station 16 plus 84, back down to this point which is Station 11 plus ten. Then also this little connector road. So, it's not just an acceptance, it's actually a removal as well, and I just wanted to point that out, because we need to track these things this way because this would go onto our road mileage that we submit to INDOT at the end of the year, and this is really the only way we could come up to clarify that we're adding road, but we're also deleting road. It's requested that this be accepted for maintenance also.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I have another street acceptance. This is in section two of Broadlawn Subdivision. This is located off of Heinlein Road between Baumgart and Petersburg. This is 1,095' of Hazel Court, and 162' of Harlaxton East. It's requested these streets be accepted as well.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a letter from E&B Paving, they are the contractor on the INDOT State Road 62 project. As a part of that State Road 62 project they are going to have to close down Telephone Road at it's intersection with State Road 62. When that gets closed, their only way to and from their paving plan on Telephone Road will be running back to the west to Old Boonville Highway, then to Burkhardt Road. They were asking for written permission to do this. I discussed this with the County Attorney, and basically this would comply with the truck route ordinance, because this would give them the shortest path between their destination and a truck route. So, and it's really their only option. So, I'm requesting approval to sign this letter to E&B Paving. Basically, they are saying that they will have intermittent shut downs of 62 and Telephone intersection between September 15th and October 13th.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request approval to go to County Council to transfer \$175,000 from the Broadway Avenue Bridge #271, which is account number 2030-4381 to Johnson Lane Culvert Account. We've requested a number, but it's not been established yet. This would be for the purpose of replacing a sub-standard culvert structure out on Johnson Lane that is connected to the existing county bridge through some homemade concrete block and timber structure. The reason we have the money in the Broadway Bridge Account was the bridge inventory rated that bridge poorly, but in talking to the inspectors they acknowledged that it's the culvert structure that's attached to our bridge is what's in poor shape, not the bridge. So, we won't need the money in the bridge account, but we will need to replace the culvert underneath Johnson Lane. So, that's why I was requesting approval to go to County Council.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a request for approval for an additional \$1,800 for tree removal on the Mill Terrace Barrett Law project. This is for a tree removal on Whittman Drive that was not called for as part of the plans. Basically, there's a tree that's in line with where a ditch is supposed to go. It wasn't delineated in the plans or in the specs. Koberstein Trucking provided a price of \$1,800, and I would like to request the Commissioners approval to proceed with getting this tree removed.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I'll bring a final change order in later on in the project. That's all I have.

President Mosby: Any questions of John? Thanks, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Dennis Hudnall, County Highway. Good evening. The only thing I have, I'll bring you up to date on the St. Joe project. We did close the road Wednesday. Pioneer Rail Corp. did do their part, and they finished it Friday. This morning we milled the road down, and we'll pave it tomorrow, and the road will probably be open on early Wednesday morning, if everything goes as planned. So, it's progressing real well, and then we're starting to negotiate on Mill Road next, to see if we can get that as soon as possible.

President Mosby: Any questions?

Commissioner Crouch: I did receive an e-mail from an individual regarding some roads out in the county where they wanted some tree trimming. I'll e-mail that to you tomorrow.

Dennis Hudnall: Sure.

Commissioner Crouch: Then you can take a look at it and see if we're going to be out in that area.

Dennis Hudnall: Get me that e-mail, I'll check it out tomorrow.

Commissioner Crouch: Okay, thanks.

President Mosby: Any other questions? Thank you, Dennis.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, we've already taken care of several items, but I think I've got three left. The first is just a reminder to the Sheriff's Department, don't forget your media notice, notice to the public on your sub-committee. The community corrections sub-committee is covered by the Open Door Law. Just a reminder. The second thing is, and I probably should have done this last week, I just wanted to thank all of the people out on Jobe's Lane, particularly the Lockards. They were very instrumental in getting all of the neighbors together. We met down here. We also met at the West Side Library, or the Red Bank Road Library branch, a week ago Saturday to get the necessary easements and paperwork signed. They were very instrumental in helping to coordinate getting everybody together. Just thanking the neighbors out there in general. The one's that we needed easements for to complete that project, easements were given to the county. Without that the project would not go forward. I signed off on some paperwork the other day from Judy

Weatherholt, it's my understanding that that paperwork is being forwarded, as is, Commissioner Mosby, is being forwarded to the state, and we'll cross our fingers that the project is finally approved up there. At this point we've done everything we can on this end. I do want to thank the neighbors out there, they were very gracious, and that, sometimes that's the way to get a project done, donate the right-of-way for the betterment of everybody. The third and last item is we have a mediation lawsuit coming up at the end of the month, and I would like to schedule an Executive Session with the Commissioners on September 22nd at 5:00. If you're available to discuss that, just to give me some guidance before we go into mediation, get your thoughts on it. Is that available?

Madelyn Grayson: They talked about the space allocation on that date.

Commissioner Fanello: Right.

Kevin Winternheimer: Oh, we do?

Commissioner Fanello: Can we do it at 5:15?

Kevin Winternheimer: Sure.

Commissioner Fanello: Will we have enough time?

Kevin Winternheimer: I'll talk faster. That's fine. 5:15 is fine. That's the 22nd, and that's all I have.

President Mosby: Any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have two travel requests from Soil and Water that need to be added to the consent items. They were faxed to our office late this afternoon.

Commissioner Fanello: Motion to add to consents items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add to consents. So ordered.

Tammy McKinney: That's all I have.

President Mosby: Okay, any questions?

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| Burdette Park |
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President Mosby: Burdette Park.

Commissioner Crouch: The copper domes look great.

President Mosby: It's progressing.

Tammy McKinney: (Inaudible. Mike not on.)

President Mosby: Go ahead, Steve, I'm sorry.

Steve Craig: Steve Craig, Burdette Park. The Aquatic Center closed for the season, and the Labor Day weekend was a mirror of the Memorial Day weekend, it was cold and rainy. The Aquatic Center was down this summer, but building rentals was up. We're going to keep the miniature golf and the batters cage open through September. Then we had a, I guess, a kind of a unique request on someone wanting to use the seminar building for an extended leave, or an extended amount of time. I was kind of wanting to know what your view was on that.

President Mosby: Steve called—

Steve Craig: Did you get it?

President Mosby: Well, Steve called me the other day, I forget what day it was, Friday maybe, I'm not even sure. Is it a doctor?

Steve Craig: Yeah.

President Mosby: There was a realtor that has inquired about the old home that the manager used to live in who is willing to pay a monthly fee plus a deposit, I think, for eight months till his home is done.

Steve Craig: Yes, sir.

President Mosby: And, I think, somewhere in the neighborhood of \$800 we could be talking \$10,000 to lease that out for eight months. We went back and checked, and, I think, what was it 16 times we rented it in a year?

Steve Craig: Up till now we've rented it 16 times, and I think it's rented—

President Mosby: At \$150 a hit. So, truthfully—

Steve Craig: Did you not get it in your packet?

President Mosby: I didn't see it, but I remember you talking to me.

Steve Craig: Well, Gary, it was supposed to have been in the packet, because of what I read it was \$1,200 a month.

President Mosby: Or was it \$1,200?

Steve Craig: Yes, sir.

President Mosby: I don't see it in our packet.

Steve Craig: I apologize for that. I thought you guys would have time to review it. It's not until October 3rd, so I'll make sure it gets in this packet, and you can read it.

President Mosby: I think what Steve was looking for was direction from the Commission.

Commissioner Crouch: Has the advisory board considered this? Or have you polled them?

Steve Craig: Our meeting is next Wednesday, so, we hadn't had time to meet, and the realtor was wanting to talk to us about it. So, I was not putting the cart before the horse, but I had thought, you know, to get it rolling and that before the thing that I would get your opinion. But, I think Bonita forgot to put it in the packet. So, I kind of--

Commissioner Fanello: Well, if you're going to put it in the packet for Monday, do you just want to poll the board members and see how they feel about it?

Steve Craig: That will be fine.

Commissioner Fanello: Then we can make our decision on Monday, and take their recommendation.

Steve Craig: Okay, that would be fine.

Commissioner Fanello: Kind of an informal recommendation.

President Mosby: Is there any other questions or comments? Anything else, Steve?

Steve Craig: No, just my worksheets.

President Mosby: Okay, thank you very much.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent items?

Commissioner Fanello: Motion to approve.

Commissioner Crouch: I'll second. I did not have in my packet the closing documents for the Evansville-Vanderburgh County Building Authority Income Tax refunding. Was there anything that we needed to--

Commissioner Fanello: Yeah, those are, because I think we've already approved the formal documents, haven't we? So, those are all the things that we have to sign.

Commissioner Crouch: Second.

President Mosby: So ordered. After looking at that.

Commissioner Fanello: We could have killed a small tree.

Kevin Winternheimer: (Inaudible. Mike not on.)

President Mosby: If there's not further business, I will accept a motion to adjourn.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 6:28 p.m.)

CONSENT ITEMS:

Jail Expenses:

Standard and Poor's.
CUSIP Service Bureau.

Travel Requests:

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|-----------------|-------------------|----------------|
| Knight Assessor | Health Department | Commissioners |
| Center Assessor | County Assessor | Perry Assessor |
| SWCD | | |

Employment Changes:

| | | |
|----------------|-----------------|--------------------|
| Superior Court | Circuit Court | Knight Assessor |
| County Highway | Burdette Park | Sheriff Department |
| County Clerk | County Assessor | Prosecutor |

Commissioners:

Closing Documents for Evansville-Vanderburgh County Building
Authority Excise and Income Tax Lease Rental Refunding Bonds

County Clerk: Submit Monthly Report for July 2003.

Auditor: Submit A/P Vouchers.

Health Department: Software Agreement RANAC.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Carla Hayden | Rob McGinnis |
| John Stoll | Jerald Jones | Dennis Hudnall |

Steve Craig
Members of Media

Brad Ellsworth

Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member
Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPACE ALLOCATION MEETING
September 8, 2003**

The Vanderburgh County Board of Commissioners met in special session this 8th day of September, 2003 at 5:04 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: Call to order space allocation meeting of Board of Commissioners of Vanderburgh County for September 8, 2003. I guess, we could go over the meeting that—

David Rector: Last week.

President Mosby: —yeah, we had last week, which was attended by three of the judges, Councilman Winnecke, who's Finance Chairman, myself, David Rector—

David Rector: Sheriff Ellsworth, Chief Deputy Williams.

President Mosby: Right. It was, you can correct me at any point if I'm wrong. It was discussed that Dave needs about \$70,000 to get design and construction documents, so that we can go out to bid on the Health Department area when they move, which I think is about a million and a half dollars.

David Rector: Yes.

President Mosby: Councilman Winnecke said that the Council does not have a million and a half dollars at this time, and we asked him for \$70,000 for design, and they didn't know exactly where they were going to come up with that. He was supposed to get back with us to see how the rest of the Council felt.

David Rector: I think he indicated that perhaps he thought they could come up with the design money, and had asked that I meet with each of the Councilmen individually to explain the whole project to them before we go to the Council as a group asking for that design money.

President Mosby: Did you ever get a meeting set up with them?

David Rector: Bonnie is in the process of trying to set up meetings with all of them.

President Mosby: Okay.

David Rector: I believe Judge Trockman said that if we advised him of when the meetings were, he would try to have another judge there, if he can't be there.

President Mosby: Right.

David Rector: I think the discussion was, we talked about the million and a half for the Health Department move and juvenile, but not only that then the whole process and project on the old jail goes in the ten to 12 million dollars, 14 million dollars that may be needed, and we discussed the Building Authority could do a bond issue on it. It's not enough money at the million and a half really to do a bond with all the fees you pay with it. To do the whole project, the Council, Lloyd says that they aren't going to have that kind of money at any time. So, it goes back how do you fund things, and a bond seems to be appropriate to do that. Now is the time to do it, if they are going to do it. He wants to bring the whole Council on board in that

discussion, and, initially, it's just to get design money going so that we can start demolition in January with the Health Department move, and discuss these other issues, I guess, David, what do you think? October, November is what he was thinking.

President Mosby: Right. Are there any questions?

Commissioner Fanello: Okay, well, if we don't have any money to renovate the space from the Health Department moving, then why are we letting the Health Department move? And why did the Council approve for the Health Department to move if they can't renovate the space? Would somebody like to answer me, or tell me the logic in all this?

David Rector: I don't think he addressed—

President Mosby: There was no answer to that.

David Rector: He didn't really address that, but was very emphatic, that, I believe they said they had, at that time, what, 800 and some thousand left until the end of the year?

President Mosby: That was before the Council meeting Wednesday too.

David Rector: And that was before that Council meeting, so now it's down to close to half a million. He just did not address why they approved the relocation of the Health Department when there weren't funds to renovate for the courts that's already been approved. The other issue is, even if they don't renovate, it sits empty and the county then is still liable to pay rent on empty space.

Commissioner Fanello: Well, that is just totally irresponsible and ridiculous for that much space to sit empty down there.

David Rector: Not only that, but you look at the space when the jail moves, and all of this other, you've got a lot of space sitting empty then.

President Mosby: Thirty some thousand square feet.

Commissioner Fanello: When we've got people cramped in quarters around this Civic Center. I mean, somehow, some resolution has got to come from the Council as to how they want to proceed and plan out the finances of this renovation, plus the moves that need to take place in the Civic Center, plus what's going to happen with the old jail space whenever the new jail opens. We have got to have a decision from the Council.

David Rector: One thing he asked from me, that I can do, but I may or may not agree with you all, that he wanted a flow chart identifying how these moves are going to take place, when, what the domino affect would be. Well, I can certainly do that based on some assumptions, but you all and the Mayor may not agree. You may say, well, no, I want them to move second, and them to move third. I don't agree with them moving first. You know, I can do, but I'm not sure of how much benefit it's going to be for the Council.

Commissioner Fanello: Before we go that far, and all three of us, plus the Mayor and his people spend time putting this together, we need to know what funding is going to be available. So, how do you all propose, give me some feedback, that we get the Council to make a decision.

President Mosby: I think that the only decision that came out of that meeting is the Council don't have it. I'm going to agree to a bond issue through the Building Authority.

Commissioner Fanello: Commissioner Crouch?

Commissioner Crouch: Did the Council indicate that they were willing to do a bond issue?

President Mosby: That's why he's going to meet with all seven Councilmen. To explain to them where we stand in this whole process. Not only is the million and a half needed, you know, the first of the year, in two years, two and a half years when the jail opens, you know, there's another eight or nine million needed to renovate that over there. I mean, if we don't have a million and a half next year, we're not going to have eight or nine million in two years. I mean, the Council just outright said, I think going into Wednesday's meeting, Bill, they had \$800,000 in their cash balance, and I think they allocated about \$400,000 of that or better. So, you know, they probably have—

Bill Fluty: 410 left.

President Mosby: They have \$410,000 left for the whole year. I mean, it's hard to get a million and a half out of 410.

Bill Fluty: (Inaudible. Mike not on.) funding issues that will come up before the end of the year that they will have to fund.

President Mosby: Exactly. I mean, it's like we was telling them, you know, we got patient, moving of patients that we're going to be sending a big bill over there again. I mean, that has to be paid. So, we're going to have zero dollars by the end of the year.

David Rector: I think Lloyd acknowledged that a bond issue—

President Mosby: Lloyd Winnecke agreed to that.

David Rector: —was probably the only way to do it. You know, I think his question was how do you pay for it then?

President Mosby: Councilman Winnecke is the one that encouraged him to meet with the other six Councilmen, you know, two at a time or three at a time so he doesn't have a quorum, but, and the judges have agreed, you know, to meet too. Everybody at the meeting agreed, I mean, that this has to be done, and we're sitting there with 13,000 square feet at the first of the year, and it's going to be non-utilized.

Commissioner Fanello: Well, before I sign my name to a lease, which I agree with the Health Department moving, I think they've picked an excellent place, before I sign my name to a lease there had better be a plan for that space, because I'm not going to party to an irresponsible decision like that.

David Rector: He did also ask two other things that I think you guys would want too. What is the rent differential going to be, or the space allocation if the plan took place as you said? I can figure that on a percentage basis, assuming you all agree, and the Mayor agrees that we occupy these spaces as such. He also asked where can the Building Authority help out with the project. Obviously, there's some areas, due to maintenance, that we would have to replace some carpeting and do some painting. We would be obligated to do that. Beyond that, in the end of 2005 we're going to have three to four million dollars coming back in from the initial 1969 bond issues that can go towards this project. We don't know the exact number yet, but assuming that's going to come back in to you all, that could be put towards it.

President Mosby: I think right now our hands are tied. I mean, we don't allocate the dollars, we don't make the decisions financially of how they are spent. Our hands are tied. I mean, the Council appropriated the 1.4 million for the move for the Health Department, and I even asked Councilman Winnecke, I said, you know, can we just at least get the \$70,000 in place so that he can get, you know, a design and some construction documents, and then whichever way we decide to move, you know, that we had that in place. I think that's what we're, Councilman Winnecke was going to talk to the other Councilmen, and you're supposed to meet with them, so.

David Rector: And he seemed open to that possibility.

President Mosby: You know, Eric and Brad had a concern that, you know, when the jail is built, and once we move out there, they immediately have got to have holding cells down here so that when they are bringing prisoners down, you know, they are going to have to hold prisoners, because they are going to bring, you know, more than one down at a time. So, I mean,--

David Rector: That's an immediate renovation that has to--

President Mosby: --an immediate renovation once the jail opens.

David Rector: I would think that line item, a couple hundred thousand dollars I had budget figured that.

President Mosby: I think that was kind of (Inaudible).

David Rector: We've got to do a sally port, we've got to redo the area up there for them to us, we have to block it off so that the prisoners can't then filter on out into the other area. That has to be done immediately.

President Mosby: All this was discussed, and, you know, the need was emphasized of where we're at.

David Rector: And, I think, Sheriff Ellsworth brought up too the need for additional personnel when security goes in for the courts down on the first floor here where the Health Department is, he's going to need people to man that. He said, I just, I can't put in x-ray machines and metal detectors without somebody manning it.

President Mosby: And that's another expense that's going to be on-going.

David Rector: Uh-huh.

Commissioner Crouch: Mr. Rector, what is your unappropriated balance? I don't know if that's what you call it, or your cash reserves, or your?

David Rector: Depreciation reserves?

Commissioner Crouch: Whatever it is that you have that is at your discretion.

David Rector: Well—

Commissioner Crouch: The Building Authority's—

David Rector: It's not at our discretion.

Commissioner Crouch: Well—

David Rector: —it has designated uses that we can use it for. I think it's about two and a half million for this building. What was it, two years ago or three years ago, the Building Authority spent a little over a million dollars on acquiring the Fink's Building, tearing that down, and creating a parking lot. That was supposed to be paid back at some time. I think it's doubtful that may ever happen, but it was supposed to. That was the agreement then. So, we've got two and a half million in depreciation reserves, but that, by the lease agreement, can be used only for maintenance, improvements, carpeting, HVAC, painting, those kind of...it can't be used for renovation, operational expenses, salaries, those kind of things.

Commissioner Crouch: So, would some of that be included in remodeling?

David Rector: That part that I just spoke of, which was carpeting and painting. I'm going to go through and see what areas we would have to be doing carpet replacement anyway, and we'll fund that portion of it. The way I understand the lease to read, and talking with our attorney, just because the area is being remodeled and needs new carpet, isn't a reason to spend that money on carpeting. Carpet replacement is due to wear and tear, normal wear and tear because of age, not because of the desire to renovate an area. But there are a number of areas that are going to need new carpet over the next several years anyway. So, that expense we could fund. That's not going to be a big dollar item in the whole scope of 12 million dollars anyway.

President Mosby: Any other questions?

David Rector: I think the next step, well, I don't think, the next step is—

President Mosby: Do you know how—

David Rector: —for me to get all these meetings set up with the Councilmen, and then I'll report back to you at that time, and we'll approach them for the design money.

President Mosby: Do you know about when that will take place?

David Rector: I'm hoping it's going to take place this week and next week.

President Mosby: Okay.

David Rector: As, it's trying to schedule all of them. I'm trying to make myself as available as I can.

President Mosby: We can set something for like the 22nd or the 29th, maybe like right before, well, the 22nd would be right before the last Wednesday. The Council meets the last Wednesday of the month. It's at the discretion of the rest of the Commission.

Commissioner Fanello: The 22nd is fine.

President Mosby: Let's see if, yeah, we'll tentatively set it for the 22nd. Maybe you'll have had your meetings by then.

David Rector: I'll push to have them all in by then.

President Mosby: I was kind of hoping Lloyd might put something on the agenda for the \$70,000, which he has to have in by the 15th, I think, so. Isn't that the deadline?

Commissioner Crouch: Well, you can turn it in. They can modify it, or withdraw it, or whatever later. But he could submit it.

President Mosby: He might be able to talk them into a late—

Commissioner Crouch: Transfer?

President Mosby: Well, not—

Commissioner Fanello: Well, it wouldn't be a transfer, it would be a late appropriation.

President Mosby: Late appropriation. He might have the power to talk them into it.

Commissioner Fanello: We can't do a late appropriation. Don't you have to advertise those?

Bill Fluty: They have to be in by the 10th for an appropriation.

Commissioner Fanello: Yeah.

Bill Fluty: The 10th of this month.

President Mosby: Oh, it's the 10th?

Bill Fluty: It changes (Inaudible).

President Mosby: Oh, that's Wednesday.

David Rector: I offered to keep the project on schedule so that space doesn't sit empty while design is being done, that we could fund it right now as long as I had a consensus that it was going to come back, but legally, once again, I can't expend those monies for that design for those facilities unless I know it's going to be repaid. If they can give us a consensus, we can keep it on schedule.

President Mosby: That would be another way of doing it.

Commissioner Crouch: When is the Personnel and Finance meeting?

Commissioner Fanello: The 24th.

President Mosby: The 24th , yeah, I’m guessing it’s the 24th.

Commissioner Crouch: Should we meet prior to that?

President Mosby: Yeah, that’s why I said the 22nd. That would give us two days before their meeting. So, we’ll tentatively have another meeting the 22nd. Hopefully, you will have had your meetings by then with the rest of the Council.

David Rector: Okay.

President Mosby: Maybe we can get an idea.

David Rector: Okay.

President Mosby: If we need to go to the Council meeting that Wednesday, we can.

Commissioner Crouch: 5:00?

President Mosby: Yeah, we’ll just do it at 5:00, before our regular meeting. 5:15 if we don’t really need a lot of time. Any other questions? Any other comments? Seeing none.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered. Meeting for space allocation is adjourned at 5:17 p.m.

| | | |
|-----------------------------|---------------------|-------------------|
| Those in Attendance: | | |
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Madelyn Grayson |
| David Rector | Others Unidentified | Members of Media |

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 15, 2003**

The Vanderburgh County Board of Commissioners met in session this 15th day of September, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, September 15, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Moment of Silence for Governor O'Bannon

President Mosby: I think at this time it would only be appropriate that before we start the meeting that we would honor a moment of silence for the late Governor O'Bannon.

(A moment of silence was observed.)

President Mosby: Thank you very much.

**Approval of September 8, 2003 Commission and Space Allocation
Meeting Minutes**

President Mosby: Do I have a motion to approve the minutes of the September 8, 2003 Commissioners meeting?

Commissioner Fanello: So moved.

President Mosby: And space allocation, I'm sorry.

Commissioner Crouch: Second.

President Mosby: I have a second. Motion and a second, so ordered.

Opening of RFI's for Web Services

President Mosby: Bid advertisements and openings, first we have counselor, Kevin Winternheimer, permission to open web site service, RFI's.

Kevin Winternheimer: Do we have any bids on any items, this or any of the others tonight, before I start opening bids? Seeing none. If I may go ahead and proceed. Bear with me, there are quite a few. The first bid I've opened is from Gray Loon Marketing Group, Inc., and their address is Evansville, Indiana. Let's see if I can find some prices here. How many phases?

Alan Teeple: They were to offer how many phases they felt were necessary.

Kevin Winternheimer: Okay.

Alan Teeple: It could be up to three phases.

Kevin Winternheimer: Okay, I'm going to just read the categories. Under their phase one is, planning, design, programming, delivery and their total estimated budget for that phase one is \$50,600. Then phase two, which is planning, design, programming and delivery, they have a total budget estimate for phase two of \$30,450. They have a phase three, same categories, their total for phase three is \$28,400. I believe that's it. The next packet is from Cinergy Communications of Evansville.

Alan Teeple: The costs should all be in section E, Kevin.

Kevin Winternheimer: Okay.

Alan Teeple: If that helps.

Kevin Winternheimer: They have proposal concept number one, capital costs in phase one; consulting, design, programming, implementation and training, \$53,000. Maintenance at \$85 per hour for graphics, HTML, and \$120 per hour for programming. Phase two, which they have listed as on-line services, it says custom quoted based on project requirements and recurring costs. They have a gold level shared hosting at \$160 per month, and a bronze level, dedicated hosting at \$650 per month. Proposal concept number two, they have capital costs, phase one, this is consulting, design, programming, implementation and training, \$82,000. Maintenance, \$85 per hour for graphics HTML, and \$125 per hour for programming. They say phase two, which is your on-line service, custom quoted based on project requirements. The next proposal is submitted by the Lieberman Group, and their address is also Evansville. Under their proposed costs they have administrative, \$40 per hour; programming, \$70 per hour; and design conceptual, \$85 per hour. Oh, I'm sorry, up here they have approximately \$86,000 per year. The next one is from WebPuppies, Inc., and their address is Evansville. It looks like under item 5.1 and a quick flip through here, it says price quotation \$81,500. In all these proposals there may be other costs or contingencies, I can't read all of them at this moment. The next one is from Quilogy, Inc. Their address is Louisville, Kentucky. It looks as though their proposed costs, they have a total cost of \$128,800. Then they have a proposed cost estimate for opportunity assessment, and that total is \$16,500. The next one is Vision, I believe is their company name, Vision Internet. Let's see, their address is Santa Monica, California. Okay, for consulting project management, graphic design, graphic production, dynamic programming, HTML programming, quality assurance, documentation and training, they have a total not to exceed \$49,280. They have other services; web site hosting for both web sites, \$250, and an optional web site maintenance plan for \$500. Maintenance pricing, graphic design, \$100 per hour. Custom programming, \$125, and HTML programming, \$75. I assume these are copies. The next one, I assume is, I see several names on here. I assume it's Keller Schroeder and Associates of Evansville.

Alan Teeple: It is a combination of both Fire and Rain and Keller Schroeder.

Kevin Winternheimer: I see Fire and Rain too. Okay.

Alan Teeple: The two vendors went in together.

Kevin Winternheimer: I see. You're right, there are two names on here. Let me find, they are from Evansville, yes. It looks as though their price is, I see the term \$86,000 used in here over and over. It says estimates for phases two and three of the proposal approach will be included in the deliverable. \$100 per hour will remain in effect for the services billed through the end of 2004. The last one is from Product Acceptance and Research, PAR, and they are from Evansville. It says a cost budget of \$66,000 will be required for PAR to complete the work. We would consider this to be phase one. Work outside the scope of work will be charged as follows; web development, \$75 per hour; oracle or data base work, \$100 per hour. That's all I have.

Commissioner Fanello: Motion to take requests under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered under advisement.

Alan Teeple: Thank you.

Open Bids for APA052-2003: Wireless Bridge Implementation

President Mosby: Next we have permission to open APA052-2003, wireless bridge implementation.

Kevin Winternheimer: I have several bids on that. The first one is from Convergent Enterprise Solutions LLC from Evansville. Let's see if I can find some totals here. Oh, it's on the bid sheet, their address is Newburgh, Indiana. Here we go, on the bid document, their total, including the cost of performance bond is \$83,150. Cost of a maintenance agreement is \$9,700. The next bid is from Matrix Integration LLC from Jasper, Indiana. Their total bid cost, including the bond, \$77,338. Maintenance agreement, it says included in the bid price. It says that if additional warranty not wanted, it could be decreased by \$9,600. We have one more, the last one is from Vectren of Evansville. The total bid cost, including the bond, \$97,185.13. The cost of the maintenance agreement is \$12,779.13. That's all the bids we have on that item.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Open Quotes for Marx Road Culvert #934:
Removal and Replacement**

President Mosby: Next we have open quotes for Marx Road Culvert 934, removal and replacement.

| | |
|--------------------------------------|-------------|
| Deig Brothers Lumber & Construction | \$68,689.25 |
| Accurate Underground Utilities, Inc. | \$42,552.50 |

| | |
|---------------------|-------------|
| CCC of Evansville | \$45,290.24 |
| Koberstein Trucking | \$56,819.00 |

Kevin Winternheimer: It looks like we have four bids on that. The first one is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total quote, \$68,689.25. The next bid is from Accurate Underground Utilities, Inc. of Evansville. Their total quote, \$42,552.50. The next bid is from CCC of Evansville, Inc. Their total quote, \$45,290.24. One more bid. The last one is from Koberstein Trucking, Inc. of Princeton. Their total quote, \$56,819. That's all the bids we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

Personnel Policy

President Mosby: Next we will move on to discussion items. Commissioners, personnel policy.

Kevin Winternheimer: Yes, we have a latest draft, and what I tried to do was put in red some of those changes to try and highlight them, and take out some of the items that I think you had already discussed and decided upon. If you want to just flip through it, if that's the way you want to proceed. Then you can tell me if I'm getting close, or if we need some more changes. Let me also hand out to you what's a new page 14, and Commissioner Fanello had called me and wanted something on flex time, I think to define it. Pass those down, and we'll get to that when we get to that page. As on all of these, I'm open to suggestions, whatever you want. The cover page, my first suggestion was making it effective January 1, 2004, the whole thing, that will give departments an opportunity, three months to prepare for it, and if they have questions about it, or how they are going to implement it. We had talked previously about having the vacation part of it take effect January 1, but perhaps it might be easier if we just let the whole thing take effect January 1, if that's acceptable with the Commission. Flip through this, and if you have any questions along the way, feel free to—

Commissioner Crouch: Kevin, I know your suggestion is a little later, but on page three, the Commissioners, we had kind of talked about the drug testing, did we formulate a position? Whether we wanted to drug test all new employees, or leave it as it is, which is, you know, only if someone's behavior would exhibit the use of drugs.

Kevin Winternheimer: I think we talked about that the current policy is that we do not automatically drug test all new employees. I believe someone was going to look into what that would cost. But, yeah, I did take that part out, and leave in the part the "for cause", or if the supervisor has a suspicion that there may be a use of drugs or alcohol, then you would do the drug testing. I don't know if anybody looked into the cost, and what impact that would have to just drug test all new employees before they would start work or not.

Commissioner Fanello: Tammy, do you remember how much the cost is per drug test? I know they vary depending on—

Tammy McKinney: \$46.

Commissioner Fanello: \$46 per person.

Tammy McKinney: They are right around \$46 or \$43.

Commissioner Fanello: So, I don't know how many average new employees do we have coming in in a year.

Commissioner Crouch: I know we figured that at one time, and I just want to say perhaps 200, but I wouldn't want to be quoted on that. I don't know if you have, Bill, you have a—

Bill Fluty: I don't have the answer to that, but I can get that information to you.

Commissioner Fanello: Okay. I mean, it would be fairly expensive. I'm not opposed to it. I think, everybody in the building ought to be drug tested, but, including—

President Mosby: That's fine with me. Is it something that we could add?

Kevin Winternheimer: Yeah, we could always add it in. I can put language back in, if you decide you want to do it before you take a final vote on it, if that's what you want to do. So, just let me know how you want to proceed on that.

Commissioner Fanello: Bill, could you get us maybe an average number of new employees we get every year, and then we can—

Bill Fluty: I could do that. If you would also think about the procedure, how you would like that to be handled, and who would handle that and administrate that.

President Mosby: Okay.

Kevin Winternheimer: Let's see, on page 10, that's not highlighted in red, but cross outs are there, it was suggested that we take out the part about donating FMLA time to a co-employee. Not FMLA time, but accrued comp time, I'm sorry, to a co-employee who has a terminal illness. I think that's been done a couple of times. The law on that is up in the air, to be quite honest. Nobody knows, it's not been tested that we can find. There's no appellate decisions on it. It was suggested that I take it out, and that's why the strike outs are there.

Commissioner Crouch: Also, Mr. Winternheimer, on page 11—

Kevin Winternheimer: Okay.

Commissioner Crouch: —point three, would it be possible to change that to the County Commissioners reserve the right to pay overtime? Isn't that the line item, isn't that line item in our budget? Even though it says employer, which, you know, kind of insinuates the County Commissioners.

Commissioner Fanello: I thought every department has their own overtime budget, right?

Bill Fluty: No, that's not the case. They may have a line item, but don't have any money in place. As a rule, most county offices have comp time, and do not pay overtime.

Commissioner Fanello: Okay.

Commissioner Crouch: I know, I don't know how it's been handled through reassessment, but I know in the past, overtime had to be, that was a line item in the Commissioners budget, had to be approved by the Commissioners so that we wouldn't get in a financial bind.

Commissioner Fanello: I agree with you.

Commissioner Crouch: I don't know if that's something that the Commissioners want to consider.

Commissioner Fanello: I think it's a good suggestion.

Kevin Winternheimer: Okay.

Bill Fluty: Then again, if an office has an overtime line item, it's easier for that payroll clerk to administer that and move it through the process. Where as if you have the overtime line, that person is not on your payroll, and it may be difficult for you to know how much time they worked and keeping track of that. So, it might be some areas there that you might have to think about how you would handle that.

Commissioner Fanello: Well, for those departments that have, you know, normal overtime budgets like the Sheriff Department, Highway Department, I don't see why we would need to approve those, but maybe something out of the ordinary in the other departments I could see us approving, but not those that have regular overtime schedules.

Bill Fluty: With the exception of reassessment, I don't know of any departments that's paid overtime in the past.

Commissioner Fanello: It would be an extenuating circumstance, I think.

Bill Fluty: That would be—

Commissioner Fanello: And we could specify that in here.

Bill Fluty: That would be possible.

Kevin Winternheimer: Turning to page 12, there was some question about what you are going to do with the pink slips, and quite honestly my notes were rather sketchy on that, and this is what I came up with. If that is what you intended;

“That all new employees must have an appointment form, a pink slip, processed and signed by the County Commissioners before payroll will be processed.”

Is that what you had in mind?

Commissioner Crouch: Yes.

Commissioner Fanello: Uh-huh.

Kevin Winternheimer: And then I struck out what I had, "before they begin working". Then I had added, previously;

"The new employee shall be paid as other employees provided there is sufficient time to process the necessary paperwork, and, if not, then as soon as is reasonably practicable."

That covers it and gives everybody...okay, page 14, I added, under "flex time", I think Commissioner Fanello wanted a definition of flex time, and flex time versus comp time. Flex time, to give you an example, would be, I don't know a particular office, but let's say that the Treasurer wants to keep the office open until 6:00 when everybody is trying to pay their taxes, and would tell an employee rather than coming in and working your normal 8:00 to 4:30, I want you to come in an hour and a half late. You come in at 9:30 and then you would work till 6:30. Or if there was a special project, that maybe you would work 12 hours one day, and then you would take four hours off Friday. You're not working, you're still working 40 hours, but it's not within the usual 8:00 to 4:30 time frame. That's flex time. It's the same number of hours, just not in the regular, normal work day. That's what that dealt with. That's what is meant by flex time.

Bill Fluty: On that same subject, the last line on that where you;

"Such flex time schedules should be set at least on a monthly basis, not on a weekly or daily basis."

Are you committed to that as a time frame? I know that some offices do flex now, and I think it's more on a weekly, not maybe on a monthly.

Kevin Winternheimer: Okay.

Bill Fluty: Depending on their work load.

Kevin Winternheimer: I think that's out of the current handbook. We can take that out if you want to give the departments a little more flexibility in that regard.

Commissioner Crouch: No pun intended.

Kevin Winternheimer: Yeah, no pun intended. It's up to you. If it would be helpful, I can delete that. The idea is whatever makes the office work best.

Commissioner Fanello: Could we say it would be left up to the department head or office holder? You know, because—

Kevin Winternheimer: It does already. I think somewhere in there it talks about individual department heads and supervisors may incorporate flex time schedules for their employees. So, I think there is...so, I think we just eliminate that you don't have the weekly or daily basis issues, because, you're right, there may be things that come up daily, or even weekly that you need to change schedules, but wouldn't necessarily be on the regular monthly basis. So, we can eliminate that if that's what you want. On page 17, I had some notes about at the exit interview if there are suggestions, complaints or questions...let's see, changing that to, the idea is to change that those ideas should be expressed at the exit interview, and then;

“Such suggested changes, complaints or questions shall be submitted to the office of the Board of Commissioners by the department head/elected office holder within three business days of the exit interview.”

If that's what you had in mind, again, my notes are a little bit sketchy, but if that serves your purpose.

Commissioner Crouch: Kevin, can we go back to page 15?

Kevin Winternheimer: Sure.

Commissioner Crouch: On the smoking section.

Kevin Winternheimer: Sure.

Commissioner Crouch: Just a couple of questions, and really this is really for the other Commissioners also to consider. In the smoking, who exactly determines the designated work areas? Would that be we, or would that be the City Council, or would that be the Building Authority? I guess, that's one question. Then if there's a conflict between that, if the City Council wants a particular area that the County Commissioners don't agree to, I mean, how would we resolve that? Then would those areas be not only for county and city employees, but for the public to utilize also? Then I don't know the answer to this, and perhaps some of the Commissioners or someone would, but when we talk about work place, are we talking about the Civic Center alone, or are we talking about also the Courts Building, because it's my understanding that there is smoking currently in the Courts Building. Or are we also talking about the Centre, or Highway, or Burdette? I mean, does this apply to all of those or just the administration building? I'm not opposed to providing a space for people who do smoke, but I think we need to be pretty clear on it, and I also would hope that that area would not be connected with a building where they're using the same ventilation system. I think that's already been stated. I'm not opposed to that, but those are some of the questions, you know, I had. So, I didn't know if we needed to be a little more specific with that language.

Kevin Winternheimer: We can be. To go back to some of your first questions, we can only, in this building, we can only regulate those areas that you lease. We couldn't tell the Board of Public Works, for example, what they can't do, because we can't do that, it's a city area, they lease that, they control that. The Building Authority, I believe, in this building, controls all common areas, like the stairwells, the hallways, all those kind of things, and I believe they have a blanket no smoking policy right now in the hallways and all that. In the common areas, as it's usually referred to. So, you could do, in the county leased areas, what you want to do, and it may, if you think it needs to be clarified, I would be happy to do that. I'm not sure what your current policy is in places like the County Garage and out. There is an ordinance on that, and I don't remember what it is off the top of my head.

Commissioner Fanello: And I have a copy of a memo sent by Joe Harrison, which is the Building Authority attorney, and in his opinion, just to help answer your question, Kevin might want to take a look at this, but he says;

“Again, I believe that the Building Authority is the only governmental body which has the power to designate a smoking location.”

And he does refer to our ordinance 2.88.280, which does allow smoking in specifically designated locations in the Civic Center Complex. So, maybe Kevin might want to take a look at that.

Kevin Winternheimer: That may be part of our lease too, I haven't looked at that in a long time. They may have kept that control. I'm not sure. We can look at this, and we do have the ordinance, I'll take a look at that and make those two at least coincide, and if you want to go further than that, we can do that. Whatever you want to do. But, I'll take a look at that, the smoking ordinance, to make sure it complies with this.

Commissioner Crouch: So, currently, according to the memo you just read, the Building Authority is the only body that can designate a smoking area. So, it wouldn't take a vote by this board to say we think there should be, or we think that there shouldn't be, or we think this is good, or we think this is bad. Which I'm not sure I agree with that.

President Mosby: Well, I thought, and I read that same thing, and I talked to Joe Harrison, and I thought he said we still controlled the areas we leased, the city controlled the areas they leased—

Kevin Winternheimer: Right.

President Mosby: — and the Building Authority only controlled the common areas.

Kevin Winternheimer: Yeah.

President Mosby: I don't think the Building Authority would tell us that we could not smoke in an area that we leased. I think that's what she was saying. Then we have an ordinance that sets up the rest of ours, so we could always state the ordinance in here if we wanted.

Commissioner Crouch: So, you'll check on that?

Kevin Winternheimer: I'll check on that and make sure it complies with the smoking ordinance. Let's see...if we go with the concept, turning to page 19, if we go with the concept that the whole ordinance, the handbook takes effect on January 1, 2004, we can eliminate the red type up on the top about the vacation benefits, because the whole ordinance will take effect then. Turning to page 23, this is, I wanted to clarify that, and I believe in talking to Bill if I understood this correctly, on military leave, if an employee is off on military leave, they continue to get insurance, health insurance, up to 18 months, as it states there, but the employee must continue to pay the employee share of the premium. Is that correct current policy? That's not a change, I just thought it was a nice clarification, just to make sure that everybody understands that you can get benefits, but you're still going to have to pay the premium, the employee share of the premium. And at the bottom of page 23, on the bereavement leave there, and I thought this was somebody's suggestion that we give five consecutive working days for the death of the employee's mother, father, spouse or child. Is that correct? Then, of course, the next sentence I eliminated because it was already covered. On the top of page 24, the top of the next page, I took out the part about ;

“In any event, the day of the funeral shall be the last day of such leave.”

Well, if you get five working days off, chances are that's not going to be the last day. I think there was some discussion about that, that would be, strictly interpreted, that might be a bit harsh to say, you've got five days, but because the funeral was so quick, you're not going to get it off, because that's the last day.

Commissioner Crouch: Kevin, on page 28, this isn't your change, but, I had raised this before, the top of 28 where we talk about employees who arrive at work more than 10 minutes after the beginning of the work day are considered tardy. I questioned if that was too much time, because if I have an employee that comes in five, six, seven, eight minutes late every day, by virtue of this, I mean, what can we do with that employee? Because they aren't considered tardy by virtue of our language, or are they? I mean, to me, someone that comes in late every, single day, is late. They may just be able to keep it under ten minutes, but they still have a problem getting to work on time. So, I didn't know if that would prohibit someone from, you know, disciplining that employee or not.

Kevin Winternheimer: You're right. Yeah, it could, and I don't remember if that was in the original handbook, or if that was one that the attorney from Indianapolis suggested. I, we could take that out, I think that you're right that that could happen, that if you're really good at it you could be eight minutes late forever, and then say you can't touch me. Of course, you are subject to termination at will too, but if you want to take that out, I see no problem. If you're late, you're late.

President Mosby: I was going to say, I would remove "more than 10 minutes", and just leave it at that.

Kevin Winternheimer: Okay.

President Mosby: "Arrive at work after the beginning of the work day."

Commissioner Fanello: So, are we saying somebody who arrives, then if you don't have any kind of measurement level, some departments may say, okay, if you arrive one minute late that's okay. Two minutes late in another department is not okay. I mean, shouldn't we have some kind of measurement criteria?

Commissioner Crouch: Could that be at the discretion of the office holder that is running that office perhaps?

President Mosby: That's what I would say.

Commissioner Crouch: I mean, rather than our call.

Commissioner Fanello: Well, then you've got one office being treated differently than another office, which I think that occurs way too—

Commissioner Crouch: We always have that.

Commissioner Fanello: —you do, you do, and that is a problem. In one office it might be okay to be ten minutes late, but if I work in another office, you know, it's not okay to be ten minutes late.

Commissioner Crouch: My personal opinion, it's never okay to be ten minutes late everyday, because that's lost time and that adds up. So, I know you don't disagree

with that, I just have a little bit of a problem with the ten minutes just because, you know, there are people who can–

Commissioner Fanello: Oh, well sure.

President Mosby: I mean, you have a starting time, you have a starting time. After that, you're late.

Kevin Winternheimer: I will take that out then, the more than ten minutes. I believe that's all the changes that I made.

Commissioner Fanello: So, do we think with the questions that we can get answered this week, we may be able to get this back on and get it passed now the way–

President Mosby: I hope so.

Kevin Winternheimer: Yeah, I'll put it on next week. I'll get the changes to you before then, there aren't that many, and these are pretty clear cut.

Bill Fluty: Kevin, this is an ordinance currently, so.

Kevin Winternheimer: Okay, you're right. Yeah. When we think we've got it, I'll go ahead and do a cover ordinance adopting this booklet as the handbook, personnel policy.

Commissioner Crouch: Would it be, would we repeal the current one then at the same time?

Kevin Winternheimer: Well, I'll put in there that it's repealed effective December 31, 2003, with this to go in effect January 1, 2004.

Commissioner Crouch: Got it.

President Mosby: Any other questions on the personnel policy? We will put that back on for next week.

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape change)

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| <p>Second/Final Reading of an Amendment to the Erosion and Sediment Control Ordinance</p> |
|--|

President Mosby: Next we have second and final reading of amendments to the erosion and sediment control ordinance.

Kevin Winternheimer: I have received no comments, I don't know if John has.

John Stoll: No, I have not heard from anyone in regard to that.

President Mosby: Is there any questions by any of the Commissioners? Questions from anybody in the audience? Chair would entertain a motion.

Commissioner Fanello: Motion to approve second and final reading of the amendment to the erosion and sediment control ordinance.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Crouch: Roll call?

President Mosby: Oh, that's right, we do need a roll call.

Kevin Winterheimer: Yeah, you need a roll call.

President Mosby: Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes.

(Motion passes 3-0)

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| Crowe Chizek and Baker Daniels Letters: Centre Refunding Bond Issue |
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President Mosby: Next do we have any contracts. Seeing none.

Commissioner Fanello: Oh, I was going to say, we don't really have any contracts, but I did, excuse me, receive a fax from Crowe Chizek, and we do have a couple of letters to sign in regards to the refunding of, the refunding bond issue of the Centre. Basically, there are two letters about procedures that they perform before the refunding and after the refunding. So, I think everybody has a copy of them, and if you're okay, I would make a motion to approve those.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the letters from Crowe Chizek. So ordered. Any other contracts?

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| Public Comment |
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President Mosby: Public comment?

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| Old Business |
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President Mosby: Old business?

New Business

President Mosby: New business? We have one item under new business. I think both Commissioners are aware, and we have the Sheriff and Chief Deputy Williams with us. We had a minor mishap at the community corrections building today, and I think they will pass out some pictures and information. I think I still have mine from this afternoon. They will fill us in on what has happened with this incident, and the meeting that took place between myself and the Sheriff, the Chief Deputy, the judges, Stan Levco, the Prosecutor, and a couple of other people were in the meeting. From there I will let Brad go on. Sheriff.

Brad Ellsworth: Good evening, Sheriff Brad Ellsworth, also President of the Community Corrections Advisory Board. Last night about 6:00 we had an incident on the first floor of the community correction building that required the guard to come down from the second floor dorm area. While he was downstairs, a couple of the participants, I'll use that name, not what I'm really thinking, but I'll save that. Jeff Scott Young and Chris Allen Fischer began to tamper with the fire sprinkler system. One was kicking it, they do hang approximately four or five feet above the bunk area, and when that didn't break it, another participant jumped up and was hanging on the pipe. That caused it to break. It's about a two and a half inch line, so the water, when that broke was shooting out at about 200 pounds, or 200 gallons a minute. In fact, it shot across the room from approximately here to the door and blew a two foot hole in the wall, through the drywall of the complex. They discovered it pretty quickly when they went back up there, but the Evansville Fire Department was called and it took them about, the water ran for about 45 to 50 minutes before they could get it shut off, because of the different valves it took to shut off the different areas of the building. With that we're talking about thousands of gallons of water that flooded the second floor and then worked it's way down through the ceiling, ruined all the drywall on the first floor, but also it weakened the structure again. We can find at least one column that has settled approximately seven inches, and has shifted. I called Roger Lehman this morning, he met us there at 11:00 and he advised that we should vacate that area of the building until we have some structural analysis done. So, that's what we did. I'll look to the Commissioners for guidance. The only other thing, you know, we can look at doing emergency structural analysis, and we've got the insurance adjuster coming in tomorrow at 9:00 wasn't it, Chief? 9:00 tomorrow the insurance adjuster will be there to meet us. We met with the judges and Commissioner Mosby at 2:00 this afternoon and came up with some alternate plans. This area housed 150 of the participants. So, we're having to come up with some alternates for what to do with them at this time. We're working through that. We had made some preliminary changes and we'll continue to stay with the judges and the prosecutor as that goes on. Don't know what it's going to bring. So, like I said, I'll look for any guidance from the Commission and answer any questions that I can. They, both of the participants, were charged with class C felonies and the judges put no bond on them. So, they are now in the Vanderburgh County jail, where they can't swing from any sprinkler pipes. They've been ordered with no bond.

Commissioner Crouch: Were these individuals, I guess, unattended? I guess, that's how that happened? Is that normal? I mean, I guess it's normal to have—

Brad Ellsworth: No, as I stated, they were called down to...there is a guard posted in that area, but he was called down to assist with another situation down on the first floor, and that's when he went down there to help with that, that's when they, and it wasn't that long of a time. So, that's when they went to work.

Commissioner Crouch: You don't know how long it will be closed down? You're waiting for the engineers and—

Brad Ellsworth: It will really depend on the engineers, what they say tomorrow. I mean, it's obvious the floor has sunk and there's some new cracking, and a column has shifted so. But, an engineer may get in there and say that's normal, that can happen, that's safe, but we can't take that chance until they get in there.

Commissioner Crouch: What about insurance, Sheriff?

Brad Ellsworth: It's covered, we're—

President Mosby: We're covered.

Brad Ellsworth: It's our coverage, the county's, not the landlord, so, but he is aware of it.

President Mosby: (Inaudible) with a deductible.

Brad Ellsworth: Mr. Feldhaus is aware of it. Like I said, the adjuster will be there tomorrow morning at 9:00. He's coming in from Louisville I believe.

President Mosby: That what he left me a message at.

Commissioner Fanello: So, do we need to authorize, as a board, the engineer to come out tomorrow? I mean, will there be a charge for that?

Brad Ellsworth: Yeah, they would charge us. I think, we did this one time before with the roof, and I think it was basically an emergency approval to hire someone, a structural engineer to come out. So, if that's the way we want to proceed, then—

Kevin Winterheimer: Yeah, this is not something that has to be bid. This is a professional service, so, yeah, I think you can authorize it and go ahead and incur those expenses of having it analyzed, or whatever it takes.

Brad Ellsworth: One thing we discussed about in the meeting, and that's entirely your call, I know that Donan Engineering did a study of the complex several years ago. We've still got all those documents, and they may be...although Morley and Associates did come in and do...the last time the poles shifted, they came in and did the structure. So, those are the only two that I'm aware of, and they've both come in and done work at the community corrections center.

Commissioner Fanello: Who did the assessment on the roof situation?

Brad Ellsworth: Donan did the structural, where they hired Donan to do that under the previous administration. Then the last time that we found a pole had shifted, Morley and Associates did it. So, both are probably familiar with...I can call them both and get the best estimate. I don't know, like I said, that's, or someone from this office, it doesn't matter to me.

Commissioner Fanello: Well, I would make a motion that we authorize the Sheriff to proceed, you know, as soon as possible with getting an engineer. You can call around and get the best price. I don't really have a preference at this point. Whatever is most convenient in this situation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for the Sheriff to move forward on getting a structural engineer. So ordered.

Brad Ellsworth: Any other questions about the situation? Like I said, we're working with the judges and the prosecutor through that to see what we're going to do. We've got some plans in place, but that will change on a daily basis. We're kind of working through that as we go. Thank you all.

President Mosby: Are there any questions? Any comments? Any other new business? Seeing none. Department head reports, County Engineer, John Stoll.

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| County Engineer |
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John Stoll: First I would like to request approval for purchasing some right-of-way for the Marx Road Culvert project that was opened this evening. I would like to request approval to pay \$750 per 4.135 acres of right-of-way along the north side of the road in the project. This would be purchased from Hahn.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: We will have one other parcel on the south side of the road that we'll have to acquire. Valerie Harry has been discussing that with the property owners. They are agreeable to selling it. Their acreage is about .35 acres, so it could be up to \$1,500 give or take for that parcel. Once we get them to agree on a price, I'll bring that back to the Commissioners for final approval. The next item I've got is agreements with R.W. Armstrong for the design of the improvements to County Line Road between the Posey County Line and Denzer Road. This is for a total amount not to exceed of \$90,400. I've had Kevin review the agreements and he made some changes and I've incorporated those changes, so it's requested these be approved.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have two letters for the University Parkway project that need to be submitted to INDOT. One is a right-of-way certification letter that states that we will be seeking federal aid for construction, and that we complied with the appropriate regulations on the property acquisition. This needs to go to INDOT to their chief of their division of land acquisition. It's requested this letter be signed by Commissioner Mosby.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The second letter also goes to the land acquisition department at INDOT. This is just a letter stating that we will not be pursuing title insurance for the parcels of right-of-way that we secure for this project.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request a modification of an offer on the Mt. Pleasant Road project. The Commissioners had previously authorized condemnation on two parcels owned by Kramer. Kramer ended up agreeing to settle one of the parcels, and then before the court appointed appraisers were assigned to the project, the attorney handling the condemnation, Shawn Sullivan, negotiated a deal with the property owner that he was willing to take \$18,500 to settle the project, to settle the parcel as opposed to the \$16,400 that he had been previously offered. Since the difference is less than what it would cost with court appointed appraisers, Shawn Sullivan recommended that we settle it for the \$18,500. I would agree. This would be a savings versus what we would actually spend if we did take this to court. So, I'm requesting approval to settle the Kramer parcel for \$18,500, instead of the \$16,400 that was previously offered.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last thing that I have is in regard to the Barrett Law project out in Mill Terrace Subdivision. The soil conditions out there are worse than we expected. We had put 100 tons extra of stone in there for trying to deal with the poor soil conditions, but we've already used that amount, and we could end up using up to 400 tons, give or take, based on the best estimates right now. So, I just want to make you aware of the fact that we will have some overruns associated with the poor soil conditions. I'll bring a change order in when the final numbers are known. That's all I have.

President Mosby: Are there any questions for John? Seeing none, thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: Next, Dennis Hudnall, County Highway.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Just to bring you up to date on the paving, right now we're paving Old Henderson Road from Dixie Flyer to Nixon Camp Road. We'll be out there approximately this week and a little bit of next week a couple of days, and we'll have that finished. Then we have two more roads, Eichele, which is off of Peerless, and Elmridge, which is off of Oak Hill,

and then the paving, the list that we okayed has been completed. Then I'll report to you to see how much funds we have left in the budget, to see, we still have a little bit of time left in this season to do some paving. I'm glad to report that St. Joe railroad tracks have been completed. Tentatively we have scheduled with Pioneer Rail Corp, Mill Road on the 25th, 26th, and 27th to close the road down for those days for Pioneer Rail Corp, and then leave them down till Wednesday of the next week so that we can mill the road and pave it. That's basically all I have.

President Mosby: Are there any questions?

Commissioner Crouch: I just want to thank you for your prompt attention to the trees that needed to be trimmed.

Dennis Hudnall: Thank you.

Commissioner Crouch: I know you'll follow up with that, but I wanted to thank you and your crew.

Dennis Hudnall: The problem we have sometimes is we've got the willingness to do it, but we don't have enough operators, because we're stretched a little thin, and it is paving season. So, we've got a work order on it, we'll follow up.

President Mosby: Any other questions of Dennis?

Kevin Winternheimer: Have you already authorized the closing of Mill Road? Did you do it last week with St. Joe?

Commissioner Crouch: We already did that, I think, at your suggestion.

Kevin Winternheimer: Okay. Good.

President Mosby: Any other questions?

Dennis Hudnall: Have a good night.

President Mosby: Thank you, Dennis.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Only one thing to report. We had our follow up meeting today on the new drainage ordinance, Rule Five, Rule Thirteen compliance. It was well attended by your committee members, and we had some good discussion. Unfortunately we had no media there, but we're having another meeting on September 29th of this month. We're looking for a room, we don't have that, but that's at 3:30, anybody interested is invited to attend. That's all I have.

Commissioner Crouch: Kevin, just, you might be able to provide some direction to me, I don't know if the other board members are in need of it in this area, but I met with a community advisory board member, Community Corrections Advisory Board member, and talked a little bit about our placement criteria, and that individual informed me that they believe that we, the Commissioners, have no authority,

statutory authority, to set placement criteria, that that was the advisory board's authority. I thought perhaps maybe you could just give us kind of a quick overview of what we actually have authority over versus what the advisory board has authority over.

Kevin Winternheimer: I haven't looked at that in a while. My recollection is, and I would have to look at it again, but my recollection is that they serve in an advisory capacity. That ultimately you would make any final decisions, or set the criteria. Not a decision of who goes, but what the standards and rules are. I can double check on that, but I believe that's the case. That that's the way that's set up. They are truly an advisory board to you. Albeit that—

Commissioner Crouch: That's what I thought.

Kevin Winternheimer: —yeah, in many, most all circumstances you usually take their recommendations, but if there is a concern that they're not addressing that you could. I will double check on that.

Commissioner Crouch: Okay, thank you.

President Mosby: Any other questions of Kevin? Seeing none.

Superintendent of Buildings

President Mosby: Superintendent of Buildings.

Tammy McKinney: I don't have anything tonight.

Burdette Park

President Mosby: Okay, Burdette Park.

Gary Hohman: Gary Hohman, Burdette Park. In addition to our work report, I would like to inform the Commissioners that immediately following the ribbon cutting and dedication services of the Discovery Lodge building this coming Wednesday, Burdette Park employees will be on hand to conduct an open house for any and everyone who has any questions regarding this building, the Day Camp program that goes on in this building, as well as any type of rental policies that questions that might come regarding rental. That's all I have, sir.

President Mosby: Are there any questions? Thank you.

Soil and Water Conservation District

President Mosby: Soil and Water or Ozone. I don't see either one.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second. I didn't have an Ozone Officer report. It seems like, did she give one for two weeks last week, I believe, but second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent items.

Commissioner Fanello: I would make a motion to accept consent items with one comment. Our travel, I looked at our financials at the end of August, and our travel budget is getting low, so I would ask that we watch our travel budget. Not us, but the one's that we approve for the other departments for the rest of the year. I know we don't really travel that much, but some departments do.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept consents. So ordered.¹

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
REZONING MEETING
SEPTEMBER 15, 2003**

The Vanderburgh County Rezoning Board met in session this 15th day of September, 2003 in Room 307 of the Civic Center Complex. The rezoning petitions were heard during the regular Commission meeting and this portion of the meeting commenced at 6:35 p.m.

President Mosby: We will immediately move in to rezonings.

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| First Readings |
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President Mosby: We have no first readings.

¹Consent items listed on page 26.

Final Readings
VC-14-2003: Petitioner: Robin A. and Bonnie L. Fraser
Address: 4011 Wolcott Street
Request: Change from R-1 to M-2
Action: Approved 3-0

President Mosby: These will be final readings. First, VC-14-2003, petitioner Robin A. Fraser and Bonnie L. Fraser, address 4011 Wolcott Street, change from R-1 to M-2.

Jerry Atkinson: Good evening. My name is Jerry Atkinson. If I could, I would like to give you a couple of graphics so that you can focus on what is being requested here. This is a petition to rezone 4011 Wolcott Street from an existing R-1 zoning to an M-2 for the purpose of allowing a machine shop. There are numerous possible uses in an M-2 zoning, and we're not interested in doing any of those, other than a machine shop. Mr. Fraser would like to make a small addition to his existing building to permit him to actually conduct machine shop activities at that location. Wolcott lies at the east corner of, the southeast corner, southwest corner of the subject property, 461.6' south of Upper Mt. Vernon Road. It's at the southeast corner, 357.96' down to Wolcott. There is a diagram on the back of the staff report, and I will circle the area where the addition is going to be, and I'm going to circle the Fraser residence, and I'm going to put a big "x" on the Lin-Gas facility that is an existing M-2 that's right next door to this property. We know of no opposition to this rezoning. Mr. Fraser talked to some of the neighbors that would be most immediately affected and they consented to the proposed rezoning. Are there any remonstrators here against this project? There was at the Area Plan Commission one remonstrator who lived on Upper Mt. Vernon Road, and he thought that the machine shop was going to be next door to his property, and he objected to Mr. Fraser putting an extension on to his garage because he thought that Mr. Fraser could use the existing garage. I've been in Mr. Fraser's garage, which is down on Wolcott Street, and that's, if you will, like an antique store in there. He has a lot of things stored inside there, and I can understand why if he wants to keep those things that he could want to make an addition to have a work area. We've met with that neighbor, or more accurately Mr. Fraser did, showed him the map of it and the petition, and when the neighbor understood where this proposed machine shop use would be, he responded, oh, that's alright with me and left. He's not back, and we understand that comment to be that he too now is not opposing it. We heard from the West Side Improvement Association, and I thought their comments were well taken. I was here before you about a month ago asking for permission to change a use and development commitment to add a bonus room, and to do that you have to amend your zoning and you have to go back and you pay a fee and you notice everybody again, that's a complicated process. For years I've used a private covenant, enforceable by the neighbors, to provide flexibility as we go through the process of rezoning, to give them in writing an enforceable covenant running with title to the land to address objections that may come up during the process. I had prepared and passed around to the Area Plan Commission on September the 3rd a private covenant limiting the use of the real estate to a machine shop only, notwithstanding that the M-2 zoning classification permits other uses. In the event that at some future time they want to change the land use to something other than a machine shop, they are going to have to come back and obtain a rezoning to change the use to some other use. Robin Fraser and his wife additionally agree that they will not use the real estate owned by them at 3912 Upper Mt. Vernon Road that I've marked for you on that aerial photograph, which is north of and adjacent to the real estate to be rezoned, and they agree not to seek any rezoning of that same real estate at 3912 Upper Mt. Vernon Road to M-2 at any time during the term of the covenant. It's a 25 year covenant. That's a good, long time. The, excuse me, I'll explain my breathlessness to you in a moment. The Improvement Association

suggested that one of the things that you can do in an M-2 zoning is to have billboards, and it struck me that we ought to include that in. Unfortunately, I don't have a typed up private covenant for (Inaudible). I made changes in handwriting of the proposed covenant that we gave to the Area Plan Commission to prohibit the use of the real estate for any elevated signs or billboards. That's an example of an objection well taken and that we needed to respond to it. If you look at the staff report, you'll see that the staff report indicates that there are 322 commercial service, storage and recreational and industrial uses in an M-2. We're proposing there's only going to be one. We'll have a covenant running with title to the land to make it only one. There has to be parking, well, this is going to be a one man shop, no employees. The site plan with the staff report shows five parking spaces, that's more than enough. Another thing that occurred to me, even this evening, that I included in the change to the private covenant is that there should be a restriction against the habitual parking of tractor trailers or trailers at that location, and we added that in as well. There is also in the staff report an indication that there is going to have to be paved parking and access and that's not a problem, we'll be happy to do that. Then there is an indication, the site plan as submitted, would require a number of variances, and must be redesigned prior to the submission to site review. Mr. Fraser went to the engineer and land surveyor and said, in effect, give me what I need, I want to rezone this, I want to have a machine shop. This drawing was prepared by the engineer, and if the engineer didn't catch the fact that variances need to be obtained to locate the addition where the addition is shown as being located, then it does need to be changed. It's always been the intention of Mr. Fraser to comply in every way with the applicable rules and regulations. It was my intention to visit with the Area Plan Commission and the engineer and bring you a conceptually redesigned drawing to support this petition. Unfortunately, my mom died. I'm sorry, I truly am sorry. Unfortunately, I had to be out of town last week, and today I was doing a non-threatening medical procedure that left me under this influence of some, excuse me, drugs that are interfering with my energy level and my ability to speak clearly, because I have a bit of a cotton mouth, okay. Unfortunately that procedure took virtually the whole day, and I didn't have the ability to visit with the engineer or the Area Plan Commission or Mr. Fraser. We believe that the engineer can redesign the location of the building and/or we can obtain variances to permit the construction of the addition, and it's not necessary for us to seek a continuance for the purpose of submitting that to you because that's really a site plan activity. However, if you would like to see that before we go forward, we would be receptive to supply that to you. Again, I don't know of any objection now in the neighborhood to this. The County Engineer, I think, expressed some concern about large trucks coming down into this dead end cul-de-sac that abuts the Lin-Gas facility. If you look at that on the back of either what I gave you or on the back of the staff comments, the aerial photograph, you'll see there are dozens of big gas tanks even right along the common boundary between these two properties. This is the existing garage at 4011 Wolcott Street, across the street to the south, these are the neighbors, and I believe the neighbors most directly affected have signed the consent form. This is the view west, the house trailer depicted does not belong to Mr. Fraser, it belongs to the next door neighbor. The view to the east is here, you can see the property abuts up against Lin-Gas tanks. The area at the bottom in the center is where the addition would be corrected. Then there is a view of the 600 block of Vanness, which is the connector street to the west that goes north to Upper Mt. Vernon Road. Then the 400 block of Wolcott from Vanness is in the lower left hand corner. I think that's all of the canned production. Does anybody have any questions?

Commissioner Crouch: Mr. Atkinson, I know that the West Side Improvement Association also spoke about a buffer zone. Is that something that you have worked out in your concept or your drawing?

Jerry Atkinson: I also have not met with them. If they could tell me, if they are here—

President Mosby: They're not here.

Jerry Atkinson: They're not here?

President Mosby: They sent a letter.

Jerry Atkinson: If you could look at the photographs, the property immediately north of the subject real estate is owned by Mr. Fraser, who is here, or his brother. Neither one of them, at this time, desire or request any screening. The property to the immediate east has Lin-Gas tanks, and I don't know that they need to be screened against the parking area for a machine shop. The property to the west has already, in a sense, a buffer in that the fellow there has parked a large house trailer right next to the existing building. The building itself constitutes a buffer from the addition. What's left is the properties across the street. Did anybody ask you if you would put up vegetation or a fence or anything?

Robin Fraser: No.

Jerry Atkinson: The guy that has a house trailer, does he, did he consent, sign the consent?

Robin Fraser: Yes.

Jerry Atkinson: Yes, so, the people across the street and the guy next door haven't asked for any buffer. We would give it if we knew what would work, or what they wanted, or if anybody had expressed any interest. We try to do things right. They did suggest, not having fondness for billboards, and I addressed that with the private covenant. What I would ask, I guess, you consider is allowing me to go ahead and finish the private covenant in the way I have identified to you, and, excuse me, let me submit that and record it, submit it to your County Attorney for approval as to matching what I said that I would do. We could vote tonight, because the site review people can take care of the rest of the issues. This is a one man shop that is not going to hurt anybody. He's going to put insulation in the walls so that noises don't even escape. So, I think it's a net gain for the county. It's certainly a net gain for Mr. Fraser, and it doesn't do harm to anybody that's directly connected. I don't think it does harm to anybody at all, quite frankly.

President Mosby: Are there any other questions?

Commissioner Crouch: I make a motion that we do approve the rezoning for VC-14-2003 with the conditions that Mr. Atkinson has described with his amendment to the private covenant.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to approve VC-14-2003 with the amended private covenant to be recorded. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Being three ayes, no nays, VC-14-2003 is hereby declared adopted.

(Motion passes 3-0)

Jerry Atkinson: Thank you very much.

Madelyn Grayson: Mr. Atkinson, I believe your recording check will need to be either added to...if you're going to record that private covenant, I think it's only for \$11.00. So, I will need a new check for that. And I did not get a disk for the advertising. Was that a discounted rate?

Jerry Atkinson: I will get that to you immediately.

Madelyn Grayson: Okay, thank you.

**VC-15-2003: Petitioner: Warren G. Spurling
Address: 5100 Spring Valley Road
Request: Change from C-4 to C-2
Action: Approved 3-0**

President Mosby: Next we will hear VC-15-2003, petitioner, Warren G. Spurling, address, 5100 Spring Valley Road, change from C-4 to C-2. Mr. Spurling.

Tim Spurling: My name is Tim Spurling. I'm here representing Warren. I think it's a pretty simple rezoning. Our intent is to build more of the apartments for people 55 and older, to add to the complex that we already have established there.

President Mosby: Okay. Are there any questions?

Ben Hebebrand: As a point of order, can we make public comment?

President Mosby: I'm getting ready to ask for that. If there is no question by any of the Commissioners, are there any remonstrators that would like to speak?

Ben Hebebrand: I'm not remonstrating.

President Mosby: Okay. One at a time, just come up and say your name and address.

Mike Rudolph: Good evening. My name is Mike Rudolph, and we are not here to remonstrate against this. I am a trustee of Evansville Day School, and I have a daughter that is a high school freshman there. With me is Ben Hebebrand. Ben is the head of Evansville Day School, and we have no objection to the additional work that Spurling intends to do. We come here to plead our case about a safety concern that currently exists at Evansville Day School's main drive. Our main drive, and our only entrance into and out of the school is directly across Schnuck's main driveway. A year and a half or two years ago when the project became known and we got wind

of it, I came downtown here and met with some people with EUTS and METS, talked with people with the Area Plan Commission, because we envisioned some potential traffic problems and safety issues at our driveway. In the course of my discussion with the different agencies was informed that there would be no light at our driveway, there would be no concrete median barriers, etcetera. I drive up and down Green River Road everyday, so we understand the, I suppose, logic behind that, but nevertheless two years ago we could foresee some safety issues. Now Schnuck's is in, we welcome them, but the safety issues are as bad or worse than we envisioned. If you can envision the new Schnuck's, our driveway sits straight across from them, and family's turning into and out of Day School, especially if you are leaving at 3:00 in the afternoon and trying to turn north face a variety of traffic situations that are hard to contemplate until you are caught in the situation. Having been in that situation myself, and knowing that there's a traffic problem, I can tell you, it's real. We are here, I suppose, to appeal to this board and any other agencies that you can guide us to, to give some guidance or consideration for some additional help with what we view to be a critical safety issue out there. Again, we are not remonstrating against, but I think we are here to call attention to an issue that we foresee as dangerous. It's one of those situations where most people say, well, an accident has got to happen before anybody is going to do anything. I'm here to tell you, an accident is going to, and I would like to at this time find out if there is anything that you can offer to us, some guidance on what we might do to make a bad situation more safe.

President Mosby: I think the first thing that we need to do is have the County Engineer go out and look at this problem. He will report back to this board and give us any alternatives or options that we might have to correct whatever he would see. If you want to call him, you're more than welcome to call and talk to John Stoll—

Mike Rudolph: Okay.

President Mosby: —the County Engineer, and we can, well, Tammy's gone, but we can refer that to him tomorrow, and ask him to go out and look at it.

Mike Rudolph: Okay. That's been done, but I will refresh his memory about our concerns. Additionally, I think, as a memo to remind you, I think I'll write you all a letter, and maybe put some pictures out there. I wish I'd had some charts and diagrams up here like the other gentleman did, but time did not allow that. Ben, do you have any comments? Thank you for your time.

President Mosby: Thank you.

Ben Hebebrand: For the record, my name is Ben Hebebrand, and as Mike said, I'm the head of school at the Day School. We welcome this development, but we do feel that this development, being in the immediate vicinity of the school, will add increased traffic to what is already a very, very dangerous situation, as Mike has alluded to. We've made efforts to get some help. Right now the median on Green River Road is indeed an accident waiting to happen. Cars are coming smack straight on each other, each one wanting to take a left turn. It is a dangerous situation. Thank you.

President Mosby: Thank you.

Commissioner Crouch: If I may, just either Mr. Rudolph or you, I'm familiar with that area, I drive it quite often, I don't disagree that there is additional traffic as a result,

but what would you suggest? I mean, having gone, you know, and I'm sure the County Engineer is going to have a suggestion, but as an individual what is it that you would like to see happen?

Mike Rudolph: Well, I suppose the best case scenario—

Madelyn Grayson: Can you make your comments at the mike?

Mike Rudolph: Again, it's Mike Rudolph. I suppose the best case scenario would be a stop light there. Whether or not that can get approved, I don't know. I was told two years ago, there's no way. So, we sought other avenues. We approached Spurling, and we approached Schnuck's about the possibility if they would help us fund the money required to put in these flashing lights that are now being posted around different school zone areas. That was rather, sort of a laborious task, and in a nutshell it didn't happen. Those are lights that maybe would warn people well in advance of the approach to our school that the speed limit is now dropped down to 20 mile an hour. You see them at Vogel, I think there's one at Memorial, they're at different schools. I don't know, a light would be the best situation, but reduced speed...the Sheriff's Department has been great about enforcement out there. We continue to compliment them when we see them out there. It's probably something that the engineer would have to, you know, just take a hard look at.

Ben Hebebrand: If I may add to that. If a traffic light is indeed not feasible, at least some, I don't know what the technical term is, but some islands in the median lane, I think would help prevent any vehicles from heading on to each other straight.

President Mosby: Any other questions?

Ben Hebebrand: Thank you.

President Mosby: Thank you. Are there any other remonstrators, or anybody that would like to speak to petition VC-15-2003? Seeing none, the chair would entertain a motion.

Commissioner Fanello: Motion to approve VC-15-2003.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. There being three ayes, no nays, VC-15-2003 is hereby declared adopted.

(Motion passes 3-0)

Mike Rudolph: Thank you.

President Mosby: Thank you. Any other business to come before—

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 7:01 p.m.)

CONSENT ITEMS:

Jail Expenses: United Consulting and James L. Shireman, Inc.

Travel Requests:

| | | |
|-------------------|----------------|----------------------|
| Health Department | Legal Aid | Area Plan Commission |
| County Assessor | County Highway | |

Employment Changes:

| | | |
|--------------------|-----------------|----------------------|
| Sheriff Department | County Clerk | Health Department |
| Prosecutor | Knight Assessor | Area Plan Commission |

County Engineer: Surplus of Vehicle.

Health Department:

Permission to request Council appropriation.
Ancillary Care Services Agreement with Managed Health Services.

Area Plan Commission: Copier lease agreement.

Those in Attendance:

| | | |
|---------------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Alan Teeple | John Stoll |
| Brad Ellsworth | Dennis Hudnall | Gary Hohman |
| Bev Behme | Jerry Atkinson | Robin Fraser |
| Tim Spurling | Mike Rudolph | Ben Hebebrand |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 22, 2003**

The Vanderburgh County Board of Commissioners met in session this 22nd day of September, 2003 at 5:43 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting for September 22nd. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of September 15, 2003 Commission and Rezoning Minutes

President Mosby: Thank you very much. Do I have a motion to approve the September 15th Commission meetings?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of September 22, 2003 Executive Session Summary Minutes

President Mosby: Do I have a motion to approve September 22, 2003 Executive Session minutes?

Commissioner Fanello: I'll move approval of the Executive Session which began at 5:25 and ended at 5:35 and discussed pending litigation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

County Assessor: Permission to Advertise PTABOA Meeting

President Mosby: First up on the action items, County Assessor, permission to place PTABOA advertisement. Is there any questions on that?

Commissioner Fanello: I guess she's not wanting to speak, so I'll move approval.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Open Quotes for Stringtown Bridge Debris Removal

President Mosby: County Engineer, open quotes for Stringtown Bridge debris removal.

Kevin Winternheimer: I guess I have those. Any bids from the audience? I have two bids. Seeing no others.

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| Koberstein Trucking, Inc. | \$21,500.00 |
| CCC of Evansville, Inc. | \$8,535.21 |

The first bid is from Koberstein Trucking, Inc. of Princeton, Indiana. Their total quote is \$21,500. The next quote is from CCC of Evansville, Inc., and their total is \$8,535.21. Those are the only two bids I have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered, to take bids under advisement.

Dennis Woehler: ONB Insurance: Health Insurance Renewals

President Mosby: Next, under discussion items, we have Dennis Woehler, health insurance renewals.

Dennis Woehler: Dennis Woehler, ONB Insurance.

Madelyn Grayson: Dennis, do you have one for the record also?

Dennis Woehler: Excuse me?

Madelyn Grayson: Do you one that I can have for the permanent record?

Dennis Woehler: Yes. I have copies of the actual renewal stuff for the record here. These are summaries that I gave them, and I'll leave a copy with you as well, after I find out if there are any questions on it. Currently, the renewal is an average of 19.6% for the Vanderburgh County health plans for next year. In light of the claims that we had for 2002, and, of course, we are what they call an "experience rated group". Our renewals are based on our past performance. I think that it was probably a very fair renewal. We had a 105% loss ratio with Anthem, and 111% with Welborn. Without the plan changes that we made last year, we would probably have been looking at a 30% increase this year. So, we put it out to market, and the information is in there. With those kind of loss ratios, it's very difficult to get anyone to entertain a bid. Now, the good news on this is that our claims have been running better this year. So, we should be able to attract more competitive bidders next year, and perhaps pull in the reins on the increases, somewhat, without having to sacrifice benefits. That always goes...and I have to, I would like to make it a point here that I can't help but feel that some of the stuff that Vanderburgh County employees have done, have aided this situation. The fact that people are coupling with, partnering with the Health Department, and Mr. Fluty's walking program, and the wellness committee, these types of things, making people aware is probably going to do more for our rates than just about anything else that can happen. People are going to get

sick, the population of Vanderburgh County employees is getting older, the natural trend is to have more claims. So, the next best thing we can do is make people aware, and, hopefully, take stock in their own health. So, I congratulate them for doing that. I think that it will reflect in the numbers as time goes by. So, at this point, considering the alternatives, I think that the renewal is as fair a deal as we're going to get for right now, and I would ask for a motion that it be accepted.

President Mosby: Are there any questions of Mr. Woehler?

Commissioner Crouch: Dennis, just to refresh my memory, what is, what was last year's percentage increase? I mean, for 2003, what was that over 2002? Do you remember?

Dennis Woehler: What last year's increase was? We averaged about 17%, it was almost 18% last year.

Commissioner Crouch: Okay. So, not too far.

Dennis Woehler: No. Last year we had just the opposite scenario. Anthem was at 26%, and Welborn was about 14.8%. This year, Welborn was about 22.7%, and Anthem was at 16.84%. So, the, when I give the 19.6%, that's an average of the total plans.

Commissioner Crouch: So, Welborn's cost to the employee/employer are higher percentage wise than Anthem's for this coming year?

Dennis Woehler: Yes, and when you look at the rates, and you do the math on them, they don't all equal out to an even average, because some classes were increased more than others. For example, an employee/spouse rate may have gone up more than, say, the single employee rate. So, the overall averages though were 16.84% and 22.7%.

President Mosby: Commissioner?

Commissioner Fanello: I would just say, I know we've had to make some tough decisions about plan changes. I think we made those either before the end of the year, or the beginning of this year, but I'm glad to see that our savings are looking at \$750,000 for making those plan changes. Because I still think we have some very good health insurance plans. After reading a couple of articles today, and, you know, looking at comparisons, I think we're right in line with national trends, so.

Dennis Woehler: In the back of your summary there are some articles on that very topic. Yes, we're not far out of line with national trends. The national trend for HMO's is 17% this year, is what they're expecting for 2004.

Commissioner Fanello: Well, I would make a motion that we accept the recommendations of Mr. Woehler, and accept the plans as is.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept the plans as is, and the renewals. So ordered. Is there any other questions? Dennis, thank you very much. I appreciate all the work you did.

Dennis Woehler: Thank you.

President Mosby: I know it's been long and hard.

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| Personnel Policy |
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President Mosby: Next, we have discussion items, the personnel policy. Everybody should have, I think, a clean copy that was on your desk tonight. If there's any questions, we can address them questions to the counselor. Or did you have some statements that you wanted to make?

Kevin Winternheimer: A statement, we, I think you received some information on what drug tests cost, and how many people have taken those. I guess, those were handed out?

Commissioner Fanello: Madelyn was good enough to e-mail us all that information. In 2002 we had 66 full time employees, 19 of those were Sheriff Department employees. So, they are already drug tested when they come in. Then part time employees hired were 207. Then in 2003, so far we've had 31 full time, of which nine are Sheriff, and part time, 301. So, I mean, you're looking at, if we're going to drug test everyone, you're looking at anywhere from \$12,000 to \$13,000, \$14,000 a year for drug testing.

Commissioner Crouch: Would it be an alternative to drug test new employees, which would be about \$2,000, a little over \$2,000, and then random test part time employees and current employees?

Commissioner Fanello: Is that...can we do that?

Kevin Winternheimer: Random test the part time employees, is that what you said? Yeah, I don't know how many part time employees you have.

President Mosby: Well, I think the big bulk of part time employees come from Burdette Park. I mean, where we see a turnover too during the summer, so. Do we have to drug test part time?

Kevin Winternheimer: No, you would not. That, I'm sure you would not have to. We have, in the policy, a "for cause" type situation. If there is reason to believe they are under the influence and so forth, that's already there.

Commissioner Fanello: The only reason that I would want to test part time, I mean, like you said we do have a lot of part time employees working at the park, and it seems to me like that would be an important place to...not that there's drug use at the park, but you have a lot of people working at the park, and you need to know that you've got good people working around children. That's my thought.

Commissioner Crouch: To do mandatory, or to do drug testing for part time employees, that would really drive the cost up.

Commissioner Fanello: I know it's going to drive the cost up, but if you think about it, you're part time employees are out there working at the pool. They are working around children.

Commissioner Crouch: That's, you know, I don't object to that. That's why I'd suggested the random testing as an alternative. For cost purposes.

Commissioner Fanello: Why don't we do this, I mean, why don't we see if the Council would be willing to fund it for full time and part time.

Commissioner Crouch: Well, I think, that would certainly be an option. I believe if we do pass that, I think that they would fund it. I would think that they would want to fund that, but if you want to ask them first, I don't object to that.

President Mosby: Put in there upon funding. I mean, if funding is available, we will drug test part time and full time. I mean—

Kevin Winternheimer: As far as your book goes, I can come up with some statement that you will decide annually whether or not, based on budgetary concerns, whether or not you'll drug test part time. Just a generalized statement, so that if funding is too tight, and you decide not to do it, or it's not necessary, you drop it. It wouldn't be mandatory, if that's what you're looking at.

Commissioner Crouch: I think that would be good. Can you include language that if we don't do mandatory drug testing on part time employees, that we do random drug testing?

President Mosby: Or just cause of some type.

Kevin Winternheimer: Yeah, okay.

President Mosby: If we find a reason or cause to drug test them, I mean, I would go with that too.

Kevin Winternheimer: Okay, I can come up with the language for that. Then, on an annual basis.

President Mosby: Is there any other questions?

Commissioner Crouch: The only other, excuse me, issue was, that we discussed last week...actually, a lot of them had been changed, but the only other one is just on the smoking, which is page 15. The language, as I understand it, would prohibit smoking in county owned or leased buildings, except those locations that have been specifically designated as smoking areas. I like that language, but that, the designation would require a vote by this board, correct? So, as far as of right now, there should be no smoking in any of those buildings, unless we vote to designate a specific space. Then the only other concern that I had was the Building Authority. I don't believe that they should be able to designate common space within a county leased or owned building without coming to this board for a vote. I would presume they would want to go to City Council also. Because we are their major tenants. I think we may be their only tenants. I would think that they would want to come to us if that is a policy that we feel strongly enough about, for a vote, before they just designate an area in their common space. So, if we can, you know, if the other two Commissioners are agreeable, if we could at least include that. Or is that understood with this statement?

Kevin Winternheimer: To the first one, if that's what you want to do, I can put "except upon approval of the Commissioners", or something to that effect, to make sure

everyone understands it, if that's what you want. As for the second, I don't think, you wouldn't put that in the handbook. That would be something to discuss with Mr. Rector. He generally has been very cooperative, but if you want, if it's your desire that the Building Authority not designate smoking areas, except after they come to you, that wouldn't be appropriate in the handbook, but you could discuss that with him.

President Mosby: I was going to say, that's more of a tenant, you know, or landowner, or landlord agreement.

Commissioner Crouch: Okay.

President Mosby: So, it wouldn't be in our handbook.

Commissioner Crouch: Could we then do a letter, perhaps, this body?

President Mosby: We can do a letter to Mr. Rector asking—

Commissioner Crouch: That prior to his designating any specific space within the common areas, that he would come to this board for approval.

Commissioner Fanello: As long as, isn't there an agreement between the city and the county and the Building Authority as to how this building is...I mean, is there some type of lease agreement?

Kevin Winterheimer: Yes.

Commissioner Fanello: Would that not, is that not stated in the lease agreement?

Kevin Winterheimer: I would have to go back and look at the lease.

Commissioner Fanello: I think we would have to look at that.

Commissioner Crouch: Look at that first.

Commissioner Fanello: If it's not in there, we would have to look at amending the lease agreement.

Commissioner Crouch: Okay.

President Mosby: Yeah, when our agreement comes due, we could always amend it, if that's what we want.

Commissioner Crouch: Okay.

President Mosby: Is there any other questions on that? The handbook? Seeing none, if the counselor would make them two corrections, I would put this on for action next week.

Kevin Winterheimer: Okay, that's fine.

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| Resolution Reducing the Cumulative Bridge Fund Tax Levy |
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President Mosby: Next, County Attorney, resolution reducing the Cum Bridge Fund.

Kevin Winternheimer: Yes, before you is a resolution that reduces the Cum Bridge Fund, to be lowered from five....let's see, for 2004, lowered to three cents per \$100 of assessed valuation, for 2004. You already lowered it, I believe, this year from five to four, is that correct?

President Mosby: Yes, we earlier, we put a penny in the Old Courthouse Fund to take it down to four cents, and then we gave the Council a penny to balance the budget, which took it to three cents. My one question, will we have to come back? Because, I think, it was made clear at the Council's budget hearings, and when we had discussion that this would be a one year deal. Do we have to come back then next year and put this penny back on?

Bill Fluty: Yes, you do.

President Mosby: We do have to come back? Okay. Because that would be one statement that I would want to make clear that when we did this in budget hearings this year, that the Commissioners in trying to work bi-partisanly with the Council, had said we would lower the Bridge Fund by one penny to help them balance their budget. So, this is probably something that we can see coming back next year, if not the year after. Are there any questions? Chair would entertain a motion.

Commissioner Fanello: Motion to approve resolution reducing the Cumulative Bridge Fund Tax Levy.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Settlement Agreements for Mt. Pleasant Road Widening Project

President Mosby: Next, we have County Attorney, settlement agreement for Mt. Pleasant road widening project.

Kevin Winternheimer: Yes, this is the matters that John Stoll came before you, I believe it was last week. This is the written agreement, nothing has changed. This is just the formal written document authorizing the motion that you approved last week, settling these two property purchases.

President Mosby: Okay. Is there any questions by any member of the Commission? If not, the chair would entertain a motion.

Commissioner Fanello: Motion to approve settlement agreements for Mt. Pleasant.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Do we have any contracts to come before the Commission?

Public Comment

President Mosby: Public comment. Is there anybody in the public...Chief Deputy Williams.

Eric Williams: I don't know if public is the right point for this, but—

President Mosby: Old business, or new business?

Eric Williams: It's kind of both.

President Mosby: Okay.

Eric Williams: Eric Williams, Chief Deputy Sheriff. I have a couple of items. This is the bid tabulation from the wireless project. It came before you last week. Purchasing, the Evansville Police Department, and the Sheriff's office all concur and recommend it be awarded to Matrix, but you can take action on that whenever.

Commissioner Fanello: You have that in your budget, right?

Eric Williams: Yes. Well, in several budgets.

President Mosby: Okay. What is the Commission's pleasure? Do you want to take action tonight? Or do you want to put it on the agenda for next week?

Commissioner Crouch: I don't have a problem taking action if it's agreed upon by all the parties involved. It's obviously the lowest bidder, and if you've reviewed it and it's the most responsive, I don't have a problem approving it tonight.

Eric Williams: It met all the specifications that were required, and, obviously, by the price, it was substantially cheaper than the other two vendors.

Commissioner Crouch: I'll make a motion that we do accept Matrix Integration for the wireless bridge implementation.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Eric Williams: Thank you. The other item, in weeks past, Sheriff Ellsworth was before you to talk about the Safe House, and the things that have occurred there, and I thought that if you would like an update, I would tell you where we stand and as for permission to take the next step. Three I Engineering was retained, and they spent a considerable amount of time in the building reviewing it, taking a look at the damage, trying to determine what was new damage, and what was just an extenuation of old damage. What we found is that basically the incident that occurred just strained what was already a problematic structural in areas throughout the building, and it caused some things to settle. I've got a lot of pictures, and some diagrams, if anybody cares to see them, to show you some of the damage that's in there. But, basically, the position we're at now is we know where the damage is, we have a good idea of what it's going to take to shore it up, but we can't really get any costs until we draw, get some project or some shop drawings of what needs to be done. In talking with Three I, they've estimated between \$3,000 and \$5,000 to do the shop drawings, to then be able to take those to local contractors to get cost estimates to actually do the repairs. So, with that, I guess I'm asking for permission to go on and ask Three I to continue with the next phase and do the shop drawings,

so we can put it out and find out what it's really going to cost to fix the building. I do have an appointment tomorrow with an adjuster out of Indianapolis that Tom Rose has sent down. They've had one adjuster, and now they've got another one coming. We've met with them a few times. We've dug through the building with the guys from Three I, and we all concur that that is probably what's occurred. It's pretty obvious when you get under there, you can see where the damage is. But, in doing so, we've also uncovered some other damage that is in that same central area that we hope to address, at least in the shop drawings that they are going to include in there as a phase of the project, so we know what it's truly going to cost to get the building back in operation. Fixing the structure is only going to be one part of it.

President Mosby: I think in meeting with you and meeting with the insurance adjuster, they pretty well told us that's what was going to have to happen. I mean, the adjuster came down, it's like he said, I'm not an expert, and I can't tell you exactly what needs to be done, and you're going to have to get a contractor, or get drawings and a contractor. I don't see where we have a choice.

Commissioner Crouch: I know it came up at the community corrections meeting, the advisory board meeting, regarding the deductible for the insurance. Do we have that information? Someone was going to check on that.

Eric Williams: Yes, I did get it, and it was \$25,000.

President Mosby: \$25,000 is our deductible.

Eric Williams: We, you know, and this is just basic numbers, but, we may be under that deductible for the structural part of this, but the rest of it may go well over. So, but, there again, we won't know anything until somebody actually comes out and bids on the project.

Kevin Winternheimer: You're contemplating quotes that we would open up here?

Eric Williams: Basically, what we would do is that we would ask Three I to do the shop drawings—

Kevin Winternheimer: Right.

Eric Williams: Bring those to you, let you take a look at the different phases and what they all entail, and then it would be up to you to release those in quotes, proposals, bids, however you wanted to address it, work that out with the insurance company, but we really can't answer anybody's questions or do anything until we have an idea of what really has to be done to get it back in order.

Commissioner Crouch: So, you're just needing authority to continue to move forward? Then I'll make a motion to that effect.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to move forward with drawings and try to get some quotes on community corrections. So ordered.

Eric Williams: Thank you. Three I did indicate that they would have the formal, written report to this stage ready tomorrow. As soon as I get it, I'll deliver it to you,

but they sat down with me Friday afternoon and kind of gave it to me verbally. Thanks.

President Mosby: Thank you very much, Chief Deputy. Any other public comment?

Old Business

President Mosby: Any old business?

Commissioner Crouch: I don't know if this is old business, I presume it is. At the Community Correction Advisory Board meeting last Thursday, and attorney Winternheimer was there, the placement criteria sub-committee was initially formed, and I can have Major Woodall e-mail those names to you, but it included representatives of the court system, the prosecutor, the public defenders, the Sheriff, and it was suggested that all three Commissioners be involved in that so that they could get the public's perspective from us. Attorney Winternheimer suggested, and I passed this along to Major Woodall that if they want to have all three Commissioners involved, that perhaps they need to look at scheduling that on a Monday, perhaps before a Commission meeting. So, that's where it was left. I don't know if, Kevin, you have anything to add to that.

Kevin Winternheimer: No. It was just an idea that you're all here at this time of the day. It's tough to get all three of you together, that perhaps this might be easier for you, if it's not, you've done earlier meetings that are pre-meetings, so that was just an idea.

Commissioner Fanello: In reference to that, I'm assuming everybody got the e-mail from Kevin regarding the advisory board's duties versus the Commissioners duties. How does, what was your conclusion on that regarding the placement criteria? Or do you have one?

Kevin Winternheimer: No, yeah, the way the system is set up, I think that they are an advisory board, and they, due to the particular expertise of many of the members on there they are to make recommendations of policy, because they deal with this everyday. But, I think, the final decision, I think, is yours on that. Some of them disagree with that, but be that as it may. One of the judges, I can't remember which one, I think it was Judge Heldt, suggested that it is a good idea to periodically review these criteria, and this is perhaps that time. Had no qualms at all about taking a second look at those to make sure we're doing what needs to be done. So, I think the idea was, let's look at it from that point of view, we'll all try to work together and proceed in reviewing these.

Commissioner Fanello: How soon were they wanting to do that?

Commissioner Crouch: It was my intention it was going to be within the next couple of weeks.

Commissioner Fanello: Okay.

President Mosby: That would be fine. Is there any other old business?

New Business

President Mosby: Any new business? Okay, department head reports.

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| County Engineer |
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President Mosby: John Stoll, County Engineer.

John Stoll: The first item I've got is a request for storm sewer acceptance off the public rights-of-way in Bridlewood Subdivision. This is for Bridlewood sections one through five. The grand total of the two dollar a foot acceptance fee, as paid by the developer, is \$7,204. It's requested that all these pipes be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I also have a pipe acceptance request for Broadlawn Subdivision. This is for sections one and two of Broadlawn. In section one, the total fee paid was \$774, and in section two, the total fee paid was \$614. It's requested that these also be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request approval to, for the county to purchase the Melick property on the Marx Road culvert project for \$1,000. The property is overseen by a trustee at the bank, but they have agreed to a \$1,000 payment. They did provide us a copy of an appraisal sheet that showed that the amount that they are asking is backed up by the appraisal. So, on that basis, I would request approval to proceed with making that purchase for \$1,000.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request approval to award contract number VC03-09-01, the Marx Road culvert replacement to Accurate Underground Utilities for the amount of \$42,552.50. They were the low bidder on the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a change order on the Harlan Avenue project. This is for an increase of \$7,680. The reason for the increase is that two area drains and one other inlet were added, and some 12" pipe was added to pick up some drainage areas on the north side of the jail site that weren't originally anticipated back when the Harlan Avenue project was under design. Basically, these extra areas came into play whenever the jail site itself was designed. Let me get the right sheet here and I'll show you (Inaudible). Back when Harlan Avenue extension was originally designed they picked up the storm water and they were going to run it to the basin through this pipe right here. At that time this site plan had not been developed. When Bernardin Lochmueller developed the site plan, they realized they needed two area drains here on the north side of the north perimeter road. So, those two area drains were added, and this extra pipe was added as well as this extra inlet at this location. So, it's requested this be, the change order be approved. Basically, we got some decent prices on the pipe, and the inlets, and it makes more sense to go ahead and put them in with this project, because since we already have this excavation going on, it's just more efficient for them to go ahead and set that pipe in while we're out there, rather than coming back in with the jail site project and doing the work then.

Commissioner Fanello: What was the total again?

President Mosby: \$12,000?

John Stoll: \$7,680.

President Mosby: Oh, \$7,000, I'm sorry.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I've got is a request for approval of an agreement with Environmental Management Consultants for the asbestos inspections of the four properties that would be demolished as a part of the University Parkway project. We've got four houses out there that INDOT will require us to get asbestos inspections on. The grand total of the agreement is \$1,600. This covers getting 50 samples out there to test for asbestos, and anything above and beyond the 50 samples will be billed at the rate of \$20 per additional sample. I had Kevin take a look at this, and the only thing that he said we would need to do is strike provision number ten on page four. But, subject to that change, it's requested this be approved as well.

Commissioner Fanello: I'll move approval subject to the change.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That provision was just a liability limitation, that it limited their liability to twice the dollar amount of the contract. That's all I had, unless you have any questions on anything else.

President Mosby: Any questions for the County Engineer? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Just to keep you up to date on Pioneer Rail Corp, last week I told you that they had tentatively scheduled the railroad crossing at Mill Road to be fixed on the 25th of this month. They called and requested that I delay that until the last week in October, the first week of November, because of Cargill shipments and polymer shipments to DSM. I understand that commerce must move, so I okayed that. There's nothing that we could do, they couldn't shut down, but they did give me a date. So, that's the main thing. We've got a date that they replaced it. So, they're sincere in fixing the rail crossing. They said it will be fixed at that time. So, I trust them, I think.

President Mosby: Okay.

Dennis Hudnall: Another thing...do you have any questions on that?

President Mosby: Any questions of Dennis? Thank you, Dennis.

Dennis Hudnall: Well, I've got one other thing.

President Mosby: Oh, okay, I'm sorry.

Dennis Hudnall: I need permission to go out for bids on some side cut mowers. Two side cut mowers and a tri-axle truck. John Stoll and I reviewed some of these properties that I must cut, like Lynch Road, it's a 3:1 slope, and I do not have the equipment to cut these properties. John tells me that I'm going to have more and more of them to cut. So, I need the low profile mowers with the dual tires on them in order to cut these slopes. I visited the Levy Authority, which cuts them everyday, and they have some mowers that are suitable. On one of these mowers I need a side cut mower with a bush hog pull behind. I would like permission to go out for bids on those two mowers and one tandem truck.

Commissioner Fanello: Is this going to meet the requirement of a sealed bid? Or an informal quote?

Dennis Hudnall: I've got a tentative estimate on the mowers, they are \$70,000 a piece. The truck is right at that too.

Kevin Winternheimer: \$70,000?

Dennis Hudnall: \$70,000, so I'm going to have to go through Phil Lawrence, I believe.

Kevin Winternheimer: Yeah, you're so close to the limit of \$75,000. If I were you, I would do a formal advertising, because so many times these things come in just a little bit over. You're so close there that I'd do a formal advertising with it, and then you know you're safe.

Dennis Hudnall: Just to ask you the question on the purchasing, can I go to the vendors themselves and request a quote, according to my specs, and then turn that in to Phil Lawrence? Or do I let Phil Lawrence handle the whole thing after I turn the specs in to him?

Kevin Winternheimer: That's up to you.

Dennis Hudnall: See, the problem I have with going through purchasing, they don't know the exact...you're not going to get an exact match on all the specs. I would like to have the ability to say, yeah, that's acceptable, or reject it, either one, because it's kind of critical. I have two mowers right now, and one of them stays in the shop more than it's out on the road. It's, I've been fighting to try to keep it out there, and it's just about impossible, and I can't keep up with the weeds. So, there are certain features that I do not want. I would like the ability to say, no, I'm not going to accept that replacement part, or substitute for something. Do you see what I mean?

Kevin Winternheimer: Right. Yeah, no, I would say you pick what you want as far as the specifications.

Commissioner Crouch: Isn't that what taking it under advisement, I mean, Dennis would be the one that would go through it and, you know, determine. Even if you would go through purchasing, you still would have the right to review and decide whether something is acceptable or not.

Kevin Winternheimer: Yeah, I would say that he needs to work with you to get those specs. He can do the boiler plate stuff, but as far as the technical part, make sure you get the product that you need.

Dennis Hudnall: See, once I get the specs, I go out to these vendors...there's going to be probably four of them that's your main vendors that's going to bid on these. Most of them will come to you and they'll say, well, I can't provide this feature, but this one is better than the one you've got in your spec. Well, that's not always acceptable. You've got to go out, and I want to know a testimonial from somebody that's used it—

Kevin Winternheimer: Sure.

Dennis Hudnall: — to prove that. Because I have an Alamo mower right now that stays in the shop quite a bit, and it's just not repairable. It's become a maintenance nightmare.

Kevin Winternheimer: If after talking to a number of these vendors, if you're very certain you're going to get some bids under \$75,000, then you can do the quote method, whereby you send quotes to just the dealers that you want. You have to do at least three.

Dennis Hudnall: Okay.

Kevin Winternheimer: Three local dealers to get the kind of product you want. But, like I said, if you do that, make sure you are going to stay under \$75,000. But, if you're, you know, if you've looked through their brochures and information and they're coming in, it looks like it would be, then you don't have to do the formal advertising. I didn't want to lead you astray.

Dennis Hudnall: I would prefer to go out to the vendors on a formal quote, bring them before the Commissioners, give them all the bids, make my recommendation, and let them decide.

Kevin Winternheimer: We should, even on the where you get quotes, we should open them up here.

Dennis Hudnall: Okay.

Kevin Winternheimer: You know, you can go out and get them, but bring them here.

Dennis Hudnall: Do they need to be sealed?

Kevin Winternheimer: Yes.

Dennis Hudnall: Okay.

Kevin Winternheimer: Yeah, and they can either mail them to you, or wherever you want them to, but bring them here and we'll open them up in the meeting.

Dennis Hudnall: Okay. That's all I have.

President Mosby: Are there any other questions of Dennis? Dennis, do you have anything else?

Dennis Hudnall: Huh?

President Mosby: Anything else?

Dennis Hudnall: That's it.

President Mosby: Okay, thank you.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: Next, County Attorney.

Kevin Winternheimer: No report tonight.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I've got a couple of things that I would like to go over with the Commissioners. The first thing is the city and county lots, the mowing. The County Highway have been mowing these lots, and these are lots that we get complaints from the Building Commission. What I need to do is get a dollar amount where I can bill these citizens back, the owner of these properties and try to recoup some of the time that Dennis and his guys are using. Basically, what I'll do is invoice, I'll get with Dennis and see how long it took to take care of these properties, send an invoice, or send a letter requesting the amount of money. I give the taxpayers 30 days to

send us a check, and if they don't within the 30 days, assess a \$15 fee, and then put it on their tax lien.

Commissioner Fanello: Now, these are the owners of properties that violate the weed ordinance?

Tammy McKinney: Right.

Commissioner Fanello: Okay, and before I think we had other contractors out there mowing, but you haven't been able to get any contractors to do it.

Tammy McKinney: Right. I've tried to contract it out this year, and they are just swamped. The company that we used last year went out of the mowing business, and last year the average bill was about \$84 or \$85. So, you know, the \$90 is not way out of, you know, out of the ballpark, as far as price wise.

President Mosby: Okay. So, are you looking for approval—

Tammy McKinney: Right, just approval from the Commissioners on these prices that Dennis got to me.

Dennis Hudnall: I would like to make one comment about this. This is a big task, and it takes at least one of my people, it takes a one and a half workers a year just to accomplish this. Because I take them from the Building Commission, which is weed control, and then Tammy has her lots that's in the county. We're getting more and more of these, and it ties up about one and half workers, because when you go out to these lots they have bottles and cans and everybody wants to dump their trimmings and debris on them. It really taxes the County Highway to do these. There's a hiring freeze on, and you only have a limited amount of people. What we're doing, we're, when John Stoll comes up here and accepts the county, or new subdivisions every week and says, okay, we would like, and you okay those, the county's responsibility is growing, growing, growing, but the personnel is not.

Tammy McKinney: It's staying the same.

Dennis Hudnall: We are really fighting to get all these jobs done, and to please everyone, but I want you to understand that when she can't get a contractor, when weed control can't get a contractor, and the County Highway has to do this type of work, it really taxes us to get it done. A lot of times when people call you from the county and says, well, they haven't been out here yet, you pretty well know why. It's because I just don't have the resources to complete all of them. We will eventually get to them, and we do log them in, but we can't get to them right away. We do the best we can to help Tammy out.

Commissioner Crouch: This is for city and county—

Dennis Hudnall: Yes.

Commissioner Crouch: —lots? What's the percentage, off the top of your head? What percent is city, and what percent is county? Is it about a 50/50?

Dennis Hudnall: I would say, right now, she has 42?

Tammy McKinney: Well, now, the lots that are in the city, those are our surplus. Those don't get charged. The one's that will be charged are the one's that are county.

Dennis Hudnall: That you have an owner to.

Tammy McKinney: Right, and those are one's that the Building Commission, they go out, they investigate, they send a letter and everything, and then they usually let it go. They give them like a couple of months to show progress, and when they don't get a response, then that's when it comes to our office.

President Mosby: Any other questions? Chair would entertain a motion.

Commissioner Fanello: I'll move approval on the prices.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Okay, the next item I want to discuss is the Old Courthouse roof. I took the liberty of taking pictures and everything, since no one else wants to go up there.

President Mosby: I seen them.

Tammy McKinney: Once we've gotten to the main center dome, we've discovered more damage than anticipated. Basically, to cut through the chase, it's going to be about an estimated additional \$33,000. I believe I do have this in my budget. So, at this time I don't think I need to go to the County Council to ask for additional funding. But, I just wanted everyone to kind of see what's up there.

Commissioner Fanello: Well, I think you may have to make a transfer.

Tammy McKinney: Right, I'm going to have to transfer some monies to get into a new, or an appropriate line item. But, as far as having the monies, I think it's there.

President Mosby: Are there any questions?

Commissioner Crouch: So, you just need to permission to file the transfer?

President Mosby: Yeah, I guess.

Tammy McKinney: Yeah, permission to file a transfer. Just if you have any questions about any of the pictures or anything.

Commissioner Crouch: Pretty impressive. You're a brave woman.

President Mosby: I mean, I would just say we need to do it now while we're doing all this work, so.

Tammy McKinney: Right.

President Mosby: I mean, we're there, and we can address the problem.

Kevin Winternheimer: I guess, you're also approving an addendum to the contract then, right? To increase the amount.

Commissioner Fanello: Yeah, it's actually a change order.

Tammy McKinney: Yeah, it would be a change order to their P.O.

Kevin Winternheimer: So, I guess, you're approving that too.

President Mosby: Okay.

Commissioner Fanello: I'll move approval.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Okay, so that's my spending of money, now I'm trying to create new money with a couple of leases for the Courthouse. Cinergy Communications would like to lease three office spaces. They want to use these for administrative purposes. They would like it on a year to year basis. So, once we get our space allocation, if we need those offices, that shouldn't be a problem to get those. Approximately they are going to rent another 1,700 square feet. It's going to be approximately add \$11,500 a year. So, I just need approval on the lease for Cinergy.

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second. So ordered.

Tammy McKinney: The second lease is for the haunted house. This is a yearly thing we do with Phil Wolter. So, if you have any questions, I ask that you approve this.

President Mosby: Any questions?

Commissioner Crouch: So moved.

Commissioner Fanello: Second.

President Mosby: So ordered.

Tammy McKinney: That's all I have. Oh, no, I have one more thing. In the consent items, in the travel requests, the County Assessor had the Commissioners budget as the means, the funds, and she has changed that to her budget. So, I just want to note that it will be coming from the Assessor's budget.

President Mosby: Okay. So, we need to change the consent items too. Amend them.

Tammy McKinney: Now I'm done.

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. You have within your package the recommendation from the Burdette Park Advisory Board. Sending their recommendation to you regarding the lease of the seminar building at Burdette Park. I would just like to ask for a motion for your approval for this lease fee of \$1,500 per month on this one building.

Commissioner Crouch: How long would that lease be for, Gary?

Gary Hohman: They are looking at possibly a minimum of six months. Right now the building will be vacant between October the 3rd and July the 1st.

Commissioner Crouch: How much rent does that normally, in the course of a year, generate? That building.

Gary Hohman: We probably don't have over six requests at \$177 per-

President Mosby: It's not very much. I talked to Steve and we haven't had much success in renting that building.

Commissioner Crouch: Yeah.

President Mosby: We're going to make more in one month, than we'll make all year.

Gary Hohman: Our long range plans for this building is to possibly convert it over to, possibly, an additional chalet building. There are a number of changes that would have to be made to the building in order to put it as a regular rental building, but that is in our plans. The second form of their motion was to have the County Attorney look at and draw up a new apropos lease agreement for this six month period. I have a copy of our normal lease agreement for the rest of our chalets that Kevin can use as a guidelines, and put in the apropos language that would suit this for a six month rental. At the close of today's work date, a confirmation from the potential lessor, lessee has not been confirmed. What I would like to ask of you that I will not get Kevin's valuable time involved until we do get a firm committal from the leasing party before he draws up, or goes and puts the time and effort into drawing up a new lese for this building.

President Mosby: Okay, are there any questions? So, the chair needs a motion to have the County Attorney draw up a lease in the amount of \$1,500.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Gary Hohman: Okay, the only other item I have is that on behalf of the management staff of Burdette Park we would like to thank not only the Commissioners, but your staff as well for the role that each of you played in the dedication ceremony of the O'Day Discovery Lodge. We have received nothing but favorable comments

regarding the event that took place this past Wednesday. Our first rental on the building is this coming Friday, and we look forward to hosting not only this event, but many, many more in the future. That's all I have.

President Mosby: Thank you and your staff.

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| SWCD & Ozone Officer Reports |
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President Mosby: Okay, do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent items, one amendment being the travel claim.

Commissioner Crouch: Right, with that amendment, and then also to add a response to the memo to the County Commissioners from a Ms. Connie Whitmer, or Whitman.

President Mosby: Yes.

Commissioner Crouch: So, with those changes and amendments, I would move approval.

Commissioner Fanello: Second.

President Mosby: A motion and a second on the consent items with amendments. So ordered.

Madelyn Grayson: Excuse me, I don't have the addition for the record. I don't know what that was you were just mentioning.

President Mosby: We'll get you a copy. There being no other business, motion to adjourn?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 6:32 p.m.)

CONSENT ITEMS:

Jail Expenses:

Evansville Water and Sewer Utility (\$5,100.86)

Bernardin Lochmueller (\$85.00)

Travel Requests:

Health Department

County Assessor

Employment Changes:

Superior Court
Burdette Park

Circuit Court

County Clerk

Treasurer: Submit Monthly Report for August 2003.

Auditor: Submit Financial Statement.

Knight Assessor: Surplus of printer.

Commissioners: Letter from Connie Whitman.

Those in Attendance:

David W. Mosby

Catherine Fanello

Suzanne M. Crouch

Bill Fluty

Kevin Winternheimer

Tammy McKinney

Madelyn Grayson

Dennis Woehler

Eric Williams

John Stoll

Dennis Hudnall

Gary Hohman

Others Unidentified

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPACE ALLOCATION MEETING
September 22, 2003**

The Vanderburgh County Board of Commissioners met in special session this 22nd day of September, 2003 at 5:04 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: Call to order Vanderburgh County Board of Commissioners, September 22, 2003. At this point I'll turn it over to Mr. Rector and he can explain where he is at.

David Rector: I'll give you a brief update. We have, we being myself and several different judges; Judge Trockman, and Judge Knight are here tonight too. I think Judge Niemeier has met with us, I believe these are all the judges that we've had.

Wayne Trockman: Judge Pigman was at one of the meetings.

David Rector: Pigman was in one, but, anyway the judges have been very good about showing up with us to meet with each of the Councilmen. We have met with all of them except Councilman Wortman. He called me today, and indicated that his feelings were that the money is not there, the funding is not there, really not a lot of sense in spending time to review it. That the space should be used as it is. Councilman Raben indicated that he acknowledges the need for the project. Like all of them, concerned about the funding. Asked us if we would look at one other possible scenario that we haven't looked at, up to now with this. One being the County Clerk being, going to the juvenile....try it again, the County Clerk going to the Health Department area, the Law Library moving into the second floor break room area and some space out into the hallway, and then those areas being used for juvenile courts, and subsequently the following renovations taking place like we'd talked before. I can certainly look at that, if that's the desire of the Commission. Whether it would fit, not fit, what it would cost in comparison to the others, I don't know without looking at it. The square footage is not the same, but how that area might lay out, I just don't know. I need some direction from you to see if you want us to look at it that way. In summary, we've talked, I guess, about cost, but if we would move ahead with the plan as we've all discussed, including furniture, security equipment, we're looking at about 1.8 million for the Health Department renovation, Human Relations, that construction being juvenile courts, the subsequent construction renovation of old juvenile then for superior, and Judge Heldt's office. The whole scenario, the domino effect when the old jail moves, everything comes to about 13 and half million. Using the current percentage that we have now in space allocation, 70/30 between county and city, that would be about 10 million for county and three and a half for the city. I think that will change some as we get into this, because the city is going to be taking some county space, based on your all's approval. But that will give you a feel, kind of, for where we are now. Some major decisions that I think need to take place, and what I want to do to help you with that is I'm going to consult with bond counsel just to see what effect a bond would have, and how those payments would need to be made. so, you'll have that information. Also what assistance the Building Authority can give from our funds in the renovation process. Also how much money will be coming back in when there is no longer any financial obligation at the end of 2005. In doing that too, trying to look at a different matrix from what I've given you in the past, more of a flow chart kind of thing with three independent construction schedules. I think we actually in this one being the first, the Health Department move. Second, if the money was there, the courthouse moves would take place next month. They are kind of independent. That space is available, and we could start moving over there. The last being when the jail goes

to the new jail. By an overlay I'm going to try to show you how each of those run, and what they would cost, and what the timeline would be on that. So, hopefully, that will help you in your decisions. I hope to have that within the next two to three weeks. I think that pretty well updates you with what's happened in the meetings. I would say each of the Councilmen were sensitive and empathetic to the needs, agreed to the need. Their quandary is like everyone's, where is the money going to come from? How? They did indicate, I think, that they would try to find design money to keep us moving forward. They aren't sure yet where that might come from, but they did understand to keep this on time that we need to move forward with design to keep the construction schedule met. The other decision that you all have to make, I think soon, is how, if Human Relations does go to the Old Courthouse, which Floyd has indicated he's open to that, and the Mayor, but who and how and when would that be funded? Do the Commissioners want to do that, roll that into their lease costs over there? What is the lease cost that you are going to charge them? Do you want the city to do it? Then your lease costs are on top of that, or do you want the Building Authority to do that? So, that decision is going to need to be made very soon, because if they are going there, we need to start design of that space for them, to have them out of the area they are in on the first floor by the first of the year to coincide with the Health Department moving. So, that decision really needs to be made very soon, with your discussions with the Mayor, or with Human Relations, but we need to decide who, and where, and how that's being paid for, and the design and the construction. I don't know if the judges have anything to add from our meetings that I didn't cover.

President Mosby: Any of the judges want to add anything?

Wayne Trockman: Wayne Trockman. There was one other question, and we kind of ended up talking at one end of the table while David was talking at another end of the table, but Councilman Tornatta did ask, and was interested in whether or not, and wanted to discuss further, whether or not the Old Courthouse space could be used for court proceedings. I explained to him what I thought were some of the obstacles to doing that. I've tried a case in the Old Courthouse, and I know that, Judge Knight, you have also. There are the same security issues there, and I did try to explain to Councilman Tornatta that we were...part of the plan was that the move of this other space to the Old Courthouse, but he had some interest in that also, and wanted to further those discussions.

President Mosby: Okay.

David Rector: Following up on that, Councilman Sutton also had suggested, or requested that the County Assessor area be vacated, they occupy the Health Department, and the courts then go on to the second floor. He doesn't like the idea of courts being on the first floor, that being closed off, and all of that activity taking place on the first floor. Without looking at that, I think I can say that would be more expensive than what we're really looking at now, because you are talking three moves instead of two moves with that.

Commissioner Fanello: Go back to, you said the suggestion was made to move the Clerk's office—

David Rector: Yes.

Commissioner Fanello: –over to the Health Department. Can you go through that real quick, I think I missed some of it.

David Rector: Yes, Councilman Raben had asked us to look at moving the County Clerk's office into the Health Department area. Then using the County Clerk's existing space, along with moving the Law Library to the second floor break room, and foyer area, and using that space for the courts needs also. Square footage wise I know it's not the same. How it would lay out, I'm not sure until we do that.

Commissioner Fanello: That's what I was going to ask. Are they going to be getting the same amount of space that we would be giving them?

David Rector: No. Square footage (cell phone ringing), excuse me. I forgot to turn it off. The square footage is not the same. The Clerk's office currently occupies about 6,000 square feet. The Law Library is about 2,100 square feet. We're talking about Health Department along with Human Relations about 12,000 square feet. So, I know the space requirements are there, the space availability is not there.

Commissioner Fanello: Have you spoken with any of the judges about that option?

David Rector: Just briefly, Judge Trockman and I have talked, I don't know, 4:00 this afternoon. I've not even talked with Judge Niemeier yet, and I don't know if you got a chance to or not–

Wayne Trockman: No, I didn't. (Inaudible. Not at mike.) Obviously, one of the concerns is that, I don't think that, Marsha Abell has indicated consistently a concern about moving her office over there. We've seen the incident, the monthly incident reports that are filed by the Sheriff's Department, the majority of the difficulties in that building actually occur in her office. I think that she would, she has indicated a reluctance to move her office into an area that does not have security.

Commissioner Crouch: I did speak to Clerk Abell, but it's been about a month or so ago regarding that. I think it was during budget time that that issue came up, and she had indicated at that time, to me, that she was open to it. So, I don't know if you've talked to her since, or if the conversation that you had was a long time ago.

Wayne Trockman: No, I....yes.

Commissioner Crouch: But, we did raise this issue at the last, maybe not the last space allocation meeting, but the one prior to that, and I believe it was Judge Heldt that said that the space was not workable for the Clerk, that they needed it for the courts. I would have to go back and refresh my memory as to what those reasons were, but I think we have explored that. Now, whether we can explore it some more, perhaps.

Commissioner Fanello: Well, I was going to say, just for arguments sake, just go and, you know, put together a list of pros and cons, and what you think the cost may be. I mean, we can't really say no to the option unless we have all the information.

David Rector: I can lay it out on paper like you've seen the other drawings, and see...I'll have to get with Marsha and see what needs would she have in there, and how would that fit in this Health Department area. I already know their needs, so I could use that and see how it would translate into occupying those spaces. What

I don't know, and I would have to talk with Judge Niemeier and Judge Heldt, because we are providing for both of them in this space, and who could occupy which spaces. So, we can do it, if you so desire. It's just I'll need to do some—

Commissioner Fanello: Off the top of my head it doesn't seem like a viable solution because they are not getting as much space as they would be with the Health Department.

David Rector: That's correct.

Commissioner Fanello: But, for arguments sake, I would like to see the pros and cons.

David Rector: Okay. I'll do that.

Wayne Trockman: Well, at least one Councilman has asked—

President Mosby: Right.

Wayne Trockman: —for us to explore that option, and maybe that's another good reason that we should do that.

President Mosby: I think, that's what I told David.

Commissioner Crouch: I did speak to Councilman Winnecke. I called him after the last space allocation meeting, and then he called me back late today, and I'd asked if the, if it would be a possibility for the banks to do a loan for, commercial loan for a small amount. I think I quoted \$2.5 million. He got back with me today and said that they would for that small of an amount. It would probably be cheaper than a bond issue. He said they recently did one for Gibson County, a tax anticipation note where they loaned them the money and then they paid it back through property taxes over a period of time. So, our most immediate need is the Health Department, and certainly there has been a willingness on the part of at least one local bank, and I'm sure others would be interested to pursue that. So, at least in terms of funding for that particular project, I think that's something we could at least look at, and perhaps ask them for, you know, an amount that we need to be considering to do just that space.

Commissioner Fanello: Does the Indiana Bond Bank do that also?

David Rector: Excuse me?

Commissioner Fanello: Indiana Bond Bank, do they not do tax anticipation notes?

David Rector: I'm going to call and see what other opportunities there may be.

Commissioner Fanello: Okay, because I know they offer really, really low interest rates too.

David Rector: I'll start laying this other option out immediately. Time is just becoming critical, if we're going to be able to respond and start work in the Health Department area when they move. Or we're going to have space sitting empty.

The other thing is, just once again, we really need to resolve with the Mayor about Human Relations, how that move is going to take place.

Commissioner Fanello: If they don't want to move to the Old Courthouse, I guess, there's no place else in the building that they could occupy?

David Rector: No. Floyd has indicated that he is open to that. He had a little bit of concern about parking, but he is very willing to move. He's ready to move. He just wants to know when we want him out of here.

Commissioner Fanello: Okay.

David Rector: He even said that he was looking at another place that might be an option for him too that has less renovation work needed. So, I don't think that there is going to be a problem with him wanting to move. It's just us getting it done.

Commissioner Fanello: Okay.

President Mosby: I might try to touch base with the Mayor and just see where we're at.

Commissioner Crouch: Would it be possible while you're looking at the bond bank perhaps for the Commissioners to maybe get some quotes from some of the local banks—

Commissioner Fanello: Sure. Yeah.

Commissioner Crouch: —to see if they're interested in...at least to not stop progress on that particular space. Because, obviously, we need to do something with it. So, that might be something that we could consider doing, and I would make that in the form of a motion.

David Rector: Again, the design fund is what we really need to keep moving. We're down to three months now before the end of the year. It takes some time to draw it, spec it, bid it, award it.

Commissioner Fanello: How close are we coming to signing the lease on the Health Department?

Kevin Winternheimer: I'm still shooting for next Monday.

Commissioner Fanello: Good.

Kevin Winternheimer: They are still trying to work out the terms of the inflationary increases.

Commissioner Fanello: Did you get my questions?

Kevin Winternheimer: Yeah.

Commissioner Fanello: Okay.

Kevin Winternheimer: Sam wasn't in today, but we've got a possible resolution.

Commissioner Fanello: So, what do you need for design money?

David Rector: If we continue as we've all discussed without any changes, \$90,000.

Commissioner Fanello: \$90,000.

Commissioner Crouch: Had you not at the last meeting indicated that the Building Authority might have that monies available to them?

David Rector: If I know it's coming to pay us back, we can commit that and start immediately. I just need to know that it's going to be returned to us.

Commissioner Crouch: The Personnel and Finance meeting is Wednesday?

Commissioner Fanello: Wednesday.

Commissioner Crouch: Are you planning on attending, President Mosby? I don't know if we have anything for—

Commissioner Fanello: We don't really have anything on there.

President Mosby: I was going to say, if we don't have anything up, I probably won't.

Commissioner Crouch: Is, you know, would there be any benefit to us attending? Or one of us attending, and asking if they would at least give a kind of an indication that, you know, that they would be willing to move forward and address this space. Because we've got to do something with it. I hate to try to do the, from my personal opinion, to try to come up with a plan for everything might sacrifice our more immediate need, which is this space that we've been talking about for a long time. So, I would almost rather see us move forward on that space and go ahead and get that moving along, and then continue to look at our other options.

Commissioner Fanello: And I don't have a problem of doing that as long as we continue to plan for the moving of the jail. Because we're opening bids for the jail tomorrow, so.

David Rector: And to comment on that, I feel much more comfortable about that \$1.8 million estimate than I do the 13 and a half, because I've only used budgetary figures on square footages. We haven't laid out the areas, how many walls we're going to need, what are the HVAC loads. We've actually laid out these areas, and done a better estimate on those. The others are a budget estimate, whether it's plus or minus 10%, 20%, I'm not sure at this point.

Commissioner Fanello: Well, I think that Commissioner Mosby could just maybe make some phone calls to the Finance Chair, and—

President Mosby: I can do that. I can call.

Commissioner Fanello: I don't know that anything would really be accomplished by going to the meeting. We haven't let them know that we would like to be on the agenda. So, maybe you could just—

President Mosby: Well, I'll call Councilman Winnecke and tell him what our concerns are, and see if he thinks it's beneficial for somebody to come to the meeting. If not, maybe he can bring it up.

Commissioner Crouch: I don't believe he will be at the meeting. I think he is leaving town, so, I think he will probably be available prior to the meeting.

Commissioner Fanello: Well, you could give him a call, and see what his thoughts are.

Commissioner Crouch: Maybe tomorrow.

President Mosby: He could talk to the President.

Commissioner Fanello: Talk to Councilman Raben.

David Rector: Councilman Hoy today had thought perhaps that they could come up with that money from CCD. We checked with Sandie and she indicated that all of the CCD money is now encumbered throughout the rest of the year.

Commissioner Fanello: Well, CCD is actually the Commissioners fund, but—

David Rector: They were, I guess, volunteering—

Commissioner Fanello: — I guess, they were volunteering our money for us, but there may be other sources I would take it from besides CCD.

David Rector: You might answer that. Is it all encumbered?

Commissioner Fanello: No, it's not all encumbered. I mean, for what line items that are appropriated, yes, those are encumbered. But there is an unappropriated balance. In fact, there's a healthy unappropriated balance. But, I might look at other sources besides CCD, so.

Commissioner Crouch: Well, and if we're looking at a short term loan or note, that cost, if it was initially set out by the Building Authority or put up by the Building Authority, that could be rolled into that actual note, that cost, I would presume.

David Rector: Sure.

Commissioner Crouch: That you would get your money back. I would like to see us make a decision on that particular space, and moving forward with some—

Commissioner Fanello: Well, I would too, because, I mean, as long as we're going to be signing a lease here in the next week or so, I think we need to make that decision.

Commissioner Crouch: I would like to go ahead and make a motion that we get some quotes, not only, if you can do the Indiana Bond Bank, as you had indicated, perhaps we could, in the office, get some quotes from some local banks, and maybe some different terms and payments. Then we would actually have something to present to the Councilmembers that they could look at working that into some kind of a schedule.

David Rector: Would you like us to do that? Or are you going to do that?

Commissioner Crouch: On the bond bank? You had indicated–

David Rector: On the bond bank, but on the loans from the–

Commissioner Crouch: Yes, certainly you can go ahead.

Commissioner Fanello: Right.

David Rector: We can certainly make phone calls. Then I can come back with figures.

Commissioner Crouch: I'll amend my motion to direct you to do that.

President Mosby: Include the Building Authority Director.

Commissioner Crouch: And if we could do that, what, within a couple of weeks?

Commissioner Fanello: I think we should go ahead and set another meeting for two weeks from now, which is?

President Mosby: I'm not sure yet that we're going to have a meeting that night.

Commissioner Fanello: Well, no, if it's the first Monday in October we won't have a meeting.

President Mosby: I don't know for sure, yeah, are you going to be going to the AIC?

Commissioner Crouch: No, but, I mean, maybe we could have a meeting right before that. The week before that. We don't have to necessarily have to have it on a Monday.

Commissioner Fanello: It doesn't have to be on a Monday.

President Mosby: I was going to say, September 29th, I was going to say is the next meeting, and then October.

Commissioner Fanello: Maybe we could do it Thursday or Friday.

President Mosby: We'll let you know. If we're not going to have a meeting that first Monday of October, then we'll let you know and we'll set something different.

Commissioner Fanello: We could have a Thursday or Friday morning meeting.

Commissioner Crouch: Because I would like to see us, at least for the courts sake, go ahead and make a decision–

David Rector: Right.

Commissioner Crouch: –within the next few weeks, and start moving this forward.

David Rector: I think if we do it after the AIC–

Commissioner Fanello: I need to second your motion.

David Rector: –I would have the drawings laid out for you and the loan information. I think I could probably give everything to you at that point.

Commissioner Crouch: Well, if we don't have a meeting that Monday, perhaps that Wednesday or Thursday following. Or Thursday or Friday, I don't even know when that meeting is.

Commissioner Fanello: I would say the Thursday or Friday before that, October 2nd or 3rd. We could do a morning meeting.

President Mosby: Let me let you know, because if we don't–

Commissioner Fanello: But, I'll second your motion.

President Mosby: –I might not go to AIC, so I might be here. Okay. I have a motion and a second to have the Building Authority Director start getting interest quotes from the three banks, and, if possible, Indiana Bond Bank.

David Rector: Okay.

President Mosby: Then we will set another meeting for approximately two weeks from today.

David Rector: Okay, very good. Thank you.

President Mosby: Thank you very much, judges. Appreciate it. Thank you, David. At this time we are going to go into Executive Session, so we'll have to clear the room.

(The meeting was adjourned at 5:23 p.m.)

Those in Attendance:

David W. Mosby

Bill Fluty

David Rector

Members of Media

Catherine Fanello

Kevin Winternheimer

Wayne Trockman

Suzanne M. Crouch

Madelyn Grayson

Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL JAIL BID OPENING MEETING
September 23, 2003**

The Vanderburgh County Board of Commissioners met in special session this 23rd day of September, 2003 at 4:04 p.m. in Room 307 of the Civic Center Complex to open bids for the jail project with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, September 23, 2003. Introductions are as follows; to my far right, Paul Summers from United Consulting; Tammy McKinney, Superintendent of Buildings; Kevin Winternheimer, Counselor; Commissioner Fanello; myself, Commissioner Mosby; Commissioner Crouch; and Madelyn Grayson, Recording Secretary. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

President Mosby: Thank you very much.

Permission to Open Bids for the Vanderburgh County Jail

President Mosby: Action items, we have one item on the agenda for today. That one item will be bid advertisements and openings for the county jail. At this time I would take a motion for permission to open bids for the county jail.

Commissioner Fanello: Motion to open bids.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to open bids. So ordered. At this time I will turn it over to counselor, Kevin Winternheimer. Before I start, does anyone in the audience have a bid for me to open today. Seeing none, we will start.

President Mosby: Is there any bids in the hall?

Commissioner Fanello: Do you want to check in the hallway?

President Mosby: Check the hall. At this time I also would like to say that County Auditor, Bill Fluty, is present.

Contract No. 1: Multi-Scope Bid Package

Kevin Winternheimer: Seeing no other bids, we'll start with the multi-scope bid package that's item number one. The first bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Okay, their bid is, the base bid is \$18,294,000. Alternate number one, \$150,446. Alternate number two, \$168,208. Alternate number three, \$257,997. Alternate number four, \$936,058. Alternate number five, \$205,740. Alternate number six, \$134,784. Alternate number seven, \$23,198. Alternate number eight, they did not bid, and they did not bid alternate number nine. The next bid is from Industrial Contractors, Inc. of Evansville. The base bid, \$18,560,618. Alternate number one, \$280,760. Alternate number two, \$192,705. Alternate number three, \$287,191. Alternate number four, \$874,136.

Alternate number five, \$196,678. Alternate number six, \$134,337. Alternate number seven, \$30,474. Alternate number eight and nine they have no change listed. The next bid is from Weddle Brothers Building Group LLC from Bloomington, Indiana. Base bid, \$15,700,000. Alternate number one, \$186,000. Alternate number two, \$104,000. Alternate number three, \$280,000. Alternate number four, \$805,000. Alternate number five, \$225,000. Alternate number six, \$133,000. Alternate number seven, \$30,000, and no bid on eight and nine. We have one more on the multi-scope. The next bid is from Williams Brothers Construction, Inc. of Peoria, Illinois. Base bid, \$15,250,000. Alternate number one, \$220,000. Alternate number two, \$126,000. Alternate number three, \$262,000. Alternate number four, \$768,000. Alternate number five, \$224,000. Alternate number six, \$132,000. Number seven, \$22,000. Eight and nine is a no bid. Is that all we have on the multi-scope, then?

Contract No. 1: Multi-Scope Bid Package

| Contractor | Deig Brothers | Industrial Contractors | Weddle Brothers (Bloomington, IN) | Williams Brothers (Peoria, IL) |
|-----------------|---------------|------------------------|-----------------------------------|--------------------------------|
| Base Bid | \$18,294,000 | \$18,560,618 | \$15,700,000 | \$15,250,000 |
| Alternate No. 1 | \$150,446 | \$280,760 | \$186,000 | \$220,000 |
| Alternate No. 2 | \$168,208 | \$192,705 | \$104,000 | \$126,000 |
| Alternate No. 3 | \$257,997 | \$287,191 | \$280,000 | \$262,000 |
| Alternate No. 4 | \$936,058 | \$874,136 | \$805,000 | \$768,000 |
| Alternate No. 5 | \$205,740 | \$196,678 | \$225,000 | \$224,000 |
| Alternate No. 6 | \$134,784 | \$134,337 | \$133,000 | \$132,000 |
| Alternate No. 7 | \$23,198 | \$30,474 | \$30,000 | \$22,000 |
| Alternate No. 8 | No Bid | No Bid | No Bid | No Bid |
| Alternate No. 9 | No Bid | No Bid | No Bid | No Bid |

Contract No. 2: Kitchen Equipment Bid Package

Kevin Winternheimer: Going next to the kitchen equipment package. The first bid is submitted by C & T Design and Equipment Company, Inc. of Indianapolis. Base bid, \$622,297. Alternate, let’s see, there are no alternates bid on this. Okay, the next bid is submitted by Great Lakes Hotel Supply Company from Detroit, Michigan. Base bid, \$603,159. No alternates on that. The last bid on the kitchen equipment is from the Wasserstrom Company from Cincinnati, Ohio. Base bid, \$607,305. No alternates on that.

Contract No. 2: Kitchen Equipment Bid Package

| Contractor | Base Bid | Alternates |
|---|-----------|--------------------|
| C & T Design & Equipment Company, Inc. (Indianapolis) | \$622,297 | No alternates bid. |
| Great Lakes Hotel Supply Co. (Detroit, MI) | \$603,159 | No alternates bid. |
| Wasserstrom Company (Cincinnati, OH) | \$607,305 | No alternates bid. |

Contract No. 3: Mechanical Bid Package

Kevin Winternheimer: Next is the mechanical bid package. The first one is from Industrial Contractors, Inc. of Evansville. Base bid, \$4,394,378. Alternate number one, \$54,142. Alternate number two, \$62,123. Alternate number three, \$53,230. Alternate number four, \$266,496. I'll repeat that, this is alternate number four, \$266,496. Alternate number five, no change. And for six, seven, eight and nine they have written no change. The next bid is from Peyronnin Construction Company, Inc. of Evansville. Base bid, \$4,190,000. Alternate number one, \$48,500. Number two, \$58,500. Number three, \$56,700. Number four, \$218,400. Number five, six, seven, eight and nine they have written no change.

Paul Summers: Is this the last one?

Kevin Winternheimer: The last bid on the mechanical bid package is from Precision Piping and Mechanical, Inc. of Evansville. Base bid, \$4,449,980. Alternate number one, \$52,000. Alternate number two, \$70,000. Number three, \$53,500. Number four, \$186,000. Five, six, seven, eight and nine they have written N/A.

Contract No. 3: Mechanical Bid Package

| Contractor | Base Bid | Alt. 1 | Alt. 2 | Alt. 3 | Alt. 4 | Alt. 5-9 |
|------------------------|-------------|----------|----------|----------|-----------|----------|
| Industrial Contractors | \$4,394,378 | \$54,142 | \$62,123 | \$53,230 | \$266,496 | No Bid |
| Peyronnin Construction | \$4,190,000 | \$48,500 | \$58,500 | \$56,700 | \$218,400 | No Bid |
| PPMI Construction Co. | \$4,449,980 | \$52,000 | \$70,000 | \$53,500 | \$186,000 | No Bid |

Contract No. 4: Electrical Bid Package

Kevin Winternheimer: Now, going to the electrical bids. The first one is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Base bid, \$3,549,000. Alternate number one, \$34,500. Number two, \$28,500. Number three, \$35,000. Number four, \$96,000. Five, six, seven and eight they have, they've types N/A. Alternate number nine, they have a deduct of \$6,000. The next bidder is Industrial Contractors, Inc. of Evansville. Base bid, \$3,932,946. Alternate number one, \$20,045. Alternate number two, \$12,899. Number three, \$26,000. Number four, \$81,778. Number five, no change, as is six and seven. Under alternate eight, they have \$2,721. Number nine, they have \$7,762. The next bid is from Mel-Kay Electric Company, Inc. of Evansville. Base bid, \$3,082,000. Alternate number one, \$31,212. Alternate number two, \$28,420. Number three, \$31,725. Number four, \$86,000. Number five, six, seven and eight, they have N/A. Alternate number nine, is a deduct of \$3,200. The next bid is from Mounts Electric, Inc. of Evansville. Base bid, \$3,783,000. Alternate number one, \$32,031.65. Alternate number two, \$17,622.70. Number three, \$23,510.25. Alternate number four, \$64,339.20. Five through eight are blank. Number nine is a deduct of \$5,000. The next bid is from Premier Electric, Inc. of Evansville. Base bid, \$3,860,000. Alternate number one, \$64,000. Number two, \$17,500. Number three, \$18,500. Number four, \$102,105. Alternate number five, six, seven and eight are no bids. Number nine is a deduct of \$4,000. The last bid on the electrical, the bidder is The State Group Industrial USA Limited from Evansville, Indiana. Base bid, \$3,373,892. Alternate number one, \$33,000. Number two, \$26,960. Number three, \$43,179. Number four, \$89,345. Five, six, seven and eight, they've written N/A. Under number nine it says no change, no cost, no credit.

Contract No. 4: Electrical Bid Package

| Contractor | Deig Brothers | Industrial Contractors | Mel-Kay Electric | Mounts Electric | Premier Electric | The State Group Industrial USA |
|-------------|-------------------|---------------------------|---------------------|--------------------|---------------------|---|
| Base Bid | \$3,549,000 | \$3,932,946 | \$3,082,000 | \$3,783,000 | \$3,860,000 | \$3,373,892 |
| Alternate 1 | \$34,500 | \$20,045 | \$31,212 | \$32,031.65 | \$64,000 | \$33,000 |
| Alternate 2 | \$28,500 | \$12,899 | \$28,420 | \$17,622.70 | \$17,500 | \$26,960 |
| Alternate 3 | \$35,000 | \$26,000 | \$31,725 | \$23,510.25 | \$18,500 | \$43,179 |
| Alternate 4 | \$96,000 | \$81,778 | \$86,000 | \$64,339.20 | \$102,105 | \$89,345 |
| Alts. 5-8 | No Bid | 5-7 No Bid #8 \$2,721 | No Bid | No Bid | No Bid | No Bid |
| Alt. No. 9 | Deduct \$6,000 | \$7,762 | Deduct \$3,200 | Deduct \$5,000 | Deduct \$4,000 | No Change |

Contract No. 5: Security Electronics Bid Package

Kevin Winternheimer: Next is the security electronics bids. Okay, the first bid is from Accurate Controls, Inc. of, I hope I pronounce it correctly, Ripon, R-i-p-o-n, Wisconsin. Base bid, \$734,600. Alternate number one, \$3,300. Number two, \$300. Number three, \$15,300. Number four, \$30,700. Number five, six and seven they have printed N/A. Alternate number eight, \$68,200. Number nine they have written N/A. Okay, the next bid is from Stanley Security Solutions, Inc., from Noblesville, Indiana. She wants me to add this is the Integrator.com division. Base bid, \$468,900. Alternate number one, \$2,300. Number two, \$400. Number three, \$10,200. Number four, \$15,700. Beside five, six and seven they've written N/A. Alternate number eight, \$26,950. Beside number nine they have written N/A. Next bidder, MASK Systems, Inc. from Moorpark, California. Base bid, \$1,067,750. Alternate number one, \$6,500. Number two, \$2,800. Number three, \$6,000. Number four, \$11,500. Number five, they've typed not applicable to bid. They put the same thing for six and seven. Number eight, they have \$74,088. Number nine it says not applicable. The next bid is from Norment Security Group, Inc., from Montgomery, Alabama. Base bid, \$859,000. Alternate number one, \$2,000. Number two, \$1,000. Number three, \$2,000. Number four, \$16,000. Number five, they've typed in no change, as they did for six and seven. Alternate number eight, \$43,000. Alternate number nine they've typed in no change. The next bid is by Pinnacle Electronic Systems, Inc., from Westchester, Pennsylvania. Base bid, \$749,000. Alternate number one, \$9,523. Number two, \$7,907. Number three, \$8,466. Number four, \$23,931. They left five, six and seven blank. Alternate number eight, \$79,540. They did not have an item number nine that I can see. Unless it's somewhere in here. It wasn't with the others. Okay, moving on, the next bid Southwestern Communications, Inc., Decatur, Alabama. Base bid, \$688,569. Alternate number one, \$3,889. Number two, \$1,921. Number three, \$23,482. Number four, \$40,492. Number five is blank, as is six and seven. Number eight, \$31,103. Number nine is blank. Is that all of those?

Contract No. 5: Security Electronics Bid Package

| Contractor | Base Bid | Alt. 1 | Alt. 2 | Alt. 3 | Alt. 4 | Alt. 5-7 | Alt. 8 | Alt. 9 |
|------------|----------|--------|--------|--------|--------|----------|--------|--------|
|------------|----------|--------|--------|--------|--------|----------|--------|--------|

| | | | | | | | | |
|---|-------------|---------|---------|----------|----------|-----------|----------|-----------|
| Accurate Controls, Inc. (Ripon, Wisconsin) | \$734,600 | \$3,300 | \$300 | \$15,300 | \$30,700 | No Bid | \$68,200 | No Bid |
| Integrator.com (Noblesville, IN) (Stanley Security Solution) | \$468,900 | \$2,300 | \$400 | \$10,200 | \$15,700 | No Bid | \$26,950 | No Bid |
| MASK Systems, Inc. (Moorpark, California) | \$1,067,750 | \$6,500 | \$2,800 | \$6,000 | \$11,500 | No Bid | \$74,088 | No Bid |
| Norment Security Group, Inc. (Montgomery, Alabama) | \$859,000 | \$2,000 | \$1,000 | \$2,000 | \$16,000 | No Bid | \$43,000 | No Bid |
| Pinnacle Electronic Systems (Westchester, Pennsylvania) | \$749,000 | \$9,523 | \$7,907 | \$8,466 | \$23,931 | No Bid | \$79,540 | No Bid |
| Southwestern Communications (Decatur, Alabama) | \$688,569 | \$3,889 | \$1,921 | \$23,482 | \$40,492 | No Bid | \$31,103 | No Bid |

Combination Bids

Kevin Winternheimer: Combination bids? Apparently under the combination bid category we have two envelopes. Okay, the first one is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Base bid, twenty–

Unidentified: (Inaudible. Not at mike.)

Kevin Winternheimer: Oh, I’m sorry, I see what you...okay, I’m sorry. This is choosing the contracts, I guess, the components. This is contract numbers one and four. It’s still Deig Brothers. Again, one and four. Now the base bid for those items, \$21,783,000. Under the alternates, alternate number one, \$184,946. Number two, \$196,708. Number three, \$292,997. Number four, \$1,032,058. Number five, \$205,740. Number six, \$134,784. Number seven, \$23,198. Under alternate number eight they’ve typed N/A. Number nine, deduct \$6,000. We have one more. This is from Industrial Contractors, Inc. of Evansville.

Paul Summers: It should be on the outside of the envelope.

Kevin Winternheimer: Let’s look and see if it’s on here. Is anyone from Industrial here.

Unidentified: I believe it’s one, three and four.

Kevin Winternheimer: Okay. He thinks it’s one, three and four. In any event, I’m going to read the numbers. It may be in some of that other information in the packet. Base bid, \$26,485,326. Under alternate number one, \$359,492. Number two, \$272,571. Number three, \$370,700. Number four, \$1,243,451. Number five, \$196,678. Number six, \$134,337. Number seven, \$30,474. Number eight, \$2,721. Number nine, \$7,762. That is all the bids we have.

Combination Bids

| | | |
|------------|------------------------------------|--|
| Contractor | Deig Brothers (Contracts 1 & 4) | Industrial Contractors (Contracts 1, 3 & 4) |
|------------|------------------------------------|--|

**Vanderburgh County
Board of Commissioners
Special Jail Bid Opening Meeting
September 23, 2003**

| | | |
|-----------------|----------------|--------------|
| Base Bid | \$21,783,000 | \$26,485,326 |
| Alternate No. 1 | \$184,946 | \$359,492 |
| Alternate No. 2 | \$196,708 | \$272,571 |
| Alternate No. 3 | \$292,997 | \$370,700 |
| Alternate No. 4 | \$1,032,058 | \$1,243,451 |
| Alternate No. 5 | \$205,740 | \$196,678 |
| Alternate No. 6 | \$134,784 | \$134,337 |
| Alternate No. 7 | \$23,198 | \$30,474 |
| Alternate No. 8 | No Bid | \$2,721 |
| Alternate No. 9 | Deduct \$6,000 | \$7,762 |

President Mosby: Is there any questions by any Commissioners? Seeing none, chair would entertain a motion to take bids under advisement.

Commissioner Fanello: Motion to take bids under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to adjourn. We stand adjourned at 4:40 p.m.

(The meeting was adjourned at 4:40 p.m.)

Those in Attendance:

David W. Mosby
Bill Fluty
Madelyn Grayson
Members of Media

Catherine Fanello
Kevin Winternheimer
Paul Summers

Suzanne M. Crouch
Tammy McKinney
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

**Vanderburgh County
Board of Commissioners
Special Jail Bid Opening Meeting
September 23, 2003**

Page 7 of 7

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 29, 2003**

The Vanderburgh County Board of Commissioners met in session this 29th day of September, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order the Board of Commissioners meeting of Vanderburgh County for September 29, 2003. Introductions are as follows; sitting in for Tammy McKinney would be Patty White; Counselor Kevin Winternheimer; Commissioner Fanello; myself, Commissioner Mosby; Commissioner Crouch to my left; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

**Approval of September 22, 2003
Commission and Space Allocation Meeting Minutes
Approval of September 23, 2003
Jail Bid Opening Meeting Minutes**

President Mosby: Do I have a motion to approve the minutes of the September 22, 2003 Commission meeting, September 22, 2003 space allocation, and September 23rd jail bid openings?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Advertise VC02-2003 Tax Bills for 2004

President Mosby: Next we have Phil Lawrence, permission to advertise VC02-2003, tax bills for 2004.

Phil Lawrence: Yes, sir. I made a mistake on the dates that I gave you in the advertisement. It should be opened October 20th. I'll give Madelyn a corrected copy, and e-mail you guys a corrected copy. I had in their October 13th. You can't advertise and then open them three days later, so.

President Mosby: Okay. Open October 20th.

Phil Lawrence: Yeah.

President Mosby: Any questions? Motion by—

Commissioner Fanello: I was going to ask a question. Z. Tuley is okay with everything?

Phil Lawrence: Yeah.

Commissioner Fanello: Okay, I would make a motion to grant permission to advertise.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to grant permission to advertise, I guess, as amended to 10/20. So ordered.

Phil Lawrence: Okay, thank you.

President Mosby: Thank you.

Permission to Advertise Polling Places

President Mosby: Next we have Superintendent of County Buildings, permission to advertise polling places. Is there any questions? It should be in everybody's packet. Seeing none.

Commissioner Fanello: When are the, let's see...both ads are going to run on the 17th and the 24th, I'm assuming.

President Mosby: Yes.

Commissioner Fanello: Okay. Motion to advertise polling places and a handicap accessible polling places.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Public Hearing Regarding Health Department Building Lease

President Mosby: Next discussion items, public hearing regarding Health Department building lease. Everybody should have a copy.

Kevin Winterheimer: Yes, Mr. President, if I might jump in here. If you can refer to the last version, I believe, that has all the corrections. I have a new page 19 that I will pass down. In the last version page 19 was a blank. This was a drawing, I didn't know how to e-mail a drawing, but it's a drawing showing the Oak Park Building. It's highlighted in green on these copies. I've got other copies, if I might just go through a few of the provisions to get discussion going. This is for a lease of the first floor, second floor, and a portion of the third floor of what's commonly referred to as the Oak Park Building at 420 Mulberry Street in Evansville. The proposed lease is for between 20,000 square feet and a maximum of 25,000 square feet. The exact amount depending on the needs of the Health Department after they get done with the architect. The proposed lease is for ten years, with two five year options to renew. The rental price is \$14 per square foot for the, what we call the office space, and \$7 a square foot for storage in the basement. The monthly rental will be \$29,750 per month. There is a CPI clause in there to start in 2005. I thought I saw Sam.

Unidentified: You did. He just went outside for a minute.

Kevin Winternheimer: Sam and Dr. Heidingsfelder, I believe, are here. This is the, that's the general terms of the lease, and the rest are provided in the written document. I was going to ask Sam to comment, to make sure the Health Department is okay with the final version. I went through the general terms of the lease, Sam, any comments from the Health Department?

Sam Elder: There's not any comments on anything. Mr. Browning's here, who is the Executive Secretary of the Southwestern Mental Health. It's the terminology in that section three. Dr. Del Rio says that she will not approve that contract with that stipulation in there. She had hoped that you might strike it. That one sentence.

Commissioner Fanello: Which stipulation is that?

Kevin Winternheimer: I think I know which one he's talking about. It's the, "within 30 days", it's section three, and it's the second sentence.

"Within 30 days after the date on which this lease is approved by the Board of Commissioners of Vanderburgh County, Indiana, TENANT shall provide LANDLORD with a written statement of all the technical requirements of the TENANT for this remodeling."

Sam Elder: Well, I can assure you that we have those. They'll be given to him as soon as the contract is signed. He says that if there are no speculation for it, he would accept that, but there are. Three A Engineering normally does our ventilation, and the reason we had them do it is they do Bristol-Myers and they did St. Mary's. They've done, we hire them from time to time to check the negative pressure in the TB Clinic. I don't see where it's any big deal. I don't see where it would hurt anything to strike it, and, personally, I don't see anything it would hurt to leave it in there, because we intend to do that.

Commissioner Fanello: Who wanted the clause in there? I'm confused now.

Sam Elder: He put the, the clause was put in there in the last, that's the third edition that we've had of it.

Kevin Winternheimer: Yes, just to give you a little background on this, there was some discussion between some of the board members and the Southwestern Indiana Mental Health Foundation people, and the clause was inserted at the suggestion of the foundation for this reason; they wanted to make sure that this, that there would be a deadline for submittals of information so that the architect could start preparing the plans and specifications and finalize those. We discussed 30 days to get those in, and I didn't know there was going to be a problem with 30 days. It was just so that decisions would be made and there would be some sort of deadline so that...it's kind of like building a house, you can't keep telling your architect—

Commissioner Fanello: Right.

Kevin Winternheimer: — I want something different, I want something different. You have to come to a decision on what you want. That was the idea, albeit they've been working on this for some time, the foundation just wanted to make sure that there was deadline on, this is you're going to tell us what you want or what you need, so that the architect can go ahead, so we can get this rolling, so it just doesn't go on indefinitely. That was the whole idea behind it.

Sam Elder: One of the main things is that she's not had the opportunity to discuss that with the board. Because we just got it the last of the week.

Kevin Winternheimer: Well, the final version with this in it.

Sam Elder: Well, with that in it. It was never in there before. I don't have any problem with it, and I don't think that once it's discussed that anybody else would either. But, I can't see any reason for it being there. We want to move as fast as we can. I can understand Southwestern Mental Health, they've got an empty building there, and according to the lease they don't receive any rent until it's ready for occupancy.

Kevin Winternheimer: Right.

Sam Elder: It's real simple to see both sides of it. I certainly don't think that it's enough concern to delay it. Now, Wednesday we asked the Council for the appropriation of the money. I went to the Finance Committee meeting, if I was on the Council, I don't believe I would approve the appropriation until the lease was signed. So, that was another month before you could go back there.

Commissioner Crouch: When is your board meeting next, Mr. Elder?

Sam Elder: When is—

Commissioner Crouch: Your board.

Sam Elder: It's the ninth.

Commissioner Crouch: So, I don't see any reason for us to sign this tonight if there's, if you're telling us that the President of the board is not, won't sign it.

Jerry Evans: We can delete that if (Inaudible. Not at mike.)

Commissioner Fanello: (Inaudible. Mike not on.)

President Mosby: Well, hold it, just—

Jerry Evans: If they are assuring us that they will cooperate and give us the information, the point is, you know, we want to get it done. They want to get it done, and we need to have some assurance that there will be prompt communication. This particular language is not that important. It's more important, I think, that everybody get moving. So, if that's a hang up, delete it, and we'll initial it. My name is Jerry Evans, I'm the attorney for the foundation.

Commissioner Fanello: I was just going to suggest we put it back on after you take it to their board. Have not all the board members not seen the lease?

Sam Elder: They've all been exposed to it, except for this phrase.

Commissioner Fanello: I mean, I think there needs to be some kind of deadline in there. That's my personal opinion, because—

Sam Elder: Well—

Commissioner Fanello: –that’s the purpose of a contract is to hold both parties responsible. So, I don’t know what the board feels.

President Mosby: My opinion is they put it in, and they are willing to take it out. Our board wants it out, I mean, I’ll go along with that.

Commissioner Fanello: It makes me no difference. Whatever everybody is comfortable with.

Commissioner Crouch: I’ll make a motion that we delete that sentence, “Within 30 days after the date”, from the contract, with the approval of the Southwestern Mental Health Foundation.

Commissioner Fanello: Second.

President Mosby: I have a motion and a second to delete “within 30 days after the date”, section three. So ordered. Is there any other comments on the lease.

Sam Elder: No, that was the only stipulation that she had.

Kevin Winternheimer: Before, if you were going to approve this, we need to ask if there is any public comment. This is a public hearing.

President Mosby: Right. Is there any comments from the public on the lease with the Health Department. Seeing none.

Commissioner Fanello: I’ll make a motion to approve the lease agreement with the Southwestern Indiana Mental Health Foundation, and Vanderburgh County Health Department.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the lease. So ordered. Thank you very much.

Sam Elder: Thank you.

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| Personnel Policy |
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President Mosby: Next we have the personnel policy. Everybody should have a clean copy.

Kevin Winternheimer: Yes, Mr. President, the only changes this time, excuse me, will be found on page four there in red. It’s 1.3.1, pre-employment testing, and 1.3.2, part time employees, and providing for random drug test for part time employees. Since our meeting, I put it in there for purposes of discussion, but my recommendation is to take it out. That being 1.3.2, for this reason, in doing some research on random drug tests, the courts have been, when it’s a governmental entity, have been treating random drug tests as a fourth amendment search and seizure issue. The government searching and seizing evidence of possible criminal violation, and have held governmental entities to a particularly high standard on random drug test. I think I have, if I can find it, one court said it quite succinctly. If I might just read this sentence or two here. It says;

“Courts have upheld random drug testing of government employees without a warrant where the government employee is armed, and therefore potentially dangerous; where he has a security clearance, and therefore poses a potential threat of compromising national security should he become addicted to drugs; or he works with dangerous materials; or he is involved in the enforcement of drug laws themselves, and might therefore be tempted into illegal activity involving drugs; or whereas in the case, a prison guard, he is in direct contact with drug offenders.”

That’s a synopsis, the courts have been, around the country, have been dealing with this, but that’s a generalized statement from one seventh circuit case. In giving this some thought, and in trying to comprehend our part time employees, that seemed to be a very narrow group of individuals, the part time employees. I doubt that you would fall into any of those kinds of categories that the court alluded to involving security interests, dealing with dangerous materials, drug activity, or even dealing with past drug offenders. There may be an expansion of it as the courts continue to deal with the issue, but my recommendation would be that right now that probably the kind of part time employees that we have are at Burdette and so forth. I don’t know what other kind of part time you have, probably they are not going to fall under any of those categories. They are not dealing with dangerous materials and public safety issues and security issues and things like that. So, it probably would not really apply to anybody at this point. We could always insert it if the courts give a better definition of when you can randomly drug test employees, but right now, given the fourth amendment rights, I would recommend that we not put it in.

Commissioner Crouch: Mr. Winternheimer, is it possible to change the wording to, “subject to budgetary constraints, part time employees must successfully pass a drug test as a condition of their employment.” Use the same language, but–

Commissioner Fanello: Not random.

Commissioner Crouch: –make it incumbent upon the Council to put the money in at budget time. I think we were looking at it before, and we’re talking about \$2,000 versus, what, about \$14,000? So, we aren’t talking about huge amounts of money, but that would be a decision that the Council would make at budget time for the–

Kevin Winternheimer: On the part time you’re talking about?

Commissioner Crouch: Uh-huh. Can you use that wording?

Kevin Winternheimer: Well, if you notice, I did put “consistent with legal guidelines”, and “as approved by the Board of Commissioners”. So, if we had a situation where we could random drug test, and that’s what we’re talking about here is random drug testing of part time employees, the language is there, but I’m cautioning you that it’s going to be a very narrow group of individuals at this point, if any, that would ever, that we could ever drug test on a random basis. The part time employees that is.

Commissioner Crouch: Could we put language in there saying that part time employees would be subject to drug testing?

Kevin Winternheimer: Oh, I’m sorry.

Commissioner Crouch: A condition, you know–

Kevin Winternheimer: Initially?

Commissioner Crouch: Yes, due to budgetary, you know, so that Council could either put \$3,000 in or they could put \$14,000 in at budget time, and that would pretty much indicate what you were going to do.

Kevin Winternheimer: Yeah, I misunderstood. You can do the pre-employment testing. I didn't want to confuse you on that. So, if you wanted to pre-test part time employees, there is nothing wrong with that. Because you can pre-test full time employees as well. I'm sorry, yeah, we could do that. We could either combine them or what have you, but I don't know, yeah, whatever you want to do.

Commissioner Crouch: So, you would take 1.3.1 and just state, "each individual that is offered employment as a regular full time employee must successfully pass a drug test as a condition of employment, subject to budgetary constraints"?

Kevin Winternheimer: Well, what I would basically add is the second part up there and take out the random, and just put, "subject to budgetary constraints, part time employees are or may be subject to drug testing under a program consistent with legal guidelines and as approved by the Board of Commissioners." So, if you had the money, you could do it. You could develop that program for part time employees. Something along that line.

Commissioner Crouch: I don't have a problem with that.

Commissioner Fanello: I don't either.

President Mosby: That's fine.

Commissioner Crouch: Do we need to just make a motion to make that change? Therefore you could advertise it next week.

Kevin Winternheimer: Yeah, I intend to come up with, yeah, put this in an ordinance form and adopt it.

Commissioner Crouch: Rather than wait again.

Commissioner Fanello: Yeah.

Kevin Winternheimer: Right, yeah, that's fine.

Commissioner Crouch: Okay, I will make a motion that 1.3.1, pre-employment testing be amended to incorporate part time employees subject to budgetary constraints, with the wording being worked out by the County Attorney.

Commissioner Fanello: Second.

President Mosby: So ordered.

Kevin Winternheimer: So, I will put this in an ordinance format, and you will see it for your next meeting.

President Mosby: Any other questions? Seeing none. We'll see this next week.

Executive Inn Agreement

President Mosby: Next we have the Executive Inn agreement, which everybody should have a copy of.

Kevin Winterheimer: There was a change, again, this is one that came in a couple of different drafts. The change today was the Council President asked me to insert on page two under paragraph number two, or section two, adding where it says city, put and county. If you have the latest draft it's in bold print. To getting documentary evidence that they spent the money on the hotel. I did receive a call back, or an e-mail from Mike Schopmeyer on behalf of the city, and they said they had no problem with that.

President Mosby: Are there any questions? Seeing none.

Commissioner Fanello: I would make a motion that we approve the Executive Inn agreement, as amended.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve as amended. So ordered.

Agreement with Centre for Room Use: ACS Seminar

President Mosby: Next you have an agreement with the Centre for room use.

Commissioner Fanello: I make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. I don't believe we have any contracts.

Public Comment

President Mosby: Is there any public comment? Any public comment?

Old Business

President Mosby: Any old business? I talked with Chief Deputy Williams and we still have no more information from Three I Engineering on the Safe House. So, we're still waiting for them to get documents back to us.

Commissioner Fanello: Do we know when they will be ready?

President Mosby: Did they give you any kind of time line? No. Is there any other old business?

New Business

President Mosby: Any new business? No new business. Department head reports, County Engineer.

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| County Engineer |
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John Stoll: First I have street acceptance requests for sections two and three of Kingsmont Subdivision. This is located off Old State Road adjacent to Scott School. On section two of the subdivision we have 469' of Kingsmont Drive, 447' of Arborfield Drive, 479' Averitt Drive, 546' of Collier Drive, and 146' of Parmely Drive, for a total of .39 additional miles. It's requested that this be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: In section three, the request is for 1,352' of Bowden Drive, 149' of Averitt Drive, and 329' of Parmely Drive, for a total of .35 miles. It's requested that this also be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I would like to request approval to hire CCC of Evansville for the Stringtown Road debris removal project. This is contract VC03-09-02. They gave us a price quote of \$8,535.21, and they were the low quote on the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a 30 day notification letter to send to parcel eight on Lynch Road, section three. This is a request to vacate the property within 30 days from the date of the letter. It's just part of the notification process we need to go through on the parcels that we've acquired where there is a total relocation involved. It's requested that this letter be approved. It's for 7473 Old Boonville Highway.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I need approval to advertise the public notice for Vanderburgh County to comply with Rule 13. Basically we have to advertise two consecutive weeks a notification that shows that we intend to discharge storm water into various

watersheds which are listed on this notification. It's just one of the requirements of Rule 13, and I would like to request approval that this be approved for advertising.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: There's not any signatures on that, that's just a file copy. The last item I've got is a street plan approval request for section three of East Pointe Business Park. That static electricity is pretty good. Section three is located down here towards the southern end of the project. Here is Morgan Avenue, this is I-164 on the west side of this subdivision, and all they are building this segment down here abutting lots nine, 10 and 11. What they'll do is they'll extend off of section two and then they'll connect into a frontage road that's being built as part of INDOT's State Road 62 widening project. This will be like the other sections of the road, it will be an asphalt road, and it will be wider than the county's minimum standards, and pavement thickness is also in excess of the county's minimum due to the truck traffic. We've reviewed the plans, and would request that these be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I've got unless you have any questions on anything.

President Mosby: Any questions by any member of the Commission? Seeing none.

John Stoll: Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. County Highway, Dennis Hudnall. The only thing I have is to ask if you have any questions on my weekly report.

President Mosby: Are there any questions?

Dennis Hudnall: Have a good night.

President Mosby: Seeing none. Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: I just have one matter beside congratulating the Health Department and Southwestern and I'm glad it's over. They were very good, both sides were very good to work with. I'll have, if you'll recall, we had an Executive Session not too long ago on the O'Neal's. We had a mediation, and we have that resolved, subject to your signature. It was within the parameters I recommended in the Executive Session, and I have the originals on top and two copies agreeing to the settlement. If you will approve that and execute that and send, Madelyn, if you would, send a copy to Tim Born for his file, I would appreciate it.

Commissioner Fanello: Motion to approve settlement agreement.

Commissioner Crouch: Second.

President Mosby: So ordered. Do these have to be signed?

Kevin Winternheimer: Yeah, you need to sign it. That's all I have.

President Mosby: Any questions of the attorney?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Patty White: You have Tammy's report and her request for the change order for the Old Courthouse roofing project.

President Mosby: Are there any questions? We submitted a late transfer to Council already.

Commissioner Fanello: I'll make a motion to approve the change order subject to the Council's approval of the transfer on Wednesday.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Burdette Park |
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President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette. I have, there was a letter attached from Mr. Jerry Richey. He is the fund raising chairman for the advisory board, and he was wanting permission to send this letter out to corporations and companies and requesting monies for the park.

President Mosby: Are there any questions or comments?

Commissioner Fanello: My only suggestion, how are you coming up with who to send it to exactly?

Steve Craig: Jerry has a list, and he said that he would do all the follow up work on the letters when he gets response back from them.

Commissioner Crouch: Does it have a dollar goal in here?

Steve Craig: Does it have a dollar?

Commissioner Crouch: Goal that they are wanting to raise \$100,000 or—

Steve Craig: He's wanting to raise enough money to build one chalet. Then if we get enough for that, he would like to build two, three, according to what the master plan had suggested.

Commissioner Crouch: You might consider putting a dollar amount in. We're wanting to raise \$200,000 or whatever. That sometimes gives people an idea of what you're looking for. That's just a suggestion.

Steve Craig: We do have a dollar amount, you know, suggested as to what it would cost to build a chalet and furnish it. I will bring up to him that maybe he should include that in there, so that they do know what he's talking about when it comes to the dollar amount.

President Mosby: Okay. Is there any other comments on the letter?

Commissioner Crouch: Yeah, I guess I didn't read it as closely earlier this afternoon, I apologize, but it says;

"All sponsors will be recognized in a number of ways with special privileges and the building being named in their honor."

Do you have some kind of parameters?

Steve Craig: What Jerry has suggested on it was that we would put a plaque on their, of course, if someone would donate the money to build it. Then he had possibly brought up the idea of offering them a week free for their company to use the chalet. If they had donated the money to build it, he would bring up, at that time he was successful in his attempt to get the money, that we would give them some kind of reward, letting them use it, you know, sometime during the year.

Commissioner Crouch: I guess, in my opinion, you're probably aren't going to get someone to donate \$80,000 or \$100,000. So, chances are you're going to get the smaller donations. That would be wonderful if he knows someone that would.

Steve Craig: He's very interested in this. He had brought it up a couple of times, and we had discussed it at the advisory board, to the point that he wanted us to bring this. So, I don't know if he has people that he has talked to and is interested in it, but he's very enthusiastic about attempting it.

Commissioner Crouch: I think it's admirable he's doing this. I would be curious to see what the parameters are. Like for a \$5,000 sponsorship they would get—

Steve Craig: One day—

Commissioner Crouch: —whatever, or, I mean, so that we kind of have an idea, you know, of what's being considered.

Commissioner Fanello: Leaving it like that kind of leaves an open-ended question.

Steve Craig: Yeah.

Commissioner Crouch: But, I think it's wonderful that he's taking on this project. If he could give us some idea of some parameters.

Steve Craig: I will have him shore it up some, and we'll bring the new letter back to you with some of the guidelines on it.

President Mosby: Okay. Are there any other questions of Steve? Seeing none. Thank you, Steve.

Steve Craig: Thank you very much.

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| SWCD & Ozone Officer Reports |
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President Mosby: Soil and Water and Ozone. I don't see anybody.

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion to accept. So ordered.

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| Consent Items |
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President Mosby: Consent items. Any questions?

Commissioner Fanello: Motion to accept.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to adjourn.

Kevin Winterheimer: Before you do that, do you want to officially cancel next week's meeting?

Commissioner Fanello: Yes.

Kevin Winterheimer: Is that a motion? Or have you done that already?

Commissioner Fanello: No, we haven't.

President Mosby: No.

Commissioner Fanello: Motion to cancel next week's meeting.

Commissioner Crouch: Second.

President Mosby: So ordered. Now motion to adjourn.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:06 p.m.)

CONSENT ITEMS:

Jail Expenses:

United Consulting Architects and Engineers \$76,040
Evansville Water and Sewer Utility \$1,936.86 & \$2,124

Travel Requests:

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| Health Department | Auditor | County Clerk |
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Employment Changes:

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| Health Department | Legal Aid | County Clerk |
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VCCC

Requests for Service:

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| Superior Court (Juvenile) | Health Department |
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Sheriff:

Weekly Jail and Community Corrections Reports.
Surplus of Vehicles Letter.
Impaired and Dangerous Driving Grant.

Election Office:

Surplus of Equipment Letter

Commissioners:

Response to Connie Whitman’s Letter of 9/22/03.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Patty White |
| Madelyn Grayson | Phil Lawrence | Sam Elder |
| Jerry Evans | John Stoll | Dennis Hudnall |
| Steve Craig | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 13, 2003**

The Vanderburgh County Board of Commissioners met in session this 13th day of October, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioner meeting for Vanderburgh County, October 13, 2003. Introductions are as follows, well, we lost Tammy. She was here. Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. If everybody would, please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of September 29, 2003 Commission Minutes

President Mosby: Do I have a motion...test. Is this on?

Unidentified: There's a lot of static.

Madelyn Grayson: I don't know what's causing it.

President Mosby: Testing. I'll just try talking. Do I have a motion to approve the minutes of the September 29, 2003 Commission meeting?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Amend Award APA017-2003: Guardrail and Pipes

President Mosby: Action items, we have Phil Lawrence, permission to amend and award APA017-2003, guardrail and pipe.

Phil Lawrence: Good evening, Commissioners. I would like permission to amend and add CPI as part of the contract that was signed, or you approved it on December 9, 2002. The issue is that we've had some issues with St. Regis. They can't meet some of the specifications. CPI can, and we would like to amend the award, and add CPI as another vendor and supplier.

President Mosby: Is there any questions by any member of the Council, or Commission? Seeing none, chair would entertain a motion.

Commissioner Fanello: As long as it's okay with the County Attorney, I make a motion to amend.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

Permission to Advertise Sale of County Surplus Vehicles

President Mosby: Next, we have permission to advertise sale of county surplus vehicles. Tammy's not with us, is there any questions on that?

Commissioner Fanello: No.

President Mosby: Seeing none.

Commissioner Fanello: Motion to advertise.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Election Equipment

President Mosby: Next, under discussion items, we have election equipment.

Commissioner Fanello: Yes, Commissioner Mosby, I met with Rob McGinnis a couple of weeks ago, and then spoke with him at the AIC Conference last week. I think each of you have some financial information in front of you. I've looked at it, I can give you how I personally feel, I don't know if each of you have had an opportunity to ask questions and look at it, but, I believe, our best scenario would be the lease to purchase option. I spoke with Mr. McGinnis about that today, and he felt like a lot of his clients do take that option and are very satisfied with that option. It does come out to be a little bit less expensive than the purchase option, if you weigh in all of the ancillary things that we have to buy along with the equipment. So, if you have any questions, I know I see Marsha and Carla out in the audience too. But, I thought, I told him what I would do is bring that information back to the Commission tonight, and if it pleased the Commission to move forward on that, they could have a contract to us by next Monday night for our approval.

Commissioner Crouch: Motion to approve lease of election equipment with option to purchase.

Commissioner Fanello: And you're making that, I guess, we're making that motion to bring a contract back—

Commissioner Crouch: Correct.

Commissioner Fanello: —for next Monday.

President Mosby: Right, because, I was going to say—

Commissioner Crouch: (Inaudible) that option.

Commissioner Fanello: Yeah, the option to bring the contract next Monday night. I second that motion.

President Mosby: I have a motion and a second to bring a contract for our review. So moved. So ordered.

Madelyn Grayson: May I get a copy of that information for the record?

Commissioner Fanello: Yes. For some reason I can't find mine. I gave everybody else theirs, but now I can't find mine. It's probably sitting on my desk. Since the Clerk is in the audience, does that give you enough time to get everything in before the 31st? Okay.

President Mosby: Okay.

Rob Kerney: Office of Disability Services

President Mosby: Next, Rob Kerney, to discuss office of disability services.

Rob Kerney: Alright, thank you, Mr. Mosby. I thank you and the other Commissioners for letting me come tonight. Hopefully you've received the packet of information that I left for you in your offices already. I'm asking for the Commission, or the Commissioners support on an office of disability services. That would be a joint venture between the City of Evansville and the County of Vanderburgh. This would do a number of things; the first thing it could do is help with the disabled among the area of economic development. The late governor O'Bannon said that 65% of people with disabilities in southwest Indiana are unemployed. If you look at the census information, it shows a little bit higher number, however, I think these numbers might reflect more of part time, full time, any type of employment. We're looking for employment that you're able to support your family off of. So, we would like to see this office bring in economic development ideas, and possibly companies that would actually hire the disabled. The second thing the office could do is make sure that municipal buildings are compliant with ADA. Most of them are, however, it wouldn't hurt just maybe going a little bit past what's required, and do some things to ensure a good quality of life when it comes to our county parks and such as a Burdette Park, that we do everything that's possible to make it accessible for people with disabilities. The number three thing is community involvement. We all know that if we get involved, we make our communities better. So, we could use this to encourage them to get involved with community activities, such as civic organizations, or municipal organizations, such as park boards, or other types of boards that you appoint people to. Also, emergency rescue type personnel, being a fireman, Mr. Mosby, I'm sure this might come of interest to you, that it takes a special way to move people with certain types of disabilities in the case of having to remove them from a building that is multi-story building without the use of an elevator. In fact, for an example, if you move somebody with spina bifida the wrong way you can actually damage their spinal cord even more. So, it would be nice to bring in some special training for the county, or for the city and volunteer fire departments and so forth. Okay, for an example, as you were just talking about, and I've actually been working with Carla and Marsha, this office could also be used to help with you and the County Clerk's office with accessibility to polling sites and machines. By that time, of course, the machines will probably be in place by then, but we can still work on polling sites and other problems as they arise. The office could also work with Floyd Edwards in the area of human relations to be of assistance to him in the case of investigating discrimination cases when it comes to employment, or even housing. Also to maybe even serve as a clearing house to funnel more cases to him. For an example, I

know I've been discriminated against in the case of employment and didn't bring a case up before, because at the time I did not know how. So, it probably would have been a good idea to do at that time. Also along that lines we want to make sure that everybody with disabilities have access to proper housing, whether it be homes for families or apartments and so forth, and to make sure that they are able to get into the housing that everybody deserves and needs. Another item would be to actually recruit people with disabilities to work for the city and county. I'm not aware, I'm sure there are some, but I'm not aware of any employees with disabilities that work for the county or the city currently. So, this could help recruit those that are qualified into jobs like that. Finally, we would like to move any services that currently exist under this office, and the only one that I can think of right now is METS Mobility, which is actually a city service that's being offered right now. So, this is just a quick overview. You received the packet, I hope you've looked through it, looked at some of the information. When you look at the overall information, when it comes to working age, 21 to 64, almost 20% of people in Vanderburgh County have a disability. When you look at the elderly, 65 and above, you're talking about almost 50%, something like 42.9% that actually has a disability. So, you're talking about a large population in the county of Vanderburgh. So, it could affect a large number of people, and, hopefully, help to make everybody's life to be better. I would be happy to entertain any questions you would have for me.

President Mosby: Are there questions by any member of the Commission?

Commissioner Crouch: I just have one question for, I guess, the County Attorney. How are these needs currently being met in county and city government?

Kevin Winternheimer: That's a big question. On the legal end, we, along with the city and the United Way help fund Legal Aid Society, where those that can't afford an attorney, if they are being discriminated against, those kinds of things. That's one agency. As to the different buildings of the county, the County Engineer and the different department heads are cognizant of the different needs that are out there to help access the buildings. Of course, every time we build a new building or remodel a building that is part of the plan to do as much as we can to not only comply with the law, but do what we can to assure accessibility. So, he's talking about many things that we are not, but some of these needs are being met, and I'm sure he's proposing doing much more than what we are currently doing.

Rob Kerney: A lot of them are adequate, but it would be nice to look at more than just to improve the people's way of life. So, with going a step beyond what is required by law and what is being done currently. So, I will admit to you, Mr. Winternheimer, that a lot of them are being met, but there are some areas that are not, and some areas that need a little bit more of adjustment, more than an overhaul, just a readjustment a little bit.

President Mosby: Are there any other questions? Anything else you want to add, Rob?

Rob Kerney: No, but I would like to know if the Commissioners would be interested in me going forward with this, or I would like to get some feedback from you all.

Commissioner Fanello: What was, excuse me, refresh my memory about how the City Council was going to look into this? I think we ought to do it.

Rob Kerney: The City Council basically said they were in support of moving forward with this idea. Also my agenda is to go before the County Council to get them on board. I approached the Mayor's office, and he said that all the needs were being met, and it was unnecessary to meet with me at this time. So, I can agree that some of them are being met, but I do believe that there's room for improvement. Otherwise, I wouldn't be here tonight asking for these types of things. So, basically, they've put, lended support behind it, not as an official capacity, but more as morale support to move forward and do more investigation into the project.

Commissioner Fanello: And I would be in favor of that personally.

Commissioner Crouch: Oh, I would too. If I'm not mistaken, the City Council also was concerned about costs.

Commissioner Fanello: Right.

Rob Kerney: Right.

Commissioner Fanello: I think that would be something that—

Rob Kerney: And cost was brought up—

Commissioner Crouch: (Inaudible) County Council.

Rob Kerney: —that's an area that I've not explored a whole lot. I do know there are grants out there, and there are even grants for current programs that could be, have federal grants that are out there that are available to lower the costs of some current programs we have. So, it could be a win-win situation, but cost is a factor, I understand that.

President Mosby: I think it's a consensus then that we favor you moving forward.

Rob Kerney: Alright.

President Mosby: Just with the understanding that this body cannot fund, you know, the office.

Rob Kerney: I'm quite aware of that. I'm going before the County Council to try to get their support too to move forward, and, hopefully, maybe then move forward with a, possibly a committee to investigate into the creation of an organization such as this. Or not organization, but an office, I'm sorry.

President Mosby: Is there any other questions? Thank you very much, Rob. I appreciate it.

Rob Kerney: Thank you.

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| PERF Pretax Contribution Resolution |
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President Mosby: County Auditor, PERF Pretax Contribution Resolution.

Bill Fluty: I believe all of you received an (Inaudible. Mike not on.) pretax (Inaudible) start educating people as open enrollment starts November 1st and (Inaudible) till the

end of the year. If we have people that sign up for this pre-tax it will begin in January.

Kevin Winternheimer: If I might add to this, Mr. President. If I understand this, Bill, what this does, it sets up a program whereby you can contribute extra dollars into your PERF plan. It will not make pretax your required contributions, or the county's required contributions, but it's extra savings. But, just on the record, if you elect to do this, you being the individual, if you sponsor this program, you're forever bound by this to make these contributions, and you can't change your mind later. Isn't that correct?

Bill Fluty: That is correct.

Kevin Winternheimer: So, we'll have to be very careful that people understand that this can be an advantageous program. It will be purely elective on the part of the individual employee, but if he or she does it, they are stuck forever under this plan.

Bill Fluty: Again, it does not affect the 3% (Inaudible) or the 6% (Inaudible). You can elect up to 10% of your salary (Inaudible) also have post tax that you can change (Inaudible) pretax (Inaudible).

President Mosby: Are there any other questions? Chair would entertain a motion.

Commissioner Fanello: Motion to approve the resolution.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Community Corrections |
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President Mosby: Next we have community corrections. Sheriff, can you tell us where we're at?

Brad Ellsworth: Do you want to talk about the grant, or do you want to talk about the building?

Commissioner Fanello: Both.

President Mosby: Both.

Brad Ellsworth: Okay.

Commissioner Fanello: Since you're there.

Brad Ellsworth: Okay, in the building situation there's not a whole lot of new news. We're still waiting on Three I and their report. They're pulling back insulation. Basically what's happening is we're pulling back the dry wall and insulation so they can estimate what work needs to be done, so we can then take that to the contractors and get an estimate on what it's going to cost to repair it. We just haven't got that report yet. We're still making do as we were last week and the week before in the current men's dorm. We've been in contact with them, and let them know that we are anxious to hear their estimates.

President Mosby: Okay.

Brad Ellsworth: As far as the grant, I've been in contact with Mike Brown. He was down earlier in the week for the Latessa report. Bob Ohlemiller and Joe Fistrovich, and, basically they said I expressed our interest in having a written document stating the money was there. They basically said they didn't know if that would be coming, but that the grant looked okay, or the grant amendment, our proposal, was fine. That the money was secure and there for us. What they will require from us is the grant amendment, which is pretty simple. I'm going to ask Mike Brown of the DOC, and talked to Ohlemiller today about kind of working with us on doing that grant amendment to secure those funds. So, I told them that, this week I would be in contact with Brown this week in trying to get that done as soon as possible, so we can get those dollars down here. Other than that, I don't have a whole lot to...I'll take questions, but—

President Mosby: Are there any questions?

Commissioner Fanello: No.

President Mosby: Okay.

Brad Ellsworth: I understand the need to get this as soon as possible so that we can get the architects on the move—

Commissioner Fanello: Right.

Brad Ellsworth: —so, and I've expressed that to DOC.

President Mosby: Okay. Thank you very much. Appreciate it.

Brad Ellsworth: Thank you.

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| Awarding of Jail Bid Contracts |
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President Mosby: Next we have Commission contracts, awarding jail contracts. Everybody should have a copy of the jail contracts. Kevin, is there anything that you wanted to say about the contracts?

Kevin Winternheimer: No, I've read them over. We had considerable discussion before we went out to bid about the format that the contract would ultimately take, and what you have before you, they sent me a copy and it conforms with what we told everybody we were going to require.

Commissioner Fanello: Now, do we need to make a motion on each of these separately?

Kevin Winternheimer: You can combine them. You can just read them in the record which contracts they are, and then you can do one motion if you want to, or you can split them up, either way.

President Mosby: I was going to say, read them all. You can read them all into the record.

Commissioner Fanello: Okay, do I need to read the amounts?

Kevin Winternheimer: Sure, you can, just for clarification.

Commissioner Fanello: Okay. These are all the apparent low bidders. I would make a motion that we award the jail bid contracts to the following; Williams Brothers Construction in the amount of \$16,626,000; Great Lakes Hotel Supply Company in the amount of \$603,159; Peyronnin Construction Company for the mechanical bid portion in the amount of \$4,572,100; Mel-Kay Electric Company for the electrical bid in the amount of \$3,259,357; and Integrator.com in the amount of \$497,500, and I make that in the form of a motion.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to award contracts. So ordered.

Commissioner Fanello: I spoke with John Stoll earlier, and I believe our road should be finished in the next few weeks. So, we're possibly looking at a November ground breaking.

President Mosby: I was going to say I went out there Friday and drove the whole road, and they've got a lot of the curbs in and they are working with the one section where they are building the wall. I think that's the only thing they have to attach and then they'll be ready to lay black top, so. Speedy was out there—

John Stoll: I was going to say the (Inaudible) of the wall is complete now. They are still working up in the area where the existing houses are. They had some utility conflicts, but we think those have been worked out now. So, they should be able to start progressing up in that area a little faster than they have been as of late. So, so far, so good.

President Mosby: I thank the neighbors for all they're putting up with. It's not a pretty sight.

John Stoll: In the end they will have a better road, but it's not a pretty sight getting there.

Commissioner Fanello: Commissioner Mosby, I have one more, after we've done that I have one more letter that we need to approve, and that's just the notice to proceed to all of the low bidders. It just basically says;

“In accordance with Article 3 of the Standard Form of Agreement between Owner and Contractor, paragraph 3.1, please use this letter as your official notice to proceed.”

It would be signed by this board. I make that in the form of a motion.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second on a letter, or notice to proceed. So ordered. Any other contracts?

President Mosby: Public comment?

Old Business

President Mosby: Old business?

New Business

President Mosby: New business?

Commissioner Fanello: Commissioner Mosby, I met with Dave Rector today, and he has all the information that we requested from our previous space allocation meeting. If it pleases the board he would like to set that next space allocation meeting for next Monday at 5:00. Is that okay?

President Mosby: That's fine with me. So, we will have space allocation Monday the 20th at 5:00. Any other new business? Seeing none. Department head reports.

County Engineer

President Mosby: County Engineer.

John Stoll: First I have a street request for a subdivision. This is Charlestown Square on the Lake Subdivision. This is located at the, in the northeast quadrant of the I-164 and the Lloyd Expressway interchange. This is for an extension of Stahl Road which is 260 linear feet. The road has been inspected and it was built in general accordance with the plans, so it's requested that this road be accepted for a maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: To get to that road you do have to go through Warrick County, so it will, if it ever needs maintenance we have to go out Lloyd, up Eppworth, back down Stahl Road. So, if you get a report of county vehicles in Warrick county, that's why. At least if that road needs maintenance. The second item I've got is a request for a street plan approval for section five of Windemere Subdivision. This is located south of Kansas Road, west of Highway 57. Here's the general layout of the subdivision. Section four of Windemere ties into Highway 57 off of Beaumont Drive, and then it curves around to the north, and eventually hits section three and sections two and one. Section one is what actually ties into Kansas Road. This is the southwestern most part of the overall site. I've reviewed the plans and would request that the street plans be approved. These will be asphalt streets with curb and gutter just like the rest of the streets in the subdivision.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I have is the cover sheet for the rehabilitation of Old State Road Bridge number 1582. This is a bridge just north, just south of Eissler Road. No, I take that back, just north of Eissler Road on Old State Road. The scope of the project will be to remove the existing beams and to replace them with new beams. The bridge inventory report indicated that the main problem with the bridge is that the existing channel beams are deteriorating. We could probably get another 40 or 50 years life span out of this by replacing the beams. On that basis I request that this be approved. We would also solicit quotes to have this project, solicit quotes for next Monday's meeting to be opened.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I have is a letter from Koberstein Trucking in regard to the Mill Terrace street reconstruction project. This is the Barrett Law project. On that project we've had some problems with some conflicts with a gas main, which has delayed the progress of Koberstein Trucking in trying to get the job done. They just submitted a letter pursuant to the specifications of the contract notifying that they were delayed and that they might have to ask for a time extension on the project. They are not asking for a specific time extension as of yet, but they just wanted to put it on record. So, I'm just submitting that for the record at this point. The last item I have is a contract with Cingular for two additional cell phones for my office. The money was approved at the Council meeting, I believe it was the last Council meeting, two meetings ago, and I talked with Kevin and Kevin said it was appropriate for the Commissioners to sign off on it. As long as it was in accordance with the annual bids through Phil Lawrence's office, and Phil said that is the case, it's part of the pool plan that the county has. So, it's requested that this be approved by the Commissioners.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have anything else for me.

President Mosby: Any other questions of the County Engineer?

John Stoll: Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all, Suzanne wrote me an e-mail about Holly Hills Subdivision in Green Acres. The e-mail stated from, and I can't recall their name, it said that they had called the County Highway on several occasions to get this road repaired. So, we researched it and we haven't had any correspondence in the last four years, but we did go out and check it this morning and there is a pipe that's separated. We did do a work order on it, and as soon as the work order comes up and the street is located, we'll get it repaired. If I can get a phone number I would be glad to call those folks and, you know, give them that information. The only other thing that I have is to ask you if there was any questions on my weekly report.

Commissioner Crouch: How's Bambi?

Dennis Hudnall: Beg your pardon?

Commissioner Crouch: How's Bambi?

Dennis Hudnall: There's lots of deer out there, I'll tell you that.

Commissioner Crouch: I do read your report.

Dennis Hudnall: We get a lot of them. The reason why that come up is we called animal control, and my understanding is they got a new truck to pick up deer, but they'll pick them up in the city, but they won't pick them up in the county. I asked them that question, why not. So, we need to get an answer to that one. So, okay. Any other questions?

President Mosby: Any questions of Dennis? Thank you.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: I just have two matters, real quickly. I had hoped to have a printed ordinance format for the new handbook. I got one copy printed out when my computer decided to quit communicating with my printer. So, I'm working on that. Or I may just have Patty make copies of this. When you get your copy, and what I'd thought I would do this time is exactly duplicate in the county code, the handbook itself, using the same numbering system, so you don't have to try....when we print out the booklets, you won't have to flip back and say 2.88 point whatever whatever, is 2.3 in the handbook. The numbering is going to be exactly the same when it's printed in the code book itself. I hope that will make it easier. If you don't like that format when you see it, let me know and we'll come up with something different. But, hopefully, we can get this on file, if it's finally in the format that you want it and it reads as you want it. The other thing that I have, and I know you don't like me to read to you, but I think that's about the quickest way to do this. I received some correspondence from a Mr. Tom Lonnberg, I think he's with the Evansville Museum. He writes a letter that says the American Historical Press of Sun Valley, California is planning on reissuing the 1982 book At the Bend in the River, the story of Evansville by Kenneth McCuthchan in 2004. What he's asking for is permission to use the photographs that they have, the images is what he's talking about,

photographs they have of murals that hang in the soldiers and sailors memorial coliseum, and a third image picture is that of the bust of John Law at the Old Courthouse. I see no problem with it. He would like your official permission to do it. He said if you give it, he'll send a paper for the President of the board to sign acknowledging that you give your permission to use photographs of those murals and the bust in the Old Courthouse in the book.

President Mosby: The pleasure of the Commission?

Commissioner Crouch: Motion to approve.

Commissioner Fanello: Second.

President Mosby: So ordered.

Kevin Winternheimer: That's all I have. Thank you.

President Mosby: Okay, thank you. Any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to add two late pink slips to the consent items. One's with the Sheriff's Department, the other is with Circuit Court.

President Mosby: Okay.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add pink slips to consent items. So ordered. Any other questions? Any other comments?

Commissioner Crouch: I have a question. Someone mentioned this to me when we approved the charge for mowing properties, for weeds, and someone raised the issue to me that wondered if, perhaps, instead of having a flat fee, we ought to have certain fees based upon the size. Which I thought was kind of a valid, you know, point. That if you go out and have to mow something very large, we may want to charge more. I hadn't thought of that, so I'm just passing that on.

Tammy McKinney: Actually, what we've been doing is when Dennis' crew goes and takes care of the property, they let me know, and I charge them by the hour. So, if it's larger and it has, you know, it takes more time, they are charged accordingly.

Commissioner Crouch: Okay, great. Thanks.

Tammy McKinney: So, that's how we've been handling that.

Commissioner Crouch: I'll pass that along.

President Mosby: Thank you. Any other questions of the Superintendent of County Buildings?

Burdette Park

President Mosby: Burdette, Gary.

Gary Hohman: Gary Hohman, Burdette Park. Following numerous phone conversations and letters from the County Attorney, I'm pleased to announce that the pool contractor has agreed to the proposal that Kevin laid out for them. The demolition and preparation for the gutter installation will begin this week. The lease agreement that I asked your permission for regarding the lease of the seminar building, evidently the real estate agent has not heard back from this individual in the last three weeks. So, that's basically the status of that. The BMX Nationals were held at Burdette Park this past, or two weeks ago, October 2nd, 3rd, and 4th. Due to scheduling conflicts of the national organization, it's going to be very difficult for Burdette Park, in future years, to be able to offer them the same type of equipment and facilities that they had at this last big race. Basically, I'm speaking of the Discovery Lodge parking lot. The BMX National president, Bob Todisco, they do not schedule their large national events somewhere in the neighborhood of six to eight months in advance. By virtue of Burdette scheduling the Discovery Lodge two years in advance there may or may not be a scheduling conflict of any other type of BMX event. We could have a wedding reception, large company picnic, family reunion going on, and we will not hold that building in order to accommodate parking lot facilities for BMX races. Other than our work report, that's all I have, sir. Do you have any questions?

President Mosby: Any questions? Thank you, Gary.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: Before I make a motion on the consent items, I received this letter, or a copy of this letter that went to Commissioner Mosby about Voters Registration. Did everybody receive a copy of that letter? What are we supposed to do about that?

President Mosby: I—

Commissioner Fanello: I'm just putting it on the record, because we have no way to authorize extra monies for that office or anyone.

President Mosby: I brought my copy with me. On the way up here this afternoon I had, I was fortunate enough to get a hold of Connie Carrier, because Tony is still out of town with an illness in the family. Connie said, by state law that they are not required to have this done by October 13th, and that there is other counties that are setting up and going ahead and testing their equipment, you know, without the final tally vote for Voters Registration. So, according to Connie they're not, they are in compliance, and there's nothing that says that they have to be done by the 13th, and that they can go ahead and test the equipment on the 16th. She stated that they are logging them as quick as possible, and that there is a possibility that they will still get some new registrations from the state, which take six to eight working days to get down here. I guess, Voters Registration closed on, I'm not sure what day they closed, the 7th?

Commissioner Fanello: On the 6th.

President Mosby: Or the 6th, so she said there's a possibility that they still could get some state. So, I had conversation with her this afternoon. She's very aware of this—

Commissioner Fanello: And everything's okay and the house isn't falling down.

President Mosby: From what I understand.

Commissioner Fanello: Okay.

President Mosby: That was my conversation.

Madelyn Grayson: David, may I make a copy of that for the record?

President Mosby: Sure.

Commissioner Fanello: I would make a motion to accept the consent items, with one question for Tammy, on the Surveyor's office they are wanting to change this phone line from a modem line to just a regular phone line? Are we already paying a monthly charge for that, I guess? It's not going to be an increase in costs?

Tammy McKinney: Right, it's not increasing.

Commissioner Fanello: They are just changing it over.

Tammy McKinney: They don't need that extra modem line. They just need a phone line.

Commissioner Fanello: Okay. Motion to approve consent items.

Commissioner Crouch: I will second, but note that on the jail expenses that I want to abstain on that. So, I don't know if we need to separate that out.

Commissioner Fanello: Okay. Do you want to take that one...motion to, why don't I make my motion for consent items all except jail expenses.

Commissioner Crouch: That's fine. Second.

President Mosby: So ordered.

Commissioner Fanello: Then I would make a motion to pay Mr. Ahlers his bill.

Commissioner Crouch: And I'll abstain on that. I'll second, but abstain.

President Mosby: I was going to say, I'll second and so order it. That's okay with me.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I have a motion to adjourn, second, and so ordered.

(The meeting was adjourned at 6:13 p.m.)

CONSENT ITEMS:

Jail Expenses: Jeff Ahlers attorney fees.

Travel Requests:

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| Health Department | Soil and Water | County Engineer |
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Employment Changes:

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| County Clerk | Superior Court | Treasurer |
| Health Department | Center Assessor | Burdette Park |
| Auditor | Prosecutor | VCCC |
| Sheriff Department | | |

Requests for Service:

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| Surveyor | Superior Court |
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Auditor: Submit A/P Vouchers.

County Clerk: Submit Monthly Report for August 2003.

Area Plan: Surplus of Equipment Letter.

Health Department:
STD Grant Agreement.
Agreement for Interpreter Services: Yuri Kulikov.

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| Those in Attendance: | | |
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Rob Kerney |
| Brad Ellsworth | John Stoll | Dennis Hudnall |
| Gary Hohman | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member
Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 20, 2003**

The Vanderburgh County Board of Commissioners met in session this 20th day of October, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

Commissioner Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for October 20, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and join us in the Pledge.

(The Pledge of Allegiance was given.)

Approval of October 13, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the October 13, 2003 Commission minutes?

Commissioner Fanello: so moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Open VC02-2003 Tax Bill Bids

President Mosby: Next we have bids advertisements and openings. Phil Lawrence, permission to open VC02-2003, tax bills.

Kevin Winternheimer: One bid? Are there any other bids in the audience on this or any other project or items tonight? Seeing none. We have one bid, okay, the one and only bidder is the Relizon, R-e-l-i-z-o-n, Company. Let's see, their address is Evansville, Indiana. For item one, 80,000 tax bills, their cost, \$20,608.22. For mailing costs, their price is \$22,240. For a total of \$42,848.22. That's the only bid I have.

Phil Lawrence: I would like to take that under advisement?

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bid under advisement. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

**Permission to Advertise Notice of Public Hearing:
Vacation of Utility Easement: 8930 Windham Court**

President Mosby: Next we have the Auditor, permission to advertise notice of public hearing for the vacation of utility easement.

Madelyn Grayson: The only thing we need to clarify is whether the public hearing will be November 3rd or November 10th. Because traditionally we have it two weeks after permission to advertise, but that's the night before the election. I didn't know if we were going to have a meeting that night or not, on the 3rd.

President Mosby: Probably not.

Madelyn Grayson: So, schedule it for the 10th?

President Mosby: I would say schedule it for the 10th.

Commissioner Fanello: I make a motion to allow permission to advertise.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise for November 10th. So ordered.

Open Quotes for VC03-10-01: Old State Road Bridge #1582 Rehabilitation

President Mosby: Next we have John Stoll, open quotes on Old State Road Bridge 1582 rehabilitation, VC03-10-01.

Kevin Winternheimer: Mr. President, I have those bids. I assume there are no more from the audience. Seeing none. We have two.

| Name of Company | Quote Amount |
|-------------------------------------|---------------------|
| CCC of Evansville, Inc. | \$72,428.85 |
| Deig Brothers Lumber & Construction | \$96,162.00 |

Kevin Winternheimer: The first is from CCC of Evansville, Inc. It's an itemized bid. Let me find a total, the total quote is \$72,428.85. We have one more, the last one is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total quote, \$96,162. That's all we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered.

Judy Weatherholt: Certified Technology Park

President Mosby: Next, under discussion items, Judy Weatherholt, certified technology park.

Judy Weatherholt: Good evening. I'm Judy Weatherholt with the Southwestern Indiana Regional Development Commission. Just wanted to, you should have had in your packets that was mailed out to you, some information about the certified technology park program. This is a program that is administered by the Indiana Department of Commerce. This program is a designation program to start out with. It also allows you to set up some recapture money over a period of the park, as the property that you designate as a certified technology park. It allows a recapture of taxes similar to a TIF district, up to about \$5 million over the life of the park. This money can be used for public facility work within that park. Also, if it's designated a certified technology park, there is another fund that you can apply for, and it's called a redevelopment fund, that's around \$4 million that will allow you to do other things within your technology park. Cities and towns and counties are the eligible applicants for this certification, or designation. You have to have a department of redevelopment, or a department of metropolitan development. I'm assuming that you all have a redevelopment commission for the county. So, there's also some other stipulations within this application, is that you have a university that would be attached to that project willing to work with you to do some work in regards to your project. You also have to have a firm that is committed as a high technology firm. This particular park designation is targeted to high technology firms. So, you do have to have a company that is willing to participate being part of that application as well. Also, it's not required, but you can have an incubator project that is attached to it as well. The reason I'm bringing this to you is that the Vanderburgh Industrial Park that is in existence out on Highway 57, would be a good candidate for that particular type of designation. I've talked with the Evansville Industrial Foundation, they are receptive to that. I've talked to USI and they are receptive also to participate as the higher education institution to participate in that. I guess, bringing this to you all tonight is to see if you all would like to proceed with this type of application. Basically, what we do is submit this application to the Department of Commerce, they take this in consideration. We submit it in November, then it goes before them in December, and they'll let us know then if that is a designation to that. We have a company that is interested, we at this point do not have their letter of intent signed, so we cannot release their name to you at this point, but there is a company, a high tech company, that is interested in participating. So, I guess, I bring this, and if there's any questions, I don't know if you all had a chance to look over the information that was sent to you regarding this particular application. High tech, just for a matter of record is including; data communications, information technologies or advanced computing, advanced materials or it's kind of advanced manufacturing, bio-technology, electronic device technology, engineering or laboratory testing related to the development of a product, technology that assists in the assessment or prevention or damage to human health or environment, medical device technology, product research and development, and advanced vehicle technologies. So, that is what they are considering high tech activities that could be taking place in that park.

President Mosby: Commissioner?

Commissioner Fanello: I was just going to let the board know that I met with Judy and Mr. Keeping and Mr. Stallings. Mr. Keeping and Mr. Stallings are both on the Industrial Foundation Board, and I suggested that they come to this board and explain exactly what we had talked about and what was going on, and get the board

to sign off on moving forward with it, and, you know, contacting the redevelopment commission to get them together, because I believe they do need to do a resolution—

Judy Weatherholt: Right.

Commissioner Fanello: —regarding a technology park. So, I'm in favor of it, and, hopefully, the rest of the board is.

Judy Weatherholt: Okay.

Commissioner Crouch: I also had spoken to Mrs. Weatherholt and to Mr. Keeping previously. I think when our community has all the ingredients to take advantage of this kind of designation that will promote and put us on the cutting edge of tomorrow, I think we have no alternative but to move forward, and I highly endorse it.

Judy Weatherholt: Thank you. This will be used by the Indiana Department of Commerce as well in their marketing efforts as well. So, if this is declared a designated certified technology park, they will be advocating that from the state level as well, which is a good marketing tool for us.

Commissioner Crouch: How many have been designated?

Judy Weatherholt: I think four so far have been designated. Now, only one is listed on the website, but we have applications, copies of the applications that have been approved, and there's four of them. I think there's three cities, and I think there's maybe, I think they all may be three cities that had to be applicants for it. So, we will actually be the first county I believe.

President Mosby: Is there any other questions? If not, I would say that I would accept a motion that we move forward.

Commissioner Fanello: I would make a motion that Vanderburgh County move forward with the certified technology park and contact the President of the County Redevelopment Commission, and get them to meet and pass a resolution.

Commissioner Crouch: I'll second, and I received an e-mail about a meeting tomorrow morning. No, am I—

Judy Weatherholt: This is, the meeting that you received a notice about was the county representatives on my board of directors. I want us to meet with all the county representatives. I've been going out and doing that with all counties.

Commissioner Crouch: But we might talk about this?

Judy Weatherholt: We could.

Commissioner Crouch: With that meeting tomorrow, since there are two Commissioners on that board, do we need to notify the media or do anything special?

Commissioner Fanello: I don't know if, because you and I usually are in the same meeting, since we're both on the board. I don't know how Patty handles that. If she needs to send out a notice, I'm sure she can send out one.

Judy Weatherholt: I've listed them on my website. So, I have a list of those meetings set up, so.

Commissioner Fanello: Okay.

President Mosby: I have a motion and a second to move forward. So ordered.

Judy Weatherholt: Thank you.

President Mosby: Thank you.

**Joint Resolution Concerning the Accessibility of Polling Places
and Administration of HAVA Funds**

President Mosby: Next we have a resolution concerning the accessibility of polling places and administration of HAVA funds.

Commissioner Fanello: This is basically the resolution that we talked about when we were talking about our election equipment. The County Council has signed off on this resolution to do what is necessary for us to comply with polling place accessibility standards. If you'll notice in section five we do need to set up and adopt an ordinance to establish a local advisory council. So, I would ask the County Attorney to move forward with that. Then I would make a motion to approve the joint resolution.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve the joint resolution. So ordered. And that the County Attorney proceed on section five.

Personnel Policy

President Mosby: Next we have the personnel policy everybody should have in their packet.

Kevin Winterheimer: I e-mailed it to you, or sent it to you. I did not file it for action tonight, I wanted to give you plenty of time to look at it in its final form. As you can see, as I stated last week, the body of it will be in the format that would be printed in a handbook. I wanted to make sure that you were comfortable with that format. If you, I will file it Friday for review on next Monday. So, if you have any last minute questions, comments, or concerns let me know.

President Mosby: Okay. Then do we want this on for next week?

Kevin Winterheimer: Yes.

President Mosby: Okay.

Election Equipment

President Mosby: Next, Commission contracts, election equipment.

Kevin Winternheimer: Yes. I received the proposed contract sometime Friday. I quickly reviewed it, and I had some concerns about the wording of it. On the first page it reads as though we're buying it. The rest of the contract reads more like a lease or a license. There are some other specific terms that or provisions that I have a question about. What I'm afraid they may have done is taken their lease contract and just changed the first page to say purchase, because there are provisions in there...just one example is, as I recall that repairs are made to the equipment, they stay the property of the company, and that's unusual if we are, in fact, buying it why it wouldn't be our property for any additions or improvements or repairs to the equipment. I had not had a chance to call the company. You may have some questions of your own, but if we could delay this for a week, until I can get with them and maybe clean it up a little.

Commissioner Fanello: Commissioner Mosby, I had about a page and a half of questions which I did speak with Mr. McGinnis on the phone today and also e-mailed him our questions. He was perfectly fine with us deferring it until next Monday and understood that there were probably questions with the contract. I can submit these for the record if need be.

President Mosby: Well, I have a motion to defer until next week.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. We will defer this until next week. So ordered.

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| Elite Environmental Services |
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President Mosby: Next we have Elite Environmental Services.

Tammy McKinney: This contract is for the removal of some asbestos that we found in the process of renovating the basement bathrooms at the Old Courthouse. I do have this money in my budget.

Commissioner Crouch: Were you able to get other quotes? Or are they the only company that does this?

Tammy McKinney: They are the only...I called IDEM, and they gave me the list of certified, you have certified inspectors and certified contractors, and they were the only ones in Evansville.

Commissioner Crouch: That makes it pretty easy.

Tammy McKinney: It was an easy call.

Commissioner Fanello: I make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Public Comment |
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President Mosby: Is there any public comment? Anybody in the public?

Old Business

President Mosby: Any old business?

New Business

President Mosby: Any new business?

County Engineer

President Mosby: Department head reports. County Engineer, John Stoll.

John Stoll: The first item I have is a request for street acceptance in section two on Charlestown Square on the Lake Subdivision. This is an extension of the road that was accepted at last Monday's meeting. This is at the northeast quadrant of the Lynch Road, not Lynch Road, the Interstate 164 and the Lloyd Expressway interchange. It's requested that this street be accepted for maintenance. It's 602' of Stahl Road.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

John Stoll: Next I have a street acceptance request for the Village at Timber Park Subdivision. This is section five, phase three of that subdivision. This is 299' of Shadwell Drive, 331' of Pigeonbrook Court, and 322' of Halford Drive. It's requested that these streets also be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Then also in that same subdivision, the Village at Timber Park, section five, phase three, I've got a request for acceptance of storm sewers located outside of street rights-of-way. This is a request for 220' of 12" concrete pipe that's located outside of the right-of-way. We've received the two dollar a foot fee of \$440 for this pipe, so, it's requested that this pipe be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next two items I have are on Helfrich Hills Subdivision, sections one and two. The first item I have is an encroachment agreement for their subdivision

entrance sign to remain in the public right-of-way at the intersection of St. Joe Road and Old Country Way. This is the standard brick subdivision sign that is put up at numerous locations. This encroachment agreement establishes that the homeowners association will be responsible for the maintenance and upkeep of that sign. It also says that we would have the right to remove it if we needed to have the sign removed for roadway purposes. It's requested that this encroachment agreement be signed.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's the standard format to the encroachment agreements that we've used in the past. Also on Helfrich Hills I have a request for street acceptance in sections one and two. This is for 2,604' of Old Country Way, and 664' of German Hill Drive.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have two letters pertaining to the University Parkway project. The first letter is a letter to INDOT forwarding them copies of the engineers, the engineering firms inspection agreements, which is basically Bernardin Lochmueller's construction inspection agreement. That inspection agreement is for the amount of \$1,266,226. In conjunction with that, we have to submit their fee justification, and several other items, but we just forward that to INDOT right now with the agreements unsigned. INDOT will review the agreements and then send them back to us for final approval. So, it's requested that the Commissioners sign this letter so that we can forward the agreements to INDOT for their review.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I also have a letter that INDOT also needs. It's the engineer assignment letter that states what personnel Bernardin Lochmueller will assign to the project. Basically it says that Dan Farvardin will oversee the project. Then it lists all of his inspectors, who will also be working on the project. It's requested that this letter also be signed so that we can forward it to INDOT.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: In talking to INDOT today, the bid opening for University Parkway is slated for January. We have all the final construction cost estimates and everything, so everything is on track to open the bids in January. The next item I've got is in regard to the Stockwell Road culvert project. I got a revised cost estimate from American Consulting last week, and they were estimating that it would cost up to another \$175,000 to do this project due to the extra work associated with jacking the pipe underneath the railroad. That's going to be a requirement of the railroad. They will not allow us to open cut the tracks and install the pipe that way, so we will have to jack the pipe underneath the tracks. There are also some fees associated with, it's not really a right-of-way purchase, it's more of a, just a fee the railroad charges for us to put our drainage structure in their right-of-way. That could be at least \$30,000, if not \$30,000 per pipe for a total of \$60,000. All things considered, that's what led to the consultant coming up with the increased cost of \$175,000. So, in regard to that, I'm requesting to go to County Council to transfer \$50,000 from the Roth Road culvert account, \$35,000 from the Marx Road culvert account, \$25,000 from Fischer Road culvert account, and \$45,000 from the Broadway Bridge #271 account to the Stockwell Road culvert account. Those just total \$155,000, not \$175,000 at this time. I figured we would wait and see if we had to do an additional appropriation later to see what their final estimates come in. But, since these were all transfers, that would get the money in immediately, and if it comes back with higher cost estimates again later, then we'll have to go back for more funds. But, I request approval to go to County Council to transfer all those right now.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a street plan approval request for Heartland Crossing Subdivision. This is section one of that subdivision. This subdivision is located off of Hogue Road, not directly opposite the entrance to Heartland Crossing Subdivision...not Heartland Crossing, I forget the name. It's Heartland something. Anyway, it's off of Hogue Road, this is west Eichoff Road, they are only building down to here right now. This is section one, basically, this area right through here. I've reviewed the street plans, would request that the street plans be approved. These will be curb and gutter streets with storm sewers, so they meet county standards. Therefore, I request that they be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Let me grab my pen. That's all I have in my report, unless you have anything else for me.

President Mosby: Any questions of the County Engineer? Thank you, John.

John Stoll: Thanks.

President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have tonight is Pioneer Rail Corp, I talked to them today about tentatively what date do we want to start on this. They're kind of indecisive about it, but the one they mentioned the most was the 27th of October. So, I would like to have permission to close Mill Road from St. Joe to Kratzville with local traffic only. Everyone will have access to...like there is a Kemper Auto Sales, there's DSM, there's the Co-Op, there's a City Creek Subdivision, all of them will have access, but they have access from Kratzville to the railroad track, and the Co-Op would be from St. Joe to the railroad tracks. So, everyone will be able to get to where they're going. We're going to put the ad in the paper as such. So, I need permission to go ahead and close that road for the 27th through the 31st.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Dennis Hudnall: The only other thing I have is my report, if you have any questions.

President Mosby: Any questions of Dennis? Thank you, Dennis.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney, Kevin.

Kevin Winternheimer: Yes, I have a matter that I want to bring to the attention of the Commissioners and discuss, and pardon me if I'm a little bit long, but it seems to be quite involved. To give you a little background, Friday I received a call from Patty asking if I had been following the newspaper accounts and media accounts of what the Election Office was doing regarding the issuance of absentee ballots. I told her, quite frankly, I had not--

Commissioner Crouch: Excuse me. Clerk Abell is out there, and the Election Board attorney, should we have them come in, since it probably... it seems like that would be the fair thing to do.

Kevin Winternheimer: Sure. Sure.

Commissioner Fanello: If they're still there. Well, let's proceed, she's not coming.

President Mosby: Let's proceed. She's standing there.

Kevin Winternheimer: Well, in any event, as I was saying that I was contacted by Patty in the Commissioners office on Friday and asked if I had been following the media accounts of the actions of the Election Office and Election Board regarding the processing of absentee ballots. I told her that quite frankly I had not been following it that closely, and she e-mailed me some articles, and I've been trying to follow what's been going in the news media. It has raised some questions and

concerns as to how they are handling the processing of the absentee ballots. Just to give you a little background there was a newspaper account, and these are primarily from the websites of the various media organizations. An article by John Martin on October 15th says;

“Abell said she confirmed the inaccurate information by running background checks on people who sent in applications. Abell made a motion that the entire list of people who have applied for absentee ballots be sent to the Prosecutor’s office for review.”

On the Channel 14 website of October 19, 2003, she is quoted as saying;

“We’ve found large blocks of people that registered to vote and requested an absentee the very same day and have never voted before, said Abell. I ran the names, cross referenced it with the court system and found several people, some with active warrants on it.”

In that same article the Police Chief was quoted as saying;

“‘Anyone found violating the law could face legal trouble’, said Evansville Police Chief, David Gullledge. ‘It could be anywhere from misdemeanors to felony. It could also be a federal crime, if it involves the mail.’”

In an Evansville Courier article of October 18th by John Martin, in there it states:

“A few absentee ballots that already have been cast are also in the hands of the police, said Abell.”

Indiana Code 3-11-10-10 provides;

“During the period that absentee ballots are being received, each County Election Board shall keep the ballots in cabinets, boxes, or a room upon which there are two locks, one for each appointed member of the board. If a member cannot be present each day, then that member shall designate someone from the member’s political party to be present with the key to the lock at the time the ballots are secured.”

If the article is accurate, I would question why ballots may be in the hands of the Police Department instead of under secure lock and key as provided by state law. Concerning background checks on absentee ballot applications, Indiana Code 3-11-10-4 provides that;

“Upon receipt of an absentee ballot, the County Election Board, or the Absentee Voter Board in the office of the Circuit Court Clerk shall immediately examine the signature of the voter to determine it’s genuineness. If a member of the Absentee Voter Board questions whether a signature on a ballot, envelope, or transmitted affidavit is genuine, the matter shall be referred to the County Election Board for consideration.”

Indiana Code 3-11-10-5 provides that;

“A County Election Board unanimously finds that a signature on a ballot, envelope or transmitted affidavit is not genuine, the Board shall write upon the ballot, envelope or transmitted affidavit the words “The County Election Board has questioned the genuineness of the signature of this voter.” These ballots shall be delivered to the polls on election day, under section 12 of this chapter with instructions to verify the voters signature under section 12.”

The voters signature, under section 15 of the chapter IC3-11-10-6 provides that;

“If the County Election Board is unable to unanimously determine whether the signature on a ballot, envelope is genuine, the Board shall write upon the ballot the words “Signature disputed”. The Board shall then deliver all disputed ballot envelopes, together with any evidence of a documentary nature presented before the Board, to the proper precinct at the same time that the undisputed ballots are delivered.”

IC3-11-10-7 provides that after receipt of the disputed ballots, under section six of this chapter, a precinct election board determines whether each disputed ballot will be voted or rejected. There are, or I've received reports of, or questions about whether there are being undertaken police investigations of voters without cause to believe that some crime has been committed. My question is under these investigations, and there is rumor that all absentee ballot applications are being questioned, I don't know if that's true. Is there a basis to believe that some crime may have been committed before an investigation has begun? Indiana Code 3-14-3-18 provides that;

“It is a crime to influence a voter by trying to begin a criminal prosecution in order to influence a voter.”

My concern in this regard is three fold. Number one, are the right agencies, ie: the Election Board actually making these decisions? And are the correct and proper procedures being followed in making the decision as to whether a voter should be able to vote or not? Secondly, is doing background checks having a chilling effect on some people voting? Third, are the proper criteria being used to determine a residency? If you may remember, a number of years ago before Evan Bayh ran for Governor there was a question as to his residency. He lived in Washington, D.C. for 16 months, worked there, did everything else, had a home there. That issue went to the State Supreme Court and they said regardless of the fact that he lived in D.C. for 16 months, he was, in fact, a resident of the state of Indiana and could run for Governor. My questions would also be are the records that the Election Office is using from Voter Registration, are they 100% accurate and up-to-date before denying someone to vote. Where someone “lives” may not be the only criteria. It is where they are a resident that truly matters. You may live one place and be a resident of another. As regards to questioning signatures, do they have the necessary training to tell whether a signature is proper or not before disqualifying a voter? If you've ever seen signatures that you may have done from a number of years ago, your signature may be quite different, although that signature is, in fact, yours. It may be different from your signature today. My concern in that regard is as regards older voters. My own father's signature used to be quite distinct. Now it's a C with a line as he's grown quite elderly. I would question whether older voters are, in fact, their signatures are being unduly questioned in that regard. I was made aware of a rumor that a person 40 years old went to the office of, the Election Office to vote, and was told that he could not vote until he produced a birth certificate

showing the correct month and date of his birth, although the record showed that he was born in 1963. Being 40 years old and the criteria is whether you are 18 or not, he was told to get a birth certificate which cost him probably five bucks at the Health Department. So, it cost him five dollars to vote, we do not charge people to vote and should not charge people to vote. Should not make them pay expenses for having to vote. If he was not, if there's not a question as to his age, whether he was at least 18 years old, I would question if this rumor is, in fact, true, why that person was told they had to get their birth certificate at a cost before they could vote. Questioning voters, or not allowing the vote if the middle initial, address or birth date is not 100% accurate, I would question and make sure that we were following proper procedure on that. News 25 reported that the County Clerk, Marsha Abell, says there are about 30 applications for absentee ballots with several mistakes, including a wrong address, misspelled names, incorrect dates of birth. Abell requested a meeting of the EPD and the Prosecutor's office in this regard. Under 42USC1971 the Voting Rights Act states, and I'm going to read this to make sure I get it accurate.

"No person acting under code or law shall a) in determining whether any individual is qualified under state laws or laws to vote in any election apply any standard practice or procedure different from the standard practices and procedures applied under such law or laws to other individuals within the same county, parish or similar political subdivision who have been found by state officials to be qualified to vote. B) you may not deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration or other act requisite to voting if such error or omission is not material in determining whether such an individual is qualified under state law to vote in such election."

Also there was some questions rising about denying people the right to vote absentee if they have moved. Along with that what is the purpose of doing the background checks? Is the Clerk sure that she's using information in her office as County Clerk, is she sure that 100% of that information is accurate? In the Courier website she is quoted as saying that she ran background checks on 30 people and had, and one had 15 warrants on him. I would question what the issue is with regard to the warrants. My understanding of the law regarding criminals voting is that regardless, you may have committed a felony in the past, you are allowed to vote unless you are currently incarcerated for more than 30 days. Whether that person had 15 warrants or not, I would question what validity that had to any kind of determination of whether that person was to be issued an absentee ballot. Again are we sure that Voter Registration records that are being checked are up-to-date and accurate before rejecting applications? Is it possible that when someone shows I.D. as requested and when that's compared to a Voter Registration application that there isn't maybe a typo in one or both of those documents? As regarding whether people moved, if you still live in the city, you may be able to go back to your precinct and vote one last time. As regards to whether or not we are even sending out ballots, Indiana Code 3-11-4-18 provides:

"If a voter satisfies any of the following the County Election Board shall, at the request of the voter, mail the official ballot, postage pre-paid to the voter at the address stated in the application that same day."

The statutes place the election process under the Vanderburgh County Election Board. This Commission does not have any jurisdiction over the election. My questions in this regard is have these changes in practices and policies that we've

seen for this election been, in fact, approved by the Election Board? I don't know. I've talked briefly with Don Vowels about this and it would seem as though most of these practices and policies have not been voted on by the Board. I could be in error on that, and stand to be corrected, but in my conversation with him Friday, it seems as though the only policy that the Board has actually acted on was turning over all applications to the Evansville Police Department. As a way to kind of sum this up, and let me add one more thing, I talked to Ms. Kristi Robertson with the State Election Office, and was told that these practices that she has been reading about in the newspaper, and that I said may be rumor, but may or may not be true, that if true they are, the term she used, "highly unusual". That the way the process usually works is a check is made to make sure that when they receive an application that the voter is in fact a registered voter. Then if there is a problem or there is a question as to whether or not the voter is a qualified voter, a challenge process as provided by state law to challenge that vote. But to do background checks was at the least highly unusual part of this process on people. My concern is that also that we do not want to interfere with any proper investigation of alleged voter fraud. That is entirely a separate matter. What I'm talking about is apparently a process or procedure that has been implemented following those allegations to make sure that process is entirely lawful. That process is unrelated to the issue of finding voter fraud that may or may not be happening out there. My concern is that the Election Office and the Election Board, the agency which is responsible for the election process, is following state and federal law and not denying anyone their right to vote, or inadvertently putting a chilling effect on a person's right to vote. I'm sure everyone here would agree that many Americans have fought and died for this basic, fundamental right to vote. It is most imperative that the law be followed in all respects, and that an attempt to prevent voter fraud that we are not unintentionally discouraging voting in this coming election. With such serious questions being asked or alleged, I believe it to be imperative that the Election Board promptly review the entire process that is going on with applications for absentee ballots. I contacted Ms. Abell on Friday and scheduled a meeting for this morning to meet with her. I received a fax, not a fax, but an e-mail this morning that said she wasn't able to meet with me and directed me to the Board attorney who she said was out of town. I see he's back now. What I'm asking the Commission for tonight is this, is for permission to officially contact the Election Board, all members, ask for an emergency meeting to answer these questions and allegations and others that the public may have in regard to this process, review the process, and make sure the county and the Election Office is in total compliance with federal and state law regarding the issuance of absentee ballots. If they are not and do not, take whatever action may be necessary to obtain compliance with federal and state law. I'm informed that Monday is some sort of deadline as regards these absentee applications, so, as you can see, time is of the essence. I'm not saying that anything here is improper or has not been done according to the law, but there are allegations out there, there are questions and concerns out there that, I think, in this most serious of matters being an election for public office that need to be addressed. Need to be addressed by the Election Board as a whole, have their process reviewed and have these questions answered. That is my request, that you allow me to contact the board, make the request that they meet and review the process to make sure that we are, the county is, in 100% compliance with the law.

Les Shively: Mr. President, can I respond?

President Mosby: Let me take questions from the Commissioners first, and then I'll give you a chance to respond to whatever.

Commissioner Fanello: I would just ask, Kevin, is your concern that the county is being placed in a liability situation where we could get sued if these practices were not lawful? Is that the concern here?

Kevin Winternheimer: Well, it's a matter of prioritization. I guess, number one, my concern with the most important right, that being the right to vote, that we are not unintentionally interfering with someone's right to vote. That we are following the letter of the law. Secondly, there is a concern that we are alienating any group, or inadvertently discouraging any person from a right to vote, that, yes, we could end up in litigation over this. Now, it would be the Election Board that would be sued, but it would be the county and the county taxpayers that would have to defend that and pay any sort of judgement along that line.

President Mosby: Commissioner? Mr. Shively, I'll let you go ahead and speak.

Les Shively: Mr. President, members of the Board of Commissioners, my name is Les Shively. I am the attorney for the County Election Board. First of all, maybe there was a miscommunication, Mr. Winternheimer, but I was informed that you were informed that even though I was out of town today, that I could be reached by phone, that all you had to do was contact my office, and I would be in touch with you. I contacted my office starting at 8:00 this morning through 5:00 today at least a half a dozen times and there was no message from you, Mr. Winternheimer.

Kevin Winternheimer: Can I address that?

Les Shively: Well, let me, I didn't interrupt you, let me finish.

Kevin Winternheimer: Okay.

Les Shively: Okay. Second of all I've known Kevin, Mr. Winternheimer, for a long time, and have immense respect for him, and I would think he has respect for me. He knows that I represent the County Election Board, and if he has any questions about their operation, it should be dealt with in an attorney to attorney stand point. I think that should be exhausted first before we, from Mr. Winternheimer and his own initiative calls for a special meeting. Notwithstanding that fact, let me tell you what happened at the last Election Board meeting. Certain irregularities were brought to the attention of the full Election Board, consisting of a Democratic appointed member, a Republican appointed member, and the County Clerk. After those matters were brought to the full attention of the board, and after several minutes of questions, the board voted unanimously to refer these irregularities to the Evansville Police Department for investigation. Mr. Winternheimer has read to you many, many statutes, many of which I am very familiar with. Let me just say in short, the statutes that govern absentee ballots talk about the jurisdiction of the Election Board with regard to signatures that are in question, signatures that are in doubt. The problem that manifested itself in the information that was presented to the full board has to do with the application, not the ballot. Some serious matters, the potential election laws that may be violated. It's been turned over to the Evansville Police Department, Sergeant Fitzsimmons of the Evansville Police Department heads up that investigation, and I suspect that investigation will proceed in it's natural course, and whatever results will be dictated by the evidence and the work by the Evansville Police Department. As for the matters that Mr. Winternheimer refers to on websites of media sources, I know nothing of those. Certainly more than happy to cooperate with Mr. Winternheimer and his inquiry, and provide as much information as possible. But, I think it's important to keep in mind that when our election laws were

devised, and the County Election Board was created pursuant to those statutes, it specifically set forth the autonomous role of the County Election Board in running and managing and operating elections. If there is a problem, if there is a concern, it should be brought to the Election Board. The Election Board will meet again October 29th. If there is a request by the two party chairs or other interested parties to have an earlier meeting, certainly that can be done by a request to the board chair, the Election Board chair, Mr. Foster, and that can certainly be considered. But I want to reiterate that all that has taken place thus far is the follow through, if you will, by the Evansville Police Department, and by the way, let me also say this, all that was directed to the Evansville Police Department is to give them what the Election Office information they had, the discrepancy data they had, and to decide for themselves, independently, whether to carry the investigation further. The Evansville Police Department has made that decision independent from the Election Board. Present at the Election Board meeting when this decision was made, as well as a representative from the Evansville Police Department being present, were both chairpersons of the respective political parties of this county. The Republican chair was there, the Democratic chair. No one objected to this procedure. What's being done right now is in furtherance and in compliance with the resolution and the action passed unanimously by the Election Board. I'm more than happy to meet with Mr. Winternheimer. I will adjust my schedule, as I was prepared to do today, to meet with Mr. Winternheimer to discuss these matters. But, I would simply say to you all it does not serve the people of this community well if, in fact, there is going to be some sort of edict from this Board telling the County Election Board when to meet, and what to do. I will assure you that even though tomorrow I'm supposed to be at an all day hearing, I will make time, Mr. Winternheimer, to meet with you, at a time that meets with your convenience, to discuss your concerns so that all the appropriate governmental agencies can resolve any concerns there might be, so we can preserve the integrity of these elections. But, if tonight there is some sort of command, or some sort of edict to tell the Election Board what to do, again, that would not be in the best interest of this community. I would certainly hope that the Commissioners would step back and look at the total process. Your concerns can be addressed without throwing out the system that's been set up by our General Assembly.

Kevin Winternheimer: Okay, Mr. President, if I may.

President Mosby: Go ahead.

Kevin Winternheimer: First of all, I have a copy of the e-mail, Les, and it says, from Clerk Abell, and it says;

“He, referring to you, is in Indy today, but will call you from his cell phone.”

I didn't have your cell phone number, but it says that you would call me. Just to clarify that point. But, my question, I guess, my next question is, is there something significant about Monday as far as voter applications for absentee ballots? I've heard that there is, that they're not going to be issued after that date due to the election is the following week.

Les Shively: That very well may be. I don't have my handy dandy little cheat calendar to tell me, but I'm sure we're getting close to the election day.

Kevin Winternheimer: If that's the case, then waiting until the next Election Board meeting would be superfluous if people are applying. Let me ask you this, are people being denied absentee ballots based on a review by persons in the Election Office of things like signatures, birth dates, things like that?

Les Shively: I am not aware of any of that activity.

President Mosby: I would like to bring that up right now.

Les Shively: In fact, if I may, the only one thing that I am aware of is the fact that there is some sort of, I wouldn't say a break down of process, but an added step in the process that I've been made aware of, at least we were all made aware of it at the last Election Board meeting, for some reason absentee ballot applications are going down to the Voter Registration Office, which is an unnecessary step. Then they hang on to them and bring them in large groups. As you know, with our computer system, the Voter Registration records are on the system, and so the application should have been delivered directly to the Election Office to process them from there. However, that's my understanding that they're being carted down to the Registration Office, and they sit there, they do a check, which is not provided for in the system, and is unnecessary, which is slowing down the process. That's the only thing that I'm aware of.

Kevin Winternheimer: Is a background check being done before the ballots are sent out?

Les Shively: I'm not aware of any background checks.

Kevin Winternheimer: See that's my problem. That's why I wanted to meet with the Clerk. Because I don't like, nothing against the media, but I don't like relying on media reports or rumors, and I wanted to see what the process is, because I frankly don't know.

Les Shively: I'm more than happy to arrange a meeting with you and Marsha. I think Marsha would like to have me present. I'm more than happy to do that ASAP. No one is interested in doing anything that discourages people from participating in this very important election. The only thing that I've understood that my client is involved in doing is cooperating with the request for information from Sergeant Fitzsimmons and his team. I'm not aware of any of these other matters, and if there is some concerns that you have, let's get together quickly, let's get together with the Clerk and let's get these straightened out so the public is—

Kevin Winternheimer: If I might again, if a person is, if you have received, whether by mail, or via the Voters Registration office or anything, a request for an absentee ballot, is that being sent out the same day? I don't understand why there is this necessity for a background check, or some kind of other check before that ballot is being sent out.

Les Shively: I'm not aware that that is being done, Mr. Winternheimer. As I said, I think, if you have these concerns, then let's meet ASAP, let's bring the Clerk in. We can have the meeting wherever you would like to have it, possibly the Election Office where you can be there and see the process and witness it yourself, and we can certainly allay any concerns, alleviate any concerns that you have. I would suggest that be done sooner rather than later.

President Mosby: Kevin, I'm going to give you a scenario, and I run across this late this afternoon, so I've not had a chance to verify with the participant. I have an uncle who was called, I'm going to say late last week and was told that his birth date was wrong on his application for an absentee ballot. He was called by the Election Office to tell him that he would not be sent a ballot because his birth date was wrong. He asked them what was wrong with the birth date and they said we can't tell you. He said well if it's the birth date I put on there, it's the same birth date I've used for 70 years, because he said I'm 70 years old. So, in the meantime, they told him that he had to correct this problem. That he had to go back to the Registration office, correct this, and send it back to the Election Office. Which he did call the Registration office, verified that he did have the correct birth date on the application, and it went back up. But, he was told he would not be sent a ballot until he came down and corrected this. This gentleman is 70 years old. Somebody 70 years old could have said forget it, and probably would not have voted. Now, I have not talked to my uncle particular, I will in the morning, because he has asked for me to call him, but this came through my cousin. They were very disturbed about it. To think that his birth date was wrong. It was not wrong. He's been voting for 50 years.

Les Shively: Obviously, I don't know anything about that, but I think—

President Mosby: Well, that's what's going on.

Les Shively: Well, with all due respect, Mr. Mosby, that's what you are hearing is going on. All I know is what happened at the Election Board meeting on last Tuesday, I believe it was. All I know is that Mr. Winternheimer wanted to see the County Clerk regarding Election Board practices or something of that nature. I was informed of this late Saturday. I had already had to be in Indianapolis for Board of Law Examiners. Again, I'm making myself available, and making the Clerk available ASAP to get this straightened out, because we certainly want to get to the bottom of this. Again, the way the office operates, should be the way it's always operated. The fact that there is a police investigation going on at the same time should not interfere with the voters process. If there's a problem here, or there's a miscommunication, I want to help facilitate to get that taken care of.

Commissioner Crouch: I think we would all agree that fair and impartial elections are a fundamental right of our system of government. We all want to take whatever steps necessary to ensure that that happens. I also think that the Election Board's attorney's request is not unreasonable, and I would like to move that the Election Board attorney set up a meeting with the County Attorney and County Clerk at least to explore some of the County Attorney's concerns.

Commissioner Fanello: I'll second that motion.

President Mosby: There's a motion and a second. So ordered. I would have preferred there be an Election Board meeting, but—

Kevin Winternheimer: Well, I was going to say that is a separate consideration, if you want a motion on that. If, in fact, there still are some questions or concerns after I meet with the Election Board attorney and the County Clerk, I would like the authority to proceed with whatever is reasonably necessary to correct any problems with the process. I again want to emphasize this has nothing to do with voter fraud. If somebody is committing an illegal act in the act of voting, everybody in this room agrees that ought to be investigated, and that is a terrible situation. However, I want to make sure that our, our being the county's, reaction to what may be out there isn't

depriving anyone of their legitimate right to vote, or in some manner discouraging them by some practice such as you relayed, Mr. President, from undertaking their fundamental right to vote. If it be your desire, I would request a second motion along that regard.

Commissioner Fanello: I will make a motion to that effect, based on the fact that, let me say it this way first, I have no desire to deliver any edicts to the Election Board or tell the Election Board what to do, but I do have a concern for the taxpayers of Vanderburgh County, and I'm elected to represent everyone in Vanderburgh County. I do not want to see any liability situations come out of this, so I would like for the attorney to take whatever steps necessary to correct whatever measures, along with, in cooperation with the Election Board attorney and the Election Board. From the perspective that we are all here to protect the county's interest and the taxpayers interest.

Commissioner Crouch: I'm not going to second that motion. I think that to do that before the County Attorney meets with the Election Board attorney really is—

Commissioner Fanello: Well, we don't have time to come back and issue another motion.

Commissioner Crouch: We certainly could have an emergency meeting. We've done that before.

Commissioner Fanello: If you're willing to do that, I'm most certainly willing to come in any time this week and have one.

Les Shively: May I suggest to you this again, I don't want....I appreciate your concern, Commissioner Fanello, for the taxpayers, there are a lot of issues that I've been involved with this Commission group before that I've brought to your attention taxpayers concerns and I don't want to go back through that litany, but let me just suggest this to you, that we're walking a very fine line here, and it's not....sometimes you can have self-fulfilling prophecies. I think if we take this one step at a time, let's see what we can get accomplished tomorrow. I would be very surprised if we can't resolve this tomorrow. Because if all of a sudden we see a situation where the Commissioners are requesting very strenuously a special meeting, and, of course, we already have all the media attention here this evening as it is, you may have a self-fulfilling prophecy in claims and lawsuits that have no merit that you're going to have to defend for the sake of defending them. I think that we really need to exhaust this opportunity tomorrow to work this out. I think that will be in the best interest of the taxpayers in the long run.

Commissioner Fanello: And I would just—

President Mosby: If I understand your motion right, it's to have the meeting with Mr. Shively and the Clerk—

Commissioner Fanello: Exactly.

President Mosby: —first, and if that does not come to a conclusion, then to have the meeting with the Election Board.

Commissioner Fanello: Right, I mean, I would hope that you wouldn't get to that point. I agree with you, we are walking a very fine line. So, I would hope we

wouldn't get to that point, but if you basically heard what I said, I do want you two to meet first, work this out, but I would like to have the County Attorney have the option of moving forward with whatever direction he feels is necessary to protect the interests of this county.

President Mosby: I will second your motion. So ordered. First being that you would meet with the Clerk and Mr. Shively, and then secondly, if it came to the fact that we had to go to the Election Board, that we would go to the Election Board.

Kevin Winternheimer: If I may, while you're here, when do you want to meet? Anytime after 8:00.

Les Shively: Here's, I'm going to have to go talk to Marsha, but here's the only time I can meet, if this will work out with you, if we can do it during the lunch hour.

Kevin Winternheimer: Anytime, anywhere. We can meet at Marsha's office is fine with me too.

Les Shively: Okay, we may have to work out the logistics. I'm going to be in a hearing in Warrick County. I'm going to break, I've got another attorney that I'm sort of second chair on this. I'm going to try to break away and get it done over the noon hour with you, if I can.

Kevin Winternheimer: That's fine, at Marsha's office. If there's a change, somebody let me know.

Les Shively: I will. I will.

President Mosby: Are there any other questions?

Les Shively: It's going to be a long day tomorrow.

President Mosby: There being no other questions, is that all you had on your report?

Kevin Winternheimer: That's it, but I just want to remind everybody that while Mr. Shively is present, that you know people have requested absentee ballots because they are unavailable, essentially, on election day. I do not want to have to answer to the voter who said I didn't get my ballot. I didn't get a chance to vote, because of some procedural, minor problem that may be out there, or minor irregularity that as was spoken to in the federal statute. If they're going to be out of town, they may be out of town very soon, and they may not be back until everything is over. So, that's why my urgency is out there. We need to get these ballots to people who are registered to vote, have them come in, and then if there's a problem, there is a disqualification process, a challenge process can be undertaken. But, if the person is gone and out of town, I don't know what you do for them.

President Mosby: Thank you. Any other questions?

Les Shively: Thank you.

President Mosby: Thank you.

Les Shively: See you tomorrow.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to add a consent item. The Sheriff has some computers that need to be surplused. These computers are not useable and this Saturday they are having a computer day over in the back 40, and I wanted to put this in tonight's meeting so that I could take those over there to get rid of them, so I don't have to hang on to them.

Commissioner Fanello: Motion to add to consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Other than that I don't have anything.

President Mosby: Okay.

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Yes, Gary Hohman, Burdette Park. You have been supplied, in your packet, the recommendations provided to you by the Burdette Park Advisory Board recommending the rental rates for the year 2005 and 2006. The reason we are needing those, as you recollect, this building is being rented two years in advance. We cannot enter a reservation until the rental rates have been set. The rental rates that they propose to you is a 15% increase over the rates that we've been operating on for 2003 and 2004.

Commissioner Fanello: I'm going to request from the Board if we could hold this for one week. I would like to do a little bit more analysis on this. I'm not sure that I agree with a 15% increase. I would like to hold for one week, if that pleases the Board.

Commissioner Crouch: Is that a motion?

Commissioner Fanello: Motion.

Commissioner Crouch: Second.

President Mosby: So ordered. Hold for one week.

Gary Hohman: Other than our work report that's all we have tonight, sir.

President Mosby: Any questions? Thank you, Gary.

Gary Hohman: Thank you.

Soil and Water Conservation District

President Mosby: Soil and Water.

Norma Duckworth: Norma Duckworth, from Soil and Water. I just have a couple of things. One thing is we're still doing Rule Five inspections, and those are going pretty well. We have added, when we sent out the site evaluations, we've added a cover letter, and informational packet on some of the more common practices, and how they are put in and where they are appropriate. It was voiced to us by several people that this might be a help, and it also explains more about what the site evaluation actually means. So, that is something we have added to that. What you have there is some before pictures and on-going pictures of the stabilization of the banks at Howell Wetlands. That project was completed a couple of days ago, so I hope to be bringing you some completed pictures soon. It should make quite a difference in the amount of soil leaving the property. The second set of pictures, well, I think there is just one sheet there, is the beginning of the stabilization of a pasture area that was losing a tremendous amount of soil from the zoo. They have also completed that project. I'm wanting to get out there and get some pictures of that. It's going to make quite a difference, and it will hold the soil, also keep a lot of the nutrients, let them break down before they are leaving the site, and then they go into a small wetland before they are actually leaving the property. Those were both projects were done with us and with Clean Water Indiana money. So, hopefully, next month I'll have you completed pictures of that. In all of those projects we got a lot of cooperation from a lot of people, so it was a good community project. I also included, I know you get it, but the, I know you get lots of things, so our newsletter, and one of the things that I wanted to point out was that the Scott Township Park, we have been brought in to work with them. It's a 38 and a half acre park, and we're advising them on soil issues and timber, or bringing in personnel that can, if we don't have that capability, and vegetative cover. Also working with them on their erosion control practices of putting in the roads and starting the building and that kind of thing. So, that's some of our projects that are going on right now that I wanted to bring to your attention. You have our reports, do you have any questions?

President Mosby: Any questions? Thank you very much.

Norma Duckworth: Thank you.

Ozone Officer Report

President Mosby: Ozone. I don't see anybody.

Commissioner Fanello: I make a motion to accept the Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

President Mosby: Consent items, with the amendment.

Commissioner Fanello: Commissioner Mosby, I have one more amendment to the consent items. I received in the mail today the performance and payment bond for Williams Brothers Construction, Inc. The Auditor will file this in their records, so I just wanted to make that part of the record and the consent items.

President Mosby: Okay.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add to consent items. So ordered.

Commissioner Fanello: I would make a motion to approve all the consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.¹

**VANDERBURGH COUNTY
REZONING BOARD
OCTOBER 20, 2003**

The Vanderburgh County Rezoning Board met in session this 20th day of October, 2003 in Room 307 of the Civic Center Complex with President David Mosby presiding. The rezoning petitions were heard during the regular Commission meeting, and began at 6:42 p.m.

President Mosby: That will bring us to rezonings.

**First Readings: VC-17-2003
Petitioner: Peter M. McCullough
Address: 2751 Allens Lane
Request: Change from Ag to R-3**

¹Consent items listed on page 25.

President Mosby: We have one first reading. First reading of rezonings, VC-17-2003, petitioner, Peter M. McCullough, address 1314 Tupman Road, request change from Agricultural to R-3.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to adopt and move to final reading. So ordered. Or Area Plan and final reading. That is all of the rezonings.

Unidentified: Oh, man.

President Mosby: That's it, no final readings.

Unidentified: Are you ready for some football?

President Mosby: Monday Night Football. Do I have a motion to adjourn?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

(The meeting was adjourned at 6:44 p.m.)

CONSENT ITEMS:

Jail Expenses:

James L. Shireman \$55,000
Evansville Water & Sewer Utility \$18,113.46

Travel Requests:

| | | |
|-------------------|--------------------|---------------|
| Health Department | Supt. of Buildings | Commissioners |
| County Assessor | | |

Employment Changes:

| | | |
|-----------------|-----------------|---------------|
| Circuit Court | Co-Op Extension | Coroner |
| Knight Assessor | County Clerk | Burdette Park |
| Prosecutor | | |

Commissioners:

Escrow Agreement for Williams Brothers Construction (Jail Project)
Performance and Payment Bonds for Williams Brothers Construction.

County Treasurer:

Submit Monthly Report for September 2003.

Weights and Measures:

Addendum #11 to Lease Agreement with Executive Inn.

Sheriff:

Submit Surplus Letter for Computers.

Submit Weekly Jail and Community Corrections Reports.

Those in Attendance:

| | | |
|------------------|---------------------|---------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Judy Weatherholt |
| John Stoll | Dennis Hudnall | Les Shively |
| Gary Hohman | Norma Duckworth | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPACE ALLOCATION MEETING
OCTOBER 20, 2003**

The Vanderburgh County Board of Commissioners met in special session this 20th day of October, 2003 at 5:05 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

President Mosby: Call to order Vanderburgh County Board of Commissioners space allocation meeting for October 20, 2003. I'm not sure what's on the agenda.

Commissioner Fanello: Mr. Rector is going to update us.

President Mosby: Well, I figured that much.

David Rector: A couple of things, just an update from your request from our last meeting. I did talk with 5/3, Old National and Integra and have some possibilities for some short term bond anticipations loans, whatever we want to call it, from 5/3 and Old National. Integra, I don't believe understood what we were trying to accomplish or hadn't done that before. Both 5/3 and Old National said they were more than willing to work with us, and gave us pretty comparable rates that I can give you copies of. Then also I talked with Steve Meno at 5/3, and he gave us some information about bond anticipation notes from the Indiana Bond Bank and what a 13 ½ or a ten million dollar bond might mean in today's market if they were sold. I think I owed you that information, and then, of course, as you are all aware, based on Council approval here, the next two meetings with the \$90,000 from the CCD we'll be able to keep design going and have that completed, hopefully by the end of the year when the Health Department moves out. I know that Floyd Edwards in Human Relations has identified a couple of places, and it appears funding may not be quite the same problem with him, and he should be out by the end of the year also. So, that space should be available to start construction for the new court space as soon as everybody is out of there. Judges, if you've got anything else. I know that some of you were aware of this, and some of you weren't. I'd caught some of you, and some I didn't. So, I don't know if—

Carl Heldt: Aware of the meeting?

David Rector: Of the money for the design. Okay, I couldn't remember who I had talked to and who I hadn't yet. So, I don't know if they have something to add, but I think that's all you had asked of me at the last meeting.

Commissioner Crouch: Mr. Rector, do you have the information from 5/3 and Integra?

David Rector: Yes, I've got all of that. I've got the information from Steve Meno, and the, I don't want to call it quotation, I guess proposals from 5/3 and Old National. I guess, the big decision is now, is how and when do we approach Council for the complete funding for whatever phases of this project you want to do? Do we want to go for just the approximately two million for the Health Department and juvenile court space renovation? Do you want to go priority wise for a large chunks of it for the full renovation when the old jail moves, or for the whole complete project? I think the most important, obviously, is that we need to find that two million dollars to keep the project moving forward downstairs.

Commissioner Fanello: What's the \$90,000 covering? That's covering design?

David Rector: That will be complete design and bid specifications for the Health Department area, Human Relations area, existing juvenile court, probate area, and Judge Heldt's office upstairs.

Commissioner Fanello: Okay. Okay. Well, I think we need to look as soon as possible at the old jail. I've requested a meeting with Councilman Winnecke and Councilman Raben regarding operations and staffing of the new jail. So, I mean, I think it would be appropriate to bring up renovations for the old jail at that time too, but I think that needs to be our second priority after the courts and the Health Department.

David Rector: Yeah, and I think your decision is do you try to fund it in sections, phases, whatever you want to call it, or do you want to try to fund the whole project?

Commissioner Fanello: I think, personally, I think that decision is up to the Council.

President Mosby: I agree, I mean, it's up to the Council and what they can afford, but I would also like to see what it's going to cost us if we do it in phases as opposed to outright one time. I mean, are we going to be paying double the cost?

David Rector: I would assume, it's obviously going to cost more, because at whatever point we sell bonds, I don't think we're probably going to see bond markets like this, or we hope we don't again any time soon. Then bid packages and construction would be more. Labor contracts come about in April each year, those would be more. So, the more you delay this, the more it's going to cost over time. I understand the funding situation, and you just may not be able to afford it.

Commissioner Fanello: I think it would be helpful though, as Commissioner Mosby said, though, I think it would be helpful to show that analysis to the Council, you know, dividing it up into sections versus doing it all at one time. Because, I mean, good business practice is you do as much as possible when the market is good.

David Rector: Okay, I could probably break it down, maybe by areas, by floor.

Commissioner Fanello: Somehow showing them if we did section, or, you know, if we incurred this much cost—

David Rector: Sure.

Commissioner Fanello: —I don't know if maybe somebody in the finance industry could make some projections about the bond market. That's kind of hard to do, but some kind of analysis showing how the cost will be different doing it in phases versus doing it all in a big chunk.

David Rector: Okay. The most immediate, obviously, will be...we'll have the design done, and the space will be empty, and we're just sitting waiting on money then to start the Health Department renovation.

President Mosby: That's definitely the most important.

David Rector: Yes.

President Mosby: I would agree with that.

Carl Heldt: May I say something?

President Mosby: Sure.

Carl Heldt: I would hope that you would go ahead with the Health Department and the court over there for the reasons not only have we got the plans ready to go, we're ready to go, and there would be empty space, and I hope that we don't have to wait until the jail is empty before, because that's a two or three year deal down the road.

President Mosby: That's not my thought at all.

Commissioner Fanello: That's not our thought.

President Mosby: Once that space is empty, I think we've got to utilize it. So, I mean, it's my thought that when that empties out at the first of the year, we have to have a plan to be ready to go.

Carl Heldt: Okay. Thanks.

Commissioner Fanello: But, I think we need to be thinking about, in relation to the total cost—

David Rector: And I think your indication and desire to move forward with the design tells the judges that you want the project to keep moving.

President Mosby: Right.

David Rector: I'll get you copies of the information from the banks and Steve Meno, tomorrow morning?

Commissioner Fanello: That's fine.

President Mosby: That's fine.

Madelyn Grayson: Dave, can I have one for the record also?

David Rector: Sure.

Commissioner Fanello: So, I guess, the question is though, how long is the design going to take? I'm sorry, did you say?

David Rector: Assuming we get Council approval from that, the first of November we'll start immediately. I would hope soon after the first of the year, very soon. I'll push them. It's ready to go to bed as soon as that space is vacant.

Commissioner Fanello: I'm just thinking of the timing of the appropriation to actually move on the work. Don't we need an appropriation for the...as soon as possible?

David Rector: I'll have it designed and bid before they probably get through the appropriation for the money to do it.

Commissioner Fanello: Right. I mean, I think we need to make a decision on when we're going to turn in that appropriation to the Council.

Commissioner Crouch: Did you say, I'm sorry, Mr. Rector, how long it will take approximately for that design work to be completed?

David Rector: I've been saying all along I thought about three months. So, I'll try to push them now, three months would be November, December, the end of January. With that being vacated, according to what happens to the appropriation, I'll try to push that along and have it done very soon after the first of the year.

Commissioner Crouch: Perhaps if you could forward—

David Rector: And what I could...excuse me, Suzanne, what I'll do is I'll prioritize it, we'll try to move this along first, because that's the first phase of construction. We'll follow up then on that design, and maybe be able to do it by phases.

Commissioner Crouch: If you could forward the information you're going to share with us to Council, that might at least get them—

David Rector: Okay.

Commissioner Crouch: —prepared and thinking about what's coming next.

David Rector: Sure. Would be happy to.

President Mosby: Any other comments?

Commissioner Fanello: No, but you have a couple of people in the audience.

President Mosby: Is there somebody else that wants to speak?

Richard Cannon: I'm Richard Cannon, Vice President of Hillyard Lyons here in Evansville. I want to introduce, take a minute just to introduce our company to you guys, to the Council, to the Commissioner, Commissioners. Hillyard Lyons is the largest retail outlet in Indiana, and the largest in Evansville as well. This is David Wimmer, our investment banker from Indianapolis. We are owned by PNC Bank, and the local office of Hillyard Lyons is the largest producing office in the entire organization. What that means to you is that we can get bonds in local hands, people love to buy local, whether it's Deaconess Hospital or Vectren or Old National or whatever, people really enjoy being able to buy local issues. Plus we have the retail outlet to sell the bonds, and so it's going to be cheaper and lower interest rate for you rather than sell them all to an institution, because they demand a higher interest rate. So, I'm going to introduce David Wimmer from Indianapolis, our banking investment manager.

David Wimmer: Thank you, Richard. Certainly we've seen over the last few months the Commissioners doing a couple of major financings which we've not had a chance to be part of, so, certainly I apologize for not being here sooner. Just to let you know that we would love to be part of a transaction as you move forward when it comes to issuing debt. If you turn to page ten, you have a snapshot of what Hillyard Lyons is all about. We have 16 offices in the state of Indiana, with our biggest office here in Evansville, Indiana. As Richard had said, the more bonds that

you can put in your local market, and in the state of Indiana, the lower the interest rates will be for you. We recently completed the financing for the Evansville School Corporation of \$50 million. I've done school transactions for Warrick schools. I recently did a German Township refunding for the water utility, so we've had some major financings down in this market place recently, and it sounds like you're moving forward with another one. We also do bond anticipation notes. We're in the competitive market all the time. So, all we seek is your consideration, if and when the time presents itself, just as another opportunity for you to go out and solicit a bid. We do financings across the state, and section C is a list of financings we have done this year, just to give you a flavor for all the markets that we have touched. So, if and when the time presents itself that you want to seek a second bid from a local firm, we would be more than happy to respond to it.

Commissioner Crouch: Is it possible for you to get with Mr. Rector and give him kind of a quote—

David Wimmer: Sure.

Commissioner Crouch: —along with the other three banks?

David Wimmer: If I can get some information with regards to what you're looking at. Because that's what we do for a living, and we are the largest firm in the state. We have the most offices, and we have the biggest brokerage distribution outlet. When you have 130 folks picking up the phone to market your bonds, you know, that's twice the size of the next competitor. The more that you can park here in Indiana, the lower the interest rates. That's demonstrated in appendix A where we've compared recent financings that we have done to other Indiana firms, and you get a flavor for how we've been able to derive a lower yield, which ultimately saves the taxpayers money. So, thank you.

Commissioner Fanello: Thank you.

President Mosby: Is there any questions? Thank you.

David Rector: Maybe what we can do is if they do loans, short term loans like that too, see what their bids may be. What we had done before with the other was use Building Authority Depreciation Reserves as collateral for this, for the loan. Then, and you'll see it when you get the presentation, a percentage off of that, and they were still paying us for it. I guess, at some point, then we'll need to decide are we going to do this using the Building Authority money as collateral, or somehow the Council, Commissioners saying taxpayer increment is going to be the collateral for it, but, obviously, banks are going to want something to say they are going to get it back. So, there's a lot of decisions yet to be made on how we move forward once you decide to move forward.

President Mosby: Any questions? Anybody else that would like to speak? Seeing none. If there is no further business we will adjourn the October 20th space allocation meeting.

(Meeting adjourned at 5:20 p.m.)

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 27, 2003**

The Vanderburgh County Board of Commissioners met in session this 27th day of October, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, October 27, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of October 20, 2003 Space Allocation Minutes

President Mosby: Thank you. Do I have a motion to approve the October 20th space allocation minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of October 20, 2003 Commission & Rezoning Minutes

President Mosby: And approval of the October 20th Commissioner meeting minutes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Permission to Advertise APA005-2004: Surfacing Materials

President Mosby: Bid advertisements and openings, Phil Lawrence, permission to advertise APA005-2004, surfacing materials.

Linda Nalley: I'm not Phil.

President Mosby: I don't think so.

Linda Nalley: I would like to have permission to advertise the surfacing materials. The advertising dates would be October 31, 2003 and also November 7, 2003. The opening date would be November 17, 2003. The bid number is APA005-2004.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for permission to advertise. So ordered. Thank you.

Linda Nalley: Thank you.

First Reading of Ordinance Regarding Personnel Policy

President Mosby: Next we have first reading of ordinance regarding the personnel policy. Is there any discussion on that? Any questions?

Commissioner Fanello: So moved for first reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second on first reading. So ordered.

Permission to Advertise RFQ for Architectural Services: Old Courthouse

President Mosby: Next we have architectural services, RFQ for the Old Courthouse. Is there any discussion or any questions?

Commissioner Fanello: I would make a motion that we advertise the RFQ for architectural services for the Old Courthouse. I have a copy of the advertisement for Madelyn. You have one? Okay.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise for architectural services for improvements to the Old Courthouse. So ordered.

**Permission to Advertise RFQ for Guaranteed Energy Savings Contract:
Old Courthouse**

President Mosby: Next we have an RFQ for an energy savings contract for the Old Courthouse. Is there any questions on that one?

Commissioner Fanello: I would make a motion that we advertise the request for statement of qualifications for the energy savings contract for the Old Courthouse.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Election Equipment Contract

President Mosby: Next we have Commission contracts, election equipment. Everybody should have a copy of that one in their packet. Is there any questions, or any comments to be made on that one?

Commissioner Fanello: Commissioner Mosby, I have some comments, if that's okay with you.

President Mosby: Sure.

Commissioner Fanello: I have been working with Rob McGinnis since, well for the past week, and since Friday I think we've got a good contract here. What we're doing in this contract is purchasing the equipment and the county will be securing financing for the lease payments from a third party. I do have copies of quotes that we've gotten from two entities so far. We will work on getting another quote this week, so that we can try to get a financing arrangement by our next meeting. Just a little bit of information so the board knows, I did speak with Councilman Winnecke and Councilman Raben on Friday, and spoke with Councilman Winnecke again today regarding how much we are going to be receiving from the state. Councilman Winnecke also spoke with the Election Division, as did our office. Just so that everyone is aware, the maximum we are going to receive right now is probably \$1,128,000 after it's all said and done, unless other monies become available in the future. So, that leaves the county with an obligation on this equipment of about \$1,576,000. Councilman Winnecke and I discussed that, and they realize that the county will have to come up with that money later, probably around the year 2005, 2006. So, they are aware of that situation, and they are okay with it.

Commissioner Crouch: If we would get that second batch of money, then that number would go down.

Commissioner Fanello: Right. That number would go down, but all we are guaranteed at this point is up to a maximum of \$8,000 per precinct. Which comes out to the \$1,128,000. That's based on, I think we have 141 precincts, so.

President Mosby: How many?

Commissioner Fanello: It's 141.

President Mosby: 138, I thought. 96 in the city, and 138 in the county?

Marsha Abell: 139.

Commissioner Fanello: 139? Okay.

President Mosby: 139?

Commissioner Fanello: Okay, well, we're two off. So, there's a \$16,000 difference there.

President Mosby: Okay. Is there any questions on this? Or any comments?

Commissioner Fanello: And, oh, I'm sorry, the contract also, Kevin did ask ES&S to add a non-appropriation clause in there. So, we are protected for that. The contract is contingent upon us securing that third party financing. So, I would make a motion that we approve the election equipment contract.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Fanello: So, I guess, I would ask who is going to be responsible for getting the application up by the 31st? Will that be the County Clerk's office?

Marsha Abell: (Inaudible. Not at microphone.)

President Mosby: That's fine with me.

Commissioner Fanello: I didn't know who was going to take....if our office was going to take care of the application, or if the County Clerk's office was going to take care of that. Just want to make sure we know by tomorrow morning.

Marsha Abell: You have to get it to me. I can't sign your names. I can't forge your signatures.

President Mosby: We'll have it tonight. We'll sign it for you.

Commissioner Fanello: The contract will be signed tonight.

President Mosby: Yes.

Commissioner Fanello: We just need to know who's going to fill out the application.

Marsha Abell: (Inaudible. Not at microphone.)

President Mosby: Okay. No problem.

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| Public Comment |
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President Mosby: Is there any public comment? Seeing none.

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| Old Business |
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President Mosby: Is there any old business?

Commissioner Crouch: Just one brief item. The placement criteria committee, which you two Commissioners also attended the initial meeting, our next meeting is November 7th from 10:00 to 12:00 in room 303. It's my understanding that we're supposed to draft something up that we can come back to the placement criteria committee. Do you all have any thoughts, or I know that, Commissioner Fanello, you've expressed concern about the discretionary clause in the current wording, and I didn't know if you all had anything else that you wanted to have looked at.

Commissioner Fanello: Other than what I discussed that day, I think those were my main points. I can certainly put those in some type of format for the meeting if we need to.

Commissioner Crouch: Okay. That would be helpful.

Commissioner Fanello: Okay.

Commissioner Crouch: Alright. Then if you all think of anything in the meantime.

Commissioner Fanello: I can forward those to—

President Mosby: Okay.

Commissioner Fanello: So, do we all need to be at the meeting? Or is that just going to be the advisory board members?

Commissioner Crouch: Well, I'm not sure. Let me check on that.

Commissioner Fanello: Okay.

Commissioner Crouch: I know that I was noticed, but I thought all three Commissioners were supposed to be there.

Commissioner Fanello: I knew about the meeting, but I didn't know if that was just going to be advisory board members. If you're just going to attend the meeting, I'll make sure I get my comments to you.

Commissioner Crouch: I'll check and let you all know.

President Mosby: Let me know.

Commissioner Crouch: Sure. Thanks.

President Mosby: Thank you. Any other old business?

Commissioner Fanello: Commissioner, just a point of reminder, since we don't have a meeting next week, but the jail ground breaking will be, obviously, on the 10th at 2:00, so, for anybody who wants to attend.

President Mosby: November 10th at 2:00. Any other old business? Seeing none.

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| New Business |
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President Mosby: New business? Any new business? Department head reports.

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| County Engineer |
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President Mosby: County Engineer, John Stoll.

John Stoll: The first item I have is a recommendation to award contract number VC03-10-01, Old State Bridge number 1582 to CCC of Evansville for the amount of \$72,829.03. That amount is different than what was read into the record last week. There were some math errors on their forms, and we have since corrected those. They did not affect who the low bidder was. So, on that basis, I would request that this be awarded to CCC of Evansville.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have street acceptance requests, the first is for Section Four of Stonecreek Subdivision. This is for 406 linear feet of Clippinger Road. It's requested that this be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other request is for Stonecreek Planned Unit Development, Section One, Phase One. This is 467' of Galleon Drive. It's also requested that this be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I need to request approval to sign off on all the Rule 13 notice of intent paperwork for Vanderburgh County. Originally it was thought that the highest elected official for a municipality would be the one signing off as the storm sewer system operator, but based on IDEM's current interpretation, they want the engineers or whoever is supposed to be responsible for the enforcement of the program to sign off on the paperwork. So, on that basis, I'm requesting your approval for me to sign off on the notice of intent letter, the storm water quality management plan, and to submit the draft budget for the implementation of the storm water plan. For your information, the budget amount ranges from \$250,000 in 2004, to \$345,000 in 2008. So, there will be a substantial cost to the county for this program that IDEM has developed. But, in a nutshell, I guess I need your approval to sign off on this, and submit it. Our deadline is a week from tomorrow.

Commissioner Fanello: I'll make a motion that we let the County Engineer sign off on the documents for the unfunded mandate.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I'll sign it and get you a copy for the record, Madelyn. The last item I've got is just to let you know that we are requesting quotes on another project. This is for the removal of a culvert out on Fischer Road north of Boonville-New Harmony. It's an old structure that's no longer in use. It's from 1929, and we just want to get it out of there before we have a problem with it. So, we'll have those quotes submitted at the November 10th meeting. That's all I've got.

President Mosby: Any questions for John? Thank you, John.

John Stoll: Thanks.

President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. First of all, last week I requested permission to close the road on Mill Road to repair the railroad tracks, and since that meeting Pioneer Rail Corp has delayed it until the 3rd. So, we're going to resubmit, we canceled the road closings for the 27th, we're going to resubmit them Wednesday and Friday for the 3rd. So, hopefully, by the end of next week we'll have them completed. That's all I have except if you have any questions on my report.

President Mosby: Any questions for Dennis? Thank you, Dennis.

Dennis Hudnall: Have a good night.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, I just have three quick matters tonight. The first is to request, if you can, to schedule an Executive Session for our next meeting which is November 10th, I believe, at 5:00. The purpose is to discuss one of our condemnation suits and see if we can get it settled. If that's okay. The second item...check your schedules.

Tammy McKinney: That will be Solid Waste.

Commissioner Fanello: Yeah, we have Solid Waste at 4:30.

Kevin Winternheimer: Oh, you do?

President Mosby: I was going to say that second Tuesday will be Solid Waste.

Kevin Winternheimer: I don't need that much time, what time does your meeting start? Give me 15 minutes before.

Commissioner Fanello: It starts at 4:30.

Kevin Winternheimer: Oh, it starts at 4:30? How about, can you be here at 4:15?

President Mosby: A lot of times we can be out of Solid Waste by 5:00, 5:15. We might have 15 minutes.

Kevin Winternheimer: Let's do it at 5:15. Does that sound good?

President Mosby: Uh-huh.

Kevin Winternheimer: We'll send out notices on that then, 5:15 on the 10th. Okay. The second is to request that you put the handbook ordinance on for second reading that same night, on the 10th. Last, about a minute before the meeting started I was handed a letter of promulgation from the Evansville-Vanderburgh County Emergency Management Agency, I guess is where it came from, from Sherman Greer. This is a letter acknowledging that you have passed and approved your emergency/disaster plan for the county. I am informed that that is the case, and this is a letter

recognizing that. Other than that, I know nothing else about this, but I see nothing wrong with it, and would request that you approve this letter of promulgation from the Emergency Management Agency.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Crouch: Mr. Winternheimer?

Kevin Winternheimer: Yes.

Commissioner Crouch: I received a notice, I don't know if the other Commissioners did of a notification of a tort claim by a David Dimmett, was that—

Kevin Winternheimer: Yes, I received that.

Commissioner Crouch: So, I don't need to do anything?

Kevin Winternheimer: No. No, I have plenty of copies of that, and we are processing and handling that as we usually do.

Commissioner Crouch: Okay, thank you.

Kevin Winternheimer: Okay, no problem. That's all I have, thank you.

President Mosby: Is there any questions for the County Attorney? Seeing none. Thank you.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I need to add a late travel request to the agenda. It's for the County Assessor to travel tomorrow and Wednesday to Indianapolis. This is coming out of her budget, so I expect this to be approved.

Commissioner Fanello: Motion to add to consent items.

President Mosby: I just need a second.

Commissioner Crouch: I'm sorry.

Tammy McKinney: To add a late travel request.

Commissioner Crouch: I thought you meant second, like a minute or something.

President Mosby: No, no.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Tammy McKinney: Then I have my reports. I didn't know if you had any questions about the change orders for the bathrooms at the Old Courthouse.

President Mosby: Oh, I don't. Any questions?

Tammy McKinney: Okay, that's all I have.

Commissioner Fanello: Do I need to make a motion to approve the change orders?

Kevin Winternheimer: If you haven't done it before, yes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered. Any other questions? Any other comments? Seeing none.

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| Burdette Park |
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President Mosby: Burdette Park, Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing I've got on here is if you had had time to evaluate the recommendations by the advisory board on the rates for the Discovery Lodge in the year 2005 and 2006?

Commissioner Fanello: Yes.

President Mosby: Are there any comments on that?

Commissioner Fanello: I would say that we lower that to a 3% to 5% increase. I don't know that I agree with a 15%, that seems a little steep. I don't know what the rest of the board—

President Mosby: Do you have any—

Commissioner Crouch: Did they do some investigation on what comparable...I know that is a very unique building, and there probably aren't comparable ones in Evansville, but how did they arrive at, you know, the increase and how does that compare to?

Steve Craig: When we originally set the rates for it we had got a bunch of information from numerous buildings around the tri-state that were comparable in size, but none of them were as new a building as that. At that time, that was the rate that they had came up with that they thought was a fair rate for the people, you know, of Vanderburgh County to rent it. They, the advisory board, thinks that, you know, because it's two years and three years out, you know, that we have to compensate for the raise, you know, for raises with the people, and if the utilities and that go up that was what they based their decision on.

President Mosby: On your other buildings, what rate do you normally use?

Steve Craig: They, on this years I was looking at them, and they went from 3 ½% to 7%. It's usually, that's per year. They usually take it, the 3% is minimum to cover the raises for the maintenance and the cleaning of it. Some of them, it just, if they rounded it up to the upper dollar, because they're lower value buildings, it would raise it up to 5% to 7%.

Commissioner Fanello: Well, what–

President Mosby: I guess, that would be my question, of why this would be 15%? You know, if we're normally looking at 3% to 7% on the other buildings.

Commissioner Fanello: Commissioner?

President Mosby: Yes.

Commissioner Fanello: I would just say that I don't think we want to out price ourselves too soon before the building becomes, you know, popular as a, you know, facility to be rented. I mean, it's a brand new facility. We need to give it time to be an established rental facility, and I don't know that we want to out price ourselves too much. I think 15% is way too steep, per year.

President Mosby: Oh, I agree. I would be looking at more like a 5%. You're saying 3% to 7% on your other buildings.

Commissioner Fanello: I would make a motion that we set the rates for an increase at 5% in 2005 and another 5% in 2006.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Is there any other questions?

Steve Craig: I have my work sheets, and other than that I don't have anything.

President Mosby: Any comments or questions by the Commissioners? Thank you, Steve.

Steve Craig: Thank you.

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| SWCD & Ozone Officers Reports |
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President Mosby: Soil and Water and Ozone.

Commissioner Fanello: Nobody here? I make a motion that we accept the Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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President Mosby: Consent items.

Commissioner Fanello: Commissioner, before we approve the consent items I have one thing to add, and that is the performance bond for Stanley Security Solutions for the jail project. So, I would make a motion that we add that to the consent items and approve all consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion to add performance bond for Stanley, and accept amended agenda. So ordered. We had two add-ons. Motion to adjourn?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 5:50 p.m.)

CONSENT ITEMS:

Travel Requests:

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| County Assessor | Health Department | SWCD |
| Treasurer | Commissioners | County Engineer |
| Surveyor | | |

Employment Changes:

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| Circuit Court | Superior Court | Prosecutor |
| Burdette Park | | |

Request for Service: County Clerk.

Auditor: Submit Financial Report.

Sheriff:

Lieberman Contract for Intranet Site.
Weekly Jail and Community Corrections Reports.

Commissioners:

Performance Bond for Stanley Security Solutions (Jail Project).

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Linda Nalley | Marsha Abell |
| John Stoll | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 10, 2003**

The Vanderburgh County Board of Commissioners met in session this 10th day of November, 2003 at 5:35 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County for November 10, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of October 27, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the minutes of the October 27th Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Approval of November 10, 2003 Executive Session Summary Minutes

President Mosby: I need approval of the November 10, 2003 Executive Session summary minutes.

Commissioner Fanello: I'll move approval of the Executive Session summary minutes. The Executive Session began at 5:20, ended at 5:30, and discussed pending litigation.

Commissioner Crouch: Second.

President Mosby: So ordered.

Award VC02-2003: Printing of Tax Bills

President Mosby: Next we have bid advertisements and openings, Phil Lawrence, permission to award VC-02-2003, tax bills.

Phil Lawrence: I would like to award that to Relizon Company. They were the only bidder, but they've also been the successful bidder for the last three years. We are very comfortable with it, and it's right in line with what it was last year.

Commissioner Fanello: I move approval.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve. So ordered.

Permission to Advertise:
APA002-2004: Crushed Stone
APA003-2004: Sand & Gravel
APA017-2004: Guardrails, Pipes & Pre-fabricated Steel Bridges
VC027-2003: Health Department Move

President Mosby: Next we will have permission to advertise APA002-2004, crushed stone; APA003-2004, sand and gravel; APA017-2004, guardrails, pipes, and pre-fabricated steel bridges; and VC027-2003, Health Department move. Permission to advertise.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Permission to Extend Contracts for One Year:
APA004-2003: Gasoline & Fuel Oils
APA006-2003: Oil Products
APA016-2003: Liquid Asphalt
APA025-2003: Commercial Fueling

President Mosby: Next we need permission to extend for one year APA004-2003, gasoline and fuel oils; APA006-2003, oil products; APA016-2003, liquid asphalt; APA025-2003, commercial fueling. Is there any questions?

Commissioner Fanello: Permission...or permission, motion to extend.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Phil Lawrence: Boy, that was...I do have just one change.

President Mosby: Go ahead.

Phil Lawrence: That is the actual open date has been moved to 12/8 on those four at the top; crushed stone, sand and gravel, guardrails, and Health Department.

President Mosby: Open 12/8?

Phil Lawrence: Yeah.

President Mosby: Do we need a motion to that effect, Kevin?

Kevin Winternheimer: No, that's fine. Are you going to open them at the Board of Works?

Phil Lawrence: Yeah.

Kevin Winternheimer: Okay, yeah, it's just informational.

President Mosby: That's fine.

Phil Lawrence: Alright, thank you.

President Mosby: Thank you very much.

Open Quotes for VC03-10-02: Fisher Road Culvert #206 Removal

President Mosby: Next, John Stoll, open quotes for Fisher Road culvert #206 removal of VC03-10-02.

Kevin Winternheimer: I have those bids, Mr. President. Are there any bids from the audience? Seeing none.

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| CCC of Evansville | \$8,702.16 |
| Deig Brothers Lumber & Construction | \$6,096.00 |
| JH Rudolph Company, Inc. | \$12,850.00 |
| Koberstein Trucking | \$7,950.00 |

Kevin Winternheimer: First bid is from CCC of Evansville, Inc. It's an itemized bid, let me find the total here. The total is \$8,702.16. The next bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total quote, \$6,096. The next bid is from JH Rudolph and Company, Inc. of Evansville. Their total, \$12,850. We have one more. The last bid is from Koberstein Trucking, Inc. of Princeton, Indiana. Their total, \$7,950. That's all the bids we have.

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Morley & Associates: Public Hearing on Vacation of Utility Easement:
8930 Windham Court**

President Mosby: Next we have discussion items, Morley and Associates, public hearing on vacation of a utility easement at 8930 Windham Court.

Danny Leek: Thank you. My name is Danny Leek with Morley and Associates, and this is a follow up to some action that took place on December 23, 2002 where the Drainage Board approved relocating a ditch across the south side of these new lots. It's the vacation of approximately 18' of a 20' public utility easement. The ditches were moved back to accommodate the landowner to the south, to save some trees on their property line. We no longer need that part of the easement, so the owner of the lot is requesting that we vacate that part of the easement.

President Mosby: Are there any questions by any member of the Commission? John, do you have any problem with this?

John Stoll: Previously I had submitted a letter stating that I didn't have a problem with (Inaudible. Not at mike.)

President Mosby: Okay.

John Stoll: I'm sure a copy of it's here. (Inaudible. Not at mike.)

President Mosby: Okay, thank you. Is there anybody in the audience that would like to speak? Any remonstrators? Seeing none, the chair would entertain a motion.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Madelyn Grayson: Now, that will have to be on next week for second reading because it's an ordinance, right?

Kevin Winternheimer: Right.

President Mosby: Okay.

Danny Leek: Okay.

President Mosby: Thank you, Danny.

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| EUTS: 2030 Transportation Plan |
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President Mosby: Next we have EUTS, 2030 transportation plan.

Rose Zigenfus: Good evening, I'm Rose Zigenfus. I'm with the Evansville Urban Transportation Study. Tonight we would like to present the 2030 transportation draft plan. This is your opportunity to hear what we think is important for the next 25 years, and, hopefully, be able to implement. We are a mandate of Congress, I think you know that. Our study area includes Vanderburgh County, Warrick County, Henderson, Posey and Gibson. For every area over 50,000 there needs to be a planning agency. Our efforts is what brings home the federal dollars for the transportation improvements. FHWA requires two things; that the transportation plan be fiscally constrained, which means we can't spend more money than we expect to get over the next 25 years; and that we meet air quality standards. There is an emissions budget, and we must stay within that budget. So, during the next 25 days I guess it is now, you and the general public will have an opportunity to comment on the plan. It's on our website, it's been advertised in the paper, it's available in our office. After that it will go to the EUTS policy and technical committee meeting on December the 4th for approval. At that point we'll submit it to the state. If there are no questions, I'm going to introduce Pamela Drach, she is the transportation engineer on staff. She is going to go through the projects with you. Feel free to ask any questions either now or after her presentation. Any questions now? No? Thank you.

Pamela Drach: Hi, I'm Pamela Drach with the Evansville Urban Transportation Study. I've got some updated copies that include some maps for you to look at, so

that we can follow along. Then what I'd like to do, if that's alright with you, is I'll start off with the 2006 projects for Vanderburgh County, and I'll just go through the Vanderburgh County projects. Although if you have any questions about any of the other projects on the list, please feel free to ask. The first page is projects to be completed by the year 2006. What this means is these projects have to be open to traffic by January 1 of 2006. This date has been, is a part of the air quality conformity analysis. That's how this date has been determined. These projects are not new to us and to the transportation plan. The first is Eickhoff/Koressel Road, 62 to Upper Mount Vernon. The next is Green River Road from Lynch to Hirsch. The next one is the Lynch Road project from the I-164 interchange to the county line. The final project is the Mount Pleasant Road project. You'll notice in the next to the last column we have funding source, and it says local or TIP. A local indicates that that particular portion of the funding, or that project is going to be funded with 100% local funds, and when it says TIP, that means that it's going to be an 80/20 split. 80% funded by some form of federal funding, and 20% with the local funding. Moving on to the year 2015, these are projects to be completed and opened to traffic by January 1 of 2015. It doesn't mean that they won't be completed until that time, they could be done in 2008, 2009, 2010, whatever. Just as long as they are done prior to January 1 of 2015. The first project is that next section of Eickhoff/Koressel Road that goes from Upper Mount Vernon to State Road 66 or Diamond Avenue. It's the continuation of that four lane facility. Next on the list is the continuation of the Green River Road project from Hirsch Road to Heckel Road. The next project is a new project for the program. It's Oak Hill Road, Lynch Road to 57. As you may be aware the city has a project to go from 41 to Lynch Road. It's a three laning of Oak Hill Road, and our recommendation is that the county continue that project up to State Road 57 to accommodate that north-south traffic that's been generated by the development in the northern Vanderburgh County area. The next project is a state funded project, and it's State Road 62, Lloyd Expressway/Boehne Camp Road/Rosenberger Road. It's the construction of interchanges in that area, in the Boehne Camp, Red Bank Road, Rosenberger area will have to be coordinated in terms of that design. But that's what that project represents. In addition to that, the Lloyd Expressway will be widened to six lanes. The next project is the Lloyd Expressway/Burkhardt Road interchange project. Again, it's a state project, so, it will be 80% federally funded, and done 20% state funded. It doesn't require any local funding. Next we have US 41, it's a widening to six lanes from Diamond Avenue to Mount Pleasant Road. Then the final project is a new Ohio River bridge to connect Indiana and Kentucky. Moving on to the 2025 list. The first project for Vanderburgh County is Eickhoff/Koressel Road, it's to extend that Eickhoff/Koressel Road corridor from Diamond Avenue to Boonville-New Harmony Road. We are recommending a four lane cross section similar to that which is going from the Lloyd Expressway to Diamond Avenue. The next is a continuation of the Green River Road project, to take it from Heckel to Millersburg Road. Then we are proposing a recommended project from Millersburg Road from Oak Hill Road to I-164, to widen Millersburg Road. This project we're proposing to be done in conjunction with a new interchange at Millersburg Road and I-164, which is the next project on that list. If you look real briefly at your map you'll see, in green, the Millersburg Road project is number six. Then number seven is the interchange, and then 14 out into Warrick County is a project for a Millersburg Road out in Warrick County and Heim Road. We're looking at this as being the next Lynch Road connection between Warrick County and Vanderburgh County, with this new interchange at I-164. The I-164 interchange at Millersburg Road we're proposing to be a state funded project and not a local project. Then we have US 41, Mount Pleasant Road to I-164. It's a continuation of that six laning of 41. The next project is 62, Lloyd Expressway, from Eickhoff/Koressel Road to Boehne Camp Road. It's a widening six lane. This would

tie into that interchange construction project that was done in the 2015 time frame. Another state project is to widen 57 to four lanes from US 41 to I-164. The final project shown on the Vanderburgh County list is the I-69 project from Evansville to Indianapolis. The final page is the year 2030 transportation plan projects. This is only a five year period, because we're only going from 2025 to 2030, which is why the list is a little bit shorter. The first project is Boonville-New Harmony Road, reconstructed from Petersburg Road to Green River Road to help accommodate that traffic that's been generated by the residential development that's taking place in northern Vanderburgh County in that area. Then we have the continuation of the Eickhoff/Koressel Road project from Boonville-New Harmony Road to I-64. With this project, that Eickhoff/Koressel corridor from I-164 to the USI interchange would be complete. Then the final project is to widen I-164 from the new Ohio River bridge to I-64, and that would be a state funded project. The final page in your packet is a list of the vision projects. These are projects that could not be included in the list of recommended projects because we didn't have the funding to support these projects. But, they are included in the plan as part of the vision section, so if funding becomes available, they can come from the vision section and be put into the fiscally constrained list of projects. The west side loop is included under the Vanderburgh County list of projects. We also have some east-west roads; Baseline Road, Broadway Avenue, and extension of Columbia Street into Warrick County, Green River Road widening from Millersburg to Boonville-New Harmony, Heckel Road, Hogue Road, these are all just projects that there is a need for these projects to accommodate the 2030 transportation, the traffic generated in that time frame, we just don't have the funding available at this time to support those.

President Mosby: Are there any questions?

Commissioner Fanello: I just have a couple of questions. Priority, how is priority determined with the projects.

Rose Zigenfus: The vision list (Inaudible. Not at mike.)

Commissioner Fanello: Well, I mean, the 2030 plan.

Rose Zigenfus: (Inaudible. Not at mike.)

Madelyn Grayson: Rose, can you please make your comments at the mike.

President Mosby: Yeah, you'll have to come to the mike.

Commissioner Fanello: Like within the list of projects for 2015—

Rose Zigenfus: Within the 2006?

Commissioner Fanello: —let's just say between Eickhoff/Koressel and Green River Road and Oak Hill Road, I mean.

Rose Zigenfus: We haven't prioritized them, we just listed them.

Commissioner Fanello: No, I mean, when does—

Rose Zigenfus: That's just how they fell out.

Commissioner Fanello: –the priority...I've had people ask me the prioritization process.

Rose Zigenfus: Oh. When it comes to programming them in the TIP, okay.

Commissioner Fanello: Then, what if, and, I guess, maybe that's why you're here tonight, but what if we decided that there were things on the vision, or this board decided that there were things on the vision list that we would rather see on the 2030 plan, and maybe something–

Rose Zigenfus: We can do that. We can change it.

Commissioner Fanello: Okay. Were you–

Rose Zigenfus: Pardon me?

Commissioner Fanello: –you were going to work on getting costs for the vision items.

Rose Zigenfus: Yes, and that will go to the policy committee Thursday, yeah.

Commissioner Fanello: Okay. Thank you.

Rose Zigenfus: Yeah, if you, I would just say that if you're seriously looking at changing the list from what we have, let us know maybe by Thursday, so that we can present that information to our policy committee, okay? Anything else?

President Mosby: Are there any other questions? Seeing none. Thank you very much. Appreciate it.

Commissioner Fanello: Thank you, Rose.

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| Second/Final Reading of Ordinance Regarding Personnel Policy |
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President Mosby: Next we have second and final reading of ordinance regarding the personnel policy. Everybody should have it in your packet. Are there any questions? Any other changes? Seeing none, the chair would entertain a motion.

Commissioner Fanello: Motion to approve second and final reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Kevin Winternheimer: We ought to take a roll call on that since it is final reading.

President Mosby: Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes. Three ayes, no nays, the personnel policy is adopted.

Financing of Election Equipment

President Mosby: Next we have financing of election equipment.

Commissioner Fanello: This is just an update. Kevin and I have been working with 5/3 Bank. They have submitted a quote, actually the Indiana Bond Bank has submitted a quote through 5/3 Bank, and it looks like that is the lowest quote that we have received for the election equipment. So, we may have a financing agreement in our packet next Monday.

President Mosby: Okay. Are there any questions? Seeing none.

Resolution Honoring Harold Wilson

President Mosby: Next I would like to read a resolution that we have in our packets.

“A resolution of the Board of Commissioners of Vanderburgh County designating November 13, 2003 as “Harold A. Wilson Day”. Whereas, Harold A. Wilson served his country in the US Navy and has served his community for years as a volunteer in the Civil Defense and Emergency Management Agencies of Vanderburgh County and with local amateur radio organizations and the community; whereas Emergency Management Director, Sherman Greer, has requested the Board of Commissioners recognize Mr. Wilson for his years of service to his community by declaring November 13, 2003 as “Harold A. Wilson Day” in Vanderburgh County; Now, therefore, be it resolved by the Board of Commissioners of Vanderburgh County, Indiana, as follows: November 13, 2003, is hereby declared to be “Harold A. Wilson Day” in recognition of Harold A. Wilson’s years of service to this community. Adopted by the Board of Commissioners of Vanderburgh County this 10th day November, 2003.”

Are there any questions? Do we have a motion?

Commissioner Fanello: I would just assume that everybody received the letter from the Emergency Management regarding Mr. Wilson.

President Mosby: I did.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Proclamation of Earthquake Awareness Week: November 17-23, 2003

President Mosby: Next I will read a proclamation of Earthquake Awareness Week.

“Whereas, Vanderburgh County is located near the Wabash and New Madrid Faults and experienced a seismic event on June 18, 2003; and whereas, disasters are a fact of life and continue to be a threat in the future; and whereas, Vanderburgh County is vulnerable to many types of natural and manmade hazards; and whereas, a long-term commitment to mitigation and preparedness efforts by public and private members of the local community will minimize loss of life and property, while improving response and recovery efforts; and whereas, land use, new construction, retrofitting of existing construction, community education, and information management are key components of any mitigation and preparedness strategy; and whereas, the efforts to reduce loss of life and limit the interruption of public service, resume business operations, manage response and recovery in a timely manner continues to be a top priority in the hearts and minds of emergency service personnel. Now, therefore, the Board of Commissioners of Vanderburgh County, Indiana does hereby proclaim the week of November 17-23, 2003 as “Earthquake Preparedness Week” in Vanderburgh County, Indiana.”

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| <p>Agreement with the Centre for Use of Room for Comprehensive Master Technology Plan Meetings</p> |
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President Mosby: Next we have Commission contracts, agreement with the Centre for use of room for comprehensive master technology planning meeting. You should have that in your packets.

Commissioner Fanello: I'll make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| <p>Public Comment</p> |
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President Mosby: Public comment. Is there any public comment? Seeing none.

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| <p>Old Business</p> |
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President Mosby: Old business.

Commissioner Crouch: Mr. President? The placement criteria sub-committee is meeting tomorrow at noon, and I will not be able to attend due to a prior commitment, I didn't know if you or Commissioner Fanello would be able to go in my place? It is at the Sheriff's conference room tomorrow at noon.

President Mosby: I can't.

Commissioner Fanello: I have another meeting at 11:00, but I may be able to make it over there at 12:00.

Commissioner Crouch: Alright, thank you.

President Mosby: Okay, and Chief Deputy, Eric Williams.

Eric Williams: Chief Deputy Williams from the Sheriff's office. That was a nice ground breaking today, just thought I would throw that in. It's been a long time getting there. On a similar note though, we met with the engineers from Three I Engineering today, and they provided the final drawings for what they perceive to be the repair needs for the community corrections complex. I thought I would just deliver those to you for you to review them. I also received today the assessment from Crawford and Company, which I believe is our insurance carrier's estimators and their estimates for the damage. I'll give that to you also. After meeting with Three I, you know their opinion is that it is a safe building, that it's not going to collapse, it's not going away, but it's not safe to probably reload it with occupants in it's current condition. That we're going to have to do something with it if we intend to reload it. Not knowing much about this point of it, I thought I would just turn this over to you and let you review it, and see if we wanted to put together some kind of request for proposals from different construction companies, but everything that we need is in here. So, if you want, I'll just leave all this with you all. If you have any specific questions I will try to answer them.

President Mosby: Okay. Are there any questions? I guess, until we review these.

Commissioner Crouch: (Inaudible. Mike not on.)

President Mosby: Yes, I'll have Tammy make copies of this. Excuse me, I'll have Tammy make copies of this to provide to each Commissioner, and then I'll have these in the office, and one for the record too. Then I'll have these in the office. So, I'll give these to Tammy, and we can review them. Thank you, Chief Deputy. Other old business? There is one point of old business that I will bring up. I was made aware, I guess, last Thursday or Friday, Wednesday, I'm not sure, last Wednesday or Thursday that we did receive our \$135,000 grant for Jobe's Lane. I see Mr. Lockard back here. So, I will be going to Indy to receive a grant here from the Lieutenant Governor, and, hopefully, we can move this project forward. We have money in place due to Commissioners, plus the Utility Board and the grant ends out the total cost. Did you want to say anything, Mr. Lockard?

Mike Lockard: It's Mike Lockard, and I just wanted to thank you guys for all the work that you did. Whenever you guys brought up the fact that the money was coming back that we could use that was from the development park, and got the County Council to go forward with that, I think that was the seed money that made all of this possible, because without that, I don't think we would have had as much success with the grant process. The fact that Vanderburgh County was willing to share in the cost, I think was very much well received by all the people up at Indianapolis. On behalf of my parents and all the residents at Jobe's Lane we really want to thank you for all the hard work, and all the dedication that you had. You know, this has been a project that has been many, many, many years in the making, and these people have had a lot of hardship out there, and we really, really appreciate the fact that you made it possible that they will be able to enjoy at least a modicum of normal life in the Jobe's Lane area. I think it really is a good thing for everybody to see how

everybody worked together on this project. I know on behalf of my parents and myself personally we really, really appreciate it. Thank you very much.

President Mosby: Maybe we can do another ground breaking.

Mike Lockard: You tell us where and when and I'm sure we'd all be out there. We'll give you some sewage to go along with it.

President Mosby: Mike, I would like to thank you for all your hard work, because I know you've made a lot of contacts, you've pulled a lot of people together, and organized a lot of meetings. So, along with you and John Stoll and his work and the Utility Board.

Mike Lockard: We'll have a ground breaking.

President Mosby: We'll have a ground breaking. Thank you, Mike. Is there any other old business? Any other old business?

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| New Business |
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President Mosby: Any new business? New business?

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| County Engineer |
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President Mosby: Department head reports, John Stoll, County Engineer.

John Stoll: I have several street and storm sewer acceptances here this evening. The first one is for Keystone Subdivision, Section 7E. This is for 276' of Overlook Circle, and 663' of High Tower Drive. It's requested that these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The remainder of them are all, the remainder of all these are storm sewer acceptances. The first is for Stonecreek Subdivision, Section II. This is 251 linear feet of reinforced concrete pipe. The developer has paid the two dollar a foot fee, for a grand total of \$502, and it's requested these pipes be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next one is for Stonecreek Subdivision, Section III. This is 1,010 linear feet of pipe. Here again the two dollar a foot fee was paid for a total of \$2,020. It's requested that these pipes be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next one is Stonecreek Subdivision, Section IV. This is 321' of pipe. The total fee was \$642. It has been paid, and it's requested this be accepted as well.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next one is for Stonecreek PUD, Section One, Phase One. This is 538' of pipe, for a total maintenance fee of \$1,076. It's requested that these pipes also be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I was incorrect. I do have one more street acceptance here. This is for Stonecreek PUD, Section Two, Phases Two and Three. In phase two the acceptance request is for 380' of Cayes Drive, and in phase three it's for 398' of Cayes Drive. It's requested these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have any questions on anything.

President Mosby: Anybody have any questions of John? John, I will say once again I appreciate all your hard work on the jail project. I know I said it this afternoon, and I will put it on the record tonight—

John Stoll: Thanks.

President Mosby: —but I very much appreciate your hard work. I appreciate Tammy and Patty's hard work and the counselor. I see United sitting back there, and thank you guys for all your hard work.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have is to tell you about the paving. As of tomorrow we'll be completing our paving list. As you noticed the pie chart that we have on my report, we closed it up last week, but the paving we're doing now is for the Pioneer Rail Corp railroad tracks. As of tomorrow we will have completed all of the railroad tracks, including; Boonville-New Harmony, St. Joe, Mill Road and Kuebler Road. Our paving season is over. So, we're happy to get these railroad tracks completed. It's been a long road, so, hopefully, we won't hear from Pioneer Rail Corp in the near future. The only other thing I have is if you have any questions on my report.

President Mosby: Questions? Thank you very much, Dennis.

Dennis Hudnall: Okay, have a good night.

President Mosby: Thank you for setting up the tent today.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yeah, I just have two matters tonight. One is to get your approval to approve a contractor release in a lawsuit by Ms. Greathouse that is without cost to the county, and I would recommend your approval.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The other matter is, I think you received, I know I did, a copy of a notice from the Water and Sewer Utility that they are filing for their special use permit to do their operation next to the jail property, just as we had to go through this about a year ago. I believe, if I recall right, that the Utility Department, or the city sent a letter to the BZA telling them they had no objection to our project, and I would request your authority to send the same such letter to the BZA saying we have no objection to the city's project, which is immediately south of the new jail property, with your approval.

Commissioner Fanello: Motion to approve.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: That's all I have.

President Mosby: Are there any questions? Okay.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I don't have anything this afternoon, or tonight.

President Mosby: Nothing?

Burdette Park

President Mosby: Burdette Park, Gary Hohman.

Gary Hohman: Gary Hohman, Burdette Park. You have the reports that we submitted to you in your packet. The only other information that I have before you is an informational update on the pool project. The demolition portion of our aquatic center is approximately 3/4 completed. The supplier of the gutter system has their product laying on the deck, and just as soon as the demolition contractor is out, the gutter personnel will be starting in, and, of course, it will be followed up with the liner just as soon as the gutter people are finished.

President Mosby: Are there any questions? Thank you very much, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Mosby: I think you have Soil and Water and Ozone in your packets.

Commissioner Fanello: I make a motion that we accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion to accept. So ordered.

Consent Items

President Mosby: Consent items?

Commissioner Fanello: I would make a motion to accept the consent items, and I see Health Department people in the audience and that's included in the consent items, the contract.

Commissioner Crouch: Second.

President Mosby: So ordered. The last big one, motion to adjourn?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:10 p.m.)

CONSENT ITEMS:

Jail Expenses: James L. Shireman: \$55,000.

Travel Requests:

| | | |
|-------------------|-----------------|-----------|
| Health Department | Commissioners | Treasurer |
| Soil and Water | County Engineer | |

Employment Changes:

| | | |
|---------------|-----------------|--------------------|
| Treasurer | Area Plan | County Highway |
| Circuit Court | Superior Court | County Clerk |
| Prosecutor | County Assessor | Sheriff Department |
| Auditor | Burdette Park | VCCC |

Requests for Service: County Assessor.

Auditor: Submit A/P Vouchers.

Health Department: Software License Agreement: Care Facts.

Those in Attendance:

| | | |
|-----------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Danny Leek |
| John Stoll | Rose Zigenfus | Pamela Drach |
| Eric Williams | Mike Lockard | Dennis Hudnall |
| Gary Hohman | Others Unidentified | Members of Media |

VANDEBURGH COUNTY
BOARD OF COMMISSIONERS

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 17, 2003**

The Vanderburgh County Board of Commissioners met in session this 17th day of November, 2003 at 5:46 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for November 17, 2003. Introductions are as follows; Superintendent of County Buildings, Tammy McKinney; Counselor, Kevin Winternheimer; myself, Commissioner Mosby; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of November 10, 2003 Commission Minutes

President Mosby: Thank you very much. Do I have a motion to approve the November 10, 2003 Commission minutes?

Commissioner Crouch: So moved.

President Mosby: And I will second, and so order.

Approval of November 17, 2003 Executive Session Summary Minutes

Commissioner Crouch: I would like to move that we approve the Executive Session minutes. We started at 5:15, ended at 5:40, and dealt with a personnel matter.

President Mosby: Second. So ordered.

Open Bids for APA-005-2004: Surfacing Materials

President Mosby: Next we have up bid advertisements, Phil Lawrence, permission to open APA-005-2004, surfacing materials.

Phil Lawrence: Yes. This is a bid that was opened this morning at the Board of Public Works. I'm reporting the findings. We had three bidders; J.H. Rudolph, E&B Paving, and Gohman Asphalt. The pricing was down significantly.

President Mosby: That's good.

Phil Lawrence: It's probably because of the gasoline prices. (Inaudible. Not at mike.) I'm going to ask you to take them under advisement.

Commissioner Crouch: So moved.

President Mosby: Oh, second, and so ordered to take under advisement.

Phil Lawrence: Thank you.

President Mosby: That's confusing. Thank you, Phil.

**County Assessor: Permission to Advertise the Opening of
PTABOA Appeal Codes**

President Mosby: Next we have the County Assessor, advertise opening of PTABOA appeal codes.

Cheryl Musgrave: Cheryl Musgrave, County Assessor. I'll answer any questions you may have, otherwise we just need approval for the ad.

President Mosby: Any questions? Kevin, have you seen it? Everything's okay?

Kevin Winterheimer: Do what?

President Mosby: Has he seen the ad?

Cheryl Musgrave: Becky Kasha reviewed it. If you'd like her to—

Kevin Winterheimer: I don't think I've seen it.

President Mosby: Well, that's fine.

Cheryl Musgrave: It's just a legal ad.

Commissioner Crouch: I'll move that we approve the advertising of the PTABOA appeal codes.

President Mosby: I will second and so order.

Permission to Advertise the Sale of Surplus Properties

President Mosby: Next we have Superintendent of Buildings, permission to advertise the sale of surplus properties.

Tammy McKinney: I need to request permission to advertise the ad for the surplus properties that need to be sold December the 12th. I can get that to Madelyn in the morning. It will run this Friday and then next Friday.

Commissioner Crouch: It's just a standard ad?

Tammy McKinney: Just a standard ad.

Commissioner Crouch: I'll move that we approve the advertising of the sale of surplus properties.

President Mosby: Second, and so ordered.

**Permission to Hire Sohn and Associates as Auctioneer:
Commissioner Surplus Property Sale**

Tammy McKinney: Next I need to ask permission to hire Sohn and Associates as the auctioneer for the properties. They've done it the past couple of years, and they agreed to do it for \$750.

President Mosby: Is that the same price we paid?

Tammy McKinney: Uh-huh.

President Mosby: Okay.

Commissioner Crouch: I'll move that we hire Sohn and Associates for auctioneer for that sale.

President Mosby: Second, and so ordered.

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| <p>Second/Final Reading of Ordinance: Vacation of Utility Easement: 8930 Windham Court</p> |
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President Mosby: Next we have, under discussion items, Morley and Associates, second and final reading on the vacation of a utility easement at 8930 Windham Court. Is there anybody here on that? Anybody with Morley here? Are there any remonstrators?

Commissioner Crouch: With there being none, I will move that we approve the ordinance for the vacation of the utility easement at 8930 Windham Court.

President Mosby: Second, and so ordered.

Commissioner Crouch: We need a roll call vote.

President Mosby: That probably ought to be a roll call, yes. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: You're not here for Windham Court are you?

Les Shively: No, sir.

President Mosby: Okay. Commissioner Mosby? Yes. I just didn't want to say so ordered, and you say, oh, I was here for that. Thank you, Les. I'm sorry.

Les Shively: That's okay. Thanks for waiting for me.

President Mosby: No problem. It will keep you on your toes.

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| <p>Building Commission: FEMA Agreement</p> |
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President Mosby: Next, Building Commission, FEMA agreement.

Steve Fuchs: Steve Fuchs, Building Commission. You have before you an agreement, a CTP agreement, which is a cooperating technical partnership agreement with FEMA. It's a new program, and it's whereby as we sign an agreement to be a cooperating technical partner, we can contract with local

engineers to do our detailed studies on our streams, rather than having their California, or Chicago, or other area engineers coming into our area to do those studies. It is an 80/20 match, but it is a soft match that we can use our GIS to match with. Also can use hours of people on our staff that we use to work on the technical work. Only if you enter into the cooperating technical partnership agreement are you eligible to apply for grant money. This makes us just eligible, and then we're allowed to declare our own projects and set the limits of those projects, and we're allowed to hire the engineering firm that we want to do the work, and then propose the agreement, or the grant to them, and then they consider them on that basis. The city has already signed the agreement, I have signed agreements from them if you would like to see it for the city. They've already signed it. And I also gave this agreement to Kevin to look at, and he was okay with it.

Commissioner Crouch: So, the best case scenario we will have no expenditure of local funds. It will be soft money?

Steve Fuchs: Correct. Correct. As we update, like if we have another fly over, then that can be used again as a soft match, because it's more current than what we had shared before.

Commissioner Crouch: Do you have any idea of what annually you would be looking at in the soft money?

Steve Fuchs: It depends on the extent of the studies. Probably the study that we would earmark as the first is that area that will not be corrected by the new culvert bridge out on the east side, which is that area south of the Lloyd Expressway, because we need to get that studied as quickly as possible and get that corrected. That probably would be our first project. We would then have to go to Morley and ask for an estimate of costs, and then we would know what we would apply for.

Commissioner Crouch: So, it will vary year to year?

Steve Fuchs: Yes. Yes, in extent of project.

Commissioner Crouch: I would like to make a motion that we approve the FEMA agreement as submitted by the Building Commission.

President Mosby: Second, and so ordered.

Steve Fuchs: When will second reading be?

Kevin Winterheimer: You're approving an agreement, there won't be any second reading. This is it.

President Mosby: Yeah. I mean, we shouldn't have to have a second reading.

Steve Fuchs: Okay. Thank you very much.

President Mosby: Thank you.

Madelyn Grayson: Steve, do the Commissioners sign as the CTP authorized representative on this agreement?

Steve Fuchs: There should be blanks for them. No, they really don't. That would be for Roger and I, because we would be the one that would actually be working with FEMA.

Madelyn Grayson: So, we don't have...do we have anything for them to sign this evening?

Steve Fuchs: I'll have to get a copy with their name blanks on it. (Inaudible. Not at mike.) I'm sorry.

President Mosby: Is there any other questions? Seeing none.

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| Election Equipment Financing |
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President Mosby: Next we will have election equipment financing. Is that what you're here for, Les?

Les Shively: No, sir. I'm here for (Inaudible. Not at mike.)

President Mosby: Okay, you're here for rezonings. We'll get right to that.

Les Shively: I'm in a private capacity.

President Mosby: Okay. I just got back in town today, so, I guess, Kevin, I'm going to have you fill me in on what's going on here.

Kevin Winternheimer: I don't have the agreement in front of me, but I have reviewed it. This is a mechanism to finance the non-grant portion of the election equipment. It's with Fifth Third. The payment terms are in there. As I recall, I don't know how many, but several different companies, financial institutions were contacted, and Fifth Third had the best price. I don't know if there is anybody from Fifth Third here. I don't have it in front of me, if you want to comment on any of the other terms on the thing. This, like I said, this is a way to finance the purchase of the equipment through a lease-purchase type of arrangement.

Dave Schlaf: Dave Schlaf from Fifth Third Bank. Regarding the other bidders, I'm not aware, other than the fact that it's a five year municipal, non-bank, qualified, lease-purchase with payments in arrears commencing this evening, if so moved. First payment due on 11/17 of 2004. A fixed rate financed lease-purchase deal for the term. Funds will be escrowed in account and released upon approval of the Commissioners regarding the payment terms negotiated with the vendor.

President Mosby: Okay.

Commissioner Crouch: Do you know where our payments are coming from? I know that we have half, isn't it? A little under half that is actually supposed to come from the state, but what about additional payments, if that money, the second batch of money doesn't materialize? Will be paying it from property tax revenues, or from COIT, or do we have it backed or pledged by any source?

Kevin Winternheimer: I don't know.

Tammy McKinney: I think County Council appropriated some money in their account, and I think that's probably going to come from their account.

Commissioner Crouch: Right, maybe for next year, but that won't...I don't think we have enough money for paying all of this. That's my understanding. The money that Council has set aside is actually money we're going to reimburse them when we get that state money is how I understand it. We aren't going to get the full amount, \$3 million, from the state. So, my question was what, where is the balance of that coming from? What source of revenue, if we don't get that second batch of money from the state?

President Mosby: I don't know the answer to that question exactly, unless it's coming out of COIT. I mean, I know they had money set aside in COIT to make the lease payment, and I don't know if that's where it's coming from.

Bill Fluty: At this time there is no...there was \$250,000 that they actually did budget out of the COIT Windfall, I believe. So, and that was just for "good faith" money, and that hasn't been spent up to this date. I don't think they were going to spend that money until they were reimbursed was how that was going to work. I notice this is for two million seven hundred thousand, and I think the overall contract is three million, so, I think they are counting on using that \$250,000 to pay some of this. But, at this time, there is no money budgeted for next year to pay a November payment at this time. But, I believe there is going to be a return where we'll get reimbursed—

President Mosby: Right.

Bill Fluty: —I don't know the timing of that, at this time. I know that paperwork has been submitted.

President Mosby: Didn't...I want to say that Marsha is not here tonight. I thought Marsha said that they said they would wait until we got our reimbursement to get that, the payment. I don't want to be (Inaudible).

Bill Fluty: I think several times they mentioned that we wouldn't make any payments until we were reimbursed.

President Mosby: Exactly.

Bill Fluty: They had mentioned that at your meetings and also the Council meetings.

President Mosby: That was my understanding that we would make no payments until the reimbursement came in, and then we would have to make payments on the money that we're going to take on.

Bill Fluty: Did you speak—

President Mosby: Purchase.

Bill Fluty: —to Catherine today on this issue at all, David, or Suzanne?

President Mosby: I've had conversation with Patty, which I do still have a couple of questions.

Bill Fluty: I was at another meeting and she was wanting to let this go for one week. I don't know if she's changed her mind.

President Mosby: I think that part's worked out.

Bill Fluty: Is that worked out?

President Mosby: Yeah.

Bill Fluty: Okay.

President Mosby: My question is not of you.

Dave Schlaf: Okay, that's fine.

President Mosby: I guess, Kevin, I guess, my question is of you. After I talked to Patty, and my biggest concern is that, I guess, from what I understand, that the absentee tallying machine that we are buying is not certified.

Kevin Winternheimer: Is Patty here? That's some of the components, not the whole mechanism.

President Mosby: Or some of the components.

Kevin Winternheimer: Parts of the system are not certified, that is correct. It's my understanding that they are going to give us certified, or send us certified equipment. If and when the current equipment is certified, they will change out the other equipment for this, I don't know if it's newer technology or what it is for this equipment here. ESS will do that.

President Mosby: So, I mean, can we hold their payment until we make sure that we get what we were sold? I mean, that's my question.

Kevin Winternheimer: Well, what I intend to do is put together an agreement with them that says that. That they will, they will deliver certified equipment, and then when the other equipment is certified, they will exchange it out at no cost to the county.

President Mosby: I guess—

Kevin Winternheimer: I don't have that for you tonight.

President Mosby: The second part of that would be what if they don't get the other piece of equipment certified? I mean—

Kevin Winternheimer: Then we will have the, and I hate to say the term "older equipment", but what is certified, they will, they are going to provide that. When the other equipment that we thought we were getting is, that we thought was certified, when that is certified, they will change it out. I guess, if it's not certified, then we keep the other equipment. What they are going to send to us now.

President Mosby: I don't guess there is anybody from ESS here is there? I mean, it was my understanding from the County Clerk when we did this that all this equipment was certified, and they had checked all that out and everything was good

to go. I'm not going to put you, I'm not going to put you on the point. You're not here for that. But, I mean, that was my understanding that everything was good to go, and then, all of a sudden, the 25th hour we find out, you know, that this equipment is not certified, and we're paying for something that is not certified, and that bothers me.

Kevin Winternheimer: That is correct. As you will recall, I believe there were only three vendors that sold equipment that was certified. I mean, that's all that was on the table, we thought, was certified equipment. As you said, this is all last minute stuff that some parts of this may not be certified by the state.

President Mosby: When they did the demonstrations in this room it was supposed to have been certified equipment by the state that we could get a rebate on, our rebate, or whatever. Have you—

Commissioner Crouch: I don't know anything about what you are talking about.

President Mosby: One piece of equipment is not certified yet. So, they are going to have to send us a different piece of equipment until they get their equipment certified through the state, and then we'll get what we're buying.

Kevin Winternheimer: I mean, it, they should not have been surprised that we would be concerned, because I think that HAVA grant has to be certified equipment. That was an integral part of the whole deal was that we would qualify for the grant. I know in the couple of conversations that I had for them, that was all part of the deal, that we were going to get this HAVA grant money, and my understanding is that you don't get that unless your equipment is certified. This was a surprise to us, it should not have been a surprise to them is what I'm saying.

President Mosby: I guess, it's in this leasing agreement that Fifth Third will not turn loose of the money until we tell them, right?

Dave Schlaf: We will escrow the funds—

President Mosby: Right.

Dave Schlaf: —and will only disburse funds upon approval from the Commissioners.

President Mosby: Okay.

Dave Schlaf: That's the only time that we would do that. That would kind of be your fail safe there, as I understand it.

President Mosby: Okay.

Commissioner Crouch: I guess, my concern is with the money, the payments, where are they going to come from if we don't get that second batch of money from the state. Is it going to come from COIT or property tax money, or what source of revenue are we going to use to make payments in the future? Because the money that we're getting is only about \$1.1 or \$1.2, and we're obviously obligating ourselves for three million. So, the hope is that the federal government will pass to the state additional money. That's the hope, but if that doesn't happen, where is the money going to come from?

President Mosby: That's a question that I would have to ask the County Council. I mean, I don't know where that payment is going to come from. I mean, according to Marsha we needed to deal with this before the end of the year, and we have to be set up by, what, 2005?

Kevin Winternheimer: Right.

President Mosby: Yeah. So, I mean, I'm not exactly sure where the, outside of where, I think they are going to use COIT for the one payment.

Commissioner Crouch: Well, until we can get that answered, why don't we hold this. I don't think we need to execute this actual financing agreement tonight, do we?

Kevin Winternheimer: The only reason to is the rates may change. How financial institutions are, that changes daily or weekly, whether that is up or down I have no idea.

President Mosby: Right now we're locked in to a rate if we do this tonight. If not, it could go up, and we just paid a higher rate.

Commissioner Crouch: I'm still not comfortable not knowing where the money is going to come from.

President Mosby: If you don't make a motion, I can't second it.

Commissioner Crouch: I can't make a motion on this tonight.

President Mosby: We'll hold the leasing equipment, or the lease financing until next week. Is there any other Commission contracts?

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| Public Comment |
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President Mosby: Public comment.

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| Old Business |
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President Mosby: Old business.

Alan Teeple: Alan Teeple, Director of Computer Services. David, I wasn't sure whether this should fall under old business or under consent items, but it was passed on to me that we probably should go ahead and bring this up before the whole Commission. It was supposed to, at least the way that we had designed it, it's a solution definition in the project management process. A solution definition enables us to kind of price out, estimate resources, what are we going to do, and the approval was to the contract administrators and to Phil Lawrence. What the solution definition is, is develop and implement a solution to support an on-line bidding management system. We've talked about that before, which is why I thought that maybe it fell under old business and not a consent item. I was going to assume that you all wanted some information anyway, if it got brought up under consent items. That, what this does is enable vendors to respond to the city and county RFP posted on a website, increase the number of minority and women business enterprises used by the city and county during the RFP bidding process. Just, by signing this, and this is not a contract, this is only part of the project management process, it enables us

to go from a solution definition to a project definition. What Catherine had asked me to do is bring this up to the entire Commission as opposed to just her signing off as the contract administrator. So, that's what I'm doing. I have the signature here if you would proceed forward with it.

Commissioner Crouch: (Inaudible. Mike not on.)

Alan Teeple: It's here.

Commissioner Crouch: No, it's not in here.

Alan Teeple: No, it's not. That's why I brought it under old business rather than a consent item.

Commissioner Crouch: (Inaudible. Mike not on.)

Alan Teeple: It's what we would normally do in the Data Board, and in this case because of the level that it was involving we went, rather than the Data Board to the two contract administrators and to Phil Lawrence, the sponsor.

Commissioner Crouch: (Inaudible. Mike not on.)

Alan Teeple: I'm sorry.

Commissioner Crouch: May I see it please?

Alan Teeple: Oh, sure. I'm sorry.

President Mosby: So, has the Data Board looked at it?

Alan Teeple: Uh-huh.

President Mosby: Okay.

Alan Teeple: The Data Board gave approval for us to move on with the solution definition phase.

President Mosby: Okay.

Alan Teeple: The contract, or the project sponsors in this case are the two contract administrators, Glen Barnes, and Commissioner Fanello, and Phil Lawrence as the Executive Sponsor, since he is the one that wants the system. Catherine thought it should go before the entire, all three Commissioners. She's looked at it, and approved it, but she wanted, you know, some approval from you all to move forward to the next step. The only thing the next step is, is that we move out of this into the project definition phase. So, there is still a, in each step of the process of project management, and I know you all know this, but in each step there is a yes or no phase. So, this is not a contract, this just lets me and my staff move on to the next phase, by the approval.

President Mosby: So—

Alan Teeple: I would ask for a motion.

President Mosby: Oh, okay, I didn't know if we needed a motion since she—

Alan Teeple: Well, and I don't know either. I guess, I—

Commissioner Crouch: I would make a motion that we include the on-line bidding management system solution definition in our consent items.

Alan Teeple: Oh, okay.

President Mosby: And I will second that.

Alan Teeple: Thank you.

President Mosby: We'll add that to the consents.

Alan Teeple: Thank you.

President Mosby: Thank you. Any other old business?

New Business

President Mosby: Any new business?

County Engineer

President Mosby: Department head reports, County Engineer, John Stoll.

John Stoll: The first item I have is a contract with Deig Brothers. This is for the removal of the culvert on Fisher Road. Deig Brothers provided the low quote of \$6,096 on this project. The contract number is VC03-10-02, and it's requested that the Commissioners approve this.

Commissioner Crouch: Motion to approve.

President Mosby: Second, and so ordered.

John Stoll: Next I have a request from Vectren for an easement on the jail site property. They are requesting a 12' easement in two locations. One that runs parallel to the west right-of-way line of Harlan Avenue, along the entire east side of the jail site. Then another 12' easement that runs along the north access drive and then south in towards the building. I've got a drawing showing the location here. Here's Harlan Avenue over here (Inaudible. Mike not on.) 12' easement, 6' off the property line (Inaudible. Mike not on.). Vectren needs that to get their gas and electric service to the jail building.

President Mosby: We need to approve that.

Commissioner Crouch: Motion to approve the easements.

President Mosby: Second, and so ordered.

John Stoll: The last thing I've got is that I was at a mediation session today with Kevin and with Shawn Sullivan, and we've got a tentative agreement hammered out

to resolve the Al-Kamhawi property on the University Parkway project, but the agreement needs to be discussed in an Executive Session. So, Shawn was requesting that I request that you have an Executive Session next Monday to discuss that.

President Mosby: Okay.

Kevin Winternheimer: Let me (Inaudible. Mike not on.) I left sometime after 4:00 or 4:30, were there anything discussed other than what I was...I don't think you're going to need an Executive Session, is my point. I think we can explain it to them. Were there any terms or conditions after—

John Stoll: Same terms and conditions as when you left.

Kevin Winternheimer: I don't think we need an Executive Session. There is nothing here as far as strategy with respect to settling the case.

John Stoll: Okay.

Kevin Winternheimer: It's fairly straight forward. With a couple of accommodations, I think we can explain. So, I think we can just put it on as an agreement for next week, a settlement agreement, and we can explain the item or two other than money that would settle the matter. So, I don't think we need an Executive Session.

John Stoll: Do you want Shawn to be at the meeting?

Kevin Winternheimer: I don't think it's necessary. I can explain it.

John Stoll: Okay. I'll let him know.

Kevin Winternheimer: So, I don't think we need an Executive Session.

John Stoll: Okay. That's all I have.

President Mosby: Any questions? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Dennis Hudnall, County Highway. Just a brief note to keep you posted on where we are on our materials for the winter. We have 1,300 tons of salt in our salt barns, which are filled to capacity. We also have 1,300 tons of sand, which we mix salt and sand together, two salt to one sand. We have six trucks outfitted with the spreaders and the plows. We will, progressively, as the month goes along get all the plows and the spreaders on. So, we're just preparing right now for the winter. So, we're in pretty good shape right now. The only other thing I have is if you have any questions on my report.

President Mosby: Any questions?

Commissioner Crouch: No, but I did get an e-mail from the woman at Holly Court that said what a great job you all did, and to pass on thanks.

Dennis Hudnall: Oh, okay. Thank you.

President Mosby: Any other questions? Thank you, Dennis.

Dennis Hudnall: Have a good evening.

County Attorney

President Mosby: County Attorney.

Kevin Winternheimer: I just have one matter tonight. Some months ago you deeded some property to the Evansville Black Coalition, and in the legal description that was provided to me there was an error, and they found the error and I have a new Quit Claim deed to correct that error. I would request your approval. The property is 926 South Governor. It's been some months ago, but they found that there was number left out, and I put that back in. So, I ask for your approval on that.

Commissioner Crouch: Motion to approve the deed.

President Mosby: Second, and so ordered.

Kevin Winternheimer: That's all I have.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: I need to add a late pink slip to the consent items. That's all I have.

Commissioner Crouch: Motion to add that to the consent items.

President Mosby: Second, and so ordered.

Burdette Park

President Mosby: Burdette Park.

Gary Hohman: Yes, Gary Hohman, Burdette Park. You have presented to you in your packet the recommendations of the advisory board regarding the rental of the Discovery Lodge, some of the guidelines that have been established, and they are presented to you for your approval or discussion at tonight's meeting.

President Mosby: I just got one question on this, Gary. The guidelines for the Discovery Lodge, under number one it says it may be rented the day before the event for decorating and set up only by payment of \$200 off the regular rental price.

Then the next line says that if the building is not rented three days prior to the event date, the lessee may have access to the building at no charge.

Gary Hohman: Yes, sir. This type of arrangement is set up if say a large wedding reception wants to go ahead and reserve that pre-day prior to the wedding reception. If they want to lock that in and assure that they have access to the building to do all the decorating that needs to be done for the wedding reception, they can rent the building at \$200 off of the regular rental rate that we have accessed.

President Mosby: Right.

Gary Hohman: If the building is not rented three days prior, if they want to wait and run the, take the chance that the building is not rented, then there is no charge for them coming in on the pre-day, or prior to the reception or the event.

President Mosby: And if it's not rented three days prior and they want their money back, what are you going to do?

Gary Hohman: They have to request 15 days in order to get any money back. Any cancellation has to be done 15 days prior to the event date in order to get any refund.

President Mosby: Did you read this? To me, it's got to be one way or the other. I mean, I can see a problem with this. I mean, somebody's going to rent it, and then come up three days before and say, well, it's not rented, I would like to have my money back.

Gary Hohman: Once they've got it in that reservation system, sir, it's their building.

Commissioner Crouch: Well, and along those same lines, it seems like there ought to be some charge if it's available, because if they are going to be in there, they are going to conceivably be using utilities, and there are going to have to be people that might have to be there to assist them. So, it seems like there should be some fee associated with getting that ahead of time, if you want to take your chances.

Gary Hohman: I don't think we have any problem, you know, all of this right now is exceptionally new to us, but this is, and I'm, like you, I think there should be some fee assessed for that pre-day if it is available to them at no charge. That there should be some nominal fee for having access to the building.

Commissioner Crouch: Do you want to take this under advisement for a week?

President Mosby: Is there any problem with holding it until next week?

Gary Hohman: Mmmmm.

President Mosby: Or is there something urgent that we need to address?

Gary Hohman: Well, we're just, we're getting requests for this pre-day, and it cannot be entered into our computer and into our reservation system until a fee has been set. I don't think right now one more week is going to affect our reservation system regarding that.

Commissioner Crouch: If they would rent it and then, say, what you were wondering, and then cancel it, how much would they lose? They would lose the deposit, wouldn't they?

Gary Hohman: Our, there are four tiers, rental tiers on the building. A weekday, weekend for 500 people, and the same weekday, weekend rent for the maximum 650. So, there's four rental fees that are involved. In order to get any type of refund, you know, they would have to cancel say the 15 days prior to the event in order to establish any legal way of getting a refund on their rental.

President Mosby: It's not the cancellation I'm thinking of. It's the fact that you're going to pay \$1,000 to reserve a building on a Friday, and I'm going to go out there three days ahead of time, and if it's not rented, I'm going to do it for nothing.

Commissioner Crouch: Well, and that's...I agree, there needs to be some kind of a charge for the people that want to take their chances.

President Mosby: I can see somebody coming back and saying I put \$1,000 up to rent this, but you don't have it rented, so I would like to have my money back and get it for nothing. Because that's what this is saying, lessees may have access to the building the day before at no charge.

Commissioner Crouch: And I agree with you, I think—

President Mosby: If anything, I mean, I just say you drop that, "If the building is not rented three days prior to, and that would keep down all the hassles." I mean, just cut that sentence....just cut it off right there. To me it's one way or the other, I don't know.

Commissioner Crouch: I don't have a problem with—

President Mosby: Did you want to call and ask the board their feeling, or?

Gary Hohman: Where are you?

President Mosby: I was just saying, number one would read, "Pre-day event, Discovery Lodge may be rented the day before an event for decorating and set up only by the payment of \$200 off the regular rental rate." Just stop at that sentence.

Gary Hohman: Okay.

President Mosby: That a way you don't have conflicting prices there.

Gary Hohman: So, you're just eliminating the last sentence, "If the building"?

President Mosby: Uh-huh.

Gary Hohman: Right.

Commissioner Crouch: I'll make a motion we hold that until next week, so you'll get a chance to run that by your board.

Gary Hohman: Okay.

President Mosby: And I will second that, and so order it.

Gary Hohman: Other than our work reports, that's all I have tonight, sir.

President Mosby: Okay. Any questions? Thank you, Gary.

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| SWCD & Ozone Officer Reports |
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President Mosby: Soil and Water and Ozone. I don't see either one.

Commissioner Crouch: I'll make a motion that we include Soil and Water and Ozone reports in the department heads, and move approval.

President Mosby: I have a motion, I will second and so order.

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| Consent Items |
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Commissioner Crouch: I'll make a motion that we approve the consent items with the two additions.

President Mosby: Second, and so ordered.¹

**VANDERBURGH COUNTY
REZONING BOARD
NOVEMBER 17, 2003**

The Vanderburgh County Rezoning Board met in session this 17th day of November, 2003 at 6:22 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding. The rezoning petitions were heard during the course of the regular weekly Commission meeting.

President Mosby: That brings us to zonings.

¹Consent items listed on page 20.

First Reading: VC-1-2004
Petitioner: Robert E. Zoss, Sr.
Address: 5500 Oak Hill Road
Request: Change from R-1 to CO-2

President Mosby: We have one first reading, VC-1-2004, petitioner, Robert E. Zoss, Sr., 5500 Oak Hill Road, change from R-1 to CO-2.

Commissioner Crouch: Motion to approve VC-1-2004 on first reading.

President Mosby: Second, and so ordered.

Final Reading: VC-16-2003
Petitioner: Louis M. Zeller III & Cynthia B. Zeller
Address: 9301 Cynthiana Road
Request: Change from Ag to C-4

President Mosby: Final reading we have one zoning, VC-16-2003, petitioner, Louis M. Zeller III and Cynthia B. Zeller, 9301 Cynthiana Road, change from agricultural to C-4.

Les Shively: Mr. President, and members of the Board of Commissioners I'm Les Shively representing the petitioners. First, before we get started, do we have the file from the Plan Commission here?

President Mosby: Do we have a what?

Les Shively: The file. There were some exhibits and such that are in that file.

President Mosby: We will have to—

Madelyn Grayson: Do you want me to go get Bev?

President Mosby: Yeah, see, Bev came in a while ago, but she didn't leave anything.

Les Shively: In the interest of time, I will go, there are some photographs in there that I think might be helpful.

President Mosby: Okay.

Commissioner Crouch: Do you have what we have?

Les Shively: I have that, there are...in addition to the GIS photos, Commissioner Crouch, there are also some still photos of the subject area that I thought might be helpful. Again, my name is Les Shively representing the petitioner. You may know the petitioner better by the name of Zip. Zip is well known by farmers and business people on the northwest side of Vanderburgh County. He has a business out there, and that's why we're here this evening. He's been out there for 11 years, it's adjacent to where he lives. What he started out, many years ago, repairing farm machinery. It's imperative that in his line of work that he be in a location where his clients and customers are. If a customer, if a farmer is down the field, he has ready access to them, and this is located near where most of the farming activity in our county takes place. A substantial part of what Zip does is off-site, and, in fact, if you will look at the aerial photos, you will see his operation is set back quite a bit from the roadway. In a moment here, Ms. Behme will pass to you still photographs which will show from Highway 65 you can't even see the business. We've also entered into

a use and development commitment that if this rezoning is approved, this rezoning would be subject to limiting to Zip's business, as it is, and limiting it to the particular area described on the legal description. He will have to abide by all of the requirements. That is he will have to have no outside storage, everything will have to be enclosed and put in the screening and fencing. The vote at the Plan Commission meeting on the 5th, we had 11 votes in favor of this, and we have also part of the record (Inaudible) consents that have been filed by adjacent landowners to the subject request. Also present this evening is at least one other landowner that lives just down the road and adjacent to the Zeller property. We also had Mr. Mike Thomas who spoke in favor of this at quite length at the Plan Commission meeting. Just as a note of information, if you know where Fehrenbacher Cabinet Company and Fehrenbacher Wood Specialties is located, those are two rezonings that I did back in the 80's, and we faced some of the same issues back then of having a business that had been there on the west side for a number of years, and making sure that it fit within the area. There are some still photographs, I believe Beverly has given you that shows the Fehrenbacher operation, and this is less than a quarter mile, that is Fehrenbacher is less than a quarter mile southwest of the subject property. Again, this did receive a favorable recommendation from the Plan Commission, and Mr. and Mrs. Zeller are here this evening, as well as one of the neighbors. I just speak in favor of this request. I would be more than happy to answer any questions you would have at this time.

President Mosby: Les, I don't recall getting the use and development commitment.

Les Shively: Oh, it should be attached to your staff report.

President Mosby: I don't see it. I don't know why. Anyhow, I'm just going to take your word for it, you said that this is the only thing that it can be used for.

Les Shively: Right, exactly, in fact, the use and development states that all other C-4 uses are expressly prohibited, except to allow him to continue his repair and service of farm and construction equipment. Again, most of what he does today, and will continue to be is off-site. That's kind of what gives him a unique place in the market. He has the vehicles that are able to respond to farmers that are literally down in the fields.

President Mosby: All storage is going to be inside?

Les Shively: Yes, sir. In fact, he'll have to pave parking areas that he uses for the business. He will have to have the screening, that's required by code, Mr. Mosby, so that, I mean, and we're not asking for any relaxation, we're not going to be asking for any variances for those development requirements.

President Mosby: Okay.

Les Shively: We've narrowed, by the way, we've narrowed the legal description as tight as we can be so we have enough room to operate without....we're rezoning only what we need, so to speak. No more, no less.

President Mosby: Okay. Are there any other questions? Are there any remonstrators present? Seeing none.

Commissioner Crouch: I move that we approve VC-16-2003.

President Mosby: I will second that. I think we have to have a roll call vote.

Commissioner Crouch: I vote yes.

President Mosby: I was going to say, Commissioner Crouch, yes. Commissioner Mosby, yes. So, there being two ayes and no nays.

Les Shively: Perfect.

President Mosby: VC-16–

Les Shively: Perfect timing, City Council starts at 6:30, that couldn't have been better. Thank you.

President Mosby: You've got to go there tonight too? You're giving them half price, right? Since you're double dipping.

Les Shively: Absolutely. Cheaper by the dozen, that's right. Thank you.

President Mosby: Thanks, Les.

Commissioner Crouch: Motion to adjourn.

President Mosby: Back to this agenda. Second, and so ordered.

(The meeting was adjourned at 6:30.)

CONSENT ITEMS:

Travel Requests:

Health Department
County Assessor

SWCD
Center Assessor

Perry Assessor

Employment Changes:

Treasurer
VCCC

Cum Bridge Auditor
County Clerk

Prosecutor

Auditor:

Submission of Surplus Letter.

Submission of Tax Sale Properties Information.

Computer Services:

On-Line Bidding Management System Solution Definition.

Those in Attendance:

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| David W. Mosby | Suzanne M. Crouch | Bill Fluty |
| Kevin Winternheimer | Tammy McKinney | Madelyn Grayson |
| Phil Lawrence | Cheryl Musgrave | Steve Fuchs |
| Dave Schlaf | Alan Teeple | John Stoll |
| Dennis Hudnall | Gary Hohman | Les Shively |
| Beverly Behme | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 24, 2003**

The Vanderburgh County Board of Commissioners met in session this 24th day of November, 2003 at 5:36 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, November 24, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. It's on. You can't hear nothing? Testing one, two. Is that a little bit better? If everybody will, stand for the Pledge.

(The Pledge of Allegiance was given.)

Approval of November 17, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the November 17, 2003 Commission minutes?

Commissioner Crouch: So moved.

President Mosby: Second. So ordered.

Award APA-005-2004: Surfacing Materials

President Mosby: First we have Phil Lawrence, permission to award APA-005-2004, surfacing materials.

Phil Lawrence: Thank you, Commissioners. Did you get the information on the three bidders? We would like to make an award for all three bidders. Typically what happens is, whatever side of town they are, that's who they call. We didn't, unfortunately, did not get a bid from Jerry David. We will let our esteemed counsel handle that portion of it. We don't, I called them and checked with them, and they said, oops. I said, okay, thank you. So, we'll try to figure out how to get around that portion.

President Mosby: Okay, any questions by any member of the Commission? Seeing none, chair would entertain a motion to accept all three.

Commissioner Fanello: I'll make a motion to accept the three bidders.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you, Phil.

Judge Carl Heldt: Community Transition Program Sub-Contract

President Mosby: Next up we have Judge Heldt for the community transition program sub-contract.

Carl Heldt: Mr. President, members of the Commission, my name is Carl Heldt, Vanderburgh Circuit Court. Under state law every community corrections program is required to establish what's called a community transition program. This is a program whereby the inmates in prison who are about to be released, and it's typically between 60 and 120 days, are sent back to the community in which they are going to return, for want of a better word, for sort of a re-entry type program, to assist them with housing, jobs, and whatever, counseling, or whatever else might be helpful to make them successful when they come back to the community. Which they are coming back. For this, and our corrections program has established a community transition program, for this, the state of Indiana, through the Department of Corrections, sends money to the counties and to our corrections program. Of that money, and I'm going to say \$200,000 a year, that may be right or wrong, but I think it's close, the corrections program gets to keep 25% of it as sort of for setting up the program, and then they can draw down a per diem for each inmate that they have in the program. It's \$15 per day, per inmate. What we have been doing, sparingly, since this program has been set up, with me being the judge, is every once in a while we'll send someone...first of all, the judge then determines whether a person is coming back or not. The judge looks at the person's record, what the crime was, what their record is in prison, and basically how successful they think they will be in this community transition program. We've sent very, very few people to the corrections complex, simply because there's no room there. If we sent a community transition person there, we're taking a bed that could be used by someone in the jail, that's waiting to get to the community corrections complex, or someone on the street that's waiting to get there. So, it hasn't been used much. There is, and what happens then is, is if the money that is being sent by the Department of Corrections isn't used, and if you don't have people going through it, and you're not taking the per diem down, you've got to send the money back to the state. So, what we do is we get the money at the beginning of the year, and we send most of it back, I'm going to say most of it, at the end of the year. But, there is a procedure, and the Department of Corrections recognizes this where the corrections complex can sub-contract part of this program through a probation department, and that's what I'm asking for permission to do. I run the probation department for Circuit and Superior courts, adult probation department. The law allows a community transition program to take place within a probation department. What that will mean is, is it's an intensive type probation, where the person isn't staying at the complex, but when they come into the jail, our probation officer goes over there, goes through all the requirements that a person is going to have to follow if they are let out on this program, and they have to voluntarily sign up and agree to do all of this. Once again, there's a lot involved as far as, and a lot of it is in this sub-contract that I think you have in front of you, it's an intensive supervision and assisting this person to reintegrate them back into the community. Then, so, what I'm saying is, since we can't put very many people in the corrections complex, the Sheriff and I and the advisory board have agreed that it will sub-contract to the probation department. This will accomplish several things, first of all the state of Indiana very much wants us to get much more active in community transition. We haven't done it much, and they've indicated their displeasure, and, of course, they are the one's that furnish a lot of funds to us for community corrections. Secondly, I think we can provide a service for these people that they wouldn't otherwise get in prison. Thirdly, we can

keep much more of the state money in the community. I can use that to supplement into our adult probation funds to help support and pay for the other services that we run, such as the alcohol and drug abuse probation service, for which we get no county funding at all. It's all self supporting and it needs the money. So, those are the things that I want to try to accomplish. The Sheriff and I met and discussed some of his concerns, and I think those have been resolved as follows; he was concerned, and rightly so, and I am too as a member of the advisory board, that this doesn't drain any money away from the corrections complex. It will not, for this reason, first of all these people aren't going to the corrections complex anyway, and this money that I'm seeking to get is what's going back to the state and not staying in Vanderburgh County. Secondly, there's a 120 day termination provision in here, so, if at any point in time the Sheriff, or the advisory board, or you all feel that this program is somehow draining money away from the corrections complex, it can be terminated, on a 120 days notice. I'm confident that is not going to happen, because if the Sheriff and the advisory board comes to me and says, look, this is hurting us, I'll just pull back from it and not do it anymore. Or do less of it. If there are open beds out there, if we get a new facility built out on Highway 41 and there are beds that are dedicated and we need to fill them, we'll fill them. If, to back that up, as I said, there's 120 day termination provision in here. So, I think it's a no lose situation, and I think the Sheriff agrees at this point, and the advisory point has approved it. The law requires that you approve it, and that the Department of Corrections approves. I've already run this by the DOC person, and he seems to be pleased with it, so, that's why I'm here today for, is to ask you to approve it, and sign it.

President Mosby: Questions by any member of the Commission? Seeing none, chair would entertain a motion.

Commissioner Fanello: I'll make a motion to approve the community transition program sub-contract.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Thank you very much.

Carl Heldt: May I ask you to sign these so I can get them off to the state.

President Mosby: Sure, thank you, Judge. These I keep? I'll let her have it for the record. Thank you.

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| Vision 2000: Digital Downtown Proposal |
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President Mosby: Next we have Vision 2000, digital downtown proposal, Ken Robinson.

Ken Robinson: Thanks for the opportunity...is this on? I can't tell. Okay. Thank you for the opportunity to bring before you a really exciting proposal about the digital downtown enterprise zone project that we've been working on for a number of months. I would like to distribute a couple of copies of a presentation. For the record, I'm Ken Robinson, Executive Director of Vision 2000. What I gave to you is a brief presentation that we've used to explain what the digital downtown enterprise zone is. Tonight we are bringing to you an opportunity to implement one of the recommendations, and that is to bring Wi-Fi communications to downtown Evansville, and particularly to the Centre. Just briefly, you know, we had concerns

that we weren't attracting the kind of investment to Evansville, in terms of 21st century research and technology dollars and other economic development opportunities. We looked into how we could change that situation. So, we did a number of studies, and those studies indicated that we needed to move forward with a strategy for technology improvements in the community, and we called it the digital downtown enterprise zone, to bring some focus to it. So, in that analysis we found out that really one of the things that we had to really fight in terms of industrial attraction and commercial attraction is an image issue when it came to attracting technology related companies. So, with this partnership that we've established with SBC, we feel that bringing Wi-Fi to a city of our size is really a monumental accomplishment. The map that I put up shows the downtown digital enterprise zone. The red lines actually represent where we're proposing to hardwire the downtown area with a new backbone, but the red dots are where we're proposing, with the assistance and the program of SBC, to put in a new linkage called Wi-Fi or hot spots. Dave Hanson is with us tonight, and I want to have Dave give his overview of the program, which, again, we're very excited about.

David Hanson: Thank you, Ken. Again, my name is David Hanson. I work for SBC, I'm on the steering committee for the digital downtown zone. One of the things that we've been wanting to do to overcome the image issue, when we look at what the type of fiber, the copper, the type of bandwidth that is in the downtown Evansville area, I don't think that anybody can argue with us that we have the type of technology that we need to grow and develop. You can get anything from a telephone line to an OC48 sonet ring. Our problem, as a community, according to the research that was done, is that there are a lot of people out there that don't understand that. They don't necessarily believe that. One of the things that Wi-Fi will do for us is help improve our image, as far as the technical capabilities of Evansville. So, we approached, as a committee we approached SBC, and what they are willing to do is to come into the area, we are going to pick, we have selected the Evansville Regional Airport, the Casino Aztar, convention centers, the Executive Inn convention center, the auditorium, the Evansville Auditorium, and then what we also would like to do is the downtown main walkway. What that would mean is we put the equipment in, and then you have high bandwidth wireless Internet connection for anyone that is in that area that has a device that is capable of connecting wirelessly to the Internet. So, what we're proposing, the reason that we're coming to the County Commissioners is for the Evansville Auditorium, to get your signature. SBC will furnish all equipment at no charge, they will do all installation, they will furnish the Internet bandwidth, the connection, and then continued maintenance. So, there is no expense from a county standpoint. There is a three year agreement, that once we put it in, it stays in there for three years. Any questions or comments about Wi-Fi?

President Mosby: Any questions? Counselor?

Kevin Winternheimer: May I ask a question?

President Mosby: Sure.

Kevin Winternheimer: I'm totally confused here. You're running wires and that's all? Are you putting satellites up? What is this? I have no idea what this is.

David Hanson: Wi-Fi, wireless Internet, it's part of a—

Kevin Winternheimer: I understand that, but I don't know what you're putting in. What kind of devices are you putting in ?

David Hanson: What we're going to put in is a piece of equipment, it's about the size of a laptop.

Kevin Winternheimer: Okay.

David Hanson: Then it's hooked to a telephone line. That's what is actually installed.

Kevin Winternheimer: Okay.

David Hanson: The telephone line is an Internet connection—

Kevin Winternheimer: Right.

David Hanson: —either T-1 or a DSL, as far as the bandwidth.

Kevin Winternheimer: Okay.

President Mosby: Are there any other questions? Seeing none.

Rick Borries: David?

President Mosby: Yes?

Rick Borries: No, I was going to get that David—

President Mosby: Wrong David. You.

Rick Borries: You might say a little bit about revenue for the county.

David Hanson: That's true. For everyone that utilizes, that connects on to this wireless device at this particular hot spot, wherever the hot spot is located, that entity will receive 80 cents per day for every time they connect on to the Internet. So, for example, the reason we're thinking that the convention center is an excellent prime location for a city, is because the number of the traffic, the public that's there. Once you have a convention there, you have people using either a laptop, or they are using a PDA, and they access the Internet on that wireless hot spot, the county would receive 80 cents per day for each person that does that. So, there is a revenue stream. This is obviously not typical of what we would do as far as the company is concerned. We're putting in 20,000 of these hot spots nationwide. Normally we don't furnish everything free, we try and charge for our services, like the Internet connection. In this case, for these locations, we do have the authorization where we will pay for 100% of the cost.

President Mosby: Okay. Are there any questions?

Commissioner Fanello: I would just say that I met with Mr. Robinson and Mr. Hanson and Mr. Borries about a week ago to discuss this, and I think it's an excellent idea, because it's an excellent marketing tool for our convention center. So, I would be in support of us pursuing an agreement.

Commissioner Crouch: I'm very much in favor of it. I was (Inaudible. Mike not on.)

Commissioner Fanello: I think that we could, my intent would be to make a motion to pursue an agreement with them. We're not signing anything tonight, because there's nothing for Kevin to look at, at this point. I think what they would like to know is if we want them to move ahead with pursuing this for the convention center.

Commissioner Crouch: Are there any other companies that would also be interested in doing what SBC is doing?

David Hanson: To be honest with you, I couldn't speak for them. I doubt it, from the standpoint of the prime locations we, as a company, are going for are the larger cities; O'Hara, San Antonio, San Diego. Obviously, those are the prime spots. What we have done, because the committee approached SBC saying we want you to put these in here. The advantage with being with a large network, 20,000, it's actually called Freedom Link, the branded name, is that when you leave Evansville and you go to the airport, you can use your wireless Internet, laptop, or PDA and you fly into Chicago, you can use it there, you go to San Diego, you can use it there. You don't have to pay a different fee, another fee every time you log on. So, that's the advantage of being with a large network. I would anticipate most of those that are going to be successful are going to be those that have a nationwide network. There's none that I know of here actually in Indiana. This would be, I hope, the first.

Ken Robinson: That brings up an interesting point. You know, we weren't even on the radar screen for SBC until we undertook this initiative. You know, we're a small community, when you read about Wi-Fi, it's generally in the large markets. I would say that this is really a stretch for SBC to do this, but I think that they saw the real potential and the real value of what we're putting together here. So, I think we have a real opportunity for, you know, for moving the community forward, and SBC has been a great partner in helping to do that. Otherwise, I don't think that anybody would even have considered Evansville at this point. So, it's a real good—

Commissioner Crouch: So, we aren't excluding any competition on moving forward.

David Hanson: I think the reason, you know, I don't think there would be a lot of interest initially is that Wi-Fi is kind of in the early stages, there's not a lot of people here in Evansville that are going to have a wireless device. There's no need to have one if you can't log on. So, which comes first? We're spending the money, and I don't anticipate any kind of reasonable return for three years. I don't know that there are many companies willing to make that kind of investment. That's why I said what I did. But, what we would like to see is that the County Commissioners agree that they want to move forward with this, and then sign the agreement, and then as soon as this is done we'll do a site survey. The other suggestion that some people have had is that we also do Wi-Fi in this meeting room and possibly the one next door. Once it starts, there will be several entities that will want a hot spot. Obviously, we won't be doing those for free though.

President Mosby: Okay. Are there any other questions? Was yours a motion? I have a motion to pursue a contract.

Commissioner Fanello: Yeah, to pursue an agreement to move forward.

President Mosby: Motion to pursue an agreement with—

Commissioner Crouch: I will second.

President Mosby: I have a second. Motion and a second, so ordered, to pursue an agreement.

David Hanson: Thank you.

Election Equipment Financing: Master Lease-Purchase Agreement

President Mosby: Next we have election equipment financing, which we held last week.

Commissioner Crouch: Mr. President?

President Mosby: Yes, ma'am. Yes, Commissioner.

Commissioner Crouch: I spoke with, or communicated with Lloyd Winnecke, the Finance Chair for the County Council. He had indicated that....am I not on?

Commissioner Fanello: I don't know, you're just, I can't even hardly hear myself on here either.

Commissioner Crouch: But I spoke with Lloyd Winnecke, the president of County Council, regarding the source of funding for the payments, and he had indicated that while they were a little reluctant to designate a specific fund, it would more than likely be COIT. Whether it would be regular revenues to the General Fund or the COIT Windfall. So, with that, I make a motion that we go ahead and approve the election equipment financing.

Commissioner Fanello: I would second that motion.

President Mosby: I have a motion and a second to pursue election equipment. So ordered. Any Commission contracts?

Public Comment

President Mosby: Public comment?

Old Business

President Mosby: Any old business?

Commissioner Fanello: I think we have one item.

President Mosby: Go ahead.

Commissioner Fanello: Are you sure? Unless you were going to bring it up, old business, and that's the estimate that Chief Deputy Williams gave us, I think a couple of weeks ago regarding the community corrections facility. I think they are probably looking for some direction. Just as a little bit of insight, I met with our insurance agent today from Old National Bank and discussed this issue, and I would probably like for Kevin to pull out the lease agreement again, and look at that lease agreement and speak with the insurance agent before we made a final decision.

Brad Ellsworth: Brad Ellsworth, vice president....vice president, I don't know what I am. Sheriff and community corrections board. Vice president, okay, well, now everybody knows. No. I think it might also be prudent at that time, and I probably owe the Commission an apology. When I took the phone call, I think I programmed in Joe's phone first on a Friday night, or whatever night it was—

Commissioner Fanello: You got one at home too, huh?

Brad Ellsworth: —and discussed some of the options. It might be prudent at that time to meet with the insurance agent and call our landlord and get a meeting with a member of the Commission or two, or, I guess, one, and discuss, and the attorney, and discuss the options. The ones that are listed in the paper, there are probably more options, but, I think, like I said, we've got some estimates before us. So, I'll do anything, whatever the Commission, the pleasure is.

Commissioner Fanello: I know this is a short week, so it might be hard to get it back on the agenda by next Monday, but, I would make a motion that we instruct our County Attorney, Kevin Winternheimer, to speak with our insurance agent, and possibly the landlord and the Sheriff about what options we should pursue regarding the repairs.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Brad Ellsworth: Thank you.

President Mosby: Any other old business?

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| New Business |
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President Mosby: Any new business?

Commissioner Fanello: Commissioner?

President Mosby: Commissioner.

Commissioner Fanello: One item that I'm not sure was discussed last week. I think we talked about a piece of the...I should have done this under the election equipment financing, but a piece of that equipment, there's a new model in the equipment that we're buying that is on the agenda to be certified by the state, and I'm not sure if you discussed that last week. ES&S has provided an amendment to the contract that they signed, saying that they will, as of this time, deliver the model below that one that is certified, and once the new model is certified, they will replace that equipment. So, what I would like to do is just add this into the record, and maybe each Commissioner initial it or something. But they sent me the two pages that described that equipment.

Kevin Winternheimer: And, Kevin, has he seen that?

Kevin Winternheimer: Yes. I was the one that was talking to them. They told me the model number is the one that is currently certified, but is the current older model is the model 550, and as soon as they get the model 650 certified by the state, which

they expect it to be January of next year, they will substitute them out. We will not pay for the model until it is delivered, the new model. That comes off the price until delivery, and then we pay for it at that point. Yeah, I've reviewed that exhibit A, and I think that's the easiest way to do this. They have it outlined in there what they are going to do, and they will even pay for the shipping of the old model back to them when they deliver the new model.

Commissioner Crouch: That was a motion?

Commissioner Fanello: That's a motion.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Enter this into agreement, exhibit A, on election equipment.

Commissioner Fanello: I think we could probably just initial it.

President Mosby: Any other new business? Seeing none, department head reports, County Engineer.

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| County Engineer |
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John Stoll: First item I've got, I would like to request approval to make some right-of-way purchases on the Darmstadt Road bridge project. This is for the replacement of the structure on Darmstadt, immediately north of Inglefield Road. Valerie Harry has been negotiating with two of the property owners, and they have agreed, verbally, on some prices. So, I would like to request approval to purchase the Tucker parcel for \$500.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Then on the Mann parcel, I would like to request approval for making a \$100 purchase on that parcel.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next item I've got is also on that bridge, it's a notice to bidders, and it's requested this be approved and advertised.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I also have the cover sheet for the plans that needs the Commissioners signatures. I just request approval that the Commissioners sign that cover sheet.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a street acceptance request for Clear Creek Subdivision. This is section four of Clear Creek. It is for 1,767' of Sterchi Drive, 1,080' of Big Hill Drive, 1,066' of Reliance Drive, 413' of Valley View Drive, and 472' of Mallory Court, for a total of .90 miles.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for a street acceptance in section three of Windemere Farms Subdivision. This is for 1,032' of Wheaton Drive, 804' of Stonewick Drive, and 1,015' of Windfield Drive, and this is a total mileage of .54 miles.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request, a letter to send to a property owner on the Lynch Road project, section three, this is the Freson property. This is a letter that we send the 30 day notice to vacate the property. The property has been purchased, and this is just letting her know that we would like all property, all of her personal property removed from the house at 7474 Old Boonville Highway by January 2, 2004.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for approval for a water line installation that Warrick County plans to do in Vanderburgh County. This water line will go up Baseline Road out to Highway 57, and then ultimately up to the northeast corner, northeast quadrant of the I-164 and I-64 interchange. Morley and Associates have prepared some plans for this, and I'm requesting the Commissioners approval for locating this water line within the right-of-way. There are some areas on the plans that show public right-of-way, I would question whether or not that right-of-way exists. So, I just want to point out that this is solely for the areas where we have documented county right-of-way. I didn't want the county to be on the hook for granting approval for installation on private property if that ultimately what the plans show. I mean, we just don't feel that the documentation is there to support some of the locations on the

right-of-way, as shown on the plans. But, for the locations where right-of-way does exist, I'm requesting the Commissioners approval for this installation.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I did contact the Evansville Water and Sewer Department, and they have approved the plans with the intent of accepting the water line for maintenance, once it is complete. Last, I would like to request approval to get a purchase order to hire Savage Engineering for the design of a flashing light that would be installed at the Upper Mount Vernon Road and Red Bank Road intersection. The design fee for this would be \$1,700. This would be for a federal aid project. EUTS has secured some safety funding for the flashing light installation at that location. I talked to Dave Savage today and he said, basically, as long as he had a purchase order he would bill according to the hourly fees established in his agreement with the traffic department. So, I just need approval for the purchase order for \$1,700.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have, unless you have anything else.

President Mosby: Are there any questions? Thank you, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening. Dennis Hudnall, County Highway. First of all I have a request for, to excess out some equipment that we have setting out at the garage that's outlived it's life. I have a copy of it here. This equipment right now is not being used at all. The trucks are in need of repair, and it's just taking up space in the yard. What I'm trying to do is review all of our equipment, and excess out what we do not use, or do not need. So, I request that the Commissioners approve that I put this on the auction excess list.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Dennis Hudnall: The only other thing I have is to ask you if you have any questions on the report, weekly report.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Okay. Have a good night.

County Attorney

President Mosby: County Attorney, Kevin.

Kevin Winternheimer: The only thing I have to report is that I did attend a seminar last Wednesday in Indianapolis, and it was on TIF's, tax abatement, and tech parks, and it was undoubtedly the best seminar, I think, I have ever attended in my life. I think what, it shows you that when the speakers know what they are talking about, they are able to communicate it. So many times you feel as though the speakers don't really know what they are talking about. These people did. The best part is that they had a question and answer, so you could ask all those questions about how they fit together. The good news is, as you remember about a week or so ago we talked about tech parks, and one of the big questions we had was how TIF's and tech parks work together, and they do work together very well. It is very common that they go hand in hand, which is a question that I had. I just wanted to let you know that it was well worth the trip. I don't claim to know everything about it, but at least I know enough now to ask, how to ask questions about it. It was a very good seminar. I got some materials, and I'll make a copy and leave that in your office, if you would care to look it over. It may be kind of hard to follow without having actually having attended the seminar, but it was an excellent seminar. That's all I have to report.

President Mosby: Are there any questions?

Superintendent of Buildings

President Mosby: Superintendent of County Buildings, Tammy.

Tammy McKinney: I have a contract that I want to add to the consent items. It's for the Sheriff's public safety computer upgrade. They do have the money in the budget for this, so, I ask that this be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Second, I have, I put the Xerox lease agreement on the consent items, and I want to defer that until next week.

Kevin Winternheimer: If I might, the only thing, she had me take a quick look at it, and the only thing I had is that I always like to see a non-appropriation clause in there. A lot of times these companies have governmental lease provisions, and their sales people just forget to submit them. Where it says that it's a continuing lease, that if in some year the money is not appropriated, that we can get out of it. That was basically my only concern. So, if we can contact them, and see if they don't. It seems like Xerox has one of those. I know many of the companies do. You just tell them give us your governmental contract form rather than your standard retail

customer type form. See if that doesn't do it. Otherwise, I don't have any problem with it.

President Mosby: Any questions or comments? Do we need a motion?

Commissioner Fanello: When I go to make a motion under the consent items, I can just—

President Mosby: Okay. Do you have anything else, Tammy? Okay.

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| Burdette Park |
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President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. You have before you the revised edition of the guidelines for the Discovery Lodge. There were two changes made to these guidelines from the original proposal. One of them was in guideline number one that you had questions on last week. That sentence has been extracted from guideline one. The other change was in the original version was guideline number eight has been eliminated, and it pertained to the hanging of decorations from the building. We felt like that the liability factor, and so forth involved, and the difficulty of finding any type of piece of equipment that would reach 42' in that building would be rather difficult. It would have to be some form of a motorized piece of equipment, which we do not like, would not like to have inside that building. Those are the only two changes that were made in the original proposal that was sent to you.

President Mosby: Are there any questions?

Commissioner Fanello: Do you know if they...did you check other rental facilities around town to see what kind of guidelines they have?

Gary Hohman: Yes, ma'am. That, plus every question that we've been getting regarding the building have been applied to this. Then we also have our regular lease agreement that ties in with, and these guidelines will be added to the portion of our original lease agreement when that building is leased by anyone.

Commissioner Fanello: Do we need to make a motion to approve these? I'll make a motion to approve the guidelines for the Discovery Lodge.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve guidelines. So ordered.

Gary Hohman: The only other thing we have is our weekly report. If you have any questions regarding, I would be glad to answer any questions that you might have.

President Mosby: Any questions? Thank you, Gary.

Gary Hohman: Thank you.

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| SWCD & Ozone Officer Reports |
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President Mosby: Soil, do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Consent Items |
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Commissioner Fanello: Motion to accept the consent items, with the exception of the Xerox lease agreement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Do we have a motion to adjourn?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:16 p.m.)

CONSENT ITEMS:

Jail Expenses: Repro Graphics: \$9,500.36.

Travel Requests:

Commissioners Health Department

Employment Changes:

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| Cum Bridge | Superior Court | Circuit Court |
| VCCC | Sheriff Department | Burdette Park |

Request for Service: Circuit Court.

Auditor: Submit Financial Statement.

Treasurer: Submit October, 2003 Monthly Report.

Sheriff: Public Safety Computer Upgrade Contract.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Carl Heldt |
| Ken Robinson | David Hanson | Rick Borries |
| Brad Ellsworth | John Stoll | Dennis Hudnall |
| Gary Hohman | Others Unidentified | Members of Media |

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 1, 2003**

The Vanderburgh County Board of Commissioners met in session this 1st day of December, 2003 at 5:30 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, December 1, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of November 24, 2003 Commission Minutes

President Mosby: Do I have a motion to approve the November 24, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Permission to Advertise Notice of Public Hearing:
Vacation of Drainage and Lake Maintenance/Storm Drainage Easements**

President Mosby: Auditor, permission to advertise notice of public hearing, vacation of drainage and lake maintenance and storm drainage easements. Any questions?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered. Are there any discussion items? Any Commission contracts? Any other items?

Public Comment

President Mosby: Public comment?

Old Business

President Mosby: Old business?

Commissioner Crouch: I just have two small items. One was we had mentioned about the Safe House options, and I was wondering if, Kevin, you had an opportunity to meet with the insurance agent, and where we were there.

Kevin Winternheimer: No, we're trying to set the meeting for this week.

Commissioner Crouch: I see.

Kevin Winternheimer: With the holidays and all, we didn't get it in last week. Yeah, I want to meet with the insurance people, and Sheriff's office people, and see what we've got. I should be able to report back to you next week.

Commissioner Crouch: Okay. The second item was regarding an article that was in the paper about sub-contracting out our web services. I just wanted, for my clarification, it was a little confusing, \$86,000, I believe, is what we set aside for those services, and it appeared in the article that if there was a contract awarded for less than that, then ACS would keep the difference. Is that correct? Or was that—

Commissioner Fanello: Who are you asking?

Commissioner Crouch: Kevin.

President Mosby: I mean, I don't know, because I didn't see it either.

Kevin Winternheimer: That I don't know. I was not involved in that part of it. I don't know.

President Mosby: Alan?

Commissioner Fanello: Alan and I had discussion about that, and, no, ACS is not keeping any additional monies.

Alan Teeple: Let's clarify that just a little bit. First off, you signed a fixed...first off, Alan Teeple, Computer Services. You signed a fixed price contract with ACS. During the point of negotiations you asked, your negotiating team asked us to unit price all the items that were listed in the contract, which we did, but that doesn't mean that you can, like, we want one from column A, two from column B, three from column C. It's still a fixed price contract. Now, having said that, let's take it one step further on the web services. The proposal from the vendor that was selected by your committee, and I concurred with, because it is a contract between ACS and a sub-contractor, was initially \$49,000 for the base, or what we called in the committee phase one, and an additional \$16,000 for phase two, bringing the total to about \$65,000, the initial price. The difference in the \$86,000 that was, again, a unit price strictly for contract negotiations, and the \$65,000, gives us the ability to get additional services from that vendor. It's also important to note that this is your, you know, in year one we have already used some of that money. I mean, we're now five months into the contract. That started July 1st, it's now December 1st. The new vendor, hopefully, knock on wood, will be in, I'm hoping, on board the 15th of January. A lot depends on lawyers looking at the agreements between the two of us, and the holidays and how that plays out. Does that help, Suzanne?

Commissioner Crouch: Yes. So, I guess, what you're telling me is that that money has been set aside, and it ultimately will all be spent on those services? I mean, it's been set aside in a unit price?

Alan Teeple: Well, again, the unit pricing was for negotiating, just so your negotiating team, not mine, your negotiating team could have a feel for what the pricing structure that we were looking at when we put the deal together. Again, I say, this was a fixed

price contract. There's not, if you save money in this area, we give you money back. What I'm going to go, and this was a commitment I made to not only the Data Board, but to Catherine, is that these are additional services that we should be able to get from web services. If we get less, I mean, if it costs us less to get what we've asked for, then there's the ability to get more in to phase two and phase three of what the committee had said....and, again, the web services committee, maybe I need to define that, on what they want to see done. So, it gets us further down the road. So, I'm not pocketing all the money. Yes, ACS is in the business to, I mean, I'm not a not-for-profit organization. We all know that. I'm not the government. I am a corporation. However, the difference between the \$49,000 and the \$86,000 that at least was mentioned in newspaper articles and the unit pricing that we came up with is not immediately going to be pocketed, it's to get us to the next phases that we have. Does that help?

Commissioner Crouch: Yes. Thanks for clarifying that.

Alan Teeple: Okay. Does that help too?

Commissioner Fanello: Yes, because, I mean, this project is not just a, as we discussed before, it's not just about making our website a pretty picture, it's about enhancing our website services to offer more e-government type services. So, it's a big project that is on-going—

Alan Teeple: Sure.

Commissioner Fanello: —and it will take, you know, a long time to complete, but the ultimate goal is to be able to do business over the Internet with county government.

Alan Teeple: It was said during Data Board, and I wish that we had had someone from the media at the Data Board, all six committee members had said it during Data Board is that the biggest thing on the vendor that helped them in the choice wasn't just the price, it was the content management. In the long run, the content management is going to save the city and county money. Rather than...right now when there is a need for content updates we have to go to Quilogy. I mean, there are some departments that have made use of the content manager that Quilogy designed, but a lot of them have not. This gives us the ability, or gives the city/county the ability to update their own content on the fly, and immediate. So, it is a very powerful content manager, and one step further, and, again, this was mentioned during Data Board, is that even if we stop using Vision Internet next year, we keep what they've done. We meaning the city and county, not ACS. I mean, we meaning the city and county keep what they've worked on, which includes the content management and the web to that point. The other thing that I am looking at is to go, at least the first year with them in their contract June 30th of 2004. Let's see what they're able to do. They've said that they can do it within 18 to 22 weeks seems to stand out in my mind. I wish I'd brought that document with me, but I've created a binder for Vision Internet, but I think it's three to three and a half months, they'll have, you know, our first new website out there. So, I thought that the first year with them, let's just give them a year, let's see what they're capable of doing, and then see if the city and the county and the constituency is happy with where we've taken it. If not, we'll go to someone else. The additional step on negotiating with Vision Internet is, if they balk at anything that we want to do, as far as in the negotiations or an agreement, a contract between ACS, we'll go to option two. I mean, I've got no problems doing that, and the committee was certainly in favor of that also, because we need to move on it quickly. I know that we took our time in

this process to get us to this point, but they want this done as soon as possible, and I don't blame them. Let's get it functional, and let's make use of some of the services that Vision has said that they can provide. Does that help? As you know, any other question, any other things, questions that you have, please don't hesitate. I've started a binder downstairs for Vision Internet, you're welcome to come by anytime, or I can bring it up and leave it at the office for you to see that proposal again, and any other information about Vision that you want, for any of the Commissioners. Thank you.

President Mosby: Any other questions?

Alan Teeple: Sorry, sorry, David.

President Mosby: No, you're free. That's fine. We'd have called you back up. Any other old business?

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| New Business |
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President Mosby: Any new business?

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| County Engineer |
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President Mosby: Department head reports. I don't see John Stoll.

Commissioner Fanello: He is in the hallway.

President Mosby: Okay.

Commissioner Fanello: He probably wasn't expecting to be up this quick.

John Stoll: I didn't think it would be that quick.

President Mosby: We're hurrying for 'ya.

John Stoll: I've got three things here. Street acceptances and pipe acceptances. The first one is for Woodgate Subdivision Section Two. This is for the acceptance of Midway Drive, 566 linear feet, and Riecken Drive, 540 linear feet. It's requested these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The next two are both on Stonecrest Subdivision, Section Five. The first is a street acceptance request, and this is for 327' of Birch Bay Drive, 765' of Rolling Meadows Drive, 145' of Wolf Bay Drive, and 316' of Lost Creek Drive. It's requested these be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The other item on Stonecrest Five is a storm sewer acceptance request. This is for 91 linear feet of 12" concrete pipe, and 183' of 24" concrete pipe located outside of the street rights-of-way. The developer has paid the two dollar a foot fee, for a total of \$548, and it's requested these be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I had. Unless you had any questions on anything else.

President Mosby: Any questions of the County Engineer? Seeing none.

John Stoll: Thanks.

President Mosby: Thank you, John.

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| County Highway |
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President Mosby: Next, County Highway, Reggie.

Reggie Haskins: Reggie Haskins, County Highway. I appreciate you all received Dennis' reports. He's on vacation. I don't have any business with the exception of Mt. Vernon Ave, are we going to pave that? Mt. Vernon Avenue by the brickyard?

President Mosby: I know what Reggie's talking about. I guess, it would take permission of the board. CSX is going to pull out some tracks over on Mt. Vernon Avenue there at the brickyard. They said they would remove the tracks, but they don't have the money or capability of paving it back. The city has the money in place, but they don't have anybody to pave it at this point. They was wanting to know if we would use our paver to pave it. The county will be out of pocket no expense. They are going to pay for all the materials and everything. I told Pat Keepes I would bring it to the Commissioners to see what the thought of the Commissioners is. I have no problem with it. So, all we're using is manpower and equipment. They are paying for all the materials.

Commissioner Fanello: Pave it.

President Mosby: It's the only way we're going to get the tracks removed. I've had 32 conversations with CSX in three days, and we're still having conversation as of 4:30 tonight and tomorrow.

Commissioner Crouch: Kevin, that's not an issue?

Kevin Winterheimer: That's not a problem. As one who's bounced over those tracks many times, I would recommend this.

President Mosby: Well, they're dead tracks going into General Shale, and they just don't have the money to remove them, and replace them. So, Pat Keepes has got money in place, and our paver is still in tact, so.

Reggie Haskins: Yes.

Commissioner Fanello: I make a motion we allow it.

Commissioner Crouch: Second.

President Mosby: So ordered.

Reggie Haskins: That's all I have, unless you all have any more questions for me.

President Mosby: Any questions? Thank you, Reggie.

Reggie Haskins: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yeah, I have two matters. The first is I have the SBC agreement, if you remember the fella came in at your last meeting and talked about putting the wireless access, Internet access at the auditorium. I just got this today. I had a couple of changes to make in it, and they made those changes, and they e-mailed it back to me. The agreement is of no cost to the county. It's for three years, you may cancel it for any reason on 90 days notice, and they are going to pay you 80 cents for each, they call it a walk-up or pre-paid user that connects to the Internet by signing on. So, I would recommend the agreement. I apologize for not getting it to you, but I just got it today. If you are so inclined, I would recommend you approve it. They are ready to go.

Commissioner Fanello: I make a motion that we approve the agreement with SBC.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Kevin Winternheimer: Just for the record, I did contact and send it to SMG. They had no problem with it. They called the local rep, I can't think of the fella's name that came in, and they said they have no problem with it. The second matter is, and, again, I just got this today, it's an escrow agreement. This is a three way agreement between the Sterling Group, you may know them as, it's a group that's going to build an apartment complex on the east side. Actually, they are calling themselves Arbors at Eastland. This is a project that's gone through the redevelopment commission. What this is, is an agreement that if they are able to consummate their agreements, we have requested from them certain right-of-way and easements be donated to the county, and this escrow agreement provides that if they are able to consummate their agreement with the people they are buying and paying for the easements with, and the project is approved, and that should go within the next week or so for approval, that they will then give that property to the county. But, if the deal falls through, then they are under no obligation to buy the property and donate anything

to the county. It's at no cost to the county. They are donating the right-of-way and easements, and I would recommend approval of that.

Commissioner Fanello: So moved.

Commissioner Crouch: Before I second it, just out of curiosity, Kevin, where is that located? That property? Did you mention, I'm not sure.

Kevin Winternheimer: Let's see, about—

John Stoll: It's on Old Boonville Highway—

Kevin Winternheimer: —6500 Old Boonville Highway, yeah.

John Stoll: —just east of Burkhardt. As Old Boonville Highway starts to curve to the north, just east of Burkhardt, it's right there south of that curve. There's a large, vacant field that abuts I-164, and the extra right-of-way is just to cover a decel lane that they will build along Old Boonville Highway.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The last thing is, you all received the storm water ordinance at your last meeting, I believe at the last meeting, from Surveyor Jeffers. I started the process of going through it. I am trying not to change any content, but I'm trying to simplify it. It seems to be very wordy, and I like things short and simple. So, I'm hoping to have that done, I'm making good progress on it, but taking some of those very complex tasks and simplifying the language so that everybody understands what you're supposed to do. Hopefully, I'll have that shortly for you. That's all I have.

President Mosby: Are there any questions of the City Attorney? Seeing none.

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I don't have anything to add besides my report, but I did want to make sure that the Commissioners saw the letter from DMD about the three properties that they would like that are on the surplus list. I wanted to see if you had any questions regarding that.

President Mosby: Are there any questions?

Tammy McKinney: If not, I'll remove those, and then we'll start the work on transferring those properties to the city.

Commissioner Fanello: Do we need a motion to that effect, Kevin?

Tammy McKinney: Probably so.

Kevin Winternheimer: Since you approved, I assume you've approved the list already?

Tammy McKinney: Right, right.

Kevin Winternheimer: So, yeah, motion to remove those would be appropriate.

Commissioner Fanello: Okay, motion to remove the three properties listed.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to remove the three properties listed; 743 Chandler, 600 Jefferson, and 321 Read. So ordered.

Tammy McKinney: That's all I have.

President Mosby: Any questions?

Burdette Park

President Mosby: Burdette Park, Gary.

Gary Hohman: Gary Hohman, Burdette Park. You have our work report. The only other item that I have is giving you an update on the pool project. The demolition contractor has completed with all of his preparation work for the guttering to be installed. They are now removing the portions of the deck, to make way for the new water lines that will be installed into these gutterings. The gutter installers will be in on Monday to start and complete the project.

President Mosby: Any questions? Seeing none. Thank you, Gary.

Gary Hohman: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: A motion and a second. So ordered.

Consent Items

Commissioner Fanello: I have one thing to add to the consent items.

President Mosby: Okay.

Commissioner Fanello: It's an agreement to rent office space, or office space....rent space over at the Centre for the...what's the name of the meeting we're going to have, Alan?

Alan Teeple: CTMP.

Commissioner Fanello: The CTMP meeting, which it's just allowing us, as a county, to use the room for free.

President Mosby: For free?

Commissioner Fanello: Well, we're not going to charge ourselves are we?

President Mosby: No. I hope not.

Commissioner Fanello: The Centre just likes to have it in writing. That's what we're doing. Motion to add to the consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to approve the consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve consent items as amended. So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: I was just going to sit here. A motion and a second. So ordered to adjourn.

(The meeting was adjourned at 5:51 p.m.)

CONSENT ITEMS:

Travel Requests:

County Assessor Soil and Water

Employment Changes:

County Engineer County Clerk Health Department

County Clerk: Submit Monthly Report for September 2003.

Voters Registration: Surplus of Computer Equipment.

Auditor: Xerox Lease Agreement.

Sheriff: Contract for Computer Consultant Services (Integrated Consultants)

Commissioners: Contract with Centre for CTMP Meeting Room.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Alan Teeple | John Stoll |
| Reggie Haskins | Gary Hohman | Others Unidentified |
| Members of Media | | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 8, 2003**

The Vanderburgh County Board of Commissioners met in session this 8th day of December, 2003 at 5:36 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County for December 8, 2003. Introductions are as follows; Patty White sitting in for Tammy McKinney tonight; counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of December 1, 2003 Commission Minutes

President Mosby: Thank you. Do I have a motion to approve the December 1, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Open Bids: APA002-2004: Crushed Stone
APA003-2004: Sand & Gravel
APA017-2004: Guardrails
VC-027-2003: Health Department Move**

President Mosby: Next we will go to bid advertisements and openings. Permission to open APA002-2004, crushed stone; APA003-2004, sand and gravel; APA017-2004, guardrails; and VC-270-2004, Heath Department move.

Phil Lawrence: Thank you.

President Mosby: Thank you.

Phil Lawrence: How are you this evening?

President Mosby: Alright, how are you?

Phil Lawrence: Doing alright for an old dude. In actuality we only have one bid to open, and that's the Health Department. The rest of them were opened this morning at the Board of Public Works. I have the breakdown of that.

President Mosby: Okay.

Phil Lawrence: So, if Kevin would open this one.

Kevin Winternheimer: I assume we have no more from the audience.

President Mosby: Do we have any other bids on the Health Department? Seeing none.

Kevin Winterheimer: Okay, the only bid we have is from Shetler Moving and Storage, Inc. of Evansville. Let me find the price. They have a lump sum bid price of, total bid cost is \$18,500. That's the only bid we had.

President Mosby: Any questions or comments? Motion, I guess, to take under advisement?

Commissioner Fanello: Well, or, yeah, motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Also, I would like to ask your permission to take under advisement APA002, 003, and 017.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take under advisement. So ordered.

Phil Lawrence: I have one thing that's not listed on here, and I had talked with Patty earlier, and she thought it would be okay for me to bring up now. The County Garage would like to buy two new tractors, and two rotary mowers. I have all that information. I met with Dennis this morning. I would like to have permission to advertise. It will be advertised on December 12th and 19th and opened on December 29th. Now, will you guys be here the 29th?

Commissioner Fanello: I will be.

President Mosby: That will be the last meeting. The end of the year.

Phil Lawrence: Okay.

Commissioner Fanello: I would make a motion that we allow advertisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

**Open RFQ's for Architectural Services for
Guaranteed Energy Savings Contract for Old Courthouse**

President Mosby: Next we have permission to open RFQ's for the guaranteed energy savings contract for the Old Courthouse and the architectural services for the guaranteed energy savings contract for the Old Courthouse.

Kevin Winternheimer: I have a bunch of those. Any bids or proposals from the audience on this? Seeing none. If we could, because of the way that we've laid them out here, I think we've got the architectural services first. If we could do that one, if that's alright. Does anybody know, am I looking for prices, or just who bid?

Commissioner Fanello: These are all based on qualifications. So, there really shouldn't be any prices.

Kevin Winternheimer: Okay, just read into the record who bid. The first one is from Hafer and Associates of Evansville. The next one is from PCI, Professional Consultants, Inc. of Evansville. The next one is from Veazey Parrott Durkin and Shoulders of Evansville. I've got to open this one. The last one, we believe, is from A2SO4, and their address is out of Indianapolis, IN. I think that's the end of the architectural.

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| <p>Open RFQ's for Guaranteed Energy Savings Contract for Old Courthouse</p> |
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Kevin Winternheimer: Now, the guaranteed energy savings, is that the same way? We're just looking for, does anybody know, we're looking for qualifications?

Commissioner Fanello: Right.

Kevin Winternheimer: Or is there a price?

Commissioner Fanello: There is no price.

President Mosby: RFQ's.

Kevin Winternheimer: Okay. I'm just going to read, just to make sure, make sure of the company name here, it's listed as URS Corporation, G.S. Ridgeway and Associates, Inc. URS Corporation's address is Indianapolis, IN. I just want to make sure (Inaudible), Performance Services, Inc., is the next one. Their address is also Indianapolis. The, oh, we have one more, the next one is Siemens Building Technologies, Inc. Let's see, their address is Indianapolis. Okay, and I believe this is the last one. This is ESG, I assume that stands for Energy Systems Group, and let's see if I can find their address. Too much information, let's see, is there a return address on there? I'm sure it's in here. Oh, they have offices all over, but including Evansville, apparently. That's all we have? That's all we have.

President Mosby: Is there any questions or comments?

Commissioner Fanello: I would make a motion to take the requests for qualifications under advisement, and I would also like to ask the board, since we received information, substantial information, on energy savings earlier this summer from a lot of the companies and also information that was provided by the state, I would ask that the board would come back next week and make a recommendation of someone that we can look at negotiating a contract with.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement, and put this back on the agenda for next week. So ordered.

Initiative Based Assistance Program: 2004 Recommendations

President Mosby: Next, under discussion, we have the Initiative Based Assistance Program for the 2004 recommendations that everybody should have in their packet.

Gary Heck: Good evening, I'm Gary Heck with Lieberman and Associates. Phyllis Donahue who's the chair of the Initiative Based Assistance Program Local Planning Council, the group that made the recommendations, is also here this evening. The recommendations involve the \$500,000 for the 2004 allocations for the Initiative Based Assistance Program that's commonly called the Gatekeeper program. The recommendation is to place \$359,091 in the Child Care line item; \$45,455 in the Safety Net line item; and \$50,000 in the Child Support Collection line item, which was a demonstration program worked with the Prosecutor's office a few years ago. The funding for that position, it's a time limited, grant funded only. That individual is not a Vanderburgh County employee, per se, it's just the availability of funds. This particular individual is assigned to the Division of Family and Children's office and helps establish paternity and all of the child collection paperwork, the equivalent of a one stop to anybody that comes through the welfare office door, that's where this person is housed an office. They have been very productive in helping collect child support, which is a...any money that's collected in child support, generally, those folks don't need additional other kinds of assistance. So, it's kind of a public policy effort. That's why the recommendation is to include that in this year's request. It comes as a recommendation of that full advisory, or local planning council. They had meetings earlier this year to discuss this and make it, and we forward it on to your all's office. I would be happy to answer any questions.

President Mosby: Questions?

Commissioner Fanello: I just have one question, Gary.

Gary Heck: Yes, ma'am.

Commissioner Fanello: It's about the child support collection. Is that something that we've done in the past? Or is this a new recommendation?

Gary Heck: We, the County Commissioners has done it in the past. Vanderburgh County was one of about four county sites that was awarded additional TANF monies through a demonstration project. There was an established line item in the Riverboat/Gatekeeper line item about three or four years ago for this particular project. So, it's something that we have done in the past.

Commissioner Fanello: But we didn't do it this year?

Gary Heck: It wasn't done last year. Then when the funds expired and was put back in and we narrowed it down to just child care and safety net from the transportation, bus and cab vouchers, and employment skill enhancement, it wasn't recommended to be included last year, because there wasn't a need for it then.

Commissioner Fanello: How does what this person does compare to what, and if I understand it correctly, doesn't the County Clerk's office participate in child support or the Prosecutor's office?

Gary Heck: Well, the Prosecutor's office has other staff, but they're housed wherever the Prosecutor's office is. I guess, it's here in the Civic Center building. This particular person works, she actually works with the Prosecutor's office, but her office is in 100 East Sycamore at the Division of Family and Children. So, when a client comes in there to start applying for food stamps or other kinds of assistance, they have the opportunity to meet with this child collection worker right then and start the process. They are not required to walk or go somewhere else, and that's where the collection effort has been a great productivity, because they don't have to remember to go somewhere else and do it later at a different time.

President Mosby: Are there any other questions? Chair would entertain a motion.

Commissioner Fanello: I would make a motion that we accept the recommendations as stated by Gary Heck.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. Thank you, Gary.

Gary Heck: Thank you.

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| Area Plan Commission: CRS Recertification |
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President Mosby: Okay, next we have the Area Plan, CRS recertification.

John Ansbro: Good evening. My name is John Ansbro, planner with the Area Plan Commission. I submitted the signature page from the CRS recertification for signature. Any questions about the memo or information I submitted?

Commissioner Fanello: I would make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

John Ansbro: Thank you.

President Mosby: Thank you.

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| First Reading of an Ordinance Establishing a Polling Place Advisory Council |
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President Mosby: Next we have first reading of an ordinance establishing a polling place advisory council. Everybody should have that in their packet.

Kevin Winternheimer: Do you want me to briefly go through it, Mr. President?

President Mosby: Do you want to just kind of cover the highlights.

Kevin Winterheimer: Yes, this is to comply with the grant requirements for your voting equipment. We have to establish this polling place advisory council. What you have before you proposes a seven member board or council to advise the Board of Commissioners in selecting polling places for elections, with the special needs of the disabled or elderly voter in mind. The board will present its recommendations to the Board of Commissioners at least 30 days prior to the date that you set for establishing the polling places. At least, this is a requirement of the grant, at least two members of the board shall be representatives of the disabilities community or elderly voters. I've defined that as voters aged 65 or older. There shall be at least one representative from each of the two political parties. Members terms are annual unless you decide to replace one, or continue a member in that position. Members must be residents of Vanderburgh County and serve without compensation. Meetings are subject to the open door law. That is it in a nutshell.

Commissioner Fanello: I would make a motion that we approve the first reading.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve first reading. So ordered. Does that require a roll call?

Commissioner Fanello: Second reading, right?

Kevin Winterheimer: Do what?

Commissioner Fanello: Not until the second reading.

Kevin Winterheimer: Right, not until you take final action. I would ask that that be put on for next week for second reading. Since this is purely an administrative ordinance it doesn't have to be advertised.

President Mosby: Okay. So, we will ask that this be put on next week too, also with the RFQ's.

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| Community Corrections |
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President Mosby: Community corrections. Sheriff?

Brad Ellsworth: Brad Ellsworth, Sheriff and advisory, Community Correction Advisory Board representative. Last week I presented you with a draft of the proposed placement criteria for community corrections. I think the three major changes from the old to the new that you would see on this, is that we cleared up the language, or at least the perception that inmates were being sent to prison or to jail for a week or two and then brought back. The first provision in there is that they would have to serve their minimum non-suspendable portion of their sentence before they would be brought back to community corrections. We also reduced the maximum amount of time from six to do three, down to four to do two. The third major, I guess, outcome of the sub-committee and the full board was that if a judge wants to provide a judicial override, and that's where he would bring somebody back, or sentence somebody to community corrections that was not normally allowed in, that he would have to bring that person, petition the full advisory board, and come to the next

meeting. They would not sentence them there, and then it would go back, he would come to the next meeting and appeal that to the board, and there would be a binding vote by the board to allow that. This is a result of several meetings of the sub-committee and then the full advisory board. I know that Commissioner Crouch, obviously, came to most of those meetings, I believe Catherine, Commissioner Fanello, attended some. As the advisory board president and responsible for daily operations, I'm comfortable with this. I think what we originally thought when the Commission asked us to relook at the placement criteria, after talking to the judges and all those involved, I think this is a pretty good standard to set for this time. I'll try to answer any questions, if you have any of this.

President Mosby: Is there any questions? Anything you wanted to add?

Commissioner Crouch: The judicial override, the board could vote either to allow someone to be there, or to not allow them to be there, rather than, as I understand it, just an automatic placement by a judge. Is that not how you understand it?

Brad Ellsworth: That is correct. That's a pretty big step. It's never happened in the past where that citizen advisory board can actually override that of a sentencing judge. The judges have agreed to that. So, I think that's a big step. That puts, you know, if someone is brought in, and this board feels they're not appropriate, then it's, you know, 14 people that will decide, not one. That includes members of the public and the people on that board, so, I think, it's a good thing.

Commissioner Fanello: I would like to say thanks to the Sheriff and the advisory board for moving so quickly at the Commissioners request. Appreciate your work.

Brad Ellsworth: It's no problem.

Commissioner Fanello: I would make a motion that we accept the new standards.

Commissioner Crouch: I will second, and again thank the Sheriff and his department for working so hard to put this together. It does provide for greater accountability of the system. You did a nice job.

Brad Ellsworth: I thank everybody on the sub-committee and the advisory board. I think everybody went in, and, I think, it only shows that we all need to understand each other's jobs a little more, because, I think, we all went in thinking one thing, and coming out, you know, with some different ideas about sentences to the Safe House and to community corrections. So, I appreciate everybody that served on that board, and the Commissioners guidance on that.

President Mosby: I have a motion and a second, thank you, and so ordered.

Brad Ellsworth: Thank you very much. On another community corrections, I know we had several phone calls with several of the Commissioners about the grant money. I did get on the phone today with Fistrovich. I've got calls in to Ohlemiller, and that is moving, the wheels are turning up there. I can't tell you exactly when we're going to have something in writing, or a check, but we've got the wheels turning. At one time they promised us 30 days that we would know something back, and we're trying to speed that up a little bit. So, I'll keep you all posted as we find out when I get the phone calls back. Fistrovich is trying to work on it from that side, and, obviously, we're going to try to get Ohlemiller to speed things up on his side, so, I'll let you know.

Commissioner Crouch: The check's in the mail.

Brad Ellsworth: They didn't go that far, but that's what Fistrovich is trying to get to happen, so.

Commissioner Fanello: We want it before Christmas.

Brad Ellsworth: I'll see what I can do.

President Mosby: Yeah, it would be a nice Christmas present.

Brad Ellsworth: Okay, thank you.

Commissioner Fanello: Thanks, Sheriff.

President Mosby: Thank you, Sheriff.

Commissioner Fanello: Commissioner Mosby? While we're on the subject of community corrections, I wanted to see if Counselor Winternheimer had any information on what we talked about as far as the repairs to the current facility.

Kevin Winternheimer: Yeah, I was going to bring it up in my report, but this is fine. I met last week with the Sheriff, Chief Deputy Ells....Williams, Sheriff Ellsworth, Tammy was there, and Dennis Feldhaus and myself. I believe that's the group.

Brad Ellsworth: Was Rector there?

Kevin Winternheimer: No, he doesn't have that building. In any event, at least what I've found out, they do most of this ahead of time, there's a \$100,000 plus in damages out there, and in checking with our lease, we are to maintain the building, less reasonable wear and tear. I don't think that anybody is going to argue that these damages would be considered reasonable wear and tear. So, we're going to have to do something with that. There is a \$25,000 deductible, but in your wisdom you budgeted a fund out of which those deductibles may come. So, that shouldn't be a problem, the deductible is covered. I can't remember the name of the fund you take the—

Commissioner Fanello: Loss fund.

Kevin Winternheimer: Loss fund, or whatever it's called. Something to that effect. So, that money is covered. We need to finalize with the insurance company how to proceed with the repairs. In the course of the meeting I brought up the fact that the lease with Ms. Hart expires on February 28, 2004. So, we're about to have to make a decision there as to are we going to stay or do something else. I contacted her attorney and he got back with me some hours ago today, earlier today, in any event, and indicated that she was interested in extending the lease, but she wanted to let you know that if you wanted to buy it, she would be interested in discussing that option. I said that I would bring that before you. I didn't know whether that was an option for us or not. I expressed how I know that budgets are tight next year, and I'm sure the price for sale is a lot more than to lease it. The good news is that they are interested in discussing extending the lease. I'll have to come back to you with terms of that. That was important to see how we were going to proceed with the insurance money. Were we going to put it back in, or what we were going to do with it. In any event, that briefly is a report on our meeting. If you want to proceed, at this

point, I would recommend that we proceed with discussing extending the lease, or unless you want time to think about the purchase option, or for me to look into that more. Then finalize with the insurance company how we are going to do the repairs. Do they want us to bid them out? Or do they want, or are they going to do it? Or just how they are to finalize that, but, I guess, the good news is that we do have insurance and the loss fund to cover the damages. That's, I think that's the crux of our meeting, and what I've found out since.

President Mosby: Does everybody want time to think? Or do we want to give Kevin a direction to pursue?

Commissioner Crouch: I would move that the attorney proceed with the lease agreement, to see what kind of terms we're going to have to continue into the future.

Kevin Winternheimer: Right.

Commissioner Fanello: I'll second that, and then how do we want to handle the repairs? Would we like for him to proceed with checking on whether we bid those, or whether the insurance company would bid those?

Commissioner Crouch: That would be fine. I guess, the concern I would have regarding the lease is, it would be nice to know what the terms are prior to making a commitment on how to spend the money.

Commissioner Fanello: Are you saying, Kevin, that under the current lease that we're required to make the repairs?

Kevin Winternheimer: Yeah, I guess, my point is this, that—

Commissioner Fanello: Do we have a choice, really?

Kevin Winternheimer: Well, the, as the owner of the building, she would have some say so, and let me put it like this, if she was not going to extend the lease, then the question is would we want to spend a hundred and some thousand dollars on three months? Or just turn the money over to her as the owner of the building, which would be another option the insurance company might want to do. But, if we're going to stay there, the repairs need to be made. It's not just cosmetic matters, these are actual repairs that need to be made to maintain a decent, presentable building and so forth. So, assuming we can extend the lease under favorable terms, then I think there would be no choice but to reinvest the money back into the building, but if she said, no, she's not going to extend it, that would have a lot of consequences. But, on the insurance proceeds, like I said, as the owner, it's kind of like your call, you know, are you going to fix it up, or total it out, you know, kind of a thing. That would be a good analogy. I think this is a....the Sheriff wants to continue the program, I know the judges want to continue with the program, and this will give us direction to go back to the insurance company and say, okay, now exactly how are we going to do this? Do you want us to bid it out? Are you going to agree to fix it? Or just how, we've got drawings and all, those are already prepared, so we know what needs to be done, so we just need to work out the details, assuming we can work out the lease.

Commissioner Crouch: Right.

Commissioner Fanello: So, maybe we can make a motion to have him check into all that, and make our decision based on that.

President Mosby: So, we have a motion for the counselor to proceed with getting a lease first.

Kevin Winternheimer: And I'll keep you informed on the insurance part of it too, how they want to proceed, whether they want us to bid it out, or if they are going to take care of it.

President Mosby: A motion and a second. So ordered. We don't have any contracts.

Public Comment

President Mosby: Is there any public comment?

Cheryl Musgrave: Cheryl Musgrave, County Assessor. The Auditor, Treasurer and myself issued a press release today telling taxpayers of the opportunity to file for the homestead deduction and several other exemptions that the legislature extended to December 15th. My office did a study and we determined that there are about 4,000 property owners in Vanderburgh County who appear to meet the criteria for homestead and yet have never filed for a homestead. So, this information is of value to thousands and thousands of people in Vanderburgh County, and we hope that by our press release and announcing it anywhere we can find anyone to stand still long enough to listen, that we will encourage anyone who feels they are eligible to go ahead and file. This, of course, is state wide, so, if you don't live in Vanderburgh County, but you live in Posey, you still have the opportunity to do it there too. Again, this is until December 15th or next Monday.

President Mosby: Are there any questions? Thank you. Is there any other public comment?

Old Business

President Mosby: Any old business?

New Business

President Mosby: Any new business? I was asked, one piece of new business real quick, I was asked by Dave Rector if the Board of Commissioners want to participate in the arrangement for installation of cable. We need to sign this agreement. I think there's a one time \$100 charge for putting the drop in.

Commissioner Crouch: (Inaudible).

President Mosby: Yes, every office has got the opportunity to do this.

Commissioner Fanello: I talked with our office about it, the girls who work in our office, and at first I was kind of skeptical about it, but from talking with them, our t.v. doesn't really work, and in case of an emergency situation it would be nice to have

a t.v. that worked, and we could know what was going on in case of an emergency. For that reason, I think it would be beneficial.

President Mosby: It's just a one time \$100 charge, free after that.

Commissioner Crouch: So, it wouldn't be—

Commissioner Fanello: To watch t.v.

Commissioner Crouch: —to watch t.v., it's strictly so we have good reception in case of an emergency.

Commissioner Fanello: Exactly. That would be my premise for the whole deal.

Commissioner Crouch: With that safety emphasis, I will second that motion.

Commissioner Fanello: I would trust that our girls won't be watching t.v.

Bill Fluty: A question on that. Excuse me, many offices don't have a line item that actually would pay for cable. Is this something that they should come before you, and you would pay out of your telephone? The cabling?

Commissioner Fanello: They have a contractual line item. They could pay for it out of a contractual line item.

Bill Fluty: Many offices don't have those kind of line items, and Office Supplies doesn't work, so they may look for you...and what offices do you want to have it or not have it?

Commissioner Fanello: I don't think that's our decision. I mean, this is something that the Building Authority is offering to each office. I don't know how the other Commissioners feel, but I don't think we should make that decision for the other offices whether they get it or not. I think that's up to each individual office holder. If they need to find the money, I think they need to find the money.

Bill Fluty: Just the question, that you didn't want them to ask permission as they do for telephone lines?

Commissioner Fanello: No, because, no, I don't.

Bill Fluty: For the cable.

Commissioner Fanello: Since it's something being offered by the Building Authority, and since the telephone is handled by the Commissioners that's a little bit different.

President Mosby: So, we had a motion and a second. So ordered. I have copies of this, we'll have to sign this. Is there any other new business? Seeing none. Department head reports, County Engineer, John Stoll.

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| County Engineer |
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John Stoll: First I have a time extension request from Koberstein Trucking for the Mill Terrace Subdivision project. This is the Barrett Law project. They are requesting

a time extension till Wednesday, December 31st. The reasons they gave for their requests were that they were delayed due to utility conflicts, where we had a problem with an SBC line in the way. Also they had a substantial amount of additional work to undercut all the poor soils and install quite a bit of extra rock. It's requested this be approved. One thing I would add though is they did get the remainder of the asphalt placed out there today, so, chances are the project will be done well in advance of the 31st.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for street acceptance for Green Hill Subdivision. This is located on Green River Road, on the west side of Green River Road, south of Kansas Road. This is for 372' of Capehart Street, 183' of Hartsaw Court, 548' of Hartsaw Street, and 195' of Penrod Court. It's requested these be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have a request for storm sewer acceptance outside of the street rights-of-way in Stonecreek P.U.D., Section Two, Phases Two and Three. This is for a total of 212 linear feet of concrete pipe. The developer has paid the \$2 a foot maintenance fee, for a total fee of \$424. It's requested these pipes be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Last, I just wanted to let you know that we have requested that contractors submit quotes for street repairs in Bolins Meadow West Subdivision. This is some work that you authorized a couple of months ago, and we're setting it up to get them, get it under contract by the end of the year, and have it completed by the end of April. Those quotes will be due in next Monday. That's all I have, unless you have any questions on anything.

President Mosby: Any questions by any member of the Commission? Thank you, John.

John Stoll: You're welcome.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. Last week I wasn't here and Reggie attended this meeting for me, and he informs me that there was a job to do on Upper Mount Vernon for paving. Have we heard anything back from that?

President Mosby: Reggie brought it up, and I've talked with the railroad, and, I guess, I've talked with them eight more times since then. They are having a hard time putting a crew together, since they said it's December and the majority of their people are on vacation. So, now they are having a hard time putting a crew together to go over and cut the tracks.

Dennis Hudnall: I see.

President Mosby: As of this morning we still don't know.

Dennis Hudnall: Well, I'll just hold up on repairing the paver until we get word back from them.

President Mosby: I'll call them back, I'm dealing with their engineering department, so I'll call them back and see if I can get an answer. If not, tell them we need to do something. The city has got the money in place.

Dennis Hudnall: Okay.

President Mosby: I talked to Pat Keepes.

Dennis Hudnall: The only other thing I have is to ask if you have any questions on my weekly report.

President Mosby: Any questions? Thank you, Dennis.

Dennis Hudnall: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: Yes, we covered one item, I have a few more. The first is, I have a settlement agreement and an easement, grant of an easement. This is in the condemnation case, the county versus, my apologies to the gentleman, but, I believe it's pronounced Nizar Hilmi Al-Kamhawi. People think Winternheimer is hard to pronounce. In any event, that's the owner of the property. We went through mediation, and we have come with a tentative settlement, subject to your agreement, for less than the court appointed appraisers, but they did want easement rights down the side of the unpaved portion. I talked to John Stoll, he has no problem with that. The easement is to run water and sewer lines out in the area, which is customary, in any event. So, I have that for your approval. I would like to get approval on that.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: The next matter, and I hope none of you are wanting to leave quickly after the meeting. This is on the Arbors at Eastland apartments, the Sterling Group, EDC bond. This is a project \$9,575,000 bond that they are, money that they are borrowing. This is an economic development commission bond. The commission has approved it, the County Council has approved it, and here are all the documents. You will notice that each document, obviously, let me just read the titles into the record, it's the trust indenture, loan agreement, land use restriction agreement, bond number 03-R1 document, the promissory note, general certificate of Vanderburgh County, the arbitrage certificate of Vanderburgh County, IRS form 8038, a document entitled approval of applicable elected representative, request for authorization and delivery, and the eleventh document is a notice of issuance. Here are the documents attached with the signature pages. They asked, this is in lieu of going to Indianapolis on Thursday for the closing, they asked that you sign the six attached documents as well as the signature page on the document. That's because everybody involved wants an original. There are places for the Commissioners to sign, and, of course, the Auditor to attest to it, and I think there's a separate document, Bill, for you sign. Here are the documents, they are prepared by Ice Miller did some of them, and, I'm sorry what is the other one?

Commissioner Fanello: Baker Daniels.

Kevin Winternheimer: Baker Daniels was the primary author of all the documents. Believe it or not, I have reviewed them all. They all are in order, they all are standard, and they will get this bond issue closed so these people can start construction next year. I have them for your approval. I hope you don't have a lot of questions. They are standard forms, and I have the phone number of the attorney at Baker Daniels if you do have specific questions. But, they all are here in these envelopes, and I would ask for your approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: Madelyn, if you would, after all the signatures and everybody has signed them, I will pick them up in the morning. They have an envelope in there, I've got another document that I have to sign stating that you all did your job, that I have to put in there, and then I'll mail them off. But, I'll come over in the morning and pick them up. Please note there are six signature pages attached to every document, and do not date the documents because they are going to date them Thursday, which there is nothing wrong with that. Now, the last item is we have another condemnation case, I would like, if we can, to have an Executive Session at 5:15 next week, if that's possible to discuss it with you. We're trying to wind all these up, and this is another one that I think we can wind up. They want to talk to you about it.

Commissioner Fanello: I would make a motion that we have an Executive Session at 5:15.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: That's all I have. That will be to discuss pending litigation of a condemnation case.

President Mosby: Okay. Any questions?

Superintendent of County Buildings

President Mosby: Superintendent of County Buildings. You are standing in, do you got a report?

Patty White: You have it.

President Mosby: I have it. I guess, we have a late pink slip.

Patty White: Madelyn has that, Sandie brought it in this morning.

Madelyn Grayson: The late pink slip?

Patty White: Uh-huh.

Madelyn Grayson: Yes.

Commissioner Crouch: Then, I got an e-mail I saw, it was for the County Council to get their phone service, I got an e-mail from the Executive Assistant that said that she had been without a phone for two days, so I know we're working on that, I'm sure.

Patty White: Tammy had called it in already on Friday.

President Mosby: Okay.

Burdette Park

President Mosby: Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. The first thing I have is the Burdette Park rates for usage of our facilities for 2004 and for the building rates for 2005, as given to you by the advisory board, if you have any questions on them.

President Mosby: Everybody should have a copy.

Commissioner Fanello: I just have a couple of small questions. On the Aquatic Center season passes and then on the campground. I guess, some of them didn't really increase that much, some of them were five dollars, and then I think the pool party was \$50, and the electricals were not that high, but, I guess, what kind of process did you go through to decide how much you wanted to increase them?

Steve Craig: And that is for the 2005 year? Not for 2004?

Commissioner Fanello: Right.

Steve Craig: It was brought up that the state had raised theirs, and with the larger electrical services and that that we had given the campgrounds up there, that they could use more electric. They can now use two air conditioners and several other amenities in their large campers, and that it would be a cost to us, and if they would raise it, which, like you said, was nominal, but that was mostly to cover the utilities.

Commissioner Fanello: What about the pool party, the increase of \$50.

Steve Craig: That was in anticipation of having a new pool attraction by then. They thought it would be an appropriate time to raise it 50 cents in 2005.

President Mosby: Any other questions? Any comments?

Commissioner Fanello: I would make a motion that we accept the rates as presented.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to accept the rates as presented by the board. So ordered.

Steve Craig: Then I have our weekly work reports, and other than that, that's all I have.

President Mosby: Any questions on the work reports? Seeing none. Thank you, Steve.

Steve Craig: Thank you.

SWCD & Ozone Officer Reports

President Mosby: Do I have a motion to accept Soil and Water and Ozone?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Consent Items

Commissioner Fanello: Commissioner Mosby, we have just one change on the consent items, under other reports, the escrow agreement for Peyronnin Construction. I spoke with our construction manager today, because not all the information was filled out, and I also spoke with Madelyn. So, they are going to be sending that document before the end of the week for our approval next Monday.

President Mosby: So, are we going to withdraw that?

Commissioner Fanello: We will hold that one until next Monday. I meant to ask Phil Lawrence this question while he was here, but I saw in here that Area Plan is wanting two new phones with a Verizon contract, and we have a contract with

Cingular. So, I didn't know why we were contracting with somebody else. So, we might actually want—

President Mosby: I would like to hold that, because I seen that same thing.

Commissioner Fanello: So, I would ask that we pull those two, and then make a motion to accept the consent items without those two items.

Commissioner Crouch: Second.

President Mosby: Okay, can I have a motion to, I guess, insert this pink slip.

Commissioner Fanello: Oh, and a motion to add the additional pink slips to the consent items.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to add additional pink slip, and withdraw the escrow for Peyronnin and the Verizon contract for Area Plan. So ordered. Anybody want to make a motion to adjourn?

Commissioner Fanello: Adjourn.

Commissioner Crouch: Second.

Commissioner Fanello: Motion to adjourn.

President Mosby: That's the hardest motion to get. A motion and a second to adjourn. So ordered.

(The meeting was adjourned at 6:23 p.m.)

CONSENT ITEMS:

Jail Expenses: James L. Shireman, Inc. \$55,000

Travel Requests:

Health Department German Assessor

Employment Changes:

| | | |
|-----------------|--------------------|----------------|
| County Engineer | Cum Bridge | Superior Court |
| County Clerk | Sheriff Department | County Council |
| Recorder | Burdette Park | |

Requests for Telephone Service:

| | | |
|-----------------|----------------|----------------|
| County Engineer | County Highway | County Council |
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Weights and Measures: Surplus of Computer Equipment.

Central Dispatch: E911 Services Contract (Verizon)

Perry Assessor: Lease Agreement.

Those in Attendance:

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| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Patty White |
| Madelyn Grayson | Phil Lawrence | Gary Heck |
| John Ansbro | Brad Ellsworth | Cheryl Musgrave |
| John Stoll | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 15, 2003**

The Vanderburgh County Board of Commissioners met in session this 15th day of December, 2003 at 5:33 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting for December 15, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of December 8, 2003 Commission Minutes

President Mosby: Thank you. Do I have a motion to approve the December 8, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Approval of December 15, 2003 Executive Session Summary Minutes

President Mosby: Approval of the December 15, 2003 Executive Session this evening.

Commissioner Fanello: I move approval of the Executive Session summary minutes. The Executive Session began at 5:15, ended at 5:25, and discussed pending litigation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

**Award APA002-2004: Crushed Stone
APA003-2004: Sand & Gravel**

President Mosby: First we'll have Phil Lawrence, permission to award APA002-2004, APA003-2004.

Phil Lawrence: Yes, I would like to ask permission to award the APA002-2004, crushed stone, to Mulzer Stone for \$138,860.30.

President Mosby: Are there any questions?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Phil Lawrence: Permission to award APA003-2004, sand and gravel, also to Mulzer Stone for \$15,876.90.

President Mosby: Any questions? Seeing none.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Permission to Extend APA48-2004 Pager Contract |
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Phil Lawrence: Permission to extend for one year APA48-2004, pager contract, with Cater Paging, \$12.500.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: Thank you.

President Mosby: Thank you.

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| Open Bids VC03-12-01: Darmstadt Road Bridge 410 Replacement |
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President Mosby: Next, Kevin, we have permission to open VC03-12-01, Darmstadt Road Bridge 410 Replacement.

Kevin Winterheimer: Are there any bids from the audience on this or any other project? Seeing none. We have a couple of bids.

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| Gohman Asphalt | \$108,984.35 |
| Ragle, Incorporated | \$91,558.35 |

Kevin Winterheimer: The first is from Gohman Asphalt Construction, Inc. of Clarksville, Indiana. Their total is \$108,984.35. We have one more bid. The next bid is from Ragle, I guess, R-a-g-l-e, Inc. of Newburgh, Indiana. Their total is \$91,558.35. Those are the only two bids we have on this project.

President Mosby: Do I have a motion to take bids under advisement?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Open Quotes for VC03-12-02: Concrete Repair of Bolin Subdivision

President Mosby: Next we need permission to open quotes for VC03-12-02, concrete repair of Bolin Subdivision. Is there any bids in the audience? Seeing none.

Kevin Winternheimer: The first bid is from Deig Brothers Lumber and Construction Company, Inc. of Evansville. Their total bid, \$31,458. The next bid is from J.H. Rudolph Company, Inc. of Evansville. Their total is \$33,250. One more, the last bid is from Concrete Pavers, Inc. of Evansville. Their total is \$24,313.64. That's all the bids I have.

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| Deig Brothers Lumber & Construction | \$31,458.00 |
| J.H. Rudolph Company, Inc. | \$33,250.00 |
| Concrete Pavers, Inc. | \$24,313.64 |

Commissioner Fanello: Motion to take under advisement.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to take bids under advisement. So ordered.

**Morley & Associates: Public Hearing for Vacation of
Drainage and Lake Maintenance and Storm Drainage Easements:
Clear Creek Subdivision**

President Mosby: Next we have public hearing for vacation of drainage and lake maintenance and storm drainage easements, Clear Creek Subdivision.

Bret Sermersheim: My name is Bret Sermersheim, with Morley and Associates representing Brad Sterchi. He's wanting to vacate a drainage easement in section four. The reason he is wanting to vacate ,that is, when we platted it, he asked us to plat it in a certain location, and he built it in a different location. So, when we as-built it before this vacation we've already dedicated a new drainage easement where the actual swale is. So we are wanting to vacate where the swale is not. That's in section four. Then we have a drainage easement in lot one in section one, and that drainage easement will be totally within the new right-of-way of Mt. Pleasant Road. Once that is widened, and then there is also a lake maintenance and storm drainage easement on lot one, and he's wanting to vacate that, and per Dave Schmenke in our office, he said that, I guess, it was approved per preliminary approval of the Mt. Pleasant roadway widening, but I don't have any documentation on that. Right now I have not gotten a comment letter back from EMC. I've tried and tried. I did submit, I tried to do these vacations last year about the same time, I got a response letter back at that time, and they did not object to it. I sent, since the year has happened, I sent new letters to all the utilities. I've gotten response letters from all of those except for EMC. I faxed them a couple of times last week. I called on Friday, and I called twice today, and still did not get a response back from them.

Commissioner Fanello: From EMC?

Bret Sermersheim: Yes, Herb Butler.

Commissioner Fanello: I was going to say, we have a response from them. Is that not the—

Bret Sermersheim: That, does it say December 16, 2002?

Commissioner Fanello: Uh-huh.

Bret Sermersheim: That's from, I started this process—

Commissioner Fanello: Oh, okay.

Bret Sermersheim: —last year.

Commissioner Fanello: Oh, I see. You haven't received a current one.

Bret Sermersheim: Before I continued, I told Brad that I wanted to, before I vacated them that I wanted to grant new easements, and that was the reply from last year. Nobody has returned any of my calls for the last week or two.

President Mosby: Are there any questions? Anybody in the audience who would like to speak?

Unidentified: (Inaudible. Not at mic.)

President Mosby: You have to come to the mike and give us your name and address.

Anova McCamish: What does this have to do with our properties at 636 Mt. Pleasant Road?

Bret Sermersheim: You were within, by state law we have to notify everybody within 200 feet of the area to be vacated.

Anova McCamish: So, there will not be anything to do with our property as far as—

Bret Sermersheim: No, it's just that we have to notify, by certified mail, everybody has to get one.

Anova McCamish: Okay.

Bret Sermersheim: So, that's why you were notified.

Anova McCamish: I just wanted to be sure.

Madelyn Grayson: Ma'am, could you state your name for the record please.

Anova McCamish: Anova McCamish. M-c-C-a-m-i-s-h. Anova, A-n-o-v-a.

President Mosby: And please give us your address.

Anova McCamish: 108 Hanover Road, Evansville, Indiana, 47710.

President Mosby: Thank you very much.

Anova McCamish: I'm not going to give you my phone number.

President Mosby: Oh, that's okay. That's okay.

Commissioner Crouch: Has the County Engineer approved this, signed off on it?

Bret Sermersheim: I sent, or I faxed him on Friday. I did not talk to John though.

President Mosby: Is John here?

Bret Sermersheim: He's out there.

President Mosby: See if he can come in for a second.

Kevin Winternheimer: Does EMC have any facilities in there?

Bret Sermersheim: I don't believe so. They approved, that first letter from last year, they said, you know, that they were alright with it. I wouldn't think that they would put anything in there because the subs been there, and all the water is run along the front in section four.

President Mosby: John, there was a question as whether you have looked over these vacations and have any problem with them.

John Stoll: Yeah, I got a copy of them late last week, and I had no objections to the vacations of the easements.

President Mosby: Is there any other questions by any member of the board or anybody in the audience? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve vacation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to approve vacation. I think we have to do a roll call, don't we?

Kevin Winternheimer: This is first reading, isn't it? You can go ahead, that's fine. We'll just need to reschedule it for second reading.

President Mosby: Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes.

Kevin Winternheimer: So, are we going to have that next week then?

President Mosby: Yes, we can put it on for final.

Kevin Winternheimer: If anybody wants to come back next week and talk.

Bret Sermersheim: Okay, thank you.

President Mosby: So, it's approved for second and final next week.

**Second/Final Reading of Ordinance Establishing
a Polling Place Advisory Council**

President Mosby: Next, we have the second and final reading of the ordinance establishing a polling place advisory council. We had this last week.

Kevin Winternheimer: As I stated last week, this is pursuant to the grant. I've received no comments on it. I recommend approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second for approval on second and final reading. So ordered. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes. There being three yes' and no nays, motion carries.

Revision of Resolution Regarding Polling Place Accessibility

President Mosby: Next we have revision of ordinance regarding polling place accessibility.

Kevin Winternheimer: Yes, Friday morning I came into my office and I had received a fax from Carla Hayden in the Clerk's office, and I've got the paperwork here, I'll pass it down for Madelyn's records. If you recall, I think it was back in October, you passed a resolution, the form of which was submitted by the state of Indiana, and told us don't change a thing, just approve it and sign it. We did that. Apparently, Carla received notice that there was an omission from the ordinance supplied by the state that they told us not to change. I contacted Mr. McLain with the Secretary of State's office. He gave me the language, I put it in bold print. The document that you have in front of you, I should have stated, I have it numbered now. I e-mailed you, I didn't have it numbered, didn't give the title, but the contents are exactly the same as I e-mailed you. It is CO.R10-03-001 and I labeled it as amended, because in items six, seven, eight and nine, in bold print, you'll see the language that the state wanted in the resolution that we passed in October. So, I would recommend

approval. This should satisfy the state requirements. I e-mailed it back the gentleman Mr. McLain, he said it looked great to him, so, hopefully, this is the last time you will see this. I would ask for a motion to reconsider R-10-03-001 and adopt the as amended version that you have in front of you.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Kevin Winternheimer: If I would, Madelyn, if we could forward this on to the County Council, they will need to approve it at their convenience.

Madelyn Grayson: That won't be, I think they don't meet until January 7th.

President Mosby: Okay.

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| First Reading of Storm Water Ordinance |
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President Mosby: Next, first reading of storm water ordinance. Is this yours or Bill's?

Kevin Winternheimer: Well, it's Mr. Jeffers. I don't see him. He was going to be...oh, there he is.

President Mosby: There he is.

Kevin Winternheimer: I was looking out there. He knows all about this.

Bill Jeffers: The copy you have in front of you is as proof read and worked up by your attorney, Mr. Winternheimer. I believe you notified all the committee members by e-mail, is that correct?

Kevin Winternheimer: I believe so. Yes, they should have gotten it.

Bill Jeffers: The e-mail had this text attached to it for their reading. There is three members of the committee here tonight; Mr. Bill Pedtke, Steve Harp, and myself. Are you, is it in proper form for someone to recommend it for first reading?

Kevin Winternheimer: If it's okay with the Commissioners, you might just give a brief summary of what we're doing here and what we're trying to accomplish.

Bill Jeffers: Okay. Well, this is an ordinance that regulates the storm water runoff from active construction sites. New Indiana rules that were promulgated by Indiana Department of Environmental Management included in this, with regard to this ordinance, what's commonly referred to as Rule 13, that requires this ordinance be adopted no later than November 3, 2004 by a designated MS4 entity, which Vanderburgh County is. Rule 13 allows the ordinance to be adopted before that time, and upon it's adoption, the MS4 operator, who you've designated as your County Attorney, John Stoll, is supposed to certify the adoption of this ordinance to IDEM, with a document that's provided on line by IDEM. Then IDEM will review the contents of the ordinance and other information that's forwarded to them with the certification of adoption, including outline of a program that an MS4 operator intends

to implement and manage as a part of this storm water control from construction sites. Then they will approve the MS4 operator, in this case the County Engineer, they will approve him as the designated agency to review construction plans, under this ordinance. Rule 13 requires this ordinance to have the minimum content of Rule Five, which this ordinance does have the minimum content of Rule Five. This ordinance also includes some provisions from Rule 13 over and above Rule Five. Basically, measures that will integrate with the rest of Rule Five later, when we get into some other ordinance that Rule 13 also requires. Like illicit detection and elimination ordinance that has to be adopted within the next two years, etcetera. So, the County Surveyor feels that this document represents a legitimate ordinance in accordance with state rules, and goes beyond the minimum requirement of the state rules for an ordinance of this type. As I said, there's two other members, well, there's actually three other members, because Kevin Winternheimer, Winternheimer is also a member of the committee. So, there are four members of the committee who the board might ask questions of, if there are any further questions.

Kevin Winternheimer: I have one comment, Mr. President. One correction, it's the County Engineer. I believe you said County Attorney who is going to be the MS4 operator, and that's minor, but very important.

Bill Jeffers: Well, that was a good try on my part, on behalf of John, but, no, it's the County Engineer is the MS4 operator.

President Mosby: Are there any questions (Inaudible)? Any questions of Bill? Did Mr. Pedtke or Mr. Park want to add anything?

Bill Pedtke: I would just like to thank the Commissioners and the County Attorney, Kevin Winternheimer, for all the cooperation that we've had in drafting this ordinance and getting it to this point. I'm very impressed with the cooperation that we've been able to get with the County Surveyor, Bill Jeffers, and County Attorney...I tried to do it too, County Engineer, John Stoll, in putting this together. The committee worked really well together. I think that everybody has their needs met by this, and I think we're going to do light years from what we're doing now as far as from construction sites, at the same time we were able to find a lot of ways to make it more reasonable and keep housing affordable in Vanderburgh County. So, thank you all very much.

President Mosby: Thank you for serving on the board. Did Mr. Park want to add anything? No, okay. Anybody else? Are there any questions by any member of the board? Seeing none. Chair would entertain a motion.

Commissioner Fanello: I make a motion to approve first reading of the storm water ordinance.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second, first reading. So ordered. Do we want this back on for next week?

Commissioner Fanello: Yes.

President Mosby: Bill, can you be here? If there is any questions.

Bill Jeffers: Yes, sir, I'll be here. That's also Drainage Board following, so, that's fine. I would say the only thing we need to work out is a speedy way to encourage Indiana

Department of Environmental Management to take this document and supply their comments as well. There's no reason to adopt an ordinance if it has a huge fault in it somewhere that, for some reason or another, we've overlooked. I don't believe that fault is there. I believe it's a complete ordinance, but if there is any guidance from any of the three Commissioners or their attorney as to how to get the Indiana Department of Environmental Management to move fast on reviewing this, because they will, as I understand directly from them, also turn it over to the Indiana Department of Natural Resources, Division of Soil Conservation, Mr. Randy Braun and staff, to come down here and interview, read the ordinance and interview the County Attorney and others who will be working under the new ordinance. To see if they feel our program would be sufficient. I believe our program will be very sufficient, and we need to convince them likewise.

Kevin Winternheimer: Bill, are you suggesting that we shouldn't adopt this until the state has reviewed it? Or should we adopt it and send it to them and say this is what we believe to be our final form? Which way are you suggesting that we proceed?

Bill Jeffers: I would like to see it adopted and sent to them for approval.

Kevin Winternheimer: Okay.

Bill Jeffers: If there's somehow we can facilitate rapid approval, rapid review and approval, I'm just saying if there is some, any ideas from your board that would facilitate a very rapid review and approval, so that we don't have to revisit it for a technicality, that would be beneficial.

Kevin Winternheimer: When you contact them you might tell them that we do have a completed document. If they approve it right away they could send it out to other counties. I think we're one of the first, aren't we to get this done?

Bill Jeffers: My understanding is that Monroe County, which is Bloomington, is also moving at a advanced speed, and possibly another northern county, I can't remember if it's Lake, could be Lake County. However, I think we're well ahead of 90 out of 92 counties.

President Mosby: Okay, so we'll put this back on for second and final reading next week.

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| <p>Architectural Services and Energy Savings Contract for Old Courthouse</p> |
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President Mosby: Next under Commissioners, energy savings contracts for the Old Courthouse.

Commissioner Crouch: Mr. President? In the course of reviewing this information, and it was pretty comprehensive, I had e-mailed and asked if the companies or the firms would be available, or had been notified that we would be meeting today to make presentations, or be available, and it was shared with me that they were not. So, I took it upon myself to start the eight firms and asking them questions and trying to get information from them with personal conversations. In the course of that,

there were two of the firms that I called that I've not heard back from, and it's possible it was because I've been on my phone most of the day. But, one, two of the firms also shared that they did not realize we were going to make a decision tonight. One had indicated that they had been told that they would be able to make oral presentations, and wanted to have the opportunity to do that. So, while I understand our need to move ahead, and I think we all agree it's an important project, I also think that it's important that we appear, and the process appears to be fair and responsive. So, I would like to move that we invite the firms that are wanting to make a presentation to do so at next week's meeting before we make a decision of this magnitude with this much community involvement.

Commissioner Fanello: President Mosby, I have some comments in regards to that.

Commissioner Crouch, I just want to remind you that earlier in the year, in May, you were given a set of proposals from each of the firms, and I have been working on this since the beginning of the year. So, I don't know how much time that you have put into it, but I have met with these individuals on more than one occasion for the past six, seven months. The RFQ does state in here that the Board of Commissioners may make an initial selection of one to three respondents. I feel like, you know, we only received three responses on the energy savings proposal. We received, I believe four or five on the architectural. Each of those three respondents that we received on the energy savings I've been in, I think each one of them can testify to how much extensive conversation I've had with them. So, I would believe that each, upon, it's each Commissioners responsibility to do that work. Now, the architectural one I was going to make a motion tonight to defer that for one week until I had an opportunity to talk with a couple of the architectural, but I am ready to recommend a firm for the energy savings tonight that we, you know, we would still need to negotiate a contract with this firm, but I'm in a position where I'm ready to make a recommendation, because we only received three, and I've been working on this for seven or eight months. So, I would hope that each Commissioner in here, as long as we have been talking about this, had taken the time and not had waited until this month to make those contacts and talked to those people.

Commissioner Crouch: Again, the firm indicated to me that they were told that they would be allowed to make an oral presentation, and have not been able to—

Commissioner Fanello: And had we received six, seven, eight responses for energy savings that would have been my choice to pick the top three and do an oral interviews. But, to me it's going to be very elementary to bring those three in to make oral presentations when I have sat down with them for more than, at least, I can count one of them at least four and five times each. I met with them at the Association of Counties Conference, I met with each one of them at the Commissioners Conference last week, and have met with them prior to that in May and June. So, it would be very elementary for me to sit through that interview. But, I mean, that's up to the board.

President Mosby: I can just say that I came prepared to make a decision tonight, because we have to get this moving.

Commissioner Crouch: I don't—

President Mosby: I mean, we have to have this done before the end of the year. So, I mean, it was—

Commissioner Crouch: And I don't disagree, President Mosby. I just think if a firm was told that they would be allowed to make oral presentations and are asking to do that then—

Commissioner Fanello: The RFQ doesn't, oh, I'm sorry.

Commissioner Crouch: —we should not be afraid to allow oral presentations.

President Mosby: I mean, I never told anybody they could make them. I don't know where this is coming from.

Commissioner Fanello: You know, it says right in here—

President Mosby: I mean, I've talked to each one of them, but—

Commissioner Fanello: You know, that's up to our discretion if we want to do that, but we only received three responses, and, I guess, I would have hoped that each three of those have had an active presence all year, and have had extensive conversation with myself, and I made the contact with the one's after we received the initial proposals in May, and the initial information. So, if we need more time than seven or eight months to work on this, I'm very surprised. I've been working on it since before May, but very extensively since May. I was ready to take some action tonight.

President Mosby: It would be my wish that we would take action on this tonight. I mean, that would be my wish, that we would take action so that we can get something worked up by the end of the year, and we only have two meetings left. So, I would just say if we held off until next week, I don't think we have time to do something before the 29th meeting without coming back and having a, I don't even know that we could have a special meeting the 30th or 31st. I think it would be virtually impossible. I mean, I'm prepared to make a decision.

Commissioner Fanello: I'll just restate, the RFQ does say the Board of Commissioners may make an initial selection of one to three respondents. So, we did reserve that right to make an initial selection.

President Mosby: Any other questions?

Commissioner Crouch: So, the motion dies?

President Mosby: I would say it died for lack of a second. Is there any other comments or questions on energy savings?

Commissioner Fanello: I can proceed with my...I would just like to say that each of the companies that I spoke with are extremely outstanding companies. They all had experience in many different areas, had worked with a lot of different people. Their proposals were very complete. So, it was a very, very tough decision for myself. Like I said, I have spoken with many of them, each one of them many times, and have taken a lot of time to investigate what the energy savings is all about, and how well it has worked in other cities and counties and for school corporations, so, I will just say, you know, there will be two unhappy people, but I just want to say that each one of you are very, very qualified. But, over the past week, as I've been talking with many local people and checking out references, I've had a lot of phone calls, received over the past week a recommendation of our local company, Energy

Systems Group. I'm going to make the motion that we proceed with a contract with Energy Systems Group.

Commissioner Crouch: I'm not going to second, not because I don't believe that that is an outstanding company, which I do, as are the other two that submitted proposals, but because I think it's important that if a company wants to make a presentation in public, we shouldn't be afraid to allow them to do so. So, I will not second.

President Mosby: Well, I don't like the comment that we're afraid to.

Commissioner Fanello: I don't think that's—

President Mosby: I mean, I'm not afraid to allow anybody to make a presentation in public. I know we did that extensively on the jail project. It was a lot bigger project and a lot more teams involved.

Commissioner Fanello: We had 12 responses and we narrowed it down to three or four.

President Mosby: I would just say that I have had conversation with several, or all of the three companies that applied, and they all three are very professional, and I would have had no problem with any of the three, but I will second Commissioner Fanello's vote.

Commissioner Fanello: Commissioner Mosby, I would just like to add one thing, you know, Energy Systems Group has done work for the Centre, and they've done work for the Civic Center, and so we do have some demonstrated experience with them, and I think we'll be able to negotiate a contract, and I think they'll be able to do what needs to be done for the Vanderburgh County Old Courthouse, and, you know, they are local.

President Mosby: Okay. I have a motion and a second. So ordered.

Commissioner Fanello: With that, Commissioner Mosby, I would like to make a motion to defer the architectural selection until next Monday. I would hope that each Commissioner would get in touch with those individuals over the week.

Commissioner Crouch: I'll second that motion. Will we allow or notify them that they will be able to make presentations? Or will we ask them to be present to be available for questions?

Commissioner Fanello: I would hope that you would do that work during the week, and that we don't do all of that work in the meeting. I mean, I guess, I'm not understanding why we're not making that contact outside of a Monday night meeting at 5:30. If we want to have interviews that's one thing, but we received so few proposals, to me, it was very easy to call each one of them and sit down and meet with them if I had any questions. So, I guess, that's up to the pleasure of the board, but, once I make my contacts this week, I'll be ready to come back with a recommendation on Monday.

Commissioner Crouch: I would like to have them available and notified. At least for presentations, or at the very least to be available for questions.

Commissioner Fanello: I think they are more than, well, this is a public meeting, they need to come, and if you have questions, but, I would ask that each Commissioner do some work outside of the Monday night meeting.

Commissioner Crouch: And I have been, thank you.

President Mosby: Okay, I have a motion to defer architectural services to December 22nd. I mean, I don't have a problem if the companies are available, if you want to ask them a question. I'm not really looking for a presentation, but if you want to ask questions, I don't have a problem with that.

Commissioner Crouch: So, we'll notify them?

President Mosby: We can do that. We can notify them and tell them that it's going to be on for next Monday, that it was held on the 15th and it will be on for the 22nd. I have a motion and a second on that, so ordered. Next, I have—

Mike Shoulders: May I approach the mike please?

President Mosby: Sure.

Mike Shoulders: My name is Michael Shoulders. I'm President and CEO of Veazy, Parrott, Durkin and Shoulders. We're an Indiana architectural, engineering and planning company with offices here in Evansville and also in Indianapolis. I have some difficulties, and due to the way that the process is structured I will have to make myself ineligible and withdraw my proposal to do the architectural services. We have a very adversarial relationship with the firm of ESGI, and I do not think that that would be in the best interest of this community or this county or it's taxpayers. So, I will withdraw at this time and thank the Commissioners for inviting us originally to participate. Good night.

President Mosby: Thank you.

Commissioner Fanello: So, I guess, we just narrowed it to four.

President Mosby: Yeah, well, Patty is here, so she can just notify the other ones.

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| Ken McWilliams: Request to Hold Annual Blood Drive |
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President Mosby: Ken McWilliams, is Ken here? Ken was wanting to do the same thing that he did last year. He was wanting to have a blood drive. He was just asking for our permission.

Commissioner Fanello: I don't think he's here, but I'll make a motion—

President Mosby: Yeah, I don't see him.

Commissioner Fanello: —to allow the annual blood drive.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered. I don't believe we have any contracts.

Public Comment

President Mosby: Public comment? Anybody from the public?

Greg Donaldson: I'm Greg Donaldson. I live at 2225 Kansas Road. Actually I'm here to ask for help. I'm not sure exactly how we go from here, but I was a part of the people that remonstrated against the Baywood Development project on Kansas Road. I think the thing that, this is in McCutchanville, and on Kansas Road from...my house is on Kansas Road, but from the old church on top of the hill, falls quickly down...it's a county road, you know, and it's windy. It falls down to 57, goes across 57, and runs into Green River Road. The long story short is, in the last probably four years there have been nine subdivisions, and I've not been here for a one of them, subdivisions. Because I think people, McCutchanville is a great place to live, I've lived there, it's a great community, and I don't think that it's right to stand in the way of people who want to come and join your community. I've been there for 20 some odd years, and several of these people back here have. But, we got absolutely no satisfaction from the Planning Commission. It was in the paper the next day, and this is what they kept telling us, they go around the room and they say, hey, we hear you, we hear you, but it said, however, commission members, this is the Courier as of, you guys probably saw it, but I'll give you the date later, I'll just read this little quote;

"However, commission members cited court rulings that have said that they must approve subdivisions that meet local ordinances. Several members said they were voting approval only because of the court rulings."

Then, Jim Angermeier, good 'ol Jim, he voted against it, which probably is illegal. But, the problem is, is that, and I won't go into the whole thing, but this development is so unlike McCutchanville and so, it's almost an insult, in a way, from the people that are here. I mean, the people that already live there. You have 273 houses are going to be added to a road that literally when I moved there had no subdivisions on it, and as far as I could see it was all farm ground, and that was only like six, seven years ago. And, as I say, we haven't come and quibbled, but from what we hear you guys are the only ones who can do anything about it. But, this subdivision is, the other subdivisions are bigger lots, green space, deceleration lines, ponds, they're very, very nice and we're happy to have them as neighbors. But, this thing, and those 273 lots and very, very small houses. I think I said, you know, not much bigger than trailers, and they quibbled with that, but they are very small houses. There is not an ounce of green space. There is not a sidewalk. There is no deceleration line, even though if you go out there, you guys have been up and down that road, there's blind spots, and I brought that up and one of the representatives said, well, you can cut your trees down so they can see better. Then we talked about the traffic and the wrecks on Highway 57 and Kansas, which there is one a week, and they said well, we're going to put in a stop light. Then we talked about the bridge, and they say, well, the bridge is in the planning. I think what really sort of frosted me was that they almost admitted themselves that it was not in keeping with this area, because the attorney at the very beginning of his conversation, he looks at the Area Planning Commission and he said I told you that you needed to do something about this, that this was what was going to happen if you didn't have a master plan. So, the position

we're in is that this is an area where the average acreage is probably in excess of one acre. There are a couple of guys back here that have on their property they are going to have three houses with no berm, three houses, the park, McCutchanville Park is right behind their houses. There is no way for kids to get there except through these people's yards, and, so, you guys might, some of you might remember my face, because I came to you, and I wanted to rezone that house on Darmstadt Road, that big mansion that I called the white elephant, and I told you that we were not going to fight it all the way to the end of earth, because if the people didn't want it, we weren't going to come in there and try to be bad neighbors. I think you even told me kind of ways that it could maybe work out, but the thing is, in this case, who, and I think, David, if I don't, this is not a quote, but you said, look we have an obligation to the people that already live there. In this case, the Area Plan Commission is sitting up there saying that the courts are telling us what we have to do. We can't do anything for you. I guarantee you, well, I can't guarantee you, my sense was that thing wouldn't have passed if they could have voted. So, at the end of the night our concerns are washed away, and we realize that McCutchanville that we know is....it's been changing all along, and that's fine, but the McCutchanville we know, now, you can do anything there you want. Nobody is going to stop them. The attitude was, and we kept saying what about good neighbors, for crying out loud, we're going to live with you, and there was not an inch of give about the concerns of the people they are going to live with. Not one inch were they willing to give. Then it just so happens that a few days later, the contractor, who is the main contractor, shows up in the newspaper, and contractor may lose license. Those people of that subdivision came and tried to speak to the Area Plan Commission. It's Willow Creek Subdivision came, and they tried to talk that night, and, again, the Plan Commission said we can't do anything for you. We can't do anything for you. I would just like to know, you've got a bridge that's not dual lane, you have no stop light there, they say they are going to do those things, but you have, it's just so illogical, like I say, it's just kind of an insult to people who already live there and went there to get away from the high density. This is incredibly high density homes. Then not to have green space is just, it just blows my mind. When every other subdivision out there is putting green spaces. So, we know there is going to be houses there. We know we can't do anything about that. In fact, I don't mind if there's houses there, but I think somebody has got to protect McCutchanville. I think it's a great place, and I think everybody agrees with that, and we're going to, you know, somebody's got to stand up here somewhere and say, well, there is this law or this rule or this something that we can stop this from a contractor that has not got this wonderful track record....I don't even know who the person is, I don't have anything against him, but doesn't have this wonderful track record. So, I'm throwing myself at the mercy of you guys, and there's not a great crowd of us, but there will be, because this, if we, if it happens here, McCutchanville, and I'll stop with this, McCutchanville as you know is all built on the ridge, you can look at the map, you can build these high density things in the arm, you know, in the elbow and along the edge of those ridges until heck wouldn't have it, and we will have, it's had 100% growth, as you know, Center Out has had 100% growth in the last decade. Well, you'll do it again, and you'll do it again, and those of us who went out there because that's the kind of lifestyle we wanted, some space, be able to get out on Boone, excuse me, Petersburg Road of a morning, which you cannot now do. The traffic has gotten so bad, so I'm, I think I'm going over the same turf. Is there anything that we can do? Anything that can be done to get a different style of development there?

President Mosby: I don't know of any vote that we have in this. I'm looking at the County Engineer behind you, but, Kevin, I mean—

Kevin Winternheimer: With subdivisions you pre-set the standards for the county, you know, that vary outside the city limits. There is no provision to say you have different standards here than you do in German Township or somewhere else. The standards are the same, and what he's running into is perhaps the homes that are currently there are a much higher standard than what our minimum standards are. But, under the state law, once the county sets the minimum standards, you either comply or you don't comply. When it goes to the Plan Commission they look at it and say, they just check off the standards and say does it comply with this standard, this standard, this standard, and it may be not to the standards he would like, but it is the minimum county standards, I would suspect, and that's why the Plan Commission is approving them. His argument is, we think your minimum county standards are too low, or not appropriate for that area, but I don't anywhere that they have different standards for different parts of the county. The county, minimal standards are just that. Now, the only other issue he brings up is one of roads—

Greg Donaldson: And drainage.

Kevin Winternheimer: —and drainage, and that is in your bailiwick in planning and subject to budget. I think budget is probably the, you've prioritized your projects, I don't know if this is on anybody's list or anything like that. John may want to speak to that, but that's where you're at. You've set the minimum county standards, and he may not like the minimum county standards. The Plan Commission may not like to apply them in your area—

Greg Donaldson: Uh-huh.

Kevin Winternheimer: —but, you treat everybody the same in the county. Everybody's standards are the same.

President Mosby: John, is this bridge one that we're upgrading?

John Stoll: We do have this, it's a culvert, and we do have it slated for replacement in next year's budget. So, once we see the drainage plan and see what this proposed subdivision does, and last I saw they were changing some drainage patterns to where they were routing some more of their water towards a retention basin up there in the northeast part of their development. They may end up diverting some more water away from our culvert, which in turn would allow us to maybe put in something smaller than what's out there right now. That's just something that we'll have to take a look at, but it is budgeted for 2004.

Greg Donaldson: Can I ask him one quick question?

President Mosby: Sure. Go ahead.

Greg Donaldson: What about the road? I mean, the thing that I was concerned with, because I live right at the corner of Kansas Road and Moffett Lane. So, as you come down here, I'm that big, white house right there as you come down the hill. Those, there are three unsighted curves there, where people are literally, when they get to my, the top of, about three quarters of the way up the hill, they are virtually stopping there, and there is no stop sign, because they can't see up and around, because the road is very narrow, and it goes straight up. It seems to me that there has to be some issue of safety here. We have cars running up and over and in to the woods probably four, five times a year, and they've come into my yard. I mean, they come down the hill, miss the turn, because the road is very narrow and it turns

sharply. It just seems like....there is nine subdivisions on a chip and sealed road, and no one is saying, hey, maybe it's not the greatest idea to have 275 houses emptying out on a little road.

John Stoll: The problem is there is no provision in the subdivision ordinance that dictates what a minimum road width is for a certain number of lots. There's nothing in there that I'm aware of that ever gets to that point. We dealt with the same issues out on Mohr Road, and that's the one where the Plan Commission lost the lawsuit. It has the one lane railroad bridge. There again, there were concerns about that, but there aren't specific road width standards tied to the subdivision code. So, there again, they've met the minimums in the sub code, and that is not in the subdivision code. That's not to say the road is perfect, but that provision doesn't exist in the subdivision ordinance.

Commissioner Fanello: John, let me ask you this. Are those things that could be looked at for the subdivision ordinance, and maybe investigated or improved in the ordinance?

John Stoll: I'm sure the ordinance could be changed, it would just be to what extent. We've got numerous subdivisions up Peterburg Road north of Boonville-New Harmony, there's hundreds of lots that have been approved up there, and Petersburg in probably narrower up there than Kansas is in some locations. So, this is not just an isolated incident, it's happening everywhere all over the county.

Commissioner Fanello: Is that something we could ask Brad Mills to investigate, since he is director of Area Plan? Or his office?

John Stoll: I think they could check and see what other counties have done.

Commissioner Fanello: What other counties are doing.

Greg Donaldson: Just a...I promise you, I won't go any further, but, you know, you guys all know the statistics and how fast it's growing. I mean, surely there is someone who is concerned about the number of houses that are being built on roads that were never built to handle that many cars, and I realize my aesthetics are not somebody else's aesthetics, but the idea is there has to be a body somewhere that says we're killing that, we're choking that off, there's not enough roads in there. I mean, I know you've got to do what the law says, but it seems like there's got to be....somebody's got to be in charge. I mean, to say you can't do that to an area. Don't you ever feel that way?

John Stoll: There, I have my own personal preferences on what subdivisions, how they are developed, but my personal preference can't play into it. It all goes down to what the codes say. Here again, we go back to the issue of the street widths don't go into play. There are street width standards for the new roads that will be built within the subdivisions, but there is nothing that dictates the roads they tie into. It's, like I said, it's happened everywhere. This county's standards for roads are 24' and 29' for new roads that are constructed, and yet Kansas Road is probably 18' and 19' in front of this new subdivision that's being proposed. So, it's a routine occurrence, and short of changing the ordinance, I don't know what the answer is.

Greg Donaldson: Okay.

President Mosby: That's something we can have them look at.

Greg Donaldson: I appreciate it.

President Mosby: Go ahead.

Commissioner Crouch: President Mosby, this very issue did come up at Area Plan, because, in essence, we were told that we had to vote a certain way or we would be sued, and that would end up costing the county and taxpayers money. We did meet with Brad Mills, several of us, and it was my understanding that he was going to implement a process whereby neighbors would be notified of sub and site review when it did concern these particular subdivisions, much like they are with drainage, drainage meetings or rezoning meetings, so that....he had indicated he was going to implement that type of process whereby at least the neighbors that would be affected would be able to have some input into the process.

Greg Donaldson: We all did get notices. These folks back here got notices. We got notices, but they didn't listen to a word we said. I mean, not a single word. I mean, so, why give us a notice if you have no interest in...there was not an inch that they gave no anything; green space, deceleration lane, I mean, it was remarkable to me.

Commissioner Crouch: Were you noticed of Area Plan meeting, or were you noticed of a subdivision review meeting, or a site review meeting?

Greg Donaldson: It said something about drainage.

Unidentified: Drainage and Area Plan.

Greg Donaldson: Drainage and Area Plan.

Commissioner Crouch: It's possible, and we probably ought to follow up with Mr. Mills, it's possible that the system that he is talking about implementing, it may not take place until the first of the year, but I understand your frustration.

Greg Donaldson: So, no great suggestions as to what we can do next?

President Mosby: The only thing that I can say that we can suggest, I mean, it would be something we would have to do is have Brad Mills go back and look at the ordinance and see if there's anyway that we can change....I mean, right now everybody's following the law.

Greg Donaldson: Right.

President Mosby: I mean, the law has nothing there for us to say that, you know, as John would say, a road has to be so wide leading up to a subdivision. The new subdivisions, yes, I mean, we have restrictions on them. They have to meet drainage, road widths, whatever.

Greg Donaldson: Right.

President Mosby: So, I mean, the only thing I know is we can talk with Mr. Mills and see if there is something that we can do to look into the law, and I don't know what that would be at this time. I would have to look at his suggestions.

Greg Donaldson: As a final thought, apparently, the Area Plan Commission if they did not approve, would be sued.

President Mosby: More than likely. Same as John stated on Mohr Road.

Greg Donaldson: Right. The thought that occurs to me is that why do you have an Area Plan Commission then? I mean, are we going to let the developers threaten lawsuit to do whatever they want to do? I mean, I can probably round up some people that will wrestle with them, but the idea is that I just don't understand why no one can stop something that's very dangerous. This is dangerous. I mean, honestly there is going to be houses on this place. I have no trouble with that, absolutely none, welcome them, have a picnic, invite them all over, but this is, these are so small that this is going to be dangerous. My quote is the absolute truth, this is my concern, my concern is that this going to be one of the most dangerous roads in this county. You can't, it's not just narrow, and that's the truth. It's not just narrow, it has blind spots. So, you have a nice residential area that all of a sudden you've turned into something kind of dangerous. I know, because my property goes along there, and I've got cars off in there all the time. So, anyway I appreciate your time. I really do.

President Mosby: I appreciate your speaking. Go ahead.

Susan Harp: Susan Harp, Oak Hill Neighborhood, 2515 Glen Avenue. I'm president of Oak Hill, and we have a lot of development in my neighborhood, from Morgan Avenue to 57, but I'm also chair of the zoning committee for United Neighborhoods of Evansville. I guess, I don't have anything better to do, but I sit at the Area Plan meetings every month, along with my husband, Bill Pedtke, Fred Padget, and it's been very frustrating to us to watch what's happening, as I know it has been to people on the Area Plan Commission whom I consider are our friends and want to work with us to make Evansville a better place. We have decided that after the first of the year, very soon in January, that as neighborhood groups we have got to get together, we've enlisted, we're going to get some attorneys, we talked to Mark Foster, other Area Plan members, and I think Bill Pedtke would work with us also representing the Home Builders Association, and, of course, Jeff Hatfield sits on Area Plan, but we have to change that checklist. We have to give Area Plan something to go by. In order to change the checklist, we've got to change the ordinances. So, that's where, and Brad Mills, I mean Area Plan would be working with us. We want to do that, but then it would come back to you, and you are the body that has to make those changes, the rulings. So, once we get something going we will let you know when we're going to meet, where we're going to meet, and I think if we all work together, maybe Les Shively did say it right, he said he told the Area Plan years ago, and it was happening right in Warrick County, so, we're going to find out what Warrick County is doing right, but we do need to investigate other cities and what are their ordinances. How do they combat this density issue? That was the number one problem, density. This happened in Maplewood, it was the issue at Mohr Road, the issue here in this subdivision, and it was also in Maplewood. So, there are other issues that are important, like the roads, very much so, but if we can address that density issue, we can also address those. So, we'll be doing something after the first of the year, and we do hope that you will support us, and everybody...if we work together, we can do it. I mean, it's not right, he's right, they don't need to have to sit there for hours and listen to remonstrators when they can't do anything. So, and thank you for sitting on there and listening. Thanks.

President Mosby: Thank you. Yes.

Jeff Noal: Jeff Noal at 2581 Viehe Drive. Mr. Donaldson has kind of spoke for most of us, but I do have a question, especially as Ms. Susan was saying something about

some kind of ordinance or some kind of change, because the people on Viehe Drive are very concerned that we've wasted some money. Personally there is four in-ground pools out there, I replaced my fence about a year ago Mr. Reinhart he put up a new fence about a year ago, and all we did was just contain our pool like it always has. The only thing, we went and updated the fencing on it. Then we get notice we have this huge subdivision going in. Each one of the houses on Viehe Drive will have three houses behind it, and we all have concerns, not only the people like myself that but against this property, but the other people on the other side of Viehe Drive that butt up against the park, all these people they are not going to go all the way out to Kansas Road, drive up through McCutchanville to go over to the park. They are going to try to walk through all our properties to go over to the park, because it's a lot closer. Is there anything that can be done? Or, that we can do to have some kind of buffer zone, or fence, because we feel like if we would have known this was coming, instead of spending the \$2,000 or \$3,000 for our fences around the pool, we could have just, you know, fenced in the whole backyard around the pool and be done with them, but we feel like, man, we've already spent a lot of money, and now this comes along, and now it's going to up our liability with all these people, that I know are going to come through to the park, because people already come down Viehe Drive, and park on Viehe Drive and walk across the park, because they don't want to park up in the parking lot and walk all the way down to the bottom of the park. Any suggestions?

Commissioner Crouch: I'm not an attorney, so I don't want to speak for Mr. Winternheimer. I don't know what your recourse would be at this point in time. What I was talking about would address those issues in the future, and that is Mr. Mills had indicated that he would put in a process whereby neighbors would be notified of subdivision or site review meetings. So, because Area Plan can't make any decision, once subdivision or site review signs off on it, and it comes to us, then we have no decision, Area Plan. So, the thought was that if he notify neighbors, like they do for drainage, that there are site and sub review meetings, that if any of the neighbors have concerns or thoughts at that time, that those could be addressed at those meetings. So, that when it did get to Area Plan that, hopefully, those issues would be resolved, or at least the neighbors would feel like they had some input into the process. Now that, we talked to Mr. Mills, that was several months ago, I don't know what his timetable was in terms of implementing it, it sounds like it may not....Kevin, is there any recourse that they have after Area Plan has signed off on it?

Kevin Winternheimer: As far as that particular subdivision?

Commissioner Crouch: Uh-huh.

Kevin Winternheimer: No. No, as I've said, we've set the minimum standards, and your argument is with those minimum standards. We may look at the minimum standards and want to change those, but you've got to understand it's going to affect everybody in the county when you start changing those standards. So, I'm not saying don't take a look at them and don't see what other communities are doing, but please, at least have some empathy with people that have to make the hard decisions, like Ms. Crouch on the Plan Commission, they are following the law, and they may not like it, but they follow the law. That's what both the state legislature and the courts of this state have said is we're not going to allow you the discretion like you have in the zoning saying we don't like that property to be zoned and used for a certain use. With subdivisions you preset the standards and it's a pass-fail, and if you don't like it....it's just like in building a home, some contractors will build to the

building code and not go one iota above it. Many contractors build way above the building code. If he's meeting the law, you've got no choice. It's, I don't know what you can do about it. You can look at the standards and see if they need changing, but keep in mind it will affect the whole county if you change those standards.

Jeff Noal: Well, then, because we had one concern when we were at the Drainage Board that part of this property is zoned agricultural, part of it is zoned C-1. Not very much of it is C-1, and I don't think any money has changed hands here yet either. I can't swear to that, but that's what I think. So, you're telling me then that if I would go out and buy some property somewhere and (inaudible) the homes somewhere, and behind it is a farm field and it's zoned agricultural, that anybody can go in there and develop it without rezoning it. Is that correct?

Kevin Winternheimer: I believe that's the case. I believe you can do your subdivision first and then go back later—

Unidentified: Ag to R-1.

Jeff Noal: I guess, we don't have any recourse.

President Mosby: Not that I know of. Is there anybody else that was wanting to speak?

Martha Veeble: My name is Martha Veeble, and I live at 2245 East Boonville New-Harmony Road. I used to live in this neighborhood, and I went to the Area Plan Commission and I was appalled at the density of this issue. Are you saying that the county sets it's own standards for the minimum requirements of subdivisions? So, say Marion County would have a totally different standard for subdivisions as Vanderburgh County.

Kevin Winternheimer: It's possible that some of their standards may be different than ours, yes.

Martha Veeble: Okay.

Kevin Winternheimer: They set the standards within the framework of the law.

Martha Veeble: I guess, I would request that you would review those and follow up on it and keep with it, and as a taxpayer, you know, I'll be down here too, because I'm concerned about it. As a taxpayer we're all affected. I read in the paper maybe six months ago that I know you all are planning a new sewer treatment plant, a water treatment plant, I think, along Highway 41, that hasn't been built yet, so all these extra homes...and Greg failed to mention, this 73 acres and 270 plus homes. Nine subdivisions and two miles on one road alone in this northeast area, and as a taxpayer we're paying for the sewers of these people coming in, or the water, because we're getting increased rates in both sewer and water. So, it does affect everyone in the county, and I would plead that even though it may not affect you, because you don't live right up against it, which I don't anymore, it affects all of us in a certain way, plus just the aesthetic value of our own community. That's all I have to say. Thank you.

President Mosby: Thank you.

Bill Reinhart: I'll be extremely brief. My name is Bill Reinhart, 2515 Viehe Drive. If this does happen and there's nothing we can do about it, is there, usually on fences if you go over six feet you have to get permission, right?

President Mosby: I think that's correct.

Bill Reinhart: Is that the county?

President Mosby: I know there's—

Bill Reinhart: I don't think you can go eight feet without getting permission, can you?

President Mosby: John, do you remember? I know there's a height limit, but...six feet sounds right.

Bill Reinhart: Well, if that happens, can we have permission to put an eight foot fence back there? I mean, if we, because we are going to do something to cut them off from going to the park. I mean, what's our recourse? Can there be something said that we can have a bigger fence?

Kevin Winternheimer: You might talk to Mr. Mills with the Area Plan Commission and see if you can get a variance from that standard.

President Mosby: You might have to go to BZA to do that.

Kevin Winternheimer: Yeah, he would know the procedure you would have to go through.

Bill Reinhart: Okay.

Kevin Winternheimer: To get the variance.

Bill Reinhart: Because six foot, I mean, it butts right up to our property, and six foot you're still going to see, you know, and we're used to a country scene. We would like to cut off as much as possible.

President Mosby: I think you would go to BZA, but I'm not sure.

Bill Reinhart: Okay.

John Stoll: Check with the Area Plan Commission.

President Mosby: Mr. Mills can tell you exactly.

Bill Reinhart: Okay. Thank you.

President Mosby: Thank you. Is there anybody else?

Madelyn Grayson: May we make a tape change please?

President Mosby: Sure.

(Tape Change)

President Mosby: Is there any other public comment?

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| Old Business |
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President Mosby: Old business? Judy, oh, okay.

Kevin Winternheimer: Do you want to take Judy Weatherholt's thing up.

President Mosby: Yeah, she was going to speak under old business.

Kevin Winternheimer: Yeah, she extends her apologies, she had to be in Princeton, Indiana at 7:00. So, she stayed as late as she could. What she has, and she wanted to bring before you is a document, it's entitled, "Notice to Public of No Significant Impact on the Environment", and "Notice to Public of Request for Release of Funds". This is on the Jobe's Lane project, and in a nutshell what this involves is, it's been determined or will be determined by the board that there is no significant impact on the environment by this project. Let me tell you that this project is going to greatly improve the environment out there. But, in any effect, we have to publish this notice, give persons, agencies and groups the right to comment. There is a date in there that it is now left blank for the state, of when the state will release the money. We don't know that date. That date will trigger two other dates when comments are to be received by this board and they make the final decision. I would ask, on her behalf, that you go ahead and approve the form, and then when the state does announce the date that they will release the funds, she will fill in the appropriate triggering dates on public comment. I think there's a 15 day and maybe a 30 day, or another 15 day comment on this. Whatever it is, and she expects, I think, soon to know the date when they are going to release those funds. So, she would ask for you to approve advertising this as required by law, and she'll notify you of those dates. This will move that project along when the state finally says when they are going to release those funds.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second to advertise dates. So ordered.

Madelyn Grayson: Kevin, may I have copies of those for the record?

Kevin Winternheimer: Yeah, I've got it.

Madelyn Grayson: Do we not advertise that until we know the dates?

Kevin Winternheimer: I believe that we won't advertise until we know, until the state tells us when they are going to release those funds, and then we'll, I'll let you know when the advertising dates are.

Madelyn Grayson: Thank you.

President Mosby: Is there any other old business?

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| New Business |
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President Mosby: New business?

Commissioner Crouch: Commissioner Mosby?

President Mosby: Yes.

Commissioner Crouch: Commissioner Fanello, in light of the findings by the EPA regarding Vanderburgh County's non-attainment status, and because of the time frame, which I believe is mid-February for us to submit comments, would the Commissioners be agreeable perhaps to having JoAnne Alexandrovich and Dona Bergman make a report to us sometime after the first of the year regarding what they found and their inconsistencies with the actual finding that we've received?

Commissioner Fanello: I think that would probably be a good idea, but I've already asked JoAnne to draft a letter on our, the Commissioners, behalf in response to that announcement. It should be on the agenda for next week.

Commissioner Crouch: (Inaudible. Mike not on.)

Commissioner Fanello: Right.

President Mosby: Okay. Any other questions? Any other new business?

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| County Engineer |
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President Mosby: Department heads, John Stoll, County Engineer.

John Stoll: The first two items I have are in regard to the Barrett Law project at Mill Terrace Subdivision. The first is a request for street acceptance. This is for 1,103 linear feet of Westchester Drive, and 845' of Wittman Drive. The project has been completed, and it's requested these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's the good news. The bad news is that I've got a change order on the project. The soil conditions were much worse than expected. We had an overrun of \$43,435.05, which makes the total project cost \$249,402.05. We had areas where up to an additional foot of dirt had to be removed because it was running so severely, and all that had to be removed and replaced with rock in order to get a stable base for the roads. So, it's not that we wanted to increase these quantities, but there was no other choice in order for us to get a good stable road. So, on this change order it's requested that it be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: I guess, the next step is that I will have to get with Kevin to find out how we proceed with—

Kevin Winternheimer: That 249 figure, did that include the engineering fee?

John Stoll: No, it does not.

Kevin Winternheimer: Okay, so you have to add that to it.

John Stoll: Right. Plus the bond issue costs.

Kevin Winternheimer: I'll get with you and the next step, I believe, I'll have to check is to prepare the preliminary assessment roll once we have a handle on all the costs, then we start dividing them I believe by 30? Isn't it 30 lots?

John Stoll: 31, 32, I can't remember the exact number.

Kevin Winternheimer: Whatever the number of lots out there are. So, yeah, just give me a call.

John Stoll: Okay. Next, I've got a request for street acceptance in East Pointe Business Park Subdivision. This is for sections one and two. This is 1,770 linear feet of Diego Drive in section one, and 768' of Diego Drive in section two. This is located off of Telephone Road just east of I-164. It's requested these streets be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have another change order. This is on the Old State Bridge project. This was project VC03-12-01. This is for a net increase of \$2,646.45. We had small overruns and underruns in 13 different items, and, anyway, the total was the \$2,600. It's requested this change order be approved.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next I have reimbursable utility agreements for the electric relocations on the University Parkway project. This is for an amount of \$126,819. This is eligible for federal aid reimbursement. We just need to sign off on these agreements and then forward them back to INDOT so that they can be signed by the utilities and executed for the project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Also on the University Parkway project, I have a supplemental agreement with Bernardin Lochmueller and Associates for the amount of \$22,500. This supplemental was required in order to address some last minute surprises that CSX has dropped in our laps. They've reviewed the bridge plans and decided that we needed to lengthen the span of the bridge in order to accommodate a future rail line that currently is not even in the planning stages, but they want enough room to provide a second rail line underneath the bridge. This, in turn, requires 21 different sheets in the design plans to be altered in order to change the plans to lengthen the bridge and change the road grades and do all the necessary changes. So, basically, in order to get the project on a letting, we have to have a railroad agreement, the railroad will not sign the railroad agreement until we make these changes, so, basically, we're backed into a corner and have to sign off on the supplemental. So, unfortunately, on that basis, it's requested that this supplemental be approved with Bernardin Lochmueller.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Last I have a street acceptance request for Grant Hills Commercial Park Subdivision. This is located at the northeast corner of Boonville-New Harmony Road and Highway 41. The street acceptance is for 325' of Riley Drive, and 242' of Dixie Lane. It's requested these streets both be accepted for maintenance.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: That's all I have for this evening, unless you have any questions on anything.

Commissioner Crouch: I don't have a question, I just want to pass along a compliment, and that was people that live in the Old State Bridge area have been very complimentary about how quickly that was done, and how hard it appeared that the contractors were working to get that completed in a timely manner. So, I wanted to pass that along.

John Stoll: I'll pass that on to the contractor. We usually don't hear those. So, he'll be glad to hear it too.

President Mosby: Is there any other questions for John? Thanks, John.

John Stoll: Thanks.

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| County Highway |
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President Mosby: Next, County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing that I have tonight is I want to ask Suzanne, was everything satisfactory with Mr. Harris? We did repair the road on Baseline.

Commissioner Crouch: I haven't heard back from him, so, I presume it is.

Dennis Hudnall: Okay.

Commissioner Crouch: But, thank you for taking care of that.

Dennis Hudnall: Well, he had called me...there was a misunderstanding on the first part. We've got that all straightened out, and he said he was going to give you a call. But, we did get his project done, that was the main thing. So, the only other thing I have is to ask you if you have any questions on my weekly report.

President Mosby: I don't. Any questions? Thank you, Dennis.

Dennis Hudnall: Thank you.

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| County Attorney |
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President Mosby: County Attorney.

Kevin Winternheimer: We've taken care of most of the items. The only thing that I think I have left is we talked about the lawsuit in the Executive Session. This is settlement of the Fritchley property on University Parkway. We have a settlement agreement, it's within the parameters of the court appointed appraisers, and I would recommend your approval.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: If I might, Madelyn, he'll come by and pick that up, the file. You can make a copy, but don't send it out, he'll pick it up tomorrow. That's all I have.

President Mosby: Are there any questions?

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| Superintendent of Buildings |
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President Mosby: Superintendent of County Buildings.

Tammy McKinney: I have some items that I need to add to the agenda. I have a request from the County Assessor for the Commissioners to sign an LOA for the ProVal activators.

Commissioner Fanello: Is that different than the one we already have in here under the consent items for German Township?

Tammy McKinney: Yes.

Commissioner Fanello: Okay.

Tammy McKinney: Did you all not get a copy of this?

Commissioner Fanello: Just now. I mean, well, before the meeting. I guess, before I would do that, I mean, do we have all of our issues worked out with Manatron? I know there were issues with the Assessor's office regarding Manatron.

Cheryl Musgrave: Cheryl Musgrave, County Assessor. What issues are you referring to?

Commissioner Fanello: The issues where you thought we were being overcharged?

Cheryl Musgrave: Well, no. You are continuing, not that I'm aware of. That bill is still being paid by you. Next year it will be on my desk, and I'll address it at that time from my perspective.

Commissioner Fanello: It's for you, Cheryl.

Cheryl Musgrave: Pardon me?

Commissioner Fanello: It's for the County Assessor's office, the ProVal. I know that you've had issues with Manatron. I'm asking you if you have worked out those issues. I know I asked the County Attorney, Kevin Winternheimer, earlier this year to get with you on those issues. If you don't have those issues worked out, it would be my suggestion that we don't sign anymore agreements. So, in the future, I would, before we sign it, I would suggest that you get back with the County Attorney and we get the issues worked out with Manatron.

Cheryl Musgrave: Well, he's sitting right here, why don't we ask him if he's resolved anything.

Kevin Winternheimer: As I recall, the question that came up was essentially whether the County over a period of, I guess, ten years had been overcharged under the various contracts they've had with the company. I think the company changed hands a couple of times too. Without an audit, I have no idea. All I have is the paperwork in front of me, I don't know what services were used, how many locations...many of the contracts were based on the number of locations, the number of users, all that data I don't have. I think at that time, it was last spring, I suggested if you really think we may have been overcharged, that the only way to resolve it is to do an audit, and I don't have that capability to do that.

Commissioner Fanello: We don't either, because that would require the County Assessor, that would require you getting involved in that, since you are the County Assessor and you know this information.

Cheryl Musgrave: I feel like you're attacking me in some way, and I don't understand this. If you are—

Commissioner Fanello: I'm asking you—

Cheryl Musgrave: I've done everything you've asked me to do. The County Attorney has looked at it, he suggested to you an audit. That's the last I heard of it.

Commissioner Fanello: Well, and that's why I'm asking you if you were able to resolve your issues.

Cheryl Musgrave: Again, the issues are yours at this time, since the bill is paid by you. The issue is that our contract states a certain amount payable per month, and that amount has been, you've paid more than that. I brought it to your attention that you didn't have to pay more than that, and you have continued to pay more than that.

Commissioner Fanello: We don't pay more than that, Cheryl.

Cheryl Musgrave: Our contract is silent as to how much we would pay for new activators, and that is the matter before you here today. We have worked hard with the Building Commissioner, and the director of the Area Plan. We have a great program in place where their staff will have direct access to ProVal. We'll be able to cut the run around by people who want building permits in the Civic Center done, because they will be able to do one stop shopping. They will be able to get all the information that they need in the Area Plan or in the Building Commission, and moreover, those two offices will be able to put the tax code number on each and every permit that they issue, so that the Assessors no longer have to figure out which property is that. Did they put the right address down, the wrong address down, we'll be able to link those in the GIS system. So, if you want to delay this, or move it to some other time, because you're confused—

Commissioner Fanello: Cheryl, I'm asking you because you felt like we were being overcharged.

Cheryl Musgrave: Yes, I still feel that way.

Commissioner Fanello: You're the County Assessor in charge of the software, that's why I'm asking you.

Cheryl Musgrave: I agreed with his—

Commissioner Fanello: Because we need your help to get the issue resolved. We are not the County Assessors sitting up here, and we need your help to get the issue resolved. If you still feel like we're being overcharged, I don't know why we would go and sign another agreement with somebody you feel like we're being overcharged with.

Cheryl Musgrave: Because our contract is silent as to new activators. This is outside the existing contract. It has no impact on these activators.

Commissioner Fanello: But it's with the same company, that's what I'm worried about.

Cheryl Musgrave: But it has no impact on our existing agreement with them. That agreement that we have with them is unique, and it has saved Vanderburgh County tens of thousands of dollars. In fact, in this last reassessment I managed to save the county more than a quarter of a million dollars by understanding the detail of that agreement. We got the software installed, and brought up to date for Indiana's

requirement without paying one extra dime, because ten years ago your predecessors saw fit to enter into this contract. Since then, many Commissioners have come and gone, and I believe that the terms of the contract were sort of shuffled aside. The Manatron a couple of times it was, ProVal was sold a couple of times, and new vendors came in and I believe their approach was, well, we'll just send them a bill and see what happens. They sent a bill, it got paid. They sent another bill, it got paid, and over time we have overpaid on this contract. I asked your attorney to review it, he suggested to you an audit, I agreed with that suggestion, and nothing has happened since then.

Commissioner Fanello: We can't audit it, Ms. Musgrave, because you're the County Assessor. Only you know what needs to be in that contract.

Cheryl Musgrave: I am not a CPA. I am not an auditor, so, I'm not sure what you're suggesting.

Commissioner Fanello: Well, I don't think he means an audit in the sense of a CPA audit. I don't see that as necessary, as I'm a CPA. I think what he's meaning is, you need to audit the terms of the contract to make sure we're paying for what we're getting, and that we're not being overcharged. I noticed that when I took a look at the contract that the contract had never been updated as to the number of pieces of equipment or the software or whatever, that it had not been updated over time, and I think that if you went back and looked at the original terms in the agreement that you would probably find that it needs to be updated. I don't know that we've necessarily been overcharged, it's just that the contract terms have not been updated to allow for the growth that we've seen in each office. So, I think that that's something that you're going to have to help us with, because we can't do that on our own.

Cheryl Musgrave: I did give you all that information. I do understand the terms of the contract. So, if auditing it is understanding it, been there, done that. We are paying too much, every quarter, based upon the contract that we have now. The contract is silent as to how much to pay for each activator. We need four more activators, the company is willing to sell them to us for this price, for a certain amount of annual maintenance, our contract is silent on this point. I see no problem going forward with this.

President Mosby: Did you just admit we were paying too much?

Cheryl Musgrave: Pardon me?

President Mosby: You just admitted we were paying too much?

Cheryl Musgrave: No, sir, I didn't. I said the contract is silent as to how much to pay for additional activators.

Commissioner Fanello: But, you feel like the one's we are paying, do we have activators in the current contract now?

Cheryl Musgrave: Yes, the contract calls for 26 activators at a certain amount per month. I can't remember what that amount is.

Commissioner Fanello: Okay. Wouldn't you want to make sure that those issues are correct before we signed any additional?

Cheryl Musgrave: No, because it doesn't impact that issue.

Commissioner Fanello: Cheryl, I'm trying to get to the....you keep saying we're being overcharged, and I don't want to go and—

Cheryl Musgrave: Yes.

Commissioner Fanello: —contract with a company for something if you think we're being overcharged by them until we clear up that issue.

Cheryl Musgrave: What would clear up the issue if for you, the Commissioners, to stop putting in a claim for more than the contract calls for.

Commissioner Fanello: Okay, then we will stop your software and you won't have any software. So, I don't think that's really the method to get the situation taken care of.

Cheryl Musgrave: I don't see how that would stop the software. The contract calls for a certain amount of payment, you would be making that payment.

Commissioner Fanello: But, the contract wasn't updated for your growth, and I think that is what Manatron is saying. You've grown.

Cheryl Musgrave: There is no update provision in the contract.

Commissioner Fanello: So, you expect us to pay the same thing for, I can't...what was the first year, the early 90's, I believe?

Cheryl Musgrave: That is what the contract says. Why would we pay them more than that.

Commissioner Fanello: Because you have more.

Cheryl Musgrave: No one has proven that to me.

Commissioner Fanello: Okay, well, that's what we're trying to ask you to prove to us, is that true or not true.

Cheryl Musgrave: Is what true or not true?

Commissioner Fanello: Whether the terms of the contract have changed over the years.

Cheryl Musgrave: They have not changed over the years.

Commissioner Fanello: Have you grown? So, everything in the original contract is still the same?

Cheryl Musgrave: Yes.

Commissioner Fanello: And we've got no additional updates...and I don't know the specifics, you're the Assessor, you're going to have to educate me on that. I'm not—

Cheryl Musgrave: We have received updates, but the contract called for free updates.

Commissioner Fanello: For free updates.

Cheryl Musgrave: Yes, that saved us more than a quarter of a million dollars.

Commissioner Fanello: Commissioner Mosby, I would suggest we hold this—

Cheryl Musgrave: That's fine with me.

Commissioner Fanello:—with the company—

Cheryl Musgrave: I'll let Area Plan and the Building Commission know—

Commissioner Fanello: For one week until we have an opportunity to review what she has sent us on the original Manatron thing, and make sure that if we are being overcharged then we definitely want to get that taken care of.

Cheryl Musgrave: Thank you.

Commissioner Fanello: I don't think we're delaying any progress.

President Mosby: Superintendent of Buildings.

Tammy McKinney: I have a couple other things to add. I had a couple of late pink slips. I believe everyone got a copy of those. If you want, if you would like to add those to the consent list for me.

President Mosby: Okay.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Then also, I want to address the issue of the Health Department surplussing a car. Gary can correct me if I'm mistaken, but I believe Burdette Park would like this vehicle. If that is true, I will go ahead and put in a transfer to put it in Burdette Park's name and take it out of the Health Department.

President Mosby: That's the 1997 Ford Crown Victoria?

Tammy McKinney: Yes, the Crown Vic.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I'll say so ordered. I mean, is there something wrong with this vehicle?

Tammy McKinney: No. The Health Department just doesn't need it.

President Mosby: Okay.

Tammy McKinney: Burdette Park would like to have it, so.

President Mosby: No problem.

Tammy McKinney: That's all I have.

President Mosby: Are there any questions? Seeing none.

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| Burdette Park |
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President Mosby: Burdette park.

Gary Hohman: Gary Hohman, Burdette Park. The only thing we have before you is the work report that was submitted to you earlier, and to answer any questions that you might have of us.

President Mosby: Are there any questions for Gary? Seeing none.

Gary Hohman: Thank you.

President Mosby: Thank you, Gary.

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| SWCD & Ozone Officer Reports |
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Commissioner Fanello: Commissioner Mosby, I would make a motion to approve Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

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| Consent Items |
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President Mosby: Consent items. Motion to approve consent with the added changes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

President Mosby: And, anybody want to adjourn?

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: Okay, thank you. So ordered. That is always the hardest motion to get.

(The meeting was adjourned at 7:08 p.m.)

CONSENT ITEMS:

Travel Requests:

County Assessor SWCD Burdette Park

Requests for Telephone Service: Superior Court: Small Claims

Auditor: Submit A/P Vouchers.

Center Assessor: Surplus of Typewriters.

Health Department: Surplus of Vehicle. (Given to Burdette Park)

County Assessor: Letter of Intent to Lease Software: German Township

Those in Attendance:

| | | |
|-----------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Bret Sermersheim |
| Anova McCamish | Bill Jeffers | Bill Pedtke |
| Mike Shoulders | Greg Donaldson | John Stoll |
| Jeff Noal | Martha Veeble | Bill Reinhart |
| Dennis Hudnall | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 22, 2003**

The Vanderburgh County Board of Commissioners met in session this 22nd day of December, 2003 at 5:34 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: Call to order Board of Commissioners meeting of Vanderburgh County, December 22, 2003. Introductions are as follows; Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of December 15, 2003 Commission Meeting

President Mosby: Motion to approve the December 15, 2003 Commission minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

**Second/Final Reading of Ordinance to Vacate Drainage and
Lake Maintenance and Storm Drainage Easements
Clear Creek Subdivision**

President Mosby: Discussion items, second and final reading for vacation of drainage, and lake maintenance and storm drainage easements, Clear Creek Subdivision. Are there any questions? Any comments from anybody in the audience? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve second and final reading for vacation of drainage and lake maintenance on Clear Creek.

Commissioner Crouch: Second.

President Mosby: So...or do we need a roll call, Kevin?

Kevin Winternheimer: Yes, it's second and final reading.

President Mosby: Okay. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes. Three ayes, no nays. Second reading passes.

**Second/Final Reading of Construction Site Storm Water
Runoff Control Ordinance**

President Mosby: Next, we have second and final reading of storm water ordinance. I believe if there is any questions, Mr. Jeffers is here from the Surveyor's office. Any questions? Seeing none.

Bill Jeffers: We found a few scribblers errors and typos, which I understand can be corrected, so long as they don't change the content or the intent, is that correct?

Kevin Winternheimer: That's correct.

Bill Jeffers: They are very minor. Considering the amount of cutting and pasting several of us did to put this ordinance together, when you cut and paste sometimes you cut an extra letter, or you cut an extra punctuation point or something, or you don't put it back in at the right place. That's the nature of the errors that I found. Bill, did you find any that would change the intent or the content of the ordinance? So, we could move ahead, I believe, and address those when it goes to be codified. Some questions have come up regarding the next step, if you were to adopt it tonight, it would mean that you've adopted an ordinance that fulfills the majority of requirements of Rule 13, for an ordinance of this type of construction site storm water runoff control ordinance, is what Rule 13 calls it. It shouldn't be called a drainage ordinance, it shouldn't be thought of as a drainage ordinance. It's specifically for active construction sites to control the storm water runoff and the pollutants that are associated with storm water runoff from construction sites. The next step that would happen after tonight is that your MS4 operator, the County Engineer, would fill in this form right here, I think I have enough copies to go part way across the table. There are four copies here. I can supply more, someone can have this one in a moment. Fills that in with his name, and he is certifying, under penalty of law, that the program that the Commissioners establish, and all the required documents and materials are prepared under his direction and supervision, and in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information, etcetera. Basically, this program consists of the ordinance itself, which is on page 60 of 103 in the packet, little letter (b). Moving to page 62 of 103 at the bottom, little letter (f) another part of the program would be to develop requirements to install appropriate best management practices on construction sites, that requirement is met by the ordinance itself. On the next page, 63, review and approve the construction plans submitted by construction site operators, that's covered by the ordinance. Number three, develop procedures for site inspection and enforcement to ensure that best management practices are properly installed. That is initiated by the ordinance, but it is an on-going, you might call it an organic process that requires good judgement on the part of the personnel, and appropriate reaction to a site by site condition. So, that phase of the program is a part of the educational and just hands-on experience that the site inspectors will go through. Number four, written procedures to identify priority sites. That has not been done at the state level, however, we are in receipt of documents from the state on how they are going to go about doing that, and we'll use their documents. In other words, we won't be doing anything below the standards set for the rest of the state, county by county. We will probably be doing things above the standards set by this document sent from the state. That's addressed in the

ordinance. Number five, develop procedures for the receipt and consideration of public inquiries, concerns, complaints, etcetera, regarding local construction site activities. Until the County Engineer has identified a person in his office, or persons in his office to handle that, the Vanderburgh County Surveyor volunteers staff for that. We are set up to do that, we have the form available. We do have a tracking system, and we do refer all complaints regarding drainage, erosion control, and construction site activities currently come through our office, we refer them to the appropriate staff for follow up, and we have that system in place. If we end up doing it forever, so be it. If the County Engineer decides he has personnel that can handle it, that's up to him. That covers number six, implementation of a tracking process. We volunteer to do that at this time, and until such time as the County Engineer develops whatever procedures he wishes. The only other thing that your program will have to include at a minimum, all your personnel that operate, whether they are from our office, from the County Surveyor's office, or from the County Engineer's office, from any office who are involved in plan reviews, site inspection enforcement, etcetera, must have at a minimum annual training, addressing certain topics. That's an on-going process, as the Commissioners know we go to road school, both departments that I mentioned, personnel from both departments are currently certified in various technical aspects regarding these topics, and again, the County Surveyor will volunteer up to three or four people in our office who are certified or licensed to assist the County Engineer's office until such time as those efforts may be consolidated or otherwise assigned. So, I think, basically, what I'm saying there is, you pass the ordinance tonight, Mr. Stoll and myself will get together and attempt to produce a program outline and specifics that should be satisfactory to the state. I guarantee you they will meet or exceed the minimum state standards, and I also guarantee you they will exceed what's being done in 9 out of 10 counties that are designated throughout the state for the same purpose.

President Mosby: Are there any questions? Seeing none. Anybody in the audience that would like to comment?

Kevin Winternheimer: I might, Mr. President. For the record, since this is an ordinance that contains penalty provisions for non-compliance, we will need to go ahead and advertise this to give the public notice that we have adopted this ordinance. Unfortunately, we can't wait for the state's comments, I can't guarantee they are going to come back within 30 days. So, even though the state could recommend changes, I doubt they will, but if they do, we still need to advertise this, if you pass it tonight.

President Mosby: Okay.

Kevin Winternheimer: So, we'll take care of that. I'll get that to Madelyn. I'll take care of the scribblers errors too. If I see any, if Bill gets me a list, if I see any that may not be just scribblers, typos, what have you, I'll bring it back, but I think that's probably the case.

President Mosby: Okay. Any other comments? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Motion to approve second and final reading of storm water ordinance.

Commissioner Crouch: Second, with appreciation to the Surveyor for his leadership in this area.

Bill Jeffers: I appreciate that comment, Commissioner Crouch, but there were 11 other people that were very instrumental, and each one of them did their part to come up with what I believe is a sound ordinance that covers all the bases. Those are the members of the committee, and there were actually some people that simply just came up and volunteered their efforts.

President Mosby: Thank you, Bill, and the committee. Roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby? Yes. There being three ayes and no nays, ordinance passes.

First Reading of Ordinance Amending the Capital Asset Policy

President Mosby: Next, we have first reading of an ordinance amending the capital asset policy. Everybody should have that in their packet. Are there any questions? Or any comments? Seeing none. Chair would entertain a motion for first reading.

Commissioner Fanello: Motion to approve first reading.

Commissioner Crouch: Second.

President Mosby: So ordered.

Sheriff: Community Corrections Grant

President Mosby: Next, we have the Sheriff, community correction grant.

Brad Ellsworth: Good evening, Brad Ellsworth, Sheriff. I think Friday I forwarded you all a packet, correspondence from DOC about the grant, the 1.38 million. It's pretty self-explanatory. I think what we have to do, if you all approve, you sign it, the Auditor signs it, we forward it back to them for their slew of signatures, and then we can start drawing down. I don't know if you have any questions after that, like I said.

President Mosby: Any questions or comments by any member of the Commission?

Brad Ellsworth: The only thing that I would add, you know, in the cover letter, and you all read that, but it talks about the on-going discussions about regional and that, which is fine, we've talked on the phone about that. So, we'll work that out with them. With no more than what we had talked about before, so it keeps our local numbers at what we had talked about.

President Mosby: Okay. Any other questions?

Commissioner Fanello: Do we need a motion to approve the grant amendment then?

Kevin Winternheimer: Yes.

President Mosby: Yes.

Commissioner Fanello: I've got actually two motions, but I'll go ahead and make that motion first.

Commissioner Crouch: Second.

President Mosby: I have a motion to approve the grant, so ordered.

Commissioner Fanello: Then the next motion that I would like to make, since we are going to be receiving our money, and we are going to be able to build our new facility, I would like to make a motion that we resume work on the design with United Consulting and our jail design team.

Commissioner Crouch: Second.

President Mosby: So ordered.

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| Architectural Services for Old Courthouse Energy Savings |
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President Mosby: Next, we have architectural services for the Old Courthouse energy savings project. Are there any questions by any member of the Board? Comments? Seeing none. Chair would entertain a motion.

Commissioner Fanello: Commissioner Mosby, I would make a motion to award, or to enter into negotiations for a contract with PCI and Will Fosse and Associates.

Commissioner Crouch: I will second that. We did receive proposals from very competent firms with very impressive credentials. I believe that the relationship, the very special relationship that Mr. Fosse has with the Courthouse makes him the best choice, and I second that.

President Mosby: Any other comments? I have a motion and a second on PCI, so ordered.

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| Letter to Governor Kernan: Vanderburgh County Ozone Non-Attainment Designation |
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President Mosby: Next, you have an ozone letter in your packet, which if there is any comments on, or any changes the chair would entertain a motion.

Commissioner Fanello: I would make a motion that we approve the letter to Governor Kernan regarding the ozone designation.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Commissioner Crouch: President Mosby, have the Commissioners given any thought to doing public hearings perhaps in January regarding this issue?

President Mosby: I haven't at this time, but we can.

Commissioner Fanello: Well, I've spoken with JoAnne about maybe what our next steps are, and she would like to think about it a little bit. We might get with her after the first of the year and bring up that issue with her. But, she's a little unsure what our next steps are at this point. So, we can explore that more and see what we can do. I would be all in favor of that.

President Mosby: Are there any other questions?

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| 2004 Board Appointments |
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President Mosby: Board appointments.

Commissioner Fanello: Yes, Commissioner Mosby, here's a copy for each Commissioner. I'm trying to get the board appointments done before the first of the year. These are appointments that expire at the end of the year, so these individuals would take over January 1. I don't know if I need to read each of them into the record, or if this is sufficient. Do I need to read them?

Kevin Winternheimer: That's fine, since you have a list for the record.

Commissioner Fanello: Just for information, since there is Commissioner names on here, Suzanne, I put the one's that you are on right now, and if that's acceptable to you, we can leave those as is. Commissioner Mosby, same thing.

President Mosby: Are there any questions?

Commissioner Crouch: The Board of Review, I see Kraig Nance's name here as an appointment by this Board, did the County Assessor not request Kris Seger as a recommendation?

Commissioner Fanello: I'm not sure if she did or not, but it is up to this Board to make appointments to that board, so we do have to appoint one Republican and one Democrat, and Kraig would represent the Democrat appointment.

Commissioner Crouch: Okay, I would like to separate that particular appointment out.

President Mosby: Okay.

Commissioner Fanello: I'll make a motion that we accept the board appointments excluding the Board of Review ones. I'll make a separate motion on that one.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Then I would make a motion that we appoint James Knauff and Kraig Nance to the Board of Review.

Commissioner Crouch: I don't have a problem with Mr. Knauff, but I will have to decline or not second the motion.

President Mosby: I will second the motion, and say so ordered. So, did you give a copy of this to Madelyn? I'll just go ahead and give her that copy.

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| Mulberry Center: EAP Program Contract |
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President Mosby: Commission contracts, Mulberry Center.

Commissioner Fanello: Commissioner Mosby, that's our employee assistance program. It's the same as it has been in the past. So, I would make a motion that we approve it.

Commissioner Crouch: I'll second that motion, but I didn't see a set amount, and in the past I thought we had paid like \$4,500 annually. So, I didn't know if that just wasn't included, or if it was a little different arrangement this year.

Commissioner Fanello: That's a good point.

Commissioner Crouch: Do you want to hold that until next week?

Commissioner Fanello: Yeah, we might hold that and check on that, because we've always had a maximum \$4,500 limit on that. It could work out to, they've broken it down to \$16 per employee, but it may actually be less expensive, so we could check on that.

Commissioner Crouch: Then I'll withdraw my second.

Commissioner Fanello: I'll make a motion to defer until the 29th.

Commissioner Crouch: Second.

President Mosby: A motion and a second to defer till next week, or the 29th. So ordered.

Madelyn Grayson: May we make a tape change, David?

President Mosby: Yes, ma'am.

Tape Change

Madelyn Grayson: Thank you.

President Mosby: Okay.

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| Public Comment |
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President Mosby: Public comment. Anybody from the public that would like to speak? Seeing none.

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| Old Business |
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President Mosby: Old business. Is there any old business?

New Business

President Mosby: New business?

County Engineer

President Mosby: Department heads, County Engineer, John Stoll.

John Stoll: First I would like to request that contract number VC03-12-02, concrete repairs in Bolin Subdivision be awarded to Concrete Pavers for the amount of \$24,313.64. They provided the low quote on this project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: Next, I would like to request that contract number VC03-12-01, Darmstadt Road Bridge #410 replacement be awarded to Ragle, Incorporated for the amount of \$91,558.35. They provided the low bid on this project.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: Second. Oh, I'm sorry. So ordered. I don't know why I thought I was going to second that.

John Stoll: The next item I have is a supplemental agreement with Clark Dietz, Incorporated. This would be for part (b) of the storm water quality management plan in accordance with Rule 13. This is for an amount of \$35,100, and this part of the agreement would cover the cost of doing the baseline stream characterizations for all the receiving waters. The due date for this will be in April. It was, the due date was six months after we filed the notice of intent, and I believe the notice of intent went in on November 3rd. So, it's requested this agreement be approved. It has been reviewed by the County Attorney, and he had no changes.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

John Stoll: The last item I have is a request for approval of road widening plans on Red Bank Road for the proposed new Wal-Mart out off of Red Bank and Pearl. Okay, on these plans, north is this way, here's University Drive, here's Westin Road, the Lloyd Expressway, here's the little access road that INDOT constructed years ago that goes back to, I believe, it's Back Yard Burger sits here and Schlotsky's Deli and Steak 'n Shake and all that is back on this access road. This is Pearl Drive and then this is the curb that goes back in front of the proposed Wal-Mart site. The limits

of the county's portion of this, basically, run from just south of this INDOT access road to Pearl Drive, everything south of there is in the city. Then also everything north of this area right here, which is basically at Westin Road. As a part of this project, Wal-Mart is proposing to add additional northbound lanes, northbound through and a northbound right on the south side of the Lloyd Expressway, and then add an additional southbound through lane and a southbound right turn lane on the north. Well, actually, they are not providing a new right turn lane, they are just moving the existing right lane over in order to provide an additional southbound through lane on the north side of the Lloyd Expressway. This was all done in accordance with a traffic study that was done by Morley and Associates. It recommended all these lane improvements, and, basically, all these areas you see here with the dots located in them are the areas where the road will be widened. So, there is a substantial amount of work that's going to go on out here. One thing, on this project, there's a sidewalk that runs right here, right now that sidewalk sits about half in the right-of-way and half out of the right-of-way. That half that sits in the right-of-way will have to be removed in order to accommodate this project. No additional right-of-way was secured by Wal-Mart in order to do those improvements. So, that will all be done within the existing right-of-way up in this area. The additional right-of-way has been acquired for them to do the road improvements down in this area. I will also show you the plan for Pearl Drive. Right now there are just two lanes heading out to Red Bank off of Pearl. When this is done there will be a dual left and a right, as opposed to the single left and single right that's out there right now. A traffic signal will be installed at the Pearl Drive and Red Bank Road intersection. Wal-Mart is also proposing another access drive on to Pearl Drive in this location here, which this drive goes back towards Home Depot, there's a video store here, and this is the Old National Bank. We have not been provided with a detailed site drawing of this area. This was done by Wal-Mart's site contractor, which is a consultant out of St. Louis, as opposed to Morley and Associates, who has done the rest of this. So, we're still waiting on that. Our concern there is that truck traffic may not be adequate, may not be adequately accommodated at that location. Let's see, I'm trying to think of what else I need to point out on here. Right now, there is a large, curbed island out here with a green space. We are going to have that removed, and it will just be a painted island area. There are two southbound right turn lanes that go into the Eagle Plaza Development. This one existing right turn lane will now become a southbound through lane to head further south towards Wal-Mart, and there will just be a single right turn lane. I believe that hits the major points on these plans. I'll give you a list of conditions of approval that I think need to be included.

President Mosby: John, before you do, I just want to ask you a question.

John Stoll: Sure.

President Mosby: I know this is in the city, but what are they doing with the curve here?

John Stoll: They are doing widening only. This will basically be widening on the existing curve.

President Mosby: I mean, I know, because right now that thing just comes in and just shoots right back into Red Bank.

John Stoll: Here again, the areas here shown with the dots are the areas where it's going to be widened. They will provide a right turn lane into Wal-Mart's main

entrance, and they will also provide some additional widening on further south towards Wal-Mart's eastern most entrance. For the most part, it's staying on the same alignment that exists out there right now. (Inaudible. Away from mic.) Here's Pearl Drive, here's where it's following the same alignment, it follows basically the same alignment until it gets over here to Wal-Mart's east line, but there are some right-of-way restrictions, the way I understand it, that prohibit doing much else down through there. Wal-Mart was providing some additional property on the south side, but I believe the right-of-way was severely limited on the north side there. The conditions that I felt needed to be included as part of the approval of this were the following; number one, the contractor doing the road improvements shall provide a construction bond to cover 100% of the costs of constructing the Red Bank Road and Pearl Drive improvements as shown on the plans designed by Morley and Associates; number two, during construction, if it's found that any additional temporary or permanent right-of-way is needed, other than what's currently shown on the plans done by Crawford Murphy and Tilly, which is the site consultant as well as the Red Bank and Pearl plans done by Morley and Associates, Wal-Mart shall be responsible for acquiring the additional right-of-way at no cost to Vanderburgh County; number three, Wal-Mart shall be responsible for making any necessary design changes to the county portions of Red Bank Road and Pearl Drive. If any changes requested by INDOT affect those portions that are the county's, the county maintained portion of Red Bank and Pearl, and those changes should also be done at no cost to the county. Number four, Wal-Mart's site consultant, Crawford Murphy and Tilly, shall provide a detailed set of drawings showing proposed access onto Pearl Drive which is that western most access that I showed you earlier that we've not gotten any detailed plans on as of yet. This consultant shall make changes as requested by the county. This is in order so that that access will accommodate any truck traffic. Wal-Mart has stated that they propose a gas station out there immediately west of that access. So, we want to make sure that it will handle truck traffic. Number five, Wal-Mart shall be responsible for acquiring temporary easements from Old National Bank and Home Depot in order to construct the driveways shown on the Wal-Mart site plan prepared by Crawford Murphy and Tilly. These easements shall be acquired at no cost to Vanderburgh County. What that's in regard to are there are a couple of locations where they are doing construction on these adjacent properties, and that will all have to be done at their expense, with no assistance from Vanderburgh County. The next condition is that Wal-Mart's contractors shall provide the county with soil compaction tests for each lift of soil used to construct the Red Bank Road widening. These tests must indicate that the soil has been compacted according to specifications prepared by Morley and Associates before proceeding with additional fill. Next, the traffic signal at Red Bank and Pearl shall have it's conduits pushed under the pavement as opposed to having open cuts on the pavement. Next, a complete set of erosion control plans for both the Red Bank and Pearl improvements, and for the Wal-Mart site must be provided for review and approval, and this must be done prior to performing any work on the project. This would be a requirement as a result of the ordinance that was passed. The last condition is, for the approval of the plans is subject to all other local and state approvals. Based on that, I would recommend they be approved.

Commissioner Fanello: Based on, I spoke with John about this earlier today, and we went over most of those stipulations, so I would make a motion that we approve it contingent on those stipulations.

Commissioner Crouch: I will second, based upon the County Engineer's recommendation.

President Mosby: So ordered.

John Stoll: Basically, the way those plans are drawn it uses up virtually all the right-of-way, so there is really nothing else that could be added. There is no room for any other additional lanes to be placed out there. Hopefully, everything will work properly and we won't have any problems. But, Wal-Mart's generate a whole lot of traffic, so we'll have to wait and see. That's all I have, unless you have any questions on anything else.

President Mosby: Any questions by any member of the Commission, the Board? Seeing none. Thank you, John.

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| County Highway |
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President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. The only thing I have tonight is to ask you if you have any questions on my weekly report. We removed a little snow Saturday, I hope we don't have anymore for a couple of weeks.

President Mosby: We hope you don't either through Christmas. Maybe this year you'll be free. Is there any questions of Dennis on his report? Thank you, Dennis.

Dennis Hudnall: On behalf of all the folks out at the County Highway, I wish you all a Merry Christmas.

President Mosby: Thank you.

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| County Attorney |
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President Mosby: Next, County Attorney.

Kevin Winternheimer: Yes, I just have one quick matter. State law requires that at your first meeting in January you pass a resolution establishing the meeting dates for the year. I will do that and have that ready for your first meeting in January. However, I would like to go ahead, if you've had time to think about it, and advertise your Drainage Board and Commissioner meetings, as well as the zoning matters for the same times as this year, unless you are planning on changing any of those dates or times. If not, then I'll send that to Madelyn to get that in the paper.

President Mosby: Any questions or comments? Do we need a motion to keep them the same?

Kevin Winternheimer: Sure.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Kevin Winternheimer: I'll get that to you, Madelyn, as well as the new version of the ordinance, if Bill can get that to me real quick on the storm water ordinance, the scribblers errors, I'll e-mail that to you. That's all I have.

President Mosby: Okay.

Superintendent of Buildings

President Mosby: Tammy, Superintendent of County Buildings.

Tammy McKinney: I need to add two late pink slips to the consent items from the Sheriff's Department.

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Tammy McKinney: Besides that, that's all I have.

President Mosby: Okay.

Burdette Park

President Mosby: Burdette Park, Steve.

Steve Craig: Steve Craig, Manager of Burdette Park. All I have is my weekly worksheets.

President Mosby: Are there any questions on Steve's worksheets? Seeing none. Thank you, Steve.

Steve Craig: Everybody at Burdette would like to wish you a safe and Merry Christmas too.

President Mosby: You too. Thank you very much.

SWCD & Ozone Officer Reports

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's reports.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: Motion to accept consent items with amended pink slips.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 6:09 p.m.)

CONSENT ITEMS:

Jail Expenses: Mel-Kay Electric, \$46,221.

Travel Requests:

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| Health Department | Pigeon Assessor |
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Employment Changes:

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|-------------------|---------------|--------------------|
| Health Department | Circuit Court | Sheriff Department |
| County Assessor | Prosecutor | Burdette Park |
| VCCC | | |

County Clerk: Submit Monthly Report for October 2003.

Treasurer: Submit Monthly Report for November 2003.

Auditor: Submit Financial Statement.

Those in Attendance:

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|---------------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Bill Jeffers | Brad Ellsworth |
| John Stoll | Dennis Hudnall | Steve Craig |
| Others Unidentified | Members of Media | |

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 29, 2003**

The Vanderburgh County Board of Commissioners met in session this 29th day of December, 2003 at 5:32 p.m. in Room 307 of the Civic Center Complex with President David Mosby presiding.

Call to Order

President Mosby: I would like to call to order Board of Commissioners meeting of Vanderburgh County, December 29, 2003. Introductions are as follows, Tammy McKinney, Superintendent of Buildings; Counselor, Kevin Winternheimer; Commissioner Fanello; myself; Commissioner Crouch; Auditor, Bill Fluty; and Recording Secretary, Madelyn Grayson. Please stand and say the Pledge.

(The Pledge of Allegiance was given.)

Approval of the December 22, 2003 Meeting

President Mosby: Do I have a motion to approve the December 22, 2003 meeting minutes?

Commissioner Fanello: So moved.

Commissioner Crouch: Second.

President Mosby: So ordered.

Open Bids for VC-14-2003: Tractors

President Mosby: First up is Phil Lawrence, permission to open advertisements and openings for VC-14-2003, tractors.

Phil Lawrence: Good afternoon, Commissioners. I trust you had a Merry Christmas. Kevin has the bids.

Kevin Winternheimer: Are there any bids from the audience on either of these items today? Seeing none. We'll start with the tractors first. The first bidder is Southeastern Equipment Company, and their address is Evansville. They have listed two New Holland, with the model number, and the total price, I assume for the two, is \$105,800. We have one more tractor. The last bidder is Stephen's, Inc. of Evansville, and their price is, total for two tractors is \$98,400. They've got a bid bond cost of \$4,920, for a total with the bond of, well they have listed total bid cost \$98,400. I assume they excluded the bond on that. That's all we have for the tractors.

Open Bids for VC-16-2003: Various Mowers

Kevin Winternheimer: Do you want me to go to the mowers next?

President Mosby: Yes, next VC-16-2003, various mowers.

Kevin Winternheimer: We have a couple of envelopes for that. Now, Phil, is there different types of mowers?

Phil Lawrence: Two different types. One is a side and one is back.

Kevin Winternheimer: Okay. Let's see what we have here. The first bidder is Deed's Equipment Company, Inc. of Lawrence, Indiana. Okay, are there two different one's here? Ah, okay, for a Tiger, designated model number, side mount flail mower?

Phil Lawrence: Uh-huh.

Kevin Winternheimer: With 60" cutter width, price \$12,960. They have listed, one Tiger with a different model number, side mount rotary mower, \$11,920. What?

Tammy McKinney: (Inaudible. Mic. not on.)

Kevin Winternheimer: Oh, if you want it totaled, like Tammy does, that apparently comes to \$24,880 for both of those. One more, okay, the last bid is from Stephen's of Evansville, and for the 60" flail mower, \$17,155, and the 60" side mounted rotary mower, \$12,796, and the total, apparently, is \$29,951. That's all the bids I have.

Phil Lawrence: Can we just look back at Deed's to make sure we didn't miss one bid?

Kevin Winternheimer: Okay, sure.

Phil Lawrence: I think he had two.

Kevin Winternheimer: Oh, I just thought they were duplicates. He might have had something different.

Phil Lawrence: One may have been the side mount.

Kevin Winternheimer: Well, let me see. No, that's just a duplicate. The flail was \$12,960, and the rotary was \$11,920. That's all we have.

Commissioner Fanello: Commissioner Mosby, I would ask that our Highway Superintendent and, possibly, the County Attorney, if he is around tomorrow, get together to look at the bids, and that Dennis go ahead and get a P.O. to the apparent low bidder, since we are nearing the end of the year and he does have the money in his budget to purchase this equipment. I would make a motion to that effect, so he can get it going this week.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Phil Lawrence: And our department is ready to issue that P.O.

Commissioner Fanello: Alright, thank you, Phil.

Phil Lawrence: So, they are aware of the call.

Phil Lawrence: You're welcome.

President Mosby: Thank you, Phil.

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| Board Appointments |
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President Mosby: Next, under discussion items we have board appointments.

Commissioner Fanello: Nobody else has gotten back with me, so, we'll probably hold this until next week.

President Mosby: Okay.

Commissioner Fanello: We just have a few more to make anyway.

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| Second/Final Reading: Ordinance Amending Capital Asset Policy |
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President Mosby: And we have second and final reading of the capital assets policy ordinance. Is there any questions on it? Seeing none, chair would entertain a motion.

Commissioner Fanello: Motion to approve second and final reading of the capital asset policy ordinance.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered.

Kevin Winternheimer: We need a roll call. That's final action, so.

President Mosby: I'm sorry, roll call vote. Commissioner Crouch?

Commissioner Crouch: Yes.

President Mosby: Commissioner Fanello?

Commissioner Fanello: Yes.

President Mosby: Commissioner Mosby, yes.

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| Employee Assistance Services Contract: Mulberry Center |
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President Mosby: Next, we have the Employee Assistance Service contract that we held from last week for the Mulberry Center. I think it was due to the cap of \$4,500, which is in exhibit "B". So, is there any questions on that?

Commissioner Fanello: I would make a motion to approve.

Commissioner Crouch: Second.

President Mosby: I have a motion and a second. So ordered

Public Comment

President Mosby: Is there any public comment?

Old Business

President Mosby: Any old business?

New Business

President Mosby: Any new business?

County Engineer

President Mosby: The County Engineer, I believe, is out of town.

Commissioner Fanello: Yes, he is.

County Highway

President Mosby: County Highway, Dennis.

Dennis Hudnall: Good evening, Dennis Hudnall, County Highway. If you'll notice, I didn't send a report in this week. I didn't have enough people out there, because of the holidays, sorry about that. But, what we've been doing, briefly, is running the county with the people that we do have, picking up trash, trying to patch pot holes as they've been called in, and so forth. So, the folks that doesn't have any annual leave are working. So, that's the main thing. That's all I have.

President Mosby: Is there any questions for Dennis?

Tammy McKinney: Dennis, I got a call in the office today about a washer and dryer that were...and I called it in to Jean, and I didn't know if you had anyone go get it today, or –

Dennis Hudnall: Yeah, we picked it up.

Tammy McKinney: –it was out on Hillsdale.

Dennis Hudnall: Hillsdale, yeah.

Tammy McKinney: Okay, I just didn't know if you had someone pick it up.

Dennis Hudnall: Yeah, that's the trash crew we have going around. It seems like after Christmas everyone wants to–

Tammy McKinney: I figured someone got a new one for Christmas, so, they got rid of their old one.

Dennis Hudnall: Yeah. We got it.

President Mosby: Any other questions for Dennis? Seeing none, thank you, Dennis.

Dennis Hudnall: Okay.

County Attorney

President Mosby: Next, County Attorney.

Kevin Winternheimer: No report.

Superintendent of Buildings

President Mosby: Superintendent of County Buildings.

Tammy McKinney: No report.

Burdette Park

President Mosby: Motion to accept Soil and Water and Ozone?

Commissioner Fanello: You missed Burdette.

President Mosby: Oh, I'm sorry, Burdette, Gary. How did I miss you, Gary?

Gary Hohman: We were like Dennis as well, due to the abbreviated holiday season, I did lay a work report on your desk prior to the meeting tonight. If you can look over that, and if you have any questions. The only thing that I would have, on behalf of the staff and management at Burdette, we would like to wish each and every one a very prosperous and happy new year.

Commissioner Fanello: Thank you, Gary.

President Mosby: Thank you, Gary. Is there any questions of Gary? Seeing none. Thank you, Gary.

SWCD & Ozone Officer Reports

Commissioner Fanello: Motion to accept Soil and Water and Ozone Officer's report.

Commissioner Crouch: Second.

President Mosby: So ordered.

Consent Items

Commissioner Fanello: Motion to approve consent items.

Commissioner Crouch: Second.

President Mosby: So ordered.

Commissioner Fanello: Motion to adjourn.

Commissioner Crouch: Second.

President Mosby: So ordered.

(The meeting was adjourned at 5:42 p.m.)

CONSENT ITEMS:

Jail Expenses: Blankenberger Brothers: \$601,345.40

Travel Requests: SWCD County Engineer

Employment Changes: County Highway

Commissioners: Quit Claim Deeds: Commissioners Sale

Those in Attendance:

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|-----------------|---------------------|-------------------|
| David W. Mosby | Catherine Fanello | Suzanne M. Crouch |
| Bill Fluty | Kevin Winternheimer | Tammy McKinney |
| Madelyn Grayson | Phil Lawrence | Dennis Hudnall |
| Gary Hohman | Others Unidentified | Members of Media |

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

David W. Mosby, President

Catherine Fanello, Vice President

Suzanne M. Crouch, Member

Recorded and transcribed by Madelyn Grayson.