

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 4, 2005**

The Vanderburgh County Board of Commissioners met in session this 4th day of January, 2005 at 4:34 p.m. in Room 307 of the Civic Center Complex.

Call to Order

Commissioner Crouch: Call to order the Vanderburgh County Board of Commissioners meeting, January 4, 2005. I would like to start off by making introductions, to my right is Commissioner Bill Nix. To my left is Commissioner Cheryl Musgrave; to her left is Auditor, Bill Fluty; and to his left is Recording Secretary, Madelyn Grayson. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Deferral of Approval of December 29, 2004 Commission Minutes

Commissioner Crouch: I'm going to deviate from the agenda just slightly. What I would like to do is first to have approval of the, or to mention that the minutes of the December 29th meeting will be approved on January 10th. That was the meeting late in the year. It was a rather lengthy meeting, and we will have those minutes at the next meeting.

Election of Board Officers for 2005

Commissioner Crouch: I would like to ask for nominations for the President of the Board of Commissioners. Jump in there now.

Commissioner Nix: I would like to nominate Commissioner Crouch for President.

Commissioner Musgrave: I'll second that nomination.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. For Vice President of the County Commission?

Commissioner Nix: I would like to nominate Commissioner Musgrave for that position.

President Crouch: I would like to second it. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney Appointment

President Crouch: I would now like to entertain a motion for County Attorney.

Commissioner Musgrave: I move we nominate Ted C. Ziemer, Jr.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Ziemer, we welcome you to the hot seat.

Public Comment

President Crouch: Now, I would like to go back to the public comment. We have changed our agenda somewhat, and we would like to ask if anyone who is not hear to speak to an item on the agenda would like to address the board at this time?

David Kifer: I would, Ms. Crouch.

President Crouch: Please come to the microphone, sir, and state your name and your address.

David Kifer: Okay, my name is David Kifer, my address is 223 West Michigan Street at 47710, the city. The items that I would like to address, I have a, it pertains to the Vanderburgh County jail, it's operation and the representation of the Indiana Civil Liberties Union. Under the former administration here of the Commissioners, I had less success. I'm hoping that there's a little more integrity. I'm sure there is. I was, I was to be the named plaintiff under Federal Rule 23(a) to represent the inmates of the Vanderburgh County jail. To fairly and adequately address them, the Civil Liberties Union, I signed a retainer with them, and then they went in and never named me plaintiff. There is no class representative in that action. I've sued the Civil Liberties Union for breach of retainer, and Hamid Kashani appeared for them, and he appeared falsely. This case has been transferred to Indianapolis because I tried to file some documents in the case, and Judge Pigman refused to file my documents. At that time, I told him you have to, I'm a plaintiff. This is a first amendment of redress of grievance, I just want the document filed. I was arrested for trespassing and held in jail for a period of eight and a half months. I have the original cause, the cause number was changed. Originally, to be short, it was 4488. The cause was changed to 660. The condition of my bond in 4488, for this trespassing charge was that I refrain from entering Judge Pigman's office. I'm advised that any paperwork that I need to file can be done by mail, or in the Clerk's office. Now, I can't be trespassing and trying to file papers at the same time. After I was thrown in jail, all the judges of Vanderburgh County were re-cused from hearing this en bank, and then Judge Pigman moved the case to Indianapolis, where it was dismissed with prejudice to me, because I was in jail over the case, and the county, with a speedy jury trial motion....when the cause number got changed to the new cause, the 12 minutes were not transferred, leaving my speedy jury trial motion behind. The charge of trespassing carries six months, I was in jail eight and a half months waiting for a speedy jury trial. Since then I've been released, and I've found that not only are the inmates of the Vanderburgh County jail not being adequately treated or represented, but neither are the taxpayers. Under the former, I mean, when Ms. Fanello married the guy that's building the new jail, that raised a few hackles here. But, my speedy jury, I have the speedy jury trial motion right here. I also have the thing about my paperwork not being filed. The case is under appeal. I've been told today, I was threatened today, in the court building, that I was going

to be arrested for trespassing again, merely trying to file my paperwork. I'm a citizen of this country, and I have a first amendment right. Further, under Article 12, Article one, section 12 of our constitution, the courts are free and open, justice shall be administered freely, completely, speedily, and without denial. I can't get any justice in this case. The taxpayers do not understand that the old county jail plans to be kept open. The new county jail is going to be ran, and I was even being taken out of the county jurisdiction, to Posey County, to be heard in front of Judge Redwine, who would not file any of my documents in 4488, because he said he didn't have jurisdiction, but it's the same cause number as 660 that it was changed to. This is the same case. It's a situation of double jeopardy. Judge Redwine did order me released on my own recognizance, and mooted my Writ of Habeas Corpus that I filed. I was brought back to the county, and they did not release me, per the judges order. Judge Redwine will not address that issue, but that issue is being taken up in Posey County under a cause number that the jurisdiction is properly in Vanderburgh County. This cause was never venued. I noticed that Brad Ellsworth is here, and I would publicly like to ask him why he never released me. Under any event, the state of Indiana has six months to take a case to trial, if you don't move for a continuance. I never moved for a continuance. The only thing that was moot was my trial, in the first place, because I had already served all the time. That would also be, I think, a fourth or fifth amendment violation, no deprivation of liberty without due process of the law. I know I am not Evansville's favorite son, and I am very sorry for that. Believe me, you have no idea. I've tried to become a better person. I found out, when I went to Indianapolis, Judge Pigman had authorized Chris Lenn of the Public Defenders Office to represent me as I'm the plaintiff, which is unheard of, having the Public Defenders Office represent a plaintiff in a civil suit. Mr. Lenn, I have all this documentation, Mr. Lenn has many orders on file, two of which have the same title, which is, "motion for leave to withdraw". In one he's withdrawing for the plaintiff, and one he's withdrawing for the defendant. The one he's withdrawing for the defendant, it's, at the bottom of his thing is says CML, which is his initials, slash pjh, in lower case letters, which is Pamela Jo Hensler, who handled the appeal in front of the 7th circuit when I appealed this matter pro se. So, therefore, he's representing the county. These are the citizens of this county civil liberties, not the county's civil liberties, I do beg to differ. None of us would like our rights trampled on like this. We live in a great nation, a nation of freedoms, a nation that we don't, that we can agree to disagree. But, people, if I, when I went to trial on this case, the arrest report was unsigned. I gave all three of the state's witness, Judge Pigman's staff, a chance to execute the document in the presence of the jury. All three of these people refused to do that. That would have the same effect as me accusing any of you of a crime, but failing to prosecute it, leaving the state of Indiana, which was listed as the victim to arbitrarily prosecute one of it's citizens.

President Crouch: Sir, what would you like this Board to consider doing?

David Kifer: I would like to know, well, Judge Pigman was having heart problems the day of my trial, after I had patiently waited eight and a half months for my day in court, as a defendant, who was originally a plaintiff. There are many issues here, and they act like because I'm not a lawyer, that I don't have a right to redress a grievance, and that I'm just laughable. Maybe I am laughable, and maybe, you know, maybe I'm mentally ill, as they have contended, but even a broken clock is right twice a day. What I would like to say, I would like...I found out that Hamid Kashani, one of his grounds for having the case dismissed, once it was venued to Indianapolis was that I didn't serve him. I hit the ICLU website, and Hamid Kashani happens to be the President of the ICLU. Mark Miller, who appeared locally, is on the advisory board of the ICLU. How I didn't serve counsel for counsel, I have no

clue, because I served the ICLU. I have the original summons, showing the case was assigned to Judge Pigman. Yet, now I have the other summons that has appeared, and the file stamps are in the incorrect places, and Judge Pigman's stamp where it was assigned to him is now missing.

President Crouch: And, so, again, what is—

David Kifer: Well, if I accused another individual of a crime that they've proven that they didn't commit, they couldn't have possibly committed, I would be guilty, and that person went to jail, and they proved that I lied, that's called false informing. It's a class D felony. I've been told today that I almost went to jail because I was merely just trying to talk to my lawyer, who's doing the appeal on it. His name is Verdelsky Miller. I appeal to all people of integrity in this town, the media, to please address this, because this is your money. Those are your children that are going to be in jail. I know that the school board has a problem with the money, their money, but I see how we invest in our children's future. We don't have a whole lot of confidence in them if we can't invest in their education, and we invest in a bigger jail. In the meantime, if I made bond on any charge, I could go to Turoni's or anywhere else to eat, enjoy myself until my case was adjudicated, or what not, but if I'm in jail, I'm lucky if I get a chicken leg on Sunday. You know, there's no access, you cannot access the courts from the county jail. The ICLU is totally unresponsive to this, and even in the Courier & Press it says the ICLU is on our county, but the ICLU does not want to address any of these issues.

President Crouch: Well, sir, I appreciate you coming to this Board, and sharing with us your concerns—

David Kifer: They are your concerns too, Ms. Musgrave.

President Crouch: Well, thank you, I'm Ms. Crouch, but—

David Kifer: I'm sorry, Ms. Crouch.

President Crouch: That's quite alright.

David Kifer: I'm sorry.

President Crouch: I guess, my question to you, and really then we do need to move on, because we have a pretty lengthy agenda, is what is your request of this Board?

David Kifer: What my request would be, and I'm also appealing to the Council at this time, my request would be to, and possibly to the new County Attorney, I would hope that he is a man of integrity, my request would be that we look over this, and review the documentation I have, because I even have two Writs of Habeas Corpus on file, and if the privilege of Habeas Corpus shall not be suspended, then a second Writ of Habeas Corpus is unheard of. They have trampled all over our constitution to build a new jail. That is totally un-American. It's unheard of. I'm not as prepared as I would like to be, but I just found out that you guys were having your meeting tonight, and I do have the chronological case number, which I would like to enter, it's three pages, as exhibit A. But, then there will be, there's the underlying case that got venued to Indianapolis. You cannot say that I did not serve counsel, when I served the ICLU, and their own agents are representing each other. I mean, can everybody get kind of a feel that maybe I've got a few points here?

President Crouch: I certainly appreciate everything that you are sharing with us. I understand your frustration. If you could give the Recording Secretary that document, for the record—

David Kifer: I will do that.

President Crouch: —and then what we will do, on our behalf, is that we will write a letter to the Judges and ask them to please respond to your request.

David Kifer: Okay, if I may, also, briefly, Judge Tornatta was writing my transport orders to Posey County, if all the judges of Vanderburgh County were re-cused from hearing this case to avoid any appearance of impropriety, then he had no cause to sign a transport order, because he was also re-cused. I would like to appeal, that we get together, set a time to where I can show you the documentation that I have, because it's irrefutable.

President Crouch: Well, sir, if you leave the documentation with the Recording Secretary—

David Kifer: Well, this is just a little bit of it. I've got the rest of it, and I would really like to know why, you know, if a person, how you can turn a plaintiff into a defendant, destroy their claims, and even, under any theory of law, had I been trespassing, does that deny my right to redress the grievance, in the underlying action. I don't think it does.

President Crouch: If you could get the documentation to our office, then we will have the County Attorney review it. You do understand that there's a separation of powers between the executive and the judicial?

David Kifer: I do understand that there is a separation of powers, Your Honor, but I also understand that when a person commits a crime, such as false informing, these powers are not to be abused. This is a free society, this is a free country, and all I'm asking for is to show me where my logic is flawed. Show me where my logic is flawed. Show me where I don't have a point, and I will go my way, with the eight and a half months that I did, and I'll say, okay, I trespassed. But, I can't even go over there to file a claim. But, if I get in trouble I can go over there, believe that, I can go over there, and I'll stay over there for a quite some time, if I'm the bad guy. But, if I'm the good guy, I shouldn't be made the bad guy. I thank you very much for this moment of your time.

President Crouch: Thank you for coming.

Commissioner Nix: Thank you.

David Kifer: I am now filing cause 82D05-0307-CM-04488, which was supposed to be transferred, but in violation of the trial rule they never transferred those minutes.

Madelyn Grayson: Do you have a phone number, Mr. Kifer?

David Kifer: No, I don't, but I'll be in touch. Thanks.

President Crouch: Thank you very much. Is there anyone else from the public?

Susan Kirk: Well, congratulations, everybody.

President Crouch: Well, thank you. Same to you.

Commissioner Nix: Thank you.

Susan Kirk: This is not on the agenda, but I have, through our new technology, have been watching the last few County Commissioner meetings, and I just want it on the record that we really don't want to have the break room in the Election Office. There's equipment in there, we will be in there, we have an audit coming up, there's absentee ballots, things under lock and key. If they want to use the hallway outside, that's great, but, please, do not even consider using the Election Office as a break room, or anything else, except what it is, the Election Office.

President Crouch: We appreciate that.

Susan Kirk: Thank you.

President Crouch: That was County Clerk, Susie Kirk.

Susan Kirk: Susan Kirk, Clerk of the Circuit Court.

President Crouch: Thank you, have a good evening.

Commissioner Musgrave: I have a question for Mr. Rector about the break room. Has that construction begun on the second floor?

Dave Rector: It has not actually begun, other than today I met with the electrician a couple of times on trying to see what circuits we can pull for the vending machines, to relocate them down the hallway.

Commissioner Musgrave: Is there anyway you can hold off on that project a little while?

Dave Rector: I can hold off as long as you request us to. Other than, if we do, as I've said the last three weeks, it's hampering the project downstairs. We've already delayed, and re-handled materials because of waiting on this decision.

Commissioner Musgrave: Well, (Inaudible).

President Crouch: Yes.

Dave Rector: I take that, that we're going to go ahead and continue?

Commissioner Musgrave: I don't want to make a motion at this time.

Dave Rector: I mean, I'm sure you were in a couple of the meetings, you heard, but I think they just ran out of options, and this is where they ended up saying we were going to go.

Department Head Appointments

President Crouch: Our next item on the agenda is department head appointments. And, we have appointments, obviously, at Burdette, and that will be Steve Craig. County Highway Superintendent will be Mike Duckworth. Help me out.

Commissioner Nix: I didn't have my list handy. I didn't know I was going to—

President Crouch: I think that that is the department head appointments that we have at this particular point in time. County Engineer, I'm sorry, John Stoll.

Commissioner Musgrave: Do you need a motion to that effect?

President Crouch: That would be fine.

Commissioner Musgrave: I would like to move the appointment of Mr. Craig, Mr. Duckworth, and Mr. Stoll as outlined by Ms. Crouch.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

2005 Meeting Ordinance

President Crouch: The next item on our agenda is the 2005 meeting ordinance. Rather than read the entire ordinance, word for word, I'll just touch upon some of the main points of the ordinance. That is that the regular meetings of the Board of County Commissioners of Vanderburgh County will be held on the first, second, third and fourth Monday of each month at 3:30 p.m. in room 301 of the Civic Center Complex in Evansville, Indiana. However, if a holiday falls on a Monday, then the meeting of the Board of Commissioners of Vanderburgh County, for that Monday, will be held on the following Monday of the next week, unless otherwise stated by the Board of Commissioners of Vanderburgh County in an open meeting. Rezoning petitions will be heard by the Board of Commissioners on the third Monday of each month beginning at 3:00 p.m. in room 301 of the Civic Center Complex. If the holiday, or if a holiday falls on the third Monday, then rezoning petitions will be heard by the Board on the fourth Monday at 3:00 p.m., unless otherwise stated in an open meeting. Drainage Board meetings will be held on the fourth Monday of each month immediately following the meeting of the Board of Commissioners in room 301 of the Civic Center Complex. However, if a holiday falls on the fourth Monday of the month, the Vanderburgh County Drainage Board will be held on the third Monday of the month, immediately following the meeting of the Board of Commissioners, unless otherwise stated in an open meeting. This ordinance shall be in full force and effect, from and after it's passage by the Board of Commissioners of Vanderburgh County. Do I have a motion to approve?

Commissioner Nix: I would like to make that motion.

Dave Rector: Excuse me, I think you mean room 307?

President Crouch: No, it's room 301.

Commissioner Musgrave: Excuse me.

Dave Rector: You want to do them over there?

President Crouch: Yes, uh-huh.

Dave Rector: Okay.

Ted C. Ziemer, Jr.: Excuse me, Madame President? You're going to want to do this in one reading.

President Crouch: That's correct.

Ted C. Ziemer, Jr.: I think, first you should ask for a motion to waive second reading, and then vote on the motion.

Commissioner Musgrave: Before we get to that motion, I just want a point of clarification. When you noted the time for the meetings at the end of paragraph (b) you said 3:30.

President Crouch: Oh, I'm sorry.

Commissioner Musgrave: That should be 3:00.

President Crouch: I amend that, to reflect what is actually in the ordinance, which is 3:00.

Commissioner Musgrave: Alright, then I would like to make a motion to waive the second reading of the ordinance.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Then, I would like to make a motion to adopt this ordinance.

Commissioner Nix: I second that motion.

President Crouch: Does anyone care to speak to the ordinance before we do pass it and vote? All in favor of adopting the ordinance, say aye.

All Commissioners: Aye.

President Crouch: Opposed? It carries. For an ordinance we need a roll call vote.
Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: And I vote yes. The ordinance passes.

**Insurance Agent of Record Appointment:
Torian, Hofmann, Dillow & Flittner**

President Crouch: The next item on our agenda, insurance agent of record appointment. Do I have a motion to appoint the agent of record?

Commissioner Musgrave: I would like to make a motion to appoint as our agent of record, Torian, Hofmann and Dillow. Torian, Hofmann, Dillow and Flittner, excuse me.

Commissioner Nix: I second that motion.

President Crouch: All in favor, say aye.

All Commissioners: Aye.

President Crouch: So ordered.

2005 Board Appointments

President Crouch: Next on our agenda are board appointments of the County Commissioners. I will entertain a motion, and if you could read the board and the appointments in your motion.

Ted C. Ziemer, Jr.: Madame President?

President Crouch: Oh, I'm sorry.

Ted C. Ziemer, Jr.: Before you go on, you will recall that you had asked me to review the board appointments, and the openings that were available and so forth. In the process of that, I got a list called the Board of Trustees, officers and members of the Building Authority, and it was a fax of November 5th, I think from Mr. Rector, at least your name is up here, indicating that there were, in fact, two positions on the Board of Trustees that were expiring December 31, 2004. Those would have been Mr. Robinson and Mr. McNeely. Subsequently, I received a second communication, and I really don't know who prepared this, it's a list of Commissioner board appointments for many of the boards, and it indicates that Wilbert Robinson's term would expire in December of 2007, and that Mr. McNeely's term would still expire in 2004. I couldn't understand that discrepancy between the two reports. So, I did do some research, and looked back into the minutes of the County Commissioners relative to appointments, and what I found regarding Mr. Robinson was this, he was appointed a trustee of the Building Authority on June 22, 2001, and that appointment was for a four year term, running until December 31, 2004. However, in January of 2004, a year before the expiration of his four year term, he was re-appointed by the

Commissioners for a new four year term, which would expire December 31, 2007. Now, Indiana Code, section 36-9-13-7, says that;

“As the term of a trustee expires, his successor shall be appointed for a term of four years.”

Unless a trustee resigns, this is my opinion, unless a trustee resigns, or otherwise becomes disqualified to serve prior to the end of his term, then a successor for him, including himself, cannot be appointed until the end of his term. So, since the term of Mr. Robinson was to expire December 31, 2004, the Commissioners couldn't, in January of 2004, appoint him for another four years, but that's what they did. But, the appointment, in my opinion, was illegal, and it's void. What happened was that he continued to fill his term through December, let me see here, through December 31, 2004, that was the regular term, after that, since no successor was appointed for him, he continued to serve until December 31, 2005. But, his term has expired, and so we can, the Commissioners can appoint someone to replace Mr. Robinson, in my opinion. The only other comment that I would make has to do with the term of Mr. McNeely, and his term is shown as expiring December 31, 2005, however, he was filling the unexpired term of a prior trustee, and his term actually expired December 31, 2003. That was, had been the end of that unexpired term. He was not further appointed, nor was anyone else appointed, so, he continued to serve for another year, which the law provides for. If there's not reappointment, you continue to serve until your successor is appointed and qualifies. So, he continued to serve through December of 2004, but that would have been the first year of the next four year term for that position. So, I believe that the appointment that you will make to replace Mr. McNeely should be for an unexpired three year term, and that would then get us back on proper schedule.

President Crouch: So, it is your recommendation that the board, in their appointments, make two appointments to the Building Authority Board of Trustees?

Ted C. Ziemer, Jr.: Yes, Ma'am.

President Crouch: Okay. The chair will entertain a motion regarding appointments.

Commissioner Musgrave: You said that you wanted these all read—

President Crouch: Please.

Commissioner Musgrave: —into the record. Then, I will start at the top of the document that we have here and move through it. I move to appoint to the Alcohol Beverage Commission, Frank Daugul; Area Plan Commission, myself, Cheryl Musgrave; Building Authority Board of Trustees, Becky Kasha and Rolland Eckels; Burdette Park Advisory Board, Suzanne Nicholson and Steve Provost; Central Dispatch Board, myself, Cheryl Musgrave; Community Corrections Board, Bill Nix; Convention and Visitors Bureau, Jeff Korb; Disaster Resistant Community Corp., myself, Cheryl Musgrave; Domestic and Sexual Violence Commission, Lori Hahn Cornelison, Allison Comstock, Holly Dunn, and President Suzanne Crouch. To the Electrical Board, Randy Brievogel, Jerry Goedde, Harvey Kramer. To the EARC, Commissioner Bill Nix. To the EUTS, Evansville Urban Transportation System, Commissioner Suzanne Crouch. To the Evansville-Vanderburgh County Commission to End Homelessness, Commissioner Suzanne Crouch, Brenda Headley, Ryan Scheidler. To the Home Inspector Board, Lon Walters. To the

Library Board of Trustees, Rolland Eckels. To the Miority/Women Business Development Board, Darrell Ragland. To the HVAC, Refrigeration and Plumbing Board, Timothy Nunning, Jeff Schneider, Robert Crow. To the Human Relations Commission, Dave Abbott. To the Old Courthouse Foundation Board, Timothy Dodd, Kelley Coures, and Brent Grafton. To the Property Tax Assessment Board of Appeals, Arthur Aarstad, and Lisa Schenk. To the Southwest Indiana Regional Strategy Commission, Lu Porter, and Commissioner Suzanne Crouch. That is my motion.

Commissioner Nix: Okay, before I second this, Mr. Ziemer, I was curious on the two appointments to the Building Authority, we'll have to give expiration dates on those two. Do we need to appoint those expiration dates to these people before we do that?

Ted C. Ziemer, Jr.: I think it's always wise to do that. The expiration date, I don't know which is which. One of them should be, let's see, it's December 31, 2008, and the other one is December 31, 2007.

Commissioner Musgrave: Then, in the order listed, Ms. Kasha, 12/31/08, and Mr. Eckels, 12/31/07.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Marilee Fowler: Marilee Fowler with the Convention and Visitors Bureau. Could I have clarification on who your appointees are to our commission?

President Crouch: It's Jeff Korb, and then Joe Vezzoso will continue to serve until appointed.

Marilee Fowler: Thank you.

President Crouch: You're welcome. Thank you for coming.

Marilee Fowler: You're welcome.

Commissioner/Council Liaison Appointments
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President Crouch: The next item on our agenda is the Commissioner/Council liaison appointments. We believe it is extremely important for the executive body to have good communication with County Council. As a result, we feel that it is important for us to have liaisons with the County Council members. At this particular point in time I would like to ask that Bill Nix serve as a liaison to Councilmember Goebel and Councilmember Tornatta. And, Commissioner Musgrave serve as a liaison to Councilmember Abell and Councilmember Raben. And, I will serve as liaison to President, I believe, Elect, or Councilmember Winnecke, Councilmember Wortman, and Councilmember Sutton. Is that satisfactory with the board?

Commissioner Musgrave: Yes, do you need a motion to that effect?

President Crouch: That would be fine, yes.

Commissioner Nix: I'll make the motion.

Commissioner Musgrave: I'll second the motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Resolution for the Indiana General Assembly to Amend
I.C.6-9-2.5-7.7 to Extend the Expiration Date for Depositing Funds
into the Convention Centre Operating Fund**

President Crouch: The next item on the agenda is a resolution for extending the Hotel/Motel Tax for the Centre. A little background on this particular resolution, originally, when the Centre was built, legislation was put into place to allow that two cents of the Food and Beverage Tax be put into an operating fund for the Centre. The intention was, and the statute was written to where that would sunset at the end of 2005. It was everyone's intention that, at that particular point in time, that the Centre would be able to operate without that additional revenue. We've seen a lot of things happen in the past five years. The economy has slowed down, resources from other outside sources have dwindled, and as a result we've had increasing financial pressures on the county General Fund budget. In addition to that, we have a county jail that will be opening and operating this year, and at this particular point in time, for the county General Fund to have to pick up \$700,000, almost \$700,000 of additional expenses, would be absolutely prohibitive. In light of that, we are passing a resolution asking that that tax be extended, and we will be communicating to, not only the Convention and Visitors Bureau, who does have a meeting, I believe, on January 24th at 8:30 in the morning, but we will also communicate our intent to the legislature. Do either of the other Commissioners have comments regarding this?

Commissioner Musgrave: I would like to comment that this tax is a tax on people who come into our county to stay in hotels. If this funding were taken away from that particular fund, and transferred to the property tax, then it would become a tax on the people who own property in our county. I think it's better for the, not only the property owners, but the people who live in this county that we look for revenue outside, and this is a perfect way to do that. So, I make a motion, if you don't mind, Bill, to pass this resolution in support of the continuance of the tax and the way it is funding right now.

Commissioner Nix: I second that motion.

President Crouch: Before we vote, we'll note that that would be a five year extension. Also of note, I know that Commissioner Musgrave has looked at the contract with SMG, and she's shared information with the Commissioners and the Convention and Visitors Bureau, and we will be opening up and looking at that contract very carefully to look at greater accountability for the Centre. We look forward to looking to the

Convention and Visitors Bureau in that endeavor. So, all in favor of the resolution to extend the Hotel/Motel Tax?

All Commissioners: Aye.

President Crouch: Alright. So ordered. Next item on our agenda is introduction to repeal—

Ted C. Ziemer, Jr.: Excuse me, Madame President?

President Crouch: Yes?

Ted C. Ziemer, Jr.: I think, I don't know whether you want to cover it at this time or not, you were going to have a letter to the Convention and Visitors Bureau regarding this resolution. Were you going to cover that at another time?

President Crouch: I made mention of it, but I will go ahead and—

Ted C. Ziemer, Jr.: In addition, I have for the Commissioners, and, unfortunately, due to the pressing matters this afternoon I didn't get this to Madelyn to put in your packets, but I have letters here to Greg Server, Dennis Avery, Trent VanHaaften, Phil Hoy, Vaneta Becker, Larry Lutz, Brian Bosma, as Speaker of the House, Robert Garton, as President Pro-Tem of the Senate, and Robert Meeks, as Finance Chairman of the Senate, forwarding to each of them a copy of the resolution that you've adopted. So, I'll, they're ready for signature, and I'll present those to you.

President Crouch: The chair will entertain a motion to sign a letter and attach the resolution to it, and forward that not only the Convention and Visitors Bureau, but to our legislators.

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: I'll second the motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Introduction of an Ordinance to Repeal CO.12-04-010: An Ordinance Concerning Registration of Apprentices</p>
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President Crouch: Next item on our agenda is introduction of an ordinance to repeal CO.12-04-010, an ordinance concerning registration of apprentices. Would either of the Commissioners care to speak to that, at this particular point in time?

Commissioner Nix: I guess, just what I would like to, my input on this is that I feel like I'm not against training, and I don't think any of the other Commissioners are against training for apprentices and to have good craft people, but, I think, we just need to look at this a little bit harder before we put anything like this through, and I would like to, it's basically, the gist of it.

Commissioner Musgrave: I think that it bears more discussion among the community that it affects. So, I agree with you.

President Crouch: Is there anyone in the audience that wishes to speak to this ordinance at this particular point in time? The chair would entertain a motion to waive second reading of the ordinance.

Commissioner Musgrave: I make a motion to waive the second reading of this ordinance.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote on that, Mr. Ziemer, is a roll call vote necessary on that?

Ted C. Ziemer, Jr.: Yes, please.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. I will now entertain a motion to adopt the ordinance as introduced.

Commissioner Musgrave: Move to adopt the ordinance CO.12-04-010, as introduced.

Commissioner Nix: Second.

President Crouch: Is there anyone that cares to speak to that at this particular point in time? All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: And, I vote yes.

Roll Call Vote on Waiving Second Reading of 2005 Meeting Ordinance

President Crouch: If I may, back on our meeting ordinance, did we actually take a roll call vote for waiving that? I can't--

Commissioner Musgrave: Do you want to revisit that?

President Crouch: Should we revisit that? I can't remember if we actually took the roll call vote for that.

Ted C. Ziemer, Jr.: You all did vote aye, but I think you should go back and vote that again.

Commissioner Musgrave: Alright. Do we need to make the motion again?

Ted C. Ziemer, Jr.: Well, I think you can just refer to the motion that was made. You're just repeating your vote. You've already voted, but you're going to do it by voice vote.

President Crouch: Alright. The chair will entertain a motion, back to the meeting ordinance, because, I believe we failed to take a roll call vote on waiving the second reading. We will take a roll call vote on waiving the second reading for the meeting ordinance. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. Now, we will also take a motion on the meeting ordinance as presented. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. Thank you for bearing with us.

New Business

President Crouch: We now have, will move into the new business portion of the meeting. Our first item is the Greenway Passage Grant. Do either of the Commissioners care to speak to this?

Commissioner Musgrave: This letter is in support of a grant application for the Greenway Passage, and it is brought to us by the Chairman of that, Ms. James. The Greenway is a remarkable project, not moving quickly enough, I think, but this is a step in the right direction. So, I make a motion that we support their application for this grant for a million dollars for additional construction of the connector section of the Greenway Passage between Fulton Avenue and the Animal Control Shelter.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next item of new business is video equipment. This is a letter, we actually have two letters, one to the County Council, and one to the City Council, informing them that we will be conducting our meetings in room 301, and asking them to join with us in moving the cameras, so that all three bodies meetings can be televised. So, I will now entertain a motion to have the two letters signed.

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: I'll second the motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next item on our agenda is a letter to the Alcoholic Beverage Commission, which holds their meetings in that room. I have spoken to the president of the Commission, and he has informed me that they would be open to exchanging, or to exchanging meeting places. This letter is to formally request that they allow us to have meetings, or not allow us, but that we will be having our meetings, and that we will ask that they have their meetings here. The Alcoholic Beverage Commission meets on Mondays, every other Monday, I believe it is a 2:00 p.m., I think.

Commissioner Musgrave: I move that we send the letter as written to the Alcoholic Beverage Commission.

Commissioner Nix: I second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next item is a letter to Dr. Hoops, the President of U.S.I. In conversations, we realized that the property of Burdette Park abuts up to the property of U.S.I. In the course of conversations, we had thought that it would be a wonderful opportunity for the community if we could open up the land, or open up the connectivity between those two entities. So, this letter asks that Dr. Hoops, that we sit down with him and explore the possibility of perhaps building a roadway, bikeways, hiking trails to connect U.S.I. and Burdette Park. I will entertain a motion. Does either Commissioner have any comments regarding this?

Commissioner Nix: I would like to make the motion that we send the letter to U.S.I. on Burdette Park.

Commissioner Musgrave: I will second the motion. It would be wonderful to have Burdette Park opened up to the students of U.S.I., and to bring more activity to

Burdette, but also to make it more useful for all the residents of Vanderburgh County and beyond.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Old Business

President Crouch: The next item on our agenda is the Commissioner goals for 2005. I would ask that each—

Ted C. Ziemer, Jr.: Excuse me, Madame President, there is one other matter of, I guess, it's really old business. Madelyn, you have a copy of an ordinance concerning building and construction fees. Roger Lehman is here, perhaps you could enlighten the Commissioners as to the problem we learned about late this afternoon, and the reason for this.

Roger Lehman: Thank you. Roger Lehman, Building Commissioner. In going through and receiving the approved copies of the ordinances from last year, which were just done last week, I discovered that the permit fee part of the permit change ordinances was inadvertently left off. The cover page which involves exemption from fees was passed, but the part concerning the actual permit fee changes was accidentally left off. What I would like to do, if the Commissioners are so inclined, is to recommend that this oversight be corrected by approving the fee changes. This has already been accomplished in the city. We've had no conflicts or conversation, other than positive things, about this situation. We would just like to correct this oversight, if possible.

Ted C. Ziemer, Jr.: I understand that if the ordinance were adopted today, the 90 day period before it takes effect, would then run the same as the city's 90 days, is that right?

Roger Lehman: It will run close enough. We were shooting for an April first time, and we could make it something like April 15th, just to cover ourselves.

Commissioner Nix: So, it wouldn't fall 90 days from today? It would fall less than 90 days?

Roger Lehman: Well, the city one was passed about three weeks ago.

Commissioner Nix: Okay.

Roger Lehman: So, there is a time differential, but our department plan was to incorporate it at about April 1st.

Commissioner Nix: And, that works with you as far as those plans?

Roger Lehman: Yes.

President Crouch: And, this particular ordinance, as it was originally passed did not meet with any opposition? Is that not correct?

Roger Lehman: That's correct. We had several speakers in support of the ordinance, and none opposed.

Commissioner Musgrave: What will you be using the fee increase for?

Roger Lehman: Fee increases will help us with our technology. We do have additional money budgeted this year for technology to buy a computer system and laptop wireless for our inspectors. We don't have enough money budgeted this year, frankly, to do that under the existing permit levels. So, as the permit fees increase, hopefully, the economy stays healthy, and we continue to receive the same volume of permits. The extra fees will help us pay for that technology that we need. So, we might not have to stretch the project over two or three years. We might be able to get it done in a year or two.

Commissioner Nix: I've looked into...I've researched that some, and I think it's a real good idea. I really do.

Ted C. Ziemer, Jr.: In order to get as close as possible to the 90 days for the city, I've drafted the ordinance as one that could be adopted on one reading today, if the Commissioners unanimously vote to waive second reading.

Commissioner Nix: I make a motion we waive the second reading.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: I will take a roll call vote. Is there anyone, I don't believe there is anyone here to speak to that issue? Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: And I vote yes.

Ted C. Ziemer, Jr.: So, what—

President Crouch: Then we need a motion—

Ted C. Ziemer, Jr.: To adopt, yes.

Commissioner Nix: I will make a motion we adopt that ordinance.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: And, I vote yes.

Roger Lehman: Thank you very much. I appreciate it.

President Crouch: Thank you.

Roger Lehman: Have a good year.

Commissioner Nix: Thank you.

President Crouch: Thank you. That was one of our goals.

Ted C. Ziemer, Jr.: Thanks, Roger.

Commissioner Goals for 2005

President Crouch: At this particular point in time we will ask that the Commissioners share with us their goals for 2005. I'll start with Commissioner Nix.

Commissioner Nix: I have many goals, but, I guess, the three that, and I've talked about this a little bit over the last six or eight months. One of the things that I think is important, Mayor Weinzapfel is doing this now, and I think it's been pretty effective, and that's not the reason why we're doing it, because it's something that I think we need to do anyway, is to have some district meetings out in each district. I think it's important. I know between the streaming Internet and live cameras, it's good, but, I think it's also good to get out and be amongst the people of Vanderburgh County. So, we'll have three meetings, and, I guess, we can disclose those dates now? The dates are, the first one is going to be on Tuesday, May the thirty-first, that would be in district one. District two would be August the twenty-ninth, and district three would be October the 31st. These would be regularly scheduled meetings. So, I just think that that would be, I just think it's just one of the things we're going to try to do is communicate and be more open with the public. I guess, the other thing is that we always talk about bringing new business in, and it's very, very important, and economic development is, and I'm sure that you're going to hear a lot about that in the next few years, but one of the things that I think is also important is to retain the people that have, the businesses that we have in Vanderburgh County. I'm going to make a commitment to get out and speak to these businesses about what they're doing? What they expect from the county? What they expect from the government? I can't make any promises, but I just think that it's a thing that we need to do, and I would like to see if the other Commissioners could help me out with this? Because we do have a lot of

businesses in the county, and I would like to make a commitment to do that. I guess, just the third thing, this is more of a personal thing, I would like to make this office, I would like to be able to be accessible to the public, and be out amongst the public as much as possible, and to have all these offices and all the different departments, would like to really see people work together. I think it's important. I think that's what the taxpayers of Vanderburgh County want, and I think that's what they expect. Once again, I think that's probably the most important thing we can do as Commissioners.

President Crouch: I would be happy to join you with visiting businesses.

Commissioner Nix: Thank you.

Commissioner Musgrave: And, so would I.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: I would like to continue, as one of my goals as Commissioner, to increase public access to government records. This has been something that I've been championing the entire ten years as County Assessor, and I would like to continue doing that. I have a couple of specific ideas that I think I can bring out now, and probably more will come along as time goes by. But, I would like to put the minutes of more of the county boards on the Internet. I would like to make sure that their agendas are there. So, you can go to our county website and fully research when the board meets, who's on it, when their next meeting is, what they said and did at their last meeting, and see their agenda as it becomes available to be posted. I would like to work with some of the elected officials, or the department heads to realize some of the IT goals that they already have. For example, I know that the courts are anxious to put some of their records on the Internet. So, I would like to work with them and do that. The other thing, I'm fully with you on improving the communication among elected officials, department heads, and people that we've appointed to boards. I would like to know more about what happens at those boards. So, I'm going to propose, see how this goes, we'll call it "Coffee with the Commissioner" or "Coffee with the Commissioners", as this might work out, and hold this once a month. The goal of this casual meeting would be to encourage discussion, and improve relationships among the people who show up. Nobody is going to be asked to come, we'll just pick a place, and we'll go. I was thinking that we could start on February 24th, at 8:30 to 9:30 a.m., I'm going to find a place to do this, and just encourage people to come. If you two thought you would come, then we would go ahead and advertise it. If you two were not going to come, why then we wouldn't have to advertise it, but I would certainly love to be joined at this meeting. Then, a further thought that came along is that this is good for our appointment of boards and the elected officials, but, perhaps, we could hold one where we just meet with the employees as well. So, that I have not scheduled, but maybe some time in the spring.

President Crouch: A question, is the February 24th breakfast at your house?

Commissioner Musgrave: No. I think we'll have to find some place else.

Commissioner Nix: I was wondering who was buying?

Commissioner Musgrave: My house is barely big enough for us and the cats. So, I'll let you know when I find a place that can accommodate that.

President Crouch: Great idea. Then my goal is economic development. In recent years many groups have studied local city and county governments, and they're always looking for ways to increase efficiency and reduce costs. As elected officials, it's incumbent upon us to be able to deliver more for less. The number one priority of the incoming or the current County Commissioners is economic development, and the creation of jobs. What I would propose is that we sign a letter, including, or inviting the Mayor to join us in establishing an economic development roundtable. And, that we invite groups and organizations, including Vision-e, Downtown Evansville, the Metropolitan Chamber of Commerce, Work One, Evansville Convention and Visitors Bureau, etcetera, to actually explore what we're doing in terms of economic development, and are we utilizing our resources properly. Can we have a more coordinated, unified approach towards economic development. What I would like is for the Commission to entertain a motion that we send a letter to Mayor Weinzapfel requesting that he participate with this County Commission in establishing that roundtable and achieving that goal towards greater economic development.

Commissioner Nix: Is that a motion?

President Crouch: No, I'm asking for a motion.

Commissioner Nix: I will make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Consent Items

President Crouch: We are now moving into consent items on the agenda. What I would like to do, we have received some late consent items, so, we need to amend the agenda to include employment pink slips from the Sheriff, the Health Department, the Clerk of the Circuit Court, County Highway, County Commissioners. Do I have a motion to amend the agenda to include those items?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Also, if the Commission would make a motion to allow me file late transfer with the County Council to move money out of the salary

line item for the County Attorney into a legal contractual services line item, and then to do a buy out in the County Highway.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other business to come before this board?

Commissioner Musgrave: Do we need a motion to cover all the rest of these? All the consent items?

President Crouch: All the consent items would be in the motion to approve consent items.

Commissioner Musgrave: I move to approve consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Motion to adjourn?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you all for joining us.

(The meeting was adjourned at 5:30 p.m.)

CONSENT ITEMS:

Employment Changes:

Commissioner (3)	Sheriff (1)	Health Department 2)
County Highway (1)	County Clerk (1)	

Travel Request: SWCD (1)

County Highway: Weekly reports and daily work schedules.

SWCD: Weekly report.

Commissioners: Blue claim memo to all departments.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Ted C. Ziemer, Jr.	Bill Fluty	Madelyn Grayson
David Kifer	Dave Rector	Susan Kirk
Marilee Fowler	Roger Lehman	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 10, 2005**

The Vanderburgh County Board of Commissioners met in session this 10th day of January, 2005 at 3:00 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: I would like to call to order the Vanderburgh County Board of Commissioners meeting, January 10, 2005. I would like to start by making introductions. To my very far right is B.J. Farrell, the Assistant/Secretary to the County Commissioners. To her left is Ted Ziemer, County Attorney. Next to him is Cheryl Musgrave, Vice President of the County Commission. To my immediate right is Bill Nix. To my left is Madelyn Grayson, Recording Secretary. And to her left is Bill Fluty, the County Auditor. Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of December 29, 2004 Commission Meeting Minutes &
Approval of December 29, 2004 Transition Meeting Summary Minutes**

President Crouch: The first item on our agenda is approval of the prior minutes. We have minutes from December 29, 2004, and from the December 29th transition meeting of December 29, 2004. Since I was the sole Commissioner at both of those meetings, I would like to ask the Auditor's office if they are accurate, to the best of their knowledge?

Bill Fluty: That is correct.

President Crouch: Then, I will approve those minutes as the sole Commissioner present at those meetings.

Approval of the January 4, 2005 Commission Meeting Minutes

President Crouch: Then, we also had the January 4, 2005 minutes. Do I have a motion for approval?

Commissioner Nix: I'll make a motion that we approve those minutes.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Bid Openings

President Crouch: We now have bid openings. The bid openings, Mr. Lawrence, were advertised to be opened at 5:30 p.m. this evening. We will recess this meeting, and then we will have Solid Waste at 4:30, the County Commissioners

will be on that. We will then reconvene our County Commission meeting at 5:30 in room 307 to open those bids. Would that be agreeable with you?

Phil Lawrence: That's correct.

President Crouch: The County Attorney has approved that.

Phil Lawrence: Yeah, that works fine.

President Crouch: Okay.

Permission to Advertise: VC-02-2005: Tax Bills

Phil Lawrence: The only other thing we need to do is "c", permission to advertise VC-02-2005, tax bills. I have made the necessary changes to February 1st, as opposed to January 31st for the bid opening date.

President Crouch: Okay, do I have a motion to that effect?

Commissioner Musgrave: So moved. And, the bid opening date is January 31st?

Phil Lawrence: No, it's February 1st.

Commissioner Musgrave: February 1st?

Phil Lawrence: We moved it to a Tuesday.

Commissioner Musgrave: Okay, alright.

Commissioner Nix: I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence. We will see you at 5:30.

Phil Lawrence: Okay.

Board of Finance Organization Meeting
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President Crouch: The next item on our agenda is the Board of Finance organization meeting. Treasurer Z. Tuley is here to conduct that finance meeting for us. Treasurer Tuley?

Z. Tuley: Hi, I'm Z. Tuley, the Vanderburgh County Treasurer. At this time annually, the law requires us to gather together and appoint a president and a secretary to the Board of Finance. Historically speaking the Treasurer, who is responsible for the day-to-day investment operation has been appointed as the

president, and historically speaking, the Auditor, since they already take minutes and serve as secretary to the Commission, we have asked them in the past to be the secretary for the Board of Finance as well. So, if you have any other questions—

President Crouch: At this point in time we will entertain a motion to elect the Treasurer, Z. Tuley, as president of the Finance Board, and the Auditor, Bill Fluty, as secretary of the Finance Board.

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

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Z. Tuley: Thank you. You do have your reports in your packets. If you have any questions or concerns about the investments time frames that I target, or what funds are being invested, just give me a call.

President Crouch: Treasurer Tuley, would it be possible, I know this information has been made available before, but if you could e-mail us the interest income, perhaps for the General Fund, for the last four years, maybe? From 2000 on, I think that would be interesting information for the board to have.

Z. Tuley: I'll do it.

President Crouch: Thank you.

Z. Tuley: Uh-huh. I'll have to make myself a note.

President Crouch: Thank you very much.

<p>Adoption of Ordinance CO.01-05-004: An Amendment to Section 2.04.020 of the Code of Ordinance of Vanderburgh County</p>

President Crouch: The next item on our agenda is adoption of CO.01-05-004, an amendment to 2.04.020 of the code of ordinances of Vanderburgh County. This concerns our meeting dates and times. Just to bring the board a little up to date, I did speak with Councilmember President Bagbey today, I also spoke to City Clerk, Alberta Matlock, and informed them that it was certainly our intention to be good working partners with the city. So, in order to be able to provide enough time for not only the County Commission, but the City Council, it would probably be advisable, at this point in time, to amend our meeting dates and times. The ordinance, or the amendment that you have before you will allow for Commission meetings to be held on Tuesdays at 3:30, in room 301, starting this coming Tuesday, January 18th. Rezoning will be on the third Tuesday at 5:00 p.m., and that will begin in February. The rezoning for January has already been noticed to the individuals that are affected, and, so, that rezoning meeting will be on January

24th at 3:00 p.m. in this room, room 301. Certainly, and speaking to Area Plan, Brad Mills, he had indicated that that was a very short agenda. So, hopefully, that will not be in conflict with City Council. Drainage Board would be held on the fourth Tuesday, immediately following the Commission meetings, starting on January 25th. So, actually, we will end up having more meetings, because we will not have the holidays on Mondays to contend with. Mr. Rector is in the audience, and I did speak with him this morning, and did, actually spoke with him Friday, and then we did confirm that that time was available. Is that not correct?

Dave Rector: Yes, it is. Thank you.

President Crouch: Okay.

Commissioner Musgrave: Well, I'm awfully pleased that we'll be able to offer more seating to the public in this room. The other room, where the Commission has traditionally met, only has 41 seats, and this room has 76 seats, and a great deal more square footage. So, I'm sorry that the City Council felt that there was potential conflict with Mondays, meeting earlier in this room, but we're absolutely pleased to accommodate them and move to another day, and another time, so, that we can bring the television cameras over here and have the potential for having more of the meetings that meet in this room on television. We'll be meeting with Mr. Dial of WNIN and others tomorrow to review the cost to move the cameras, and make the changes that will be necessary to allow more of the meetings that meet in this room, and there are many, including City Council, County Council, various boards of both the city and the county, and we'll see if we can't get more of those meetings to be able to be televised. So, I think the move is a good one. I'm looking forward to increasing the participation of people who come, people who can tune in on television as well. So, I'll make the motion to adopt the ordinance as described.

President Crouch: Well, I think first—

Commissioner Musgrave: Oh, we have to waive the first—

President Crouch: Right, but to follow up with your comments, at that meeting tomorrow, the Commission will be represented by Vice President Musgrave, the County Council will be represented by Councilmember Lloyd Winnecke, and the City Council will be represented, in speaking with President Bagbey, he had indicated someone that he wanted to have appear, or be a part of that meeting on behalf of the City Council. The name escapes me right now, but he did mention that they would at least like to hear what is going on. We are getting a contract to Councilmember President Steve Bagbey prior to their meeting tonight.

Commissioner Musgrave: I also checked with Mr. Dial to see about the possibility of televising this particular meeting, and the problem was that they don't have cameras that can relay remotely, like the television stations that do the news can. So, they couldn't move a camera in here temporarily. So, we tried, but we'll work those out, and, hopefully, get the cameras installed and going as soon as possible.

President Crouch: Just one final comment, in speaking to Mr. Rector this morning, this room is a common area, one that is shared by the city and the county, but by which neither the city nor county pays rent. I had indicated that I was hopeful that perhaps the Building Authority would consider the cost of

actually moving, or installing the cameras, and had been advised that it would, certainly my presence would be permitted at the next board meeting to make a request on that. So, at this point in time, you have made a motion.

Commissioner Musgrave: Yes, but I believe we need to make a motion to waive second reading first. Or is it first reading?

Commissioner Nix: Second reading.

Commissioner Musgrave: Second reading, thank you.

Commissioner Nix: Right.

Commissioner Musgrave: So, that's my motion, to waive to the second reading of the ordinance changing our meeting times and days.

Commissioner Nix: I will second that motion.

President Crouch: All in favor?

Ted C. Ziemer, Jr.: Roll call.

President Crouch: Can we vote on the "ayes", all in favor, and then have roll call vote? All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote, please. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. The board will now entertain a motion to adopt CO.01-05-004.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor? Before we do actually approve this, or vote on it, is there anyone in the audience who cares to speak to this ordinance. Yes, Tammy?

Tammy Barnett: Hi, I'm Tammy Barnett, and thank you for giving me a chance just to speak real briefly. First of all, I'm glad that you decided to move the meetings. I think it is great that it will double the capacity. I've been in County Commissioners meetings where it's been very tight, but, I guess, I'm concerned that there were no other alternatives explored to changing the meeting time to 5:00, now to 3:00, and, I guess, now with this new it would be 3:30? Is that correct?

President Crouch: Right.

Tammy Barnett: I had presented before the County Commissioners several times, and each time people came to express their support of the voter verified paper trail, and of those people, I would probably be the only one who could still attend your meetings. That's because I own my own training/consulting firm, and I have a little bit of flexibility with my schedule. So, I guess, I'm really concerned, I believe that, Mr. Nix and Mrs. Musgrave, that you campaigned on the value of "open government", and I believe that you truly believe in that ideal. I'm just encouraging you to think about all the people that work from 8:00 to 5:00, all the people that work in unions for hourly jobs that you're cutting into the day shift, and also people who are still recovering from a midnight shift. I think it would prevent them from being able to attend your meetings. I think that shuts out a lot of voices. Thank you.

President Crouch: Thank you, Tammy.

Susan Harp: Susan Harp, Oak Hill neighborhood president. I rushed to get here today. I left school early, and not always do I have an issue, but, likewise, I'm thinking, 3:30 is better than 3:00, but it is still difficult for some of the people that I know that I frequently see in the chambers to be here at that time. So, I'm thinking about as the neighborhood aspect. So, maybe consider that.

President Crouch: Thanks, Susan. Did you state your name for the record?

Commissioner Nix: Yes, she did.

President Crouch: Okay, sorry.

Commissioner Nix: I believe that there was some research done on the times that other Commissions meet around the state. Do you have that, B.J.?

President Crouch: You know, I know that in, I believe it's Posey, Warrick and Gibson, they all meet during the day. Some at 8:30 in the morning. Then the others meet, I think one's at 8:30, one's at 9:00, and then one's at 3:00 in the afternoon. I know that out of the, I believe that out of the 92 counties in Indiana, less than, I mean, an overwhelming majority meets during the day.

Commissioner Musgrave: I thought it was perhaps nine counties that met not during the day. So, it is the overwhelming majority that does meet during the day, sometimes as early as 8:30. I think 3:30 is a good compromise. Starting out at 3:00, then moving it to 3:30. The zonings we're going to take into consideration the remonstrators, if there's a problem, then we'll move it to another time.

Commissioner Nix: I guess, the other thing too that, and we did talk about opening things up, and if you look at what's taken place in the last couple of years, as far as the live streaming on the Internet, plus this being accessible by t.v., and I think there's quite a few reruns during the week, I've been told that. So, I think that's been accepted really well in the community. So, I'm comfortable that 3:30 is a good time.

President Crouch: Hearing no other discussion, there has been a motion, and there has been a second. All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote, please. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes.

County Attorney Contract

President Crouch: The next item on our agenda is the county attorney contract. You all have been provided with a copy of that in your packet.

Commissioner Musgrave: There has been a contract presented and reviewed, and I make a motion to accept that contract. I understand that he will deliver us a list later that will not be a part of the contract, but will serve in case of a conflict. So, my motion is to approve the contract.

Commissioner Nix: I'll second that motion.

President Crouch: This is for an agreement for legal services, as Vanderburgh County Attorney, by and between Ziemer Stayman Weitzel and Shoulders and Vanderburgh County. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Contract for Legal Services for PTABOA

President Crouch: The next item on our agenda is the contract for legal services for the PTABOA board. County Assessor, Tammy Elkins is in the audience, and I believe this is a similar contract as to what the County Assessor's office has had in the past, is that not correct?

Tammy Elkins: Tammy Elkins, County Assessor. I don't recall that we had a contract with the, between the PTABOA attorney in the past. It had been appointed several years ago, and I don't think we worked under a contract, but felt it was probably in all best circumstances if we did work under a contract at this time.

President Crouch: Okay. At least my copy, and perhaps this has been corrected, does not have an hourly rate down, is that—

Tammy Elkins: I believe that Ms. Kasha had, we were under the impression that it would be \$70, because that is what had been done previously, but we weren't sure if that was still the rate of the County Commissioners. So, that's why we left that blank for you to fill that in with the appropriate amount.

Commissioner Musgrave: I believe that's set by Council ordinance, isn't it?
Seventy dollars an hour?

Bill Fluty: I'm not sure of that. I could check that for you.

President Crouch: I do know that that has been the rate that has been set in the past for any number of years. So, if we could, at least the paper I have before me does not have that, so, I guess, we would entertain a motion to approve this with the amendment that it reflect \$70 an hour.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Tammy Elkins: Thank you.

President Crouch: Thank you, Ms. Elkins.

Health Department Contract: Timothy J. Thompson
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President Crouch: The next item on our agenda is the Health Department contract. Mr. Ziemer, have you had an opportunity to review that.

Ted C. Ziemer, Jr.: I have had an opportunity to review it, and I (Inaudible) to approve it from a legal perspective. It's a very simple contract, but sometimes those are the best. He is going to provide, (Inaudible) is going to provide consulting services for the Health Department. He will charge \$100 an hour for those services, and either party can terminate the contract at any time upon notice. So, they're going to ask him to provide services. They're going to know how long he works, and they're going to have to pay him \$100 an hour for that. If they're not happy, they can terminate the contract and get a different consultant. So, I find it satisfactory.

President Crouch: Has that, has Mr. Arvay, our Chief Information Officer reviewed this contract, Ms. Farrell? Has he had an opportunity to look at it?

B.J. Farrell: I did give Matt Arvay a copy of that today. He has talked to the Health Department, and he said he would be sending you an e-mail on any further discussions that he had about that contract. He didn't appear to have any problems with it.

President Crouch: Would it please the Commission to hold until we hear from him?

Commissioner Nix: I think it would be a good idea.

Commissioner Musgrave: Would you like a motion?

President Crouch: A motion to defer to next week, please.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Just in noting that we're paying \$100 per hour for a computer consultant, and \$70 an hour for our attorneys. I don't know what kind of comment that is.

Burdette Park

President Crouch: Anyway, the next item on our agenda is our department heads. If, at this point in time, if any of the department heads have items that require the consent and the vote of the Board of Commission, we would like you to come forward. Otherwise, you're report is submitted for the record as a consent item. Burdette Park, do you have anything that—

Steve Craig: (Nodding from audience that he has nothing.)

President Crouch: Alright, thank you.

County Engineer

President Crouch: John Stoll, County Engineer. You've got to walk further.

John Stoll: Yep. I have two items. The first one is a form that has to be submitted to the Department of Commerce that will allow us to get the reimbursements from the state on the Jobe's Lane sewer project. The prior Commissioners had signed off on a prior form, but Adam Schmidt from the Southwest Indiana Regional Development Commission supplied this new form that requires the signatures of the current Commissioners. Basically, it lets us get the money back that the state has obligated on the project. It needs Cheryl and Suzanne's signatures.

President Crouch: Let me ask you this, Mr. Stoll, in the past I have not voted for the Jobe's Lane project, does this in anyway, my approval of this, since it's a required signature, can that, in anyway, compromise my previous votes?

John Stoll: In my opinion, I don't think so, because this gets the money back. If it wasn't signed, I don't think we'll get our reimbursements back from the state. So, it's in the county's best interest to sign off on it, whether you were in favor of the project or not. Otherwise, we just wouldn't see the money that we're entitled to get.

President Crouch: So, this is just authorizing us to receive the reimbursement, is that not correct?

John Stoll: Yes.

President Crouch: Alright. Do I have a motion for approval?

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The other item I had was a change order on the Rodenberg Avenue culvert removal and replacement project. That was contract number VC04-11-01. It was for an increase of \$3,484.14, and the primary reasons for the increase were due to over runs in asphalt and stone. That was to maintain the property grade and cover over the top of the culvert when it went in. We also had some over runs on some rip rap to make sure that we covered all the areas where it could erode. I would request that that change order be approved.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: Thank you. Does the board have any questions of Mr. Stoll? Thank you very much.

John Stoll: Thanks.

County Highway

President Crouch: The next item is the County Highway Superintendent. Mr. Duckworth, do you have anything that requires the action of this board?

Mike Duckworth: I don't have any action items at this time. Is this the time that you would like for me to just give you a brief report of the assessment of the snow removal activities?

President Crouch: That would be fine. If it pleases the board?

Mike Duckworth: Thank you, President Crouch, members of the board. First of all, thank you for the opportunity to do this job. As I've been congratulated over the last few days, I wonder if it's a good thing or not, but, we'll see. I hope so. We, upon being announced on Wednesday, I came in and just did a general assessment, and there's some items that I want to cover with you, because I

know there have been several questions regarding the removal, and some of the incidents that took place, or had a lack of taking place. First and foremost, I would report to you that since that time period, all of the salt in the salt barn had been replenished. So, we have a good supply ready to go. We now have 13 plows that have been, we had a couple that were damaged due to slide offs, we have those repaired. We have all 13 plows ready to go. Of course, with the melting of the ice and the snow, we've had high water, and we've been releasing that information to the media to advise residents of those areas to be careful with because of safety factors and water going across the roadway. Those have all been released and notified to the county. I will be getting with Sherman Greer of FEMA regarding the fact that we were put in a state of emergency to claim whatever reimbursement from the federal government that we can receive. So, I'll get that implemented. There were some concerns in regards to after hour answering of the phones, and that's being addressed. We're looking into a service, and we'll be bringing that back to the Commission to contract those services, probably by the next meeting. I've also met with the emergency medical officials, the hospitals, and ambulance services, and volunteer fire agencies who were concerned about access to main snow routes and priority roads. We're working together to make sure that those are given a priority, so, we can get those medical and safety personnel out on the roadways. In addition, I've met with John Hamrick, the wrecker service of contract with the county, in regards to some of the logistics problems, and to my knowledge those have been worked out. We're going to improve on the communications both ways, and ensure that the county is given priority so that we can get the plows out on the road, or get them pulled out of the ditches, if that be the case. In addition to that, as the previous Director of Transportation for the city, we utilized a chemical, calcium chloride mixture, whereas in the county they've used mostly sand and salt. So, we are investigating the use of that, what the cost effectiveness would be. Also, I'm going to be meeting with the vendors of those and get a report back to you in regards to whether or not we can mitigate some of the snow and ice. I don't think we want to catch ourselves in this position again, and I don't think we want to get in the position that Muncie is in where we can't emergency vehicles out to folks when they need them. So, our idea is to mitigate it, and to get out prior to the snow events, and try to keep the ice and the snow from bonding to the pavement. So, we're going to be doing all we can to take a proactive approach, and to utilize our equipment to the best of our abilities. That's, basically, all I have at this point in time regarding the snow event. We do have an estimated cost factor that was calculated, and I would tell you that there were approximately 1,756 total hours, 960 of those were figured to be paid overtime, with 826 hours comp time accrued. The estimated cost, at an average, I had to average it, because of seniority, some are paid higher than others, at an average of \$15.50 per hour, times time and a half, times 960 hours, comes to approximately \$22,320 that was utilized in this event. So, as I said before, we will try to recover as much of that as we can from the federal government. Our plows and our equipment is being assessed and will be ready to go. We will be as responsive as you want us to be, and try to get the service out operative so that people at least can get us the information that we can work on.

Commissioner Nix: Mr. Duckworth, I have a question. I was wondering, is just labor reimbursable from the federal government?

Mike Duckworth: No, we had, as I understand it, we had some damage to a couple of our vehicles. I believe that may qualify as well, but I need to meet with

Sherman and the necessary parties to fill out that application. I'll be back with that information to advise you of what we can recover.

Commissioner Musgrave: Mr. Duckworth, is only the paid overtime reimbursable? Or could we not also fold in the comp time, and make it paid overtime as well?

Mike Duckworth: I'll have to look into that. Down the road they are going to be taking the time, so, that may be reimbursable as well. I will also tell you that during that time period crews worked from Wednesday straight through, Wednesday at 2:00 a.m. through Thursday on 12/23 at 9:00 p.m., and then came back on Friday at 9:00 a.m., I'm sorry, came back on Friday at 5:00 a.m., and worked through 5:00 p.m. on Friday the 24th. They did not work Saturday or Sunday.

Commissioner Musgrave: I'm confused about why they did not work on Saturday or Sunday.

Mike Duckworth: Well, I can't really comment on that, because I wasn't there, but I would tell you that the policy, while I'm there, is that regardless of whether it's a holiday, or a vacation day, or a comp day, these people are subject by contract to call out, and they will be called out.

Commissioner Musgrave: One last request, or question, on the snow routes document that you gave to me, it says general call in at the top, what does general call in mean?

Mike Duckworth: General call in is, it is the seniority list by which they are called in, dependent upon how many we need.

Commissioner Musgrave: Okay.

Mike Duckworth: If it's a general call in, it means that we're calling in everyone that we can get in.

Commissioner Musgrave: Alright. So, then it says route number one, truck number 303, and it lists streets, and a person. So, that means that truck number 303 is going to go out and do these streets?

Mike Duckworth: That's the priority streets, down to the secondary, down to the minor streets, or the streets that don't have as much traffic on them.

Commissioner Musgrave: Would you work with either the County Engineer or the GIS department, please, and put these on a map and color code the primary, secondary, tertiary –

Mike Duckworth: Yes.

Commissioner Musgrave: –so, forth and so on? Because, while this list is helpful, maps are so much clearer.

Mike Duckworth: Right. We're in the process of working with computer services and GIS, not only for our benefit, but to, hopefully, get that eventually on line so that folks can have some idea about what we have completed, and where we're going next.

Commissioner Musgrave: When you're asking for reimbursement from the federal government, would you confirm that had we worked on the 24th and 25th that those hours would have qualified for reimbursement as well?

Mike Duckworth: Okay, I sure will. My understanding is, as long as you work, as long as you fall within the guidelines and the time periods of the fact that they've called you under a state of emergency, that you would qualify.

President Crouch: Mr. Duckworth, this is down later on our agenda, but while you're here, we might just share with you that it is our intention to hold road hearings, and those road hearings would be, the dates would be February 7th, which is a Monday—

Mike Duckworth: I've already got those.

President Crouch: You do have that information?

Mike Duckworth: Yes, I've got those dates.

President Crouch: Okay.

Mike Duckworth: I will be available for those dates, and I will tell you in regards to, of course, any time you put the blades on the road, you're going to have potholes, you're going to have shoulder problems. Thursday and Friday of last week we had cold mix, which is a softer, it's kind of a band-aid, but it's, basically, all that you can utilize in cold weather, because they don't run the hot mix, which is more adhesive and hardens better for those areas. This morning we were able to get some hot mix. So, we've had crews out already addressing the pot hole and shoulder issues. Of course, we would request, and once we get the website up, we'll put that information out, so people can advise us of areas where they need work. In addition to that, after the snow season is completed, I hope to do what we've done in the city before, is have a pothole blitz. It's to make sure that we get out and we trouble shoot those areas, so that we catch the one's that we've missed. Then we want to do that prior to doing any other paving projects that we may have.

President Crouch: Right, I think that's a great suggestion.

Commissioner Nix: Did you say you were able to get hot mix now?

Mike Duckworth: We did today, yes.

Commissioner Nix: Good.

Mike Duckworth: As long as the temperature stays up for awhile, we'll be able to get that.

Commissioner Nix: Good.

President Crouch: Any other questions by the board? Thank you, Mr. Duckworth.

Mike Duckworth: Thank you.

President Crouch: Welcome.

Mike Duckworth: Thanks.

County Attorney

President Crouch: Our next item on our agenda is our County Attorney. Do you have a report regarding the gentleman, Mr. Kifer, who appeared before the board last week?

Ted C. Ziemer, Jr.: I have reviewed the comments he made. I haven't had a chance to see the documents that he left with us. I would like to have an opportunity to look at those, and then I can make a report to you.

President Crouch: Next Tuesday?

Ted C. Ziemer, Jr.: Yes.

President Crouch: Or, yes, it would be next Tuesday, okay. Thank you.

Ted C. Ziemer, Jr.: I guess, who has those documents? Madelyn?

Madelyn Grayson: Yes, I have them.

Board Appointments

President Crouch: Next item on the agenda are board appointments. We will start with our Building Authority Board of Trustees. Mr. Ziemer?

Ted C. Ziemer, Jr.: Since, you'll recall at our last meeting, our opinion was that we had two appointments to the Board of Trustees, and that certainly what was indicated by the documents that we had available to us at that time. Since that time, we've had some other documents made available to us, which are also rather unclear, but they do show a different picture. I thought it was interesting, and I just wanted to bring one document to your attention, and I'm looking at the certification for Wilbert Robinson, who was the person that we indicated last week who's term had expired in 2003, and he had been appointed ahead of time to, no, who's term expired in 2004 and he had been appointed in 2003 to a new four year term. I'm looking at his certification, and it shows that he's certified for a term expiring December 31, 2003, that's crossed out and 2004 is written in. Then, I have a letter dated February 13, 2001 from David Mosby as president of the County Commissioners to Mr. Robinson saying that his term will expire in December of 2003. That would, of course, indicate that he was correctly elected. Immediately following that, one week later, Mr. Mosby sent a letter to Mr. Robinson, dated February 21, 2001 saying that your term will be effective immediately, and will expire in 2004, which was the opinion that we had at last week's meeting. So, this is just one example of the really poor record keeping that exists regarding the appointments, and it's almost impossible to tell who succeeded whom as people were filling in for others, and whether or not they were filling unexpired terms or full four year terms. In any event, we've had an opportunity to look at appointment forms of the various Commissioners over the last five or six years, and on those forms it has indicated that Mr. Robinson's term expired in 2003, and Mr. McNeely's term expired in 2004. So, while it's still murky, we're unable to say with certainty that it's the way we felt it was last week. So, we have advised you that we should accept that we have only one

appointment to the Board of Trustees of the Building Authority at this time, and that would be for a new four year term, which will expire in 2008. The other Commissioners appointment to the Building Authority is also for a four year term and that's Mr. Robinson's, and one year of that term is this year, and then his term expires in, or was last year, his term will expire in 2007. Which, in 2008, we would make another appointment to the Board of Trustees.

President Crouch: Alright. Thank you for that opinion. The chair will entertain a motion to rescind Rolland Eckels appointment to the board, and to reflect Becky Kasha's appointment ending in 2008.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next appointment is Construction and Roofing Board, and the chair will entertain a motion, please.

Commissioner Musgrave: Move to appoint Ron Dauby, John Elpers, and Steve Heidorn.

Commissioner Nix: I second that.

President Crouch: And their terms would expire at the end of 2005. All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next appointment is Convention and Visitors Bureau. The chair will entertain a motion.

Commissioner Musgrave: Move to appoint Joe Vezosso, Jr. His term will end in 2005.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Looks like, perhaps, on the Southwest Indiana Regional Strategy Commission, I need a motion to rescind my appointment, and then to appoint Steve Schaeffer, I believe, and Carl Conner.

Commissioner Nix: I'll make that motion to appoint Steve Schaeffer and Carl Conner.

Commissioner Musgrave: Second.

President Crouch: And, that will also include rescinding my appointment?

Commissioner Nix: Yes.

President Crouch: Alright, thank you. All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The Business Review Committee, IT Governance Board, we need a motion for that board.

Commissioner Nix: I would make a motion we approve Cheryl Musgrave.

President Crouch: Do you want to second yourself?

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: Our next item of business is new business. Under that we have a riverboat fund. This Commission has spoken to the need to establish a riverboat fund, last year, in fact over the last several years, and I would like to ask that attorney, Ted Ziemer, research that, and advise this Commission as to how to proceed to establish that fund. I believe the deadline for action by this board is August 1st, so, we do have a little bit of time, but we want to move forward. Also, the CCD fund—

Commissioner Musgrave: Do you want a motion to that effect?

President Crouch: That would be fine.

Commissioner Musgrave: Move to assign researching the establishing of a riverboat fund to the County Attorney.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next would be the CCD fund. Again, a motion to instruct the County Attorney to research that fund. It has been commented that that fund needs to be amended, that ordinance needs to be amended to allow us greater flexibility in spending that money.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I very happily accept both of those assignments.

President Crouch: Well, you're so very welcome. The next item on the agenda, the next two items, one is the purchasing policy procedures....do you need to, excuse us while the Council secretary, or Commission secretary, sorry, changes the tape.

(Tape Change)

President Crouch: Thank you. The next two items on our agenda, purchasing policy procedures and surplus property procedures. These are, the purchasing policy procedures I submitted last year, and the board did not take action. We believe that it will establish, some procedures similar to this will establish a better line of communication to our departments and to our other offices regarding what contracts and agreements have been approved, and what vendors have been selected by this board. On both of those, not only the purchasing policy procedure, but the surplus property procedures, what I would like is a motion to take those under advisement, ask the Commissioners to review those procedures. I would like the input of the Auditor's office, and any other department and office in county government before we do move forward with that, but we want to establish some better procedures, and better accountability.

Commissioner Musgrave: Would this lead to a revised ordinance?

President Crouch: I don't know.

Commissioner Musgrave: Do we even have a surplus property ordinance? Or is it just a procedure?

President Crouch: I don't know if we have an ordinance. That's a good question, and that's probably another assignment for the County Attorney.

Ted C. Ziemer, Jr.: Great. I would be glad to do that.

Commissioner Musgrave: You need more jobs.

Commissioner Nix: How will this be distributed to the departments? Right now, as far as getting this to them to let them look at it? I mean, is it something—

President Crouch: I believe we could probably post it on our website, and instruct our departments, not only our departments, but other offices to please review, and give us their input and their comments on how they believe it could be changed or be different.

Commissioner Musgrave: Okay. So I would mov to have the purchasing policy procedures and surplus property procedures, with any ordinances which the attorney may find, placed on our website, and have the Commissioners conduct a review with the input of the Auditor and the elected and departmental officials.

Commissioner Nix: I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next item on our agenda is the road hearings. We mentioned this earlier. We are going to be conducting road hearings on February 7th, the 14th, and the 21st. These will be held on the 7th in district one, on the 14th in district two, and on the 21st in district three. They will be at 4:30 in the afternoon, they will start, and each Commissioner shall be responsible for securing a facility in their district where we can have the road hearings. We would ask that the public, that the media hopefully helps us notify the public that we are actually conducting these hearings, and would like them to come and to give us their input, in terms of what roads they believe, in the county, need to be addressed. Mr. Ziemer, can you advise us as to how we would, I'm not looking for that to be an official County Commission meeting, whereby we take action. We will be having meetings the following day, on Tuesday, but this is more of a hearing in order to get information and input. So, could you advise us as to how we would have to handle that? And, does the Auditor's office need to be present? Minutes?

Ted C. Ziemer, Jr.: Sure. Do you want me to do that right now?

President Crouch: If you know the answer.

Ted C. Ziemer, Jr.: Certainly, I do. Even though it's not an official meeting that's been advertised, or been noticed to the media, it is a meeting if more than one Commissioner is present. I think that's what you intend. So, you will have to give notice of that meeting to the media, more than 48 hours prior to the meeting, not counting Saturdays and Sundays. The Auditor would not be required to be in attendance at the meeting, but since it is a meeting, you will be required to take minutes. But, if, for example B.J. were there, she could take minutes of the meeting, and those minutes would be kept, just like any other minutes of the Commissioners, though they need not be verbatim minutes. Does that cover it?

President Crouch: I believe that does cover it. The chair will entertain a motion to set those hearing dates, and then to work in terms of getting that information out to the public.

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Old Courthouse lease modifications. I believe this is an item that Commissioner Musgrave—

Commissioner Musgrave: Yes. I've been contacted by a tenant in the Old Courthouse, and, Mr. Ziemer, I would like you to look at their lease and review

the e-mail that I've received from them, and see what we believe is available to them, and report back to us by our next meeting.

Ted C. Ziemer, Jr.: Sure, I'll be happy to. Where is that, who has that lease?

Commissioner Musgrave: The lease, B.J., have we determined where that lease is?

President Crouch: We can provide that.

Ted C. Ziemer, Jr.: Just so somebody can get me a copy of the lease.

Commissioner Musgrave: I'll provide you the correspondence I've had with the tenant.

Ted C. Ziemer, Jr.: Good.

President Crouch: In fact, a second, we did receive a second—

Commissioner Musgrave: A second letter?

President Crouch: Yes, today in the office.

Commissioner Musgrave: There are two then.

President Crouch: The chair will entertain a motion to instruct the County Attorney to look into the Old Courthouse lease modifications.

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Old Business

President Crouch: The next item is old business. We did have the video equipment, unless the board has any additional information regarding that, with the meeting with David Dial tomorrow, and the City Council representatives, and County Council representatives, we would, hopefully, get some answers. If, Commissioner Musgrave, if you could remember, one of the, part of the cost, the largest part of the cost of that \$12,000 to \$13,000 was for a third camera. If, in fact, we do not need the third camera, that would drop that cost down to \$3,000 or \$4,000. So, if you could pursue that, I would appreciate it.

Commissioner Musgrave: I will also pursue making it cost effective to televise more meetings than just this one. So, I believe in opening up more of county government, more of city government by making the facilities available, and then those bodies can decide whether to go forward with that by themselves.

President Crouch: I think that falls in line with President Bagbey's comments to me, when he said that there is so much important business that takes place in committees that are appointed by elected boards, that he was also very supportive of your intent there. I don't believe we need any action on that.

Public Comment

President Crouch: At this point in time, the Board of Commissioners would like to invite anyone in the public who cares to make comment, or to bring any business before this board. Yes, Mrs. Harp?

Susan Harp: Susan Harp, president of Oak Hill Neighborhood Association. I'm not for sure what you really can do about this, but I felt it was something that needed to be brought to your attention. In my own mind I'm thinking, you know, ordinances down the road to take a look at. But, the owners of the surrounding homes of the Melody Hills Subdivision had a modular home brought into their neighborhood right before Christmas. It is still at that site. It is a County Councilman who owns that modular home. This petition that they gave me today says that they would like to see the modular home, east of 3110 Rode Road, moved to a neighborhood where a modular home would be more suitable. We feel the home is not appropriate for our neighborhood, and decreases all of our property values. Now, I have those petitions that they signed here. In talking to many of these neighbors, I think they all, it was not the fact that it is a modular home, it was the fact that it was a 69' lot, and the modular home could not be turned the correct way. They had to turn it long ways. So, let me pass these around.

President Crouch: Thank you. We will accept the petitions that you did present us regarding 3110 Rode Road, and they will be given to the Recording Secretary for the record. Would either Commissioner care to look at them at this point in time?

Commissioner Musgrave: I would like to look at the pictures.

President Crouch: We also have pictures that you have presented us.

Susan Harp: The neighbors felt that, and being a person who my neighborhood is both city and the county, and I've been working with the Mayor on the Front Door Pride, that I felt like we also need to take pride in our county. I'm a firm believer in the need for housing for everyone, and I just think that we need to look at, with Area Plan, maybe there needs to be some changes made. Right now, a modular home has the same requirements as any other home. I think they call it, what stick built, manufactured, or modular. But, as you can see in the pictures where the front door is facing someone else's bedroom window, it's just not proper. I do know that there's some of these modular homes within the city of Evansville, after talking to another neighborhood president, that happens to be right next door to him. So, I think it's something that maybe needs to be dealt with at Area Plan. But, these neighbors are pretty well devastated out there. I've not talked to the Councilman who put this in, but I will be glad to try to get in touch with him again. I don't know that, I think he has followed everything to our knowledge, by the rules, but it's just, it's leaving a bad taste in these neighbors opinion. You know, it's like, okay, nobody really cares about us out here. So, I would encourage you, if you're out Oak Hill Road to take a left on Rode Road, and you can't miss it.

The only other question I had, and I know this is a legal question, but one of the neighbors did pull up an abstract from 1953 that said that the homes should be valued in this subdivision;

“No dwelling shall be erected costing less than \$10,000.”

Well, that was in 1953, so, I’m sure that that has escalated quite a bit. I don’t know if anything of this nature is binding, but that might be an avenue that the neighbors could pursue. Because this has been a repossessed modular home. It’s in need of a lot of repair at this point. So, that was an issue.

Ted C. Ziemer, Jr.: As to the restrictions in the deed around the subdivision, they are what they are, and an escalation of value is not taken into account. So, if it says no home less than \$10,000, it’s \$10,000 today, just as it was when it was written.

Susan Harp: Oh, really?

Ted C. Ziemer, Jr.: Yes, ma’am.

Susan Harp: Okay. Well, at this point it doesn’t really look like it’s valued at \$10,000, but I could be wrong on that, I’m sure, he’ll have to provide—

Ted C. Ziemer, Jr.: Then, did I hear you say that you believe that it meets the zoning code?

Susan Harp: Well, at this point we’ve contacted almost every agency, and not had a whole lot of help. It seems to be that he’s met everything thus far. There’s a question about the easement of where a sewer line is going, but we think he’s met that. I know he’s going to put a drive to come off of the main street, he told one of the neighbors, down to the front door, put a concrete drive, and I’m assuming he will continue to have green space there, because I know that he must have. I know his building has to be inspected by the Building Commissioners, but it’s just a very sad situation for those neighbors, and I feel like, you know, it’s county pride. It’s county pride. I don’t think they would have objected so much, even though they said in their petition they didn’t really like the modular, I think had it been turned the correct way, and looked more like a home, they could have lived with it. We could have made some agreements.

President Crouch: Mrs. Harp, have you talked to Area Plan? I’m sure you have, when you said you’ve spoken to every agency.

Susan Harp: Yes.

President Crouch: What did they share with you?

Susan Harp: That he had met all the requirements.

Commissioner Musgrave: So, what you’re asking is that one of the requirements be that a home’s front face the front?

Susan Harp: Yeah. You know, I don’t know how we could word that, because, you know, in my mind, I’m thinking, you know, because I sit in on Area Plan all the time, and I’m thinking about on, what is it, Outer Lincoln, there’s a lot of

homes right there by Plaza School, and they all are kind of like “L” shaped, and I’m thinking, well, you know, they’re kind of like really close, and one person’s bedroom is by someone else’s, you know, front door. But, I think that’s a little different than this being brought in, as a whole area looking that way. This one kind of sticks out. So, it’s something that, you know, maybe down the road....I don’t know, who will be the representative for Area Plan? I wasn’t there last week.

President Crouch: Commissioner Musgrave.

Susan Harp: But, we will continue to work with it, and I just needed your help and your support, and if anybody could stop by there and give me any ideas.

President Crouch: Perhaps, Commissioner Musgrave could maybe work with you, and with Area Plan, to come up with some suggestions, perhaps, for the future.

Susan Harp: Okay, I appreciate it. Thanks.

President Crouch: Thanks. Sheriff Ellsworth?

Brad Ellsworth: You can disregard my uniform. I’ll be Brad Ellsworth, 8510 Broadway. I would just like to echo her comments. A very similar situation just happened out at approximately 5000 Broadway, where they took a modular home and placed it right between two bungalow-type homes. Every day I drive by there, obviously, and just could not believe that they placed a modular home in, basically, sideways, put it on a foundation in between two bungalow-style homes. It looks absolutely ridiculous. It’s a detriment to the neighborhood. I couldn’t believe they got permits. Unfortunately, I didn’t do as much research as the good people in the North Park neighborhood, but, or Oak Hill neighborhood, I’m sorry. But, I think, Commissioner Musgrave, that would be a good project, because if you drive out Broadway, just this side of Frye Road, it is atrocious.

Commissioner Musgrave: I’ll go to both places.

Commissioner Nix: Did the lot lend to that? Or did they just put it–

Brad Ellsworth: Absolutely. It looked like a side lot of somebody....the driveway...the drive out there....it’s a drop off into a valley, and they’ve built it up, and they’ve got crates going up to the side door they’ve placed in there, so they can get in the front. It’s just...they did build a foundation. It looks like a basement, and then set it on top of there, but it looks like they’ve set it in sideways right in between what would make a lot. So, I know exactly what you’re talking about, and it is horrible for a neighborhood. Thank you.

President Crouch: Thank you. Do we need a motion?

Commissioner Musgrave: I’ll just look into it.

President Crouch: Okay.

Commissioner Musgrave: And I’ll report back to you as soon as I have anything concrete to let you know about. But, I will look into it as soon as possible.

President Crouch: Thank you. I appreciate you serving on Area Plan. I know you’ll be a very good representative of this board.

Commissioner Musgrave: And they are moving their times as well.

Consent Items

President Crouch: Consent items. I would, the chair would entertain a motion to approve the consent items, as submitted.

Commissioner Nix: I would make a motion that we approve the consents.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Our very last item on our agenda, we are not going to adjourn, but we are going to recess, and we will reconvene in room 307 at 5:30 for the purpose of opening bids.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

(The meeting was recessed at 3:36 p.m.)

(Tape Change)

(The meeting was reconvened at 5:35 p.m.)

Reconvening of January 10, 2005 Commission Meeting

President Crouch: The chair will entertain a motion to reconvene the County Commission meeting of January 10, 2005 in order to open bids.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Open Bids for APA-017-2005: Guard Rails, Pipe, End Sections
and Various Pipe Materials**

President Crouch: At this time we will have the bid openings, a motion to open bids for APA-017-2005, guardrails, pipes, end sections, and various pipe materials.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Would there be any other bids in the audience?

Ted C. Ziemer, Jr.: Yeah, any other bids?

Unidentified: No, you've got mine.

President Crouch: Alright. Seeing no bids, the County Attorney will open the bids and report to the Commission.

Ted C. Ziemer, Jr.: If he can.

President Crouch: Do you need a knife?

Ted C. Ziemer, Jr.: What?

President Crouch: Do you need a knife?

Ted C. Ziemer, Jr.: No, it was two, this, I've got this. The first bid opened is from CPI Supply, and it was multiple pricing, not totaled. The second bid is from M&W Concrete Pipe and Supply, also multiple pricing, not totaled. The third bid is from St. Regis Culvert, Inc., indicating that they're not able to submit a bid at this time, but wish to remain on our bidders list, and would appreciate it if we would send them a tabulation of this bid. So, that is—

President Crouch: Is that all the bids for APA-017?

Ted C. Ziemer, Jr.: That is all of the bids for that.

President Crouch: The chair will entertain a motion to take the bids under advisement.

Commissioner Musgrave: So moved.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: I have a question that I would like to ask. Maybe now would be a good time. When you put these together, are you going to look more at what we use? Or is there something you can look at that says we use more of one pipe than another? Okay, and you can get with—

Phil Lawrence: Yeah, we use a lot of concrete pipe—

Commissioner Nix: Different—

Phil Lawrence: —in different sizes.

Commissioner Nix: You're familiar with the sizes? You have a history?

Phil Lawrence: There's about five major sizes, and we have those, and we've asked them to put those prices on this sheet that we provide, but every year they send us their price list, and we have to go through it and match.

Commissioner Nix: Okay, and that's how you'll determine?

Phil Lawrence: Yes.

Commissioner Nix: Okay, because, I'm sure there's a lot of things on there that we wouldn't use—

Phil Lawrence: Yes.

Commissioner Nix: — that may influence that one way or the other.

Phil Lawrence: Yeah.

Commissioner Nix: Okay.

Phil Lawrence: John Stoll pretty much really does the evaluation, because he knows what exactly we buy. So, then we take his recommendations.

Commissioner Nix: Okay.

President Crouch: Do we use any, I don't know what the proper construction term is, is it steel or aluminum, or?

Commissioner Nix: Corrugated.

President Crouch: Corrugated, galvanized pipes also for culverts?

Phil Lawrence: We do.

President Crouch: For culverts, for in the county?

Phil Lawrence: Yes. We used to use wood, but we've pretty much stopped that and gone to steel and concrete.

President Crouch: Alright, those bids are under advisement, and we will come back next week, and, Mr. Lawrence, you will consult with the County Highway and the Engineer's office on these? Alright, thank you.

Open Bids for VC-10-2004: Multi-Purpose Excavator

President Crouch: The chair would entertain a motion to open bid VC-10-2004, multi-purpose excavator for the County Highway Department.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Ziemer, could you now open those bids? Is there anyone from the audience that has a bid that they would care to submit at this time? Seeing none.

Ted C. Ziemer, Jr.: The first bid opened is from Maxim Crane Works, indicating that they are unable to bid. The second bid is from Rudd Equipment Company, indicating that they are unable to bid. The third bid is from Southeastern Equipment Company. The bid is \$280,645, with an \$11,000 discount, for a total bid of \$269,045.

President Crouch: Is that all the bid openings?

Ted C. Ziemer, Jr.: That is all the bids, yes.

President Crouch: Alright. The chair will entertain a motion to take VC-10-2004 under advisement.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: So ordered. Or, all in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business to come before this board this evening, the chair will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

(The meeting was adjourned at 5:46 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (1)	Commissioners (1)	Circuit Court (1)
Superior Court (1)	Center Assessor (1)	VCCC (3)
Auditor (2)		

Travel Requests:

Health Department (4)

Department Head Reports:

Burdette	County Engineer	County Highway
SWCD	Ozone Officer	

Center Assessor:

Approval of Moving Surplus Copy Machine to Old Courthouse.

Commissioners:

Minutes of the December 2004 Substance Abuse Council Meeting (Grants)

County Assessor:

Letter Requesting Permission to Waive Fee for Meeting Room: Centre

Those in Attendance:

Suzanne M. Crouch	Cheryl A.W. Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Phil Lawrence	Z. Tuley
Tammy Barnett	Susan Harp	Tammy Elkins
John Stoll	Mike Duckworth	Brad Ellsworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
EMERGENCY MEETING
January 12, 2005**

The Vanderburgh County Board of Commissioners met in emergency session this 12th day of January, 2005 at 3:31 p.m. in room 307 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. We welcome you to this emergency meeting of the Vanderburgh County Commissioners. I will forego introductions at this point in time, but will ask you to join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Crouch: The purpose of this emergency meeting is to actually declare a local emergency proclamation regarding flooding. At this point in time the chair would like to invite Mr. Greer, the head of the Emergency Management Agency to approach and to give us some background.

Sherman Greer: Well, the background is that it's flooding down into the lower areas, and also that is going to cause some more problems with the Pigeon Creek and others backing up within our area. Fortunately, within the Evansville area, as you know, with the pumping stations and levee system that we have, we don't have any worries right in downtown Evansville, and not too much within the city limits, but still yet we do have Pigeon Creek that drains off into the Ohio River. When that river gets up so high, then Pigeon Creek is not going to be able to drain off, and then Pigeon Creek is going to swell, and then there's a possibility of some flooding within residential areas. That has not happened, as of yet, and if everything goes according to what our predictions are right now, it may stay at right where it's at right now. By Sunday I think it's supposed to crest at 43.4', or something like that. So, we should be alright. We do have flooding in the Union Township area, and some of the other areas there that are already flooded over, and I'll let Mr. Duckworth tell you more or less where we've already put up some signs and everything for people not to go into those areas. After the water is gone is when we're really going to get busy. We're going to have debris to clean up, we're going to have erosion on some of our roads. There's a lot of other things that there's going to be a lot of man hours spent cleaning up and other things. If we do not declare a state of emergency, then we will not be eligible for any type of federal funding before a federal disaster. So, this is what we're in the process of doing right now is getting everything into place so that we can declare a state of emergency for Vanderburgh County.

President Crouch: The purpose is not only to alert our citizenry that there are areas of the county where we have flooding and are dangerous, but to also qualify us for reimbursement in the future?

Sherman Greer: Yes, ma'am. And, you know, I can't stand here and say that we're going to get 100% reimbursement, or how much we're going to get, but if we do not declare a state of emergency, we're not eligible for anything.

Commissioner Musgrave: Are we the only county applying for this?

Sherman Greer: No, Marion County, and the central part of the state of Indiana, like Gibson County from the Hazleton area, Posey County and what's happening over

in that area. But, this morning when I talked to the State Emergency Management Agency they had asked me whether or not we had declared a state of emergency yet, and I told them that we hadn't. They said, well, are you thinking about it? I said, yes, I had talked to Ms. Crouch yesterday briefly about it. So, they put us down this morning as pending, because it's wise to go ahead and do that.

Commissioner Nix: Have you had a conversation with the Levee Authority at all on this? The equipment and everything on this is functional and operational?

Sherman Greer: From what I understand the Levee Authority is functional and operational and everything as of right now. We haven't had any problem with our levee, the levee system that we have. It's not even been high enough for us to even start thinking about trying to put our gates up or anything of that sort. Not as of yet. Bob would get in touch with me if he was going to do that.

Commissioner Musgrave: The predicted crest, would that call for the gates?

Sherman Greer: The crest that is predicted right now, 43', I don't think so. Not at this time. I think it's around 45' that it would call for that. I would have to talk to Mr. Mangold about that to find out for sure.

President Crouch: We do have our County Superintendent, Mr. Duckworth, in the audience, and I would like him to comment. And, then Sheriff Brad Ellsworth also from the safety perspective. So, thank you, Mr. Greer.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission, ladies and gentlemen. I would concur with much of, or actually all of what Mr. Greer has commented on. I think it's vitally important to look at this not only as, as you said, an advisory to our citizens that we are under that type of state of notice, but also to the fact that we have to look at our budget, and we have to look at and be very cognizant of what this is going to mean to the County Highway budget. Once the water recedes, we're looking at everything from road washouts to bridge deteriorations to shoulder work to patching and re-asphalting roads, and that could mean quite a bit of impact to our budget. Which it is strained right now as it is. So, not only do we have these roads blocked off, we're monitoring the situation. This puts us at a different alertness. We will have crews ready to be out to replace signs, and we've had problems with signs being removed or floating away, so to speak. We're almost to the extent of our barricades, and we've ordered extra sets of barricades, and we're waiting on those. As well as just general (Inaudible) and water creeping up on roads and on oncoming motorists, such as on Allen's Lane and some of those inner lying areas that you wouldn't expect to have water. But, because of what Sherman said, Pigeon Creek, we have many fingers of areas within our community where, when they swell, it affects the roadways and the safety of the passers, of those that need to pass by those areas. So, we have our road crews on alert. In the event that we have some type of a washout, or bridge deterioration, we're ready to move into action.

President Crouch: How are we notifying the public other than through this meeting, of which roads are closed and where they need to be aware of which areas?

Mike Duckworth: We have sent a news release out almost on a daily basis, updating those closings. We have marked many roadways as cautionary because of high water. Those roadways do not actually have water on them at this time, but we want

people to be cautious, because when we put the signs out there may not be any water on the roadways, and until we get a call or one of our foremen check this area, it may have come back on us and come down on the roadway. So, we want cautionary measures to be taken. In addition to that, we have sent this news release out to all of the media in the area, and tried to update that, as well as the emergency medical folks that needed access to some of those areas. We would also be working with Sherman's group, and a number of the different emergency responders, such as the Sheriff's department and our fire stations at the township level to ensure that they have their routes down. So, that if there is an emergency, they can get to folks.

Commissioner Musgrave: What number should people call if they see a road washout, or high water with no sign?

Mike Duckworth: We would ask them, during regular business hours, which we come in pretty early and work until about 3:00, to call 435-5777. We are currently updating that system. Until we can get some type of an answering service on that, and I was actually working on that today, so, by tomorrow that should be operative, we would just ask them to call 911. Those dispatchers have our actual numbers to our foremen that are on call, and my number, so, that we can get crews out to assist them in any way that we can.

President Crouch: So, that would be on a 24 hour basis?

Mike Duckworth: Yes.

President Crouch: Okay.

Mike Duckworth: Now, if it's a pothole, or, you know, a skunk in the road, or something like that, we would ask them to wait until the morning to call, so that we can get it taken care of. But, if it's a true emergency, where, you know, safety is a factor, we ask them to call 911. They have the means to get a hold of us.

President Crouch: Thank you. Sheriff Ellsworth, can you share with us measures that perhaps the Sheriff's department will be taking, and what the public needs to do?

Brad Ellsworth: Yes, ma'am. Sheriff Brad Ellsworth, Vanderburgh County Sheriff. I appreciate the Commission calling this state of emergency. It gives us the opportunity to talk a little bit about what we're requesting the public to do. Although I don't think we'll implement a mandatory evacuation of those low lying areas, I'm specifically talking about in Knight Township, the Weinbach and that area south of the levee, and then Union Township where there are areas that are commonly known to go under water at this time of year. I think the residents have become pretty accomplished in what they do, and how they get to and from their houses, but, obviously, what we would ask at this time is that they voluntarily evacuate those residences that are going under water, and where the roadways, we're unable to get to them anymore by conventional vehicle. If they look out their doorway and they cannot get out, then there's a very high possibility that we cannot get in to their river camps and that, and that could slow us down. In the event of a medical emergency, we are not going to be able to get to them by conventional means of ambulance. That means that Knight Township is equipped with boats, and also Perry Township is equipped with boats. But that puts public safety in danger when we get a 911 call to come in and try to rescue. I've talked to the volunteer fire departments. They will

attempt rescues, but it puts everybody in danger. So, we would ask for voluntary evacuation of those areas. I'll answer any questions that you might have. Thank you.

President Crouch: Thank you, Sheriff. Do either of the Commissioners have any comments? The sole purpose of this meeting is to declare an emergency, a local emergency, and we do have a proclamation before us. Would one of the Commissioners care to read it or make reference to it?

Commissioner Musgrave: Would you like it to be read?

President Crouch: Yes, please.

Commissioner Musgrave:

“Whereas, Evansville/Vanderburgh, County, Indiana has been or is immediately threatened by a natural/man-made/technological hazard and/or attack, and;

Urban / small stream / Ohio River flooding and;

Now, therefore, we, the Vanderburgh County Board of Commissioners, declare that a state of emergency exists in the county and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the county for the exercise of all necessary emergency authority for protection of the lives and property of the people of Vanderburgh County and the restoration of local government with a minimum of interruption. Reference is hereby made to all appropriate laws, statutes, ordinances and resolutions, and particularly to Section 10-4-1-23 of the Indiana Code.

All public offices and employees of Vanderburgh County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations, and directives-state and local.

All citizens are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and disaster services forces in executing emergency operations plans, and to obey and comply with the lawful directions of

properly identified officers. All operating forces will direct their communications and

requests for assistance and operations
directly to the Emergency Operating Center.”

And then, in witness, where of, we have hereunto set our hands and the signature lines. This is a motion to adopt.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Before we do adjourn, our County Surveyor is here, who is our technical advisor to the Drainage Board. I don't know, at this point in time, Mr. Jeffers, if there is any comment that, or anything that you need to share with this board that perhaps we should be aware of in the future?

Bill Jeffers: I think the other officers have covered it. I believe we'll reach a crest of between 43.5' and 44.2' by Sunday evening, January 16th. That's well under the 1997 crest, but still substantial. Our office, everyone in our office will remain available should the County Commissioners need us to assist the other officers. Several of them would be happy to volunteer to work with barricade crews or whatever, should Mr. Duckworth need us.

President Crouch: Thank you, Mr. Jeffers.

Bill Jeffers: Thank you.

President Crouch: The city of Evansville is here, is there anything that we need to know? Thank you. I don't know, are we, can we allow public comment?

Unidentified: (Inaudible. Not at mic.)

President Crouch: This is all we are, this meeting is only to address this issue. It's an emergency meeting. So, we can't address anything else, at this point in time. Okay.

Commissioner Musgrave: Then I would make a motion to adjourn.

Commissioner Nix: I'll second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

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

(The meeting was adjourned at 3:45 p.m.)

**Vanderburgh County
Board of Commissioners
Emergency Meeting
January 12, 2005**

Those in Attendance:

Suzanne M. Crouch
Bill Fluty
Sherman Greer
Bill Jeffers

Cheryl A.W. Musgrave
Ted C. Ziemer, Jr.
Mike Duckworth
Others Unidentified

Bill Nix
Madelyn Grayson
Brad Ellsworth
Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 18, 2005**

The Vanderburgh County Board of Commissioners met in session this 18th day of January, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with Vice President Cheryl Musgrave presiding.

Call to Order

Vice President Musgrave: I would like to call to order the January 18, 2005 meeting of the Board of Commissioners. We'll begin our meeting today with introductions, if you will start by introducing yourself, Mr. Fluty, and we'll continue around.

Bill Fluty: Bill Fluty, Vanderburgh County Auditor.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Vice President Musgrave: Cheryl Musgrave, Vice President of the Commission.

Commissioner Nix: Bill Nix, Commissioner.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

B.J. Farrell: B.J. Farrell, Administrative Assistant to the Commissioners.

Vice President Musgrave: Commissioner Crouch has sent her apologies for not being able to be here today. She is returning from attending a family funeral. If you would all join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of January 10, 2005 Commission Meeting Minutes

Vice President Musgrave: We have two sets of prior minutes, is there a motion to approve those minutes?

Commissioner Nix: I would like to make a motion that we approve the minutes from January 10th of '05.

Vice President Musgrave: I will second it. Is there any discussion? Hearing none, I'll call for the vote. All those in favor please say, aye.

All Commissioners: Aye.

Vice President Musgrave: It carries. We have two action items—

Approval of January 12, 2005 Emergency Meeting Minutes

Commissioner Nix: Madam Vice President, we've got one more. I didn't include January 12th.

Vice President Musgrave: I'm sorry.

Commissioner Nix: Approve minutes of meeting from January 12th of '05.

Vice President Musgrave: I'll second that. Is there any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: The motion carries.

<p>CO.01-05-002, An Ordinance to Repeal County Ordinance CO.12-04-010 Concerning Registration of Apprentices</p>

Vice President Musgrave: We have two action items, is there a motion regarding the first one.

Commissioner Nix: This is on CO.01-05-002, an ordinance to repeal county ordinance CO.12-04-010 concerning registration of apprentices. This is to correct a previous motion. I would like to make that a motion.

Ted C. Ziemer, Jr.: Excuse me, I think—

Vice President Musgrave: Turn on your mic.

Ted C. Ziemer, Jr.: I think you first wanted to ask for a vote to unanimous....is it on?

Vice President Musgrave: Hit it.

Ted C. Ziemer, Jr.: To unanimously waive second reading. Then, vote on the motion.

Commissioner Nix: I'll make a motion that we waive the second reading then.

Vice President Musgrave: I'll second that. Is there any discussion? Hearing none, I'll call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Now, voice vote, please.

Vice President Musgrave: A voice roll call vote.

Ted C. Ziemer, Jr.: Roll call vote.

Vice President Musgrave: Bill Nix?

Commissioner Nix: Yes.

Vice President Musgrave: Cheryl Musgrave, and I say, yes. It is unanimous.

Commissioner Nix: Okay, this is the repeal of county ordinance 12-04-010 concerning registration of apprentices. This is to correct a previous motion, and that is a—

Vice President Musgrave: Motion?

Commissioner Nix: –motion, yes.

Vice President Musgrave: I'll second that motion. Is there any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: We'll do a roll call vote. Bill Nix?

Commissioner Nix: Yes.

Vice President Musgrave: And, Cheryl Musgrave, I vote yes.

Ordinance Regarding Employment Changes (Pink Slips)
--

Vice President Musgrave: We have a second ordinance.

Commissioner Nix: Okay, this ordinance is regarding employment changes, pink slips, to allow elected office holders to immediately hire and fire employees as the personnel policy states on page 12. That is a motion.

Ted C. Ziemer, Jr.: Okay–

Vice President Musgrave: Do we have to waive second reading?

Ted C. Ziemer, Jr.: Waive the second reading.

Commissioner Nix: Waive the second reading on that, as a motion.

Vice President Musgrave: I'll second the motion to waive the second reading. Is there any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: Let's do a roll call. Bill Nix?

Commissioner Nix: Yes.

Vice President Musgrave: And, Cheryl Musgrave, I vote yes. That passes. Now, do we need to–

Ted C. Ziemer, Jr.: Vote on the motion.

Vice President Musgrave: Vote on the motion.

Commissioner Nix: Vote on the motion for the ordinance regarding employment changes to allow elected office holders to immediately hire and fire employees as the personnel policy states on page 12.

Vice President Musgrave: I will second that. Is there any discussion? Hearing none, I'll call for the vote. All those in favor, please say aye.

All Commissioners: Aye.

Vice President Musgrave: Roll call vote, Bill Nix?

Commissioner Nix: Yes.

Vice President Musgrave: And, Cheryl Musgrave, I vote yes.

Barnes & Thornburg Lobbyist Contract

Vice President Musgrave: The next item on our agenda is the contracts/agreements, and leases, and the first one is with the lobbyist Barnes and Thornburg. Is there a motion regarding the Barnes and Thornburg contract?

Commissioner Nix: I make a motion we enter into a contract with Barnes and Thornburg.

Vice President Musgrave: I will second that. Is there any discussion regarding the Barnes and Thornburg contract? Hearing none, I'll call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Vice President Musgrave: That motion carries.

Contract for Trade License Testing with Ivy Tech

Vice President Musgrave: We secondly have a contract for trade license testing with Ivy Tech. I note that the Building Commissioners' office is here if there are any questions. Is there a motion for the trade license testing agreement?

Commissioner Nix: I make a motion we contract for trade license testing with Ivy Tech.

Vice President Musgrave: I will second that. Is there any discussion? Hearing none, I'll call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries unanimously.

Contracts for Health Department: WIC & Xerox

Vice President Musgrave: We also have two contracts for the Health Department. One for the WIC program, and another for a Xerox machine. Is there a motion for those two contracts?

Commissioner Nix: I'll make we approve the contract with the Health Department with WIC.

Vice President Musgrave: I will second that motion. Is there any discussion on those two contracts? Hearing none, I'll call—

Ted C. Ziemer, Jr.: Excuse me, the motion, you only mentioned the one.

Commissioner Nix: Are we going to do these separately, or together?

Ted C. Ziemer, Jr.: You can do them together.

Commissioner Nix: Okay.

Vice President Musgrave: Do you want to include both WIC and Xerox?

Commissioner Nix: Yes, the motion would be for both of them, yes.

Vice President Musgrave: Then, so my second included them. Then, hearing no discussion, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries unanimously.

Veterans Memorial Coliseum Lease Option

Vice President Musgrave: The next item on the agenda is the Memorial Coliseum lease. That will be deferred until next week.

Lease of Wedgewood Room at Old Courthouse

Vice President Musgrave: The next, item (f) is the Wedgewood Room, do we need a motion to defer that until next week, or do we just let that go?

Ted C. Ziemer, Jr.: You don't.

Vice President Musgrave: Okay. The Memorial, oh, I'm sorry, the Wedgewood Room lease at the Old Courthouse, is there a motion to accept that lease?

Commissioner Nix: Motion to accept the lease, yes.

Vice President Musgrave: I'll second it. Is there any discussion? Hearing none, I'll call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Vice President Musgrave: I understand that, B.J., there's a check that we should accept then as well.

B.J. Farrell: Yes.

Vice President Musgrave: Alright.

Old Courthouse Lease Modifications

Vice President Musgrave: The next item is the Old Courthouse lease modifications. This relates to a....hold on, this is for suite 113 and 114 to waive the rent due for January 2005. Is there a motion to that effect?

Commissioner Nix: I would like to make that motion.

Vice President Musgrave: I'll second it. Is there any discussion on this? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries unanimously.

**Second Addendum to the Old Courthouse Lease with
Vanderburgh County Democrat Party**

Vice President Musgrave: There is a second addendum to the Old Courthouse lease with the Vanderburgh County Democrat party. Do I hear a motion for a second addendum to this lease?

Commissioner Nix: I make a motion to that effect.

Vice President Musgrave: Second. Is there any discussion? Hearing none, I will call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries.

County Highway

Vice President Musgrave: We come now to the department head reports. We heard at our 2:30 meeting extended reports from the department heads. Are there any in attendance who have more to relate, or decisions? Mr. Duckworth?

Mike Duckworth: Good afternoon, Vice President Musgrave, Mr. Nix, ladies and gentlemen. Mike Duckworth, Vanderburgh County Highway Department. I covered some of this in our department head meeting, but I did want to touch base on some things regarding snow removal, and some of the changes that, probably, that we're looking at that we want to propose at this time. First, to give you some real brief information, I will tell you that salt supplies are being replenished to keep our barn full. So, in any event that we have a major snow event, we're loaded and ready. So far we've spent, expended 1,230 tons since December 22nd, and we have those all replenished. We spent approximately \$48,000 so far, leaving approximately \$52,000 in our account. We did have crews out Saturday night and Sunday night and Monday night of this week checking barricades due to the state of emergency declaration and high water. We had a full crew out Sunday a.m. in regards to clearing roadways and slick spots due to the minor snow event that we had. I've come today really more to talk about snow routes in the county, which at the present time there are none existing. I think it would be a big improvement for us to communicate that information to the public, as to the priority roads that we have. Between now and our road hearings, which will take place February 7th, 14th, and 21st, in the particular Commissioner districts, that we've developed, with the help of GIS and Laura Howell and Pat Seib from the County Engineer's office and Matt Arvay from GIS, we've got the start of a snow route for the county. So, I've brought a graphic today. Laura Howell is helping us here, and you've got copies, printed out copies of these in your information, that basically shows what we're trying to do. The

dark, well, it looks purplish up here represents the state, I can't tell up there what is, there we go.

Vice President Musgrave: Laura, could you zoom in on that?

Laura Howell: Zoom in? Sure.

Vice President Musgrave: Yeah, thanks.

Mike Duckworth: Maybe I can see it a little bit—

Laura Howell: Change a little bit of the colors up here. I did states as the bigger lines.

Mike Duckworth: Alright. The bigger one's then are the county out here that the legend will tell you that we have the state snow route streets identified. We have the county roads, proposed routes identified, and I believe that will be those that are showing up in the bluish purple there. We also have listed, there's a few that the Town of Darmstadt take care of that connect those. Eventually, what we will do is we will connect those to the city snow routes. So, basically, what it will do is give access, off the main routes, into the city. I've also met with Keith Kahre, who is the head of EMS for the volunteer fire departments, and on each of those routes are every fire station, so that emergency vehicles will have access. We'll work hand in hand with them. In addition to that, at some point in time when this becomes finalized, I will put together something in writing for Mr. Ziemer to inspect and put his touch of magic on, so we can eventually put a county ordinance together that describes the snow route and the purpose for it. Then, at some point in time we will then have, on our website, this information. By checking in on a daily basis, we'll be able to show the roads that have been cleared, and the roads that we're working on. So, it's an effort to share that information with the public, and to ensure that the main roadways are taken care of so people have the best access that they can. As we clear those, of course, we'll move back to the secondary and other roads that we can get. I wanted to share that with you briefly. At some point in time, we will hopefully have signage on these roadways identifying them. As I said, also put them on the website. In addition to that, as of today, and because we had problems this weekend with the system, we do have a 24 hour answering system, so folks that call in to the County Highway Garage that need assistance can either leave a message or then be told to call 911, where our foreman will be dispatched immediately to handle their problem. We're also working with our cable television carriers that have access, or have franchising agreements with the city and county government, so that we have access to the weather channel. Many times at 2:00 in the morning they can show fronts that come in and out, and we can monitor that situation out there. The last thing that I have in regards to my department, is that I have had a request made by a county employee by the name of Greg Baggett, he has just found out a couple of days ago that he's being deployed to Iraq, and he is asking for the county to continue his insurance coverage. I've talked to B.J. about it, and we're going to be checking the personnel manual, and if there's further problems, we'll be getting back with you. That's the most immediate things that we're doing at this point in time. I'm available for any questions.

Madelyn Grayson: Mr. Duckworth, do you have a copy, a color-coded copy, of that snow route information for the record that I could have?

Mike Duckworth: Yes, I do. I'm also, just for the record, going to provide a disc to Mr. Martin of the Evansville Courier & Press, in case they want to put that out. This is a, and I'll repeat, a proposed, unfinished route. We have to meet with the city, we have to meet with our emergency medical folks. I want to meet with the Sheriff's and a number of different entities to make sure that we have all the players that are going to be working during those time periods, our wrecker service, and so on and so forth, so that it's all covered. So, I'll provide this to you now, and that's all I have.

Vice President Musgrave: Would you turn the lights back on please? Are there any questions of Mr. Duckworth? Thank you. That looks very promising, and I can hardly wait to take it to the road hearings and show the public, and get their input on which roads should be cleared first.

County Engineer

Vice President Musgrave: Next, the County Engineer.

John Stoll: I have two items for this afternoon's meeting. The first is the 401 water quality permit application that we need to send to IDEM for the Lyle Road project. This is the last remaining permit that we need to get for that project. Assuming that IDEM has no problem with our submittal, then this would be approved 30 days after they receive it. So, requesting that the Commissioners approve that permit, so we can get it submitted to IDEM.

Vice President Musgrave: Is there a motion to that effect?

Commissioner Nix: I would make a motion that we approve that.

Vice President Musgrave: I will second that motion. Is there any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That is unanimous.

Judy Stricker: The other item that I had was to request the Commissioners approval for the Bohannon Estates neighborhood to pursue a Barrett Law project. I know neither of you were on the Commission at the time, but several residents from the Bohannon Estates neighborhood showed up at a Commissioners meeting back in November, and in discussing this with them, they just want authorization for them to proceed with hiring their consultant to prepare a set of plans to repair their extremely deteriorated streets. At this point, the county's not out any money, basically, the neighborhood group has to hire the consultant, and then they'll bring the plans and specs back to us for review and approval. Then we'll have all the hearings needed to proceed with the project. At this point, just requesting that the Commissioners approve them to pursue their Barrett Law project, so, that way they know they can go ahead and hire their consultant.

Commissioner Nix: I make a motion we approve that.

Vice President Musgrave: I'll second it. Is there any discussion?

John Stoll: There is one member I know of here from the neighborhood, in case he wants to speak to this. His name is Roger Bass.

Vice President Musgrave: If you have any comments, please come to the microphone at this time.

Roger Bass: Commissioners, my name is Roger Bass. I'm just representing the residents of Bohannon Estates, and just ask that you might take the measures needed to repair our roads and bring them up to the standards of a good neighborhood and good quality for our county.

Vice President Musgrave: You understand that you guys will be paying for this, right?

Roger Bass: Slowly but surely, yes.

Vice President Musgrave: Okay. Alright. Any other discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries unanimously. So, we move it along one more step. Thank you for coming.

Roger Bass: Thank you.

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

Vice President Musgrave: No. Do you need—

John Stoll: I'll get a copy of that from Madelyn later. Thanks.

Vice President Musgrave: Thank you. Any other department heads? Seeing none.

Board Appointments

Vice President Musgrave: We will move to board appointments. Do I hear a motion to appoint Jan Daviess to the Burdette Park Board?

Commissioner Nix: I will make that motion.

Vice President Musgrave: I will second it. Any discussion? Calling for the vote, all those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries. Maybe we'll do a few in a row here. Domestic and Sexual Violence we have Pam Gallagher, Four Rivers RC&D, Sheryl, please forgive me if I pronounce this wrong, Freudenberg. Is there one for Home Inspectors.

Commissioner Nix: Not one at this time.

Vice President Musgrave: Not one at this time. There is not one at this time for Human Relations. There is one for the Minority Women's Business Development, Melissa Singer. The Pigeon Creek Greenway is also not ready at this time. So, do I hear a motion for those appointments?

Commissioner Nix: I would like to make a motion that we approve those appointments.

Vice President Musgrave: I will second it. Is there any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

New Business

Vice President Musgrave: Alright, new business. We have the review of the Old Courthouse lease. I understand that our attorney has some remarks to make on that.

Ted C. Ziemer, Jr.: Well, I have reviewed that at your request, and two or three of the provisions, I think, could stand modification. There's a provision for a CPI increase in the rental, which doesn't really define the CPI, as it should be. So, that's one change that ought to be made. Otherwise, the lease is well drafted, and if anything it's pro the county, and as lessor, that's kind of like what we would like to see. So, with your permission I'll make some brief changes, my changes in that, and then bring it back.

Vice President Musgrave: Bring it back? Okay. Make a motion to have the attorney review the old courthouse lease, standard lease.

Commissioner Nix: I'll second that motion.

Vice President Musgrave: Any discussion? Hearing none, I'll call for the vote. All those in favor please say aye.

All Commissioners: Aye.

Vice President Musgrave: That carries. Is Sherman Greer here? I understand that you have some new business regarding the state of emergency.

Sherman Greer: Yes, ma'am, thank you. Looking at the conditions that we're under right now, and surrounding counties that have rescinded their state of emergency, I think it's appropriate for Evansville, I mean, I'm sorry, Vanderburgh County to rescind their state of emergency also, at this time. I think you have the document in front of you.

Vice President Musgrave: I do. Is there a motion?

Commissioner Nix: I make a motion that we rescind the, I guess, that wasn't an ordinance, it was actually—

Vice President Musgrave: It was an ordinance.

Commissioner Nix: An ordinance, okay. Rescind the state of emergency issued, January 12th, I believe.

Sherman Greer: January 12th.

Vice President Musgrave: I'll second that. Is there any further discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That is unanimous.

Sherman Greer: Okay. Just a little information for you. Our next step right now is to wait until the Federal Emergency Management Agency contacts us. I think the governor has applied for federal assistance under the flood declaration, as of now. So, once that's given by the President, then the Federal Emergency Management Agency will be in here to do assessments. Now, they're already in Gibson County and some of the other counties as of right now, but they haven't been here as of yet. So, I don't know exactly why they haven't been here as of yet, but still yet they were battling up there a lot harder than what we were here at that time. So, it's just a wait and see right now. We've already got the snow emergency, I mean snow declaration, so, we'll just be waiting for that. I think they want to do both of them at the same time, to save on manpower and everything.

Vice President Musgrave: Okay.

Sherman Greer: Okay?

Vice President Musgrave: Alright. Thanks.

Sherman Greer: Thank you.

Vice President Musgrave: Anymore new business?

Old Business

Vice President Musgrave: We'll move then to old business, video equipment update. I will be attending the regularly scheduled Building Authority meeting on January 25th at 2:30 to discuss the contractual details of our current document that supports the televising of the meetings. We will discuss the possible purchase of additional cameras, the funding for those cameras, wiring, time lines, various details like that. I'll let you know at the following meeting what transpires there. The next item on the agenda is the David Kifer request at our first meeting.

Ted C. Ziemer, Jr.: Yes. We have reviewed all the actions that were filed by Mr. Kifer over a protracted period of time, and at this point all of the actions have been either venued to Posey County, in the case of one, and to Marion County, and then all of them have been appealed to the Indiana Supreme Court. So, there is no action that any Vanderburgh County court can take on any of these issues at all. For that reason, I have written Mr. Kifer explaining those details to him, and advising him that there isn't anything that we can do for him at this time, and suggesting that if something new occurs to him, he's certainly welcome to come back and tell us about

it. I have a memorandum for you, which I have distributed, and it has a copy of my letter to him attached.

Vice President Musgrave: Okay. Thank you.

Commissioner Nix: Thanks. I have one other thing on old business. I was able to contact the principal at Plaza School, our first road hearing we've set for...I think we did this a couple of week's ago on February the 7th, we'll have that at Plaza School at 4:30 in the cafeteria. They were gracious enough to let us use the school cafeteria for that. So, we'll get that out to the media. That would be great.

Vice President Musgrave: Alright. I'll put that on the calendar.

Public Comment

Vice President Musgrave: At this time is there any member of the public wishing to address the Commission? Seeing none.

Consent Items

Vice President Musgrave: We'll move to the consent items. There are a number of consent items, if there is a motion to accept the consent items.

Commissioner Nix: I make a motion that we accept the consent items.

Vice President Musgrave: Second. Any discussion? Hearing none, I'll call for the vote. All those in favor say aye.

All Commissioners: Aye.

Vice President Musgrave: That is unanimous. If there's no further business, I'll call for a motion to adjourn.

Commissioner Nix: I make a motion that we adjourn.

Vice President Musgrave: I'll second. We are adjourned.

(The meeting was adjourned at 3:54 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (1)	DADS (1)	Health Department (1)
County Assessor (1)	Sheriff (3)	VCCC (2)
County Clerk (1)	Prosecutor (1)	Superior Court (2)
PTABOA (1)		

Travel Requests:

County Engineer (1)	County Assessor (1)	Health Department (4)
Area Plan (1)	Treasurer (1)	Weights & Measures (1)
County Highway (1)		

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	

County Engineer: Surplus Letter for Lanier Fax 4500.

Treasurer: Submit Monthly Report for December 2004.

Commissioners:

Jail Expenses: James L. Shireman: \$55,000; United Consulting Engineers and Architects: \$9,899.10; Integrator.com: \$64,035.

Community Corrections Expenses: ARC Construction: \$439,595.18

Old Courthouse Energy Savings Expenses: \$587,488.18

Sheriff: Weekly Jail and Community Corrections Reports.

Those in Attendance:

Cheryl A.W. Musgrave	Bill Nix	Ted C. Ziemer, Jr.
Bill Fluty	B.J. Farrell	Madelyn Grayson
John Stoll	Roger Bass	Mike Duckworth
Sherman Greer	Linda Howell	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JANUARY 25, 2005**

The Vanderburgh County Board of Commissioners met in session this 25th day of January, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commissioners meeting, January 25, 2005. We will start with introductions. I am Suzanne Crouch, President of the County Commission. And, Mr. Ziemer?

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Nix: Bill Nix, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Crouch: Thank you. Please stand and join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of January 18, 2005 Commission Meeting Minutes
& January 24, 2005 Executive Session Summary Minutes**

President Crouch: We will have approval of prior minutes. We have the meeting of January 18th, the January 18th department head meeting minutes, and January 24th executive session. I guess, we need to take these separately, since Commissioner Musgrave was the only one at the department head meeting.

Commissioner Musgrave: Then I move approval of the January 18th Commission meeting and executive session.

Commissioner Nix: I second that approval.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Approval of January 18, 2005 Department Head Meeting Minutes

Commissioner Musgrave: I don't believe I can move approval of the Drainage Board meeting in December.

President Crouch: No, this is the department head meeting.

Commissioner Musgrave: The department head meeting, on, what was that date, please?

Commissioner Nix: January 18th.

Commissioner Musgrave: January 18th, I move approval of that, and we just discussed various matters pending in the departmental offices.

President Crouch: Thank you. Next item on our—

Commissioner Nix: Let me second that, I'm sorry.

President Crouch: Were you there?

Commissioner Musgrave: Oh, that's right.

Commissioner Nix: Oh, no, I'm sorry. I was not, yes.

President Crouch: Okay, so you attest that the minutes are—

Commissioner Musgrave: (Inaudible).

President Crouch: Alright. Thank you.

Grant Agreement: Vision E

President Crouch: The first item on our agenda, under action items is the County Commissioners an agreement with Vision E. Do any of the Commissioners....this is an agreement to pay Vision E \$150,000 a year, that is budgeted within the County Commissioners budget. This has been an annual payment for, I guess about 11 or 12 years, but this year we wanted to have an agreement in place to detail some of the responsibilities, and that's what this represents.

Commissioner Musgrave: This agreement, for the first time, sets out requirements and goals for the grantee to achieve, including coming to make quarterly reports to us. I'm looking to see when those reports are due. Which paragraph is that? Let's see, there it is, they will come in March, June, September, and December to give us a report on their activities during that quarter. They will also be here next week to give us a summary of what they did last year, what they are looking to do this coming year, and answer other questions. So, I'm really looking forward to them coming to let Vanderburgh County know what they are doing for \$150,000, which I think is a sizable grant for economic development. I'm glad that we have put into writing this agreement. So, I move approval.

Commissioner Nix: Has Mr. Robinson had a chance to see that?

Commissioner Musgrave: Yes, he has seen it.

Ted C. Ziemer, Jr.: Oh, yes.

Commissioner Musgrave: I believe he's already given us his signed version of it.

Ted C. Ziemer, Jr.: Yeah, it has, I believe, already been signed by Joe Theby, the chairman of Vision E.

Commissioner Nix: I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Health Department: WIC/Albin-Barr Cleaning Service Contract

President Crouch: Next item on our agenda is the Health Department, WIC/Albin-Barr cleaning service. Is there anyone here to speak to that item?

Commissioner Musgrave: I move approval of the WIC/Albin-Barr cleaning service contract.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Public Defender & Superior Court: Kurt Schnepfer
Professional Services Contracts**

President Crouch: Next item is the public defender, Kurt Schnepfer professional services.

Ted C. Ziemer, Jr.: Excuse me, Madam President? Maybe it's been taken off the agenda, but there was the Health Department—

B.J. Farrell: That's the old one.

President Crouch: That has been taken off the agenda. You should have gotten a new one.

Commissioner Musgrave: There's been some need for further discussion on that. On the public defender, is there anyone here to answer questions with regard to that? Perhaps you can answer a question. Kurt Schnepfer is going to be contracted to two separate, the public defender and the superior court?

President Crouch: I saw that also. I suppose that's true. It's grant money.

Ted C. Ziemer, Jr.: I'm sorry?

Commissioner Musgrave: He's being contracted with two separate, can he do that?

Ted C. Ziemer, Jr.: Yes, you can. They are two separate activities. One is for indigents, and one is for people who pay. So, there's a contract between the superior courts, and Mr. Schnepfer, is that his name?

Commissioner Musgrave: Schnepfer.

Ted C. Ziemer, Jr.: And a second one, as a public defender contract with the public defender agency.

Commissioner Musgrave: As I read these documents, this is being paid for out of grant money.

President Crouch: That's correct.

Commissioner Musgrave: Okay. Move approval of the public defender, Kurt Schnepfer, and superior court, Kurt Schnepfer professional services contracts.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Assessor: McCarter and Associates Consulting Services Contract
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President Crouch: Next item, County Assessor, McCarter and Associates consulting services.

Commissioner Musgrave: Move approval of the County Assessor McCarter and Associates consulting services contract.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Burdette Park

President Crouch: We now have department head reports. Only those department heads that require action at this meeting by the board need to come before the board at this time. Is there, Burdette Park, do you have an item?

Steve Craig: Steve Craig, Manager of Burdette. I was wanting to request permission to submit to the County Council for adjustments to exhibit E, which is the part time workers wages.

President Crouch: Are there any questions? This is just permission to go to the County Council for an adjustment.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Steve?

Steve Craig: Other than my weekly worksheets, that's all I have.

President Crouch: Thank you.

Steve Craig: Thank you.

President Crouch: See you tomorrow.

County Engineer

President Crouch: County Highway, or, I'm sorry, County Engineer.

John Stoll: The first item that I have is a reimbursable utility agreement for the Lynch Road project. This is section three of Lynch Road. This agreement amount is \$11,136, and this agreement covers the cost of relocation of Vectren's gas line that is located within an easement that they currently own. The funding split on the agreement will be 80% federal and 20% local. So, we only would be responsible for about \$2,200 of that cost. The County Attorney has reviewed and approved the agreement, so, I would request that the agreements be signed by the Commissioners.

Commissioner Nix: I make a motion we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The second item that I have is a sidewalk waiver request for Section Nine of Metro Centre Subdivision. This subdivision is located off of Royal Avenue, where Metro Avenue will ultimately be extended to curve around and tie into Royal. The sidewalk waiver covers this little stretch of Metro that will be extended from it's current dead end over to Royal Avenue. There are no sidewalks anywhere out in this vicinity, except along Virginia Street. So, given the fact that Metro currently has no sidewalks, and Royal has no sidewalks, I would recommend approval of this waiver request.

Commissioner Nix: I make a motion that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The final item that I have is a request to approve flashing operation of the new traffic signal at Pearl and Red Bank. This flashing operation would be from 1:00 a.m. to 5:30 a.m. Dave Savage has contacted the movie theater out there, and they said that, they told him that the theater basically, the late movies usually end around 1:00. So, that's why Dave recommended 1:00 a.m. as the starting time. The signal will flash red for Pearl Drive and yellow for Red Bank Road. I would request that that be approved.

Commissioner Musgrave: So moved.

Commissioner Nix: We are sure that that is in the county?

John Stoll: The city is going to approve it as well. The line out there actually runs through the center of that intersection. So, the city has the east leg of the intersection and the south leg. We have the north and west legs of the intersection.

Commissioner Nix: Okay.

John Stoll: When Dave Savage submitted the request, he said he would take it to the city as well.

Commissioner Nix: Okay. I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have unless you have questions on anything else.

President Crouch: Thank you, John.

John Stoll: Thanks.

County Highway

President Crouch: County Highway.

Mike Duckworth: Thank you. Good afternoon, President Crouch, Commissioners. I have a couple of brief items, and if you'll indulge me here, I want to give you some information. I believe I'll pass some of these out.

Commissioner Nix: No, I do not. Thank you.

Mike Duckworth: What you have before you is a copy of a requisition for a purchase of a gradall. This money was encumbered from the 2004 budget. Bids were

received, we had the bid openings, two firms chose not to bid. We had a third bid from Southeastern Equipment Company in the January 10th meeting. There was an error in the minutes, and I would like to correct that before I go forward. The bid from Southeastern is \$280,645 with an \$11,000 discount for a trade in—

Commissioner Nix: Could you repeat that please? The amount?

Mike Duckworth: Yes. The bid was \$280,645, and it had an \$11,000 discount for a trade in, for a total bid of \$269,645. In the minutes, it was reported \$269,045. So, that should be modified to 645.

Commissioner Musgrave: What minutes were those?

Mike Duckworth: January 10th. Page 26 of 27.

Commissioner Musgrave: Motion to amend the minutes as described.

Commissioner Nix: Second.

President Crouch: Were the minutes incorrect, or was the number read incorrectly?

Madelyn Grayson: I'll have to go back and review the tape.

President Crouch: I think we ought to probably hold on.

Ted C. Ziemer, Jr.: I don't think it makes any difference, just correct it.

President Crouch: Thank you, Mr. Ziemer.

Mike Duckworth: With that correction, I would then ask the Commissioners—

President Crouch: Do we have a vote? Did you second it?

Commissioner Nix: Yeah, I did second it.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: With that correction, and the total cost to the county of \$269,645, and with the understanding that through the Purchasing Department \$270,000 was encumbered from the 2004 budget, I would ask permission to move forward to make this purchase.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: The second item that I have is not actually an action item at this time, but eventually I believe it will be, and I wanted to just ask for permission to get prices on installation equipment for pump and controls for two trucks. One would be a pump and control that would spread a liquid salt brine material, which is similar to what, or the same that the Indiana Department of Transportation uses for pre-treatment of roads. Also, an electric spray system for another truck that would fit into the V-boxes, so it would also treat the salt as we spread it. And, also a system that would allow us to mix our own salt brine, which would drive our costs of how we treat the roads, and how we attack snow events, and do pre-treating, so that we could mitigate some of our road problems during a snow event. I will be bringing those numbers back to you at a future meeting, if you can give me permission to go ahead and move forward with that.

Commissioner Musgrave: Just so I understand, you're buying two pieces of equipment, one to treat the salt as it is spread, and another one to mix it separately?

Mike Duckworth: No. One to mix the solution, and two different types of sprayers.

Commissioner Musgrave: Okay.

Mike Duckworth: One would be a large tank, and the other would be what they call a "V" tank that would fit with the spreaders.

Commissioner Musgrave: Okay.

Commissioner Nix: I make a motion that we approve that request.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have for action items. Thank you.

County Attorney

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes. I just want to report, and I see he's in the audience here, Mr. Kifer, after receiving our letter, did choose to come to our office to discuss further his various cases that he has pending in various courts. We talked to him for 45 minutes. I again advised Mr. Kifer that it was my opinion that the Vanderburgh County Commissioners had no jurisdiction here, and nothing that they could do to support him. I talked to him again out in the hallway today, I assured him that if there was something that, in my opinion, the Commissioners could do, that we would do it. I've suggested that he have his attorney, who I believe is Verdelski Miller, call me if his attorney has a suggestion that we haven't seen of a way in which we might help him. I told him that I would be glad to discuss that with his attorney

to see if he has anything to offer that could change my opinion. Otherwise, it is still my opinion that his complaints are with the judicial system, and should be addressed by the judicial system, either through appeals or whatever other mechanisms are available, and his attorney would be well familiar with those. So, I wanted to report that.

David Kifer: If I may, I need to make a record. Are we on? Yeah, okay. I have, Mr. Ziemer, we are still on-going, as you can see he has offered for my attorney to contact him. By the way, I voted for all three of you. It had to be done. I have here, from Judge Redwine, I was being taken out of the county of jurisdiction in which this offense allegedly was committed. Our constitution says the offense must be tried in the county of jurisdiction. I have here a letter from Judge Redwine, from Posey County, and it says;

“Dear Mr. Kifer, the Posey County Clerk received from you this day documents you entitled, “Defendant Kifer’s second writ of habeas corpus”, “Notice of Timeliness”, “Move to Dismiss 03-05-04”. Under our constitution of this state, the writ of habeas corpus shall not be suspended, therefore, a second writ of habeas corpus is unheard of.”

However, both the, there are two cases captioned here, but there are other cases that are the same case, because they changed the cause number without transferring the minutes, creating a Fifth Amendment violation against double jeopardy. The second writ of habeas corpus does not show on any of the chronological case summaries. The Sheriff of Vanderburgh County is here right now, Brad Ellsworth, and I was ordered released by Judge Redwine, mooted my first writ of habeas corpus, and I would like to ask Mr. Ellsworth why he did not release me per this judge’s order? Because when I just told another judge, Judge Knight, that I would be back because he was obviously in a bad mood, he gave me 90 straight days contempt of court.

President Crouch: Sir, that’s a private conversation you can have with the Sheriff. This board has no authority to direct the Sheriff—

David Kifer: This is a public forum, isn’t it? Isn’t this a public forum?

President Crouch: We have no authority to direct the Sheriff to speak to you. That is something that you can do outside the meeting.

David Kifer: But, I would like to get the Sheriff on record why he didn’t release me per the judge’s order. He did not release me. I was held past the six months the state even has to take a case to trial. I was held eight and a half months in the county jail that is overcrowded, remember? It’s overcrowded, for trespassing in the judge’s chambers. Now, I was the plaintiff in a lawsuit when I trespassed in Judge Pigman’s chambers, and when I filed my appearance in 82D05-03-07CM-04488, I filed in Judge Trockman’s office, I appeared that day, August the 19th, in front of Judge Pigman. In 04488 I have an order to stay away from Judge Pigman’s chambers, but he came to me.

President Crouch: Excuse me, sir, Mr. Ziemer, does he have any recourse here at this Commission meeting? Is there—

Ted C. Ziemer, Jr.: He doesn’t, in my opinion.

David Kifer: Except for the fact that this court, this Commission funds the courts, and if the courts are not going to protect the citizens....I am a citizen—

President Crouch: No, sir, the County Council funds the courts.

David Kifer: But, you guys have, you guys, I know there's something you can do, because if they would do this to one person, they would do it to others, and they have, and this is why our jail is full. This is why the public defenders office is unresponsive. I've been chased out of there. I can't even go over and file there. I have to come here. Thank you for not calling me a trespasser, Ms. Crouch. Thank you, Mr. Nix, and thank you, Ms. Musgrave. I'm not a trespasser. I'll leave, but then you won't be addressing the county's business, because I'm a citizen of this county. Now, if I go over to the court, they'll throw me in jail again for another God knows how long, and take me out of the county of jurisdiction in which the—

Ted C. Ziemer, Jr.: That's not true, Mr. Kifer. You are allowed, you are permitted under Judge Pigman's order to go to the County Clerk's office, and you can file any issue that you would like to file.

David Kifer: But, it's alright—

Ted C. Ziemer, Jr.: Your attorney can go to the court.

David Kifer: This appeal should have been completed by now.

Ted C. Ziemer, Jr.: This body has no authority to deal with that. I really think we need to get on with our other business.

David Kifer: Article One, Section 12 violation of the state constitution—

President Crouch: Sir, you are out of order.

David Kifer: Very well. I appreciate your concern for the citizens of your county, Ms. Crouch. I do have your signature attesting to the private settlement agreement, which is not on file, according to the 7th Circuit Court of Appeals, which I did that appeal. I don't hold it against you that you attested to the facts, but I do not see how I am out of order when I am exercising my First Amendment right to redress grievances. Now, please quit ganging up like that. That's not fair to bounce me from one to another.

Ted C. Ziemer, Jr.: This is not a body that can redress your grievances. You need to do that through the judicial system.

David Kifer: Perhaps the Sheriff would like to voluntarily answer my question.

Ted C. Ziemer, Jr.: At this meeting you don't have any right to interrogate other persons who are attending this meeting.

David Kifer: I thought that was only when a crime was committed, that you could invoke the Fifth Amendment. I'm right. I am right.

President Crouch: I'm sorry.

David Kifer: Mr. Ellsworth? Hey, guys, I'll leave.

Brad Ellsworth: If you order me to go.

David Kifer: I'm out of here.

Brad Ellsworth: If it's the Commissions' desire we'll remove him.

Commissioner Musgrave: It is.

President Crouch: Thank you. Mr. Ziemer, did you not have a couple of other items?

Ted C. Ziemer, Jr.: I do have. Thank you. You have in your packets a registration, a lobbying registration agreement, which needs to be filed with the state legislature.

Commissioner Musgrave: Do you need a motion?

Ted C. Ziemer, Jr.: Yes, we do.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: There is with that a memorandum agreement, which you might make a motion on that as well. They both need to be signed.

Commissioner Musgrave: This?

Ted C. Ziemer, Jr.: No, no, no.

Commissioner Musgrave: Alright, so moved for the memorandum agreement, although I thought we did that last week.

Ted C. Ziemer, Jr.: No, no. These are two documents, this is not an agreement with Barnes and Thornburg—

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: —this is a memorandum to the legislature allowing you to contact them by electronic mail.

Commissioner Musgrave: Thank you. I move approval of this.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Madelyn Grayson: Mr. Ziemer, is that part of this information that I have here?

Ted C. Ziemer, Jr.: There should be, there's that, and then a separate sheet, yes.

Madelyn Grayson: I've got it.

Ted C. Ziemer, Jr.: The only other item that I have is a letter, which I received from Kevin Winternheimer, as Assistant City Attorney, on behalf of the Police Department, asking that, in view of the fact of all the construction activities that are going on there, which prevent them from using their premises as they would like, they are requesting that their lease of space in the Old Courthouse be terminated, effective December 24, 2004, and they will....they say they've effectively been out of the premises since that time anyway, but they would like the lease terminated, and would pay rent through that date with no other rent responsibilities. The normal termination date would be June 30, 2005.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

President Crouch: Thank you.

Board Appointments

President Crouch: At this point in time, we will move to our board appointments. I believe we have a couple to make, the Pigeon Creek Greenway.

Commissioner Nix: I would like to nominate Sheryl Tilley to the Pigeon Creek Greenway Board.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Minority/Women's Business Development Board? That's Frankye Calloway.

Commissioner Musgrave: I would like to nominate Frankye Calloway to the Minority/Women's Business Development Board.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Bob Stephens: Domestic/Sexual Violence Commission 2004 Report

President Crouch: Our next item of business, we're moving into new business, and the first item is Mr. Bob Stephens, he is the President of the Domestic/Sexual Violence Commission. He is giving us a 2004 report. Welcome.

Bob Stephens: Thank you. I'm Bob Stephens, the president of the commission, and I'm here today to simply present to you our 2004 annual report, and familiarize you with the commission maybe just a little bit. It's hard to believe that it's been ten years since the commission was established by Mayor McDonald, Frank McDonald, Jr., and over the last ten years we've worked together, there is 17 different organizations and agencies that work together to try to reach the goal, which is to promote permanent relief and safety of victims of sexual and domestic violence, as well as reduce the instances of domestic and sexual violence. We have two subcommittees that serve the commission; a treatment/enforcement subcommittee, and an education collaboration subcommittee. Each of those have a report in the annual report, which I think you have in your packets. One of our major projects this past year has been to produce a brochure on protective orders. With the changes in protective orders in the past couple of years there's been some confusion among citizens about how to obtain a protective order, and in what situations they would be obtainable and when they wouldn't. So, we have an informational brochure that's being distributed by the Police Department and the Sheriff's Department, as well as the battered women's shelters to help with that, understanding that process. Other than that, we've done some on-going training on the area, in the area of domestic and sexual violence, and probably the main thing that we do is pulling together the 17 organizations and agencies to work together on this issue. So, that's just a little overview of what we do, and I would be happy to answer any questions that you might have about the annual report.

Commissioner Musgrave: I thought it was a very well done report, but I don't have any questions. Thank you for preparing it.

President Crouch: Mr. Stephens, how do the numbers in 2004 compare to, perhaps, 2003? Are incidents up, reportable incidents?

Bob Stephens: You may have noticed in the report that, unfortunately, this annual report only has six months worth of data, because the Prosecutor's office is, they collect data on a different cycle than our report comes out. So, I don't have the entire report for the whole year on the incidences. I will go back, in terms of going back a little bit, when we first started this commission, we found that arrests for domestic violence actually went up, but, actually, that's a good thing, because something was being done about domestic and sexual violence. Whereas before arrests were not being made all the time when there was perhaps a probable cause. So, you can't just look at that one figure about whether arrests go up or down. But, to answer your question, I don't have that comparison from this year to last.

President Crouch: Would you be able to provide that to us when you do get it?

Bob Stephens: Yes, I could do that.

President Crouch: Okay. I also concur with Commissioner Musgrave, it was a well done report. Thank you.

Bob Stephens: Thank you.

Les Smith: Shireman and Associates: Jail Update

President Crouch: The next item on our agenda is Les Smith, Shireman and Associates, a jail update. Thank you.

Commissioner Nix: Thanks.

Madelyn Grayson: Les, do you have a copy for the record? Or can I get that after you're finished?

Les Smith: I've got one more. I'm sorry. For the record. Les Smith, with Shireman's, construction management out at the jail. I just wanted to make just a brief, I guess, update on the happenings and the goings on....we're going to meet with Commissioner Nix later on this afternoon on some, on budget issues, and review all of that. So, we'll go over that at that point. The overall project is progressing well now. You know, I mean, when the weather gives us the chance to work and all that. So, anyway, we're working on the site, trying to keep the site smoothed out, and, you know, when it ruts up, drain it to where things stay as workable as possible. All the site utilities and everything are in the ground, so, we're just working to maintain the site, to maintain drainage, to maintain the temporary roads until the heavy traffic on....you know, as far as concrete trucks and pre-cast delivery trucks and that stuff is done. They have started back today since, in the A pod, pouring floor slabs. They're working on the A pod panels, on the pre-cast panels, which should finish up sometime next week. They're, again, making very good progress, you know, over the last week and a half, since we have had some decent weather. So, that's just really a plus for us. So, anyway, if we can continue with just, you know, a few more days of good access and good weather, you know, we'll get this pre-cast stuff knocked out, and that takes a lot of the variables with the weather out. So, that just helps us a whole lot. They're working, the block work in the administration area is complete. They're working B pod, and they're progressing there very well when, you know, the weather allows us, you know, the cold weather or whatever. They kind of govern the block work. The block work will also start almost immediately, since they have poured, started pouring floors in the A pod. So, they'll start working in there on the block work also. All the steel stairs and the walkways, handrails in the A pod are up and done. They're working to, there's a connector piece of the upper level walk around that has to be welded in place, and they've got those ready to weld up over the next two days. So, that will be a big, you know, another big hurdle. You know, there's a lot of things like that, that, you know, they're getting things done now that the weather is looking better for us. The roof installation on the pods, again, weather related, will continue, but it's not, that's not something that's really, at this point, saying you can work or you can't work or whatever, but they'll get that. And, you know, these things that are weather related, I mean, you just, you have to work with the weather, because, if not, I mean, it's got to be done to a spec, and there's certain requirements on that to where you do it within a certain temperature range. On the interior of the building, the metal studs in the administration are complete on the upper level in the Sheriff's office, and all the administrative area there. The drywall is hung in that area. We just, going through there to make a clean up to where, and then they're going to start with the

finishing process of that. In the kitchen, they're installing the exhaust, the stainless steel exhaust hoods. The walk-in refrigerator and freezer is installed, and the electrician and the mechanical people are making all of their connections for that. The elevator is in, complete. It's a finished product. We've got it locked off and it will not be used, you know, for anything during construction. On the heating and air conditioning system, all of their duct work, VAV boxes, and all that stuff inside the building is all in place in the administration area. There's a few roof exhaust fans, and some things like that, that they are working on getting installed over the next couple of days. The sprinkler system in the administration area is also roughed in. All the drops are there ready for ceilings, and then they have proceeded on to the pods and are getting it to the same, you know, rough-in to allow the ceilings and any enclosures to be put in there, to where they can get their tests, to make sure that it's all airtight before they do any ceiling stuff. On the plumbing, they're setting the shower units all over the building, they're making connections on those, they're working on the water lines, drain lines. In the pods, all the water lines and drain lines are all installed in the administration area. As the wall finishes start happening, then the actual fixtures will be installed there. The electrical contractor, again, they're working in the main electrical room. They've got the back up generator installed. They're making the connections on the generator, UPS system. Then, as that gets done, they will start working on the sub panels to where they'll get the main power to all areas of the building, as needed. So, that's a big, you know, the big caterpillar back up generator, you know, for all the security systems, computer systems, emergency lighting and that kind of stuff. It will operate it in case of an emergency. They're continuing on with, we're having independent test reports, and the test reports are coming back, that I've got, are all, you know, within specs. They're all good. The overall quality looks good. I mean, the workforce, and the workers of this area, I mean, they're taking, you know, they take some pride in what they're doing, and they're really, you know, trying to put forth a good product. So, I feel good about that. The, and, again, back, and I keep mentioning the weather thing, but the weather, I mean, it's we're just at it's mercy, and we're working very hard to proceed through that, you know, when we get a break in it, you know, they're working long hours, they're working Saturdays, they're doing what they can do to try to make up any of this time on the project.

Commissioner Musgrave: How much time are they looking to make up?

Les Smith: Well, right now we're hopeful, and we kind of summarized it just slightly here on the front. We're looking to be substantially complete by the end of October. Now, that doesn't include some of the debugging of the security systems, and the programming, and the training, and, you know, there will be training things, and stuff like that that will have to be done after that point. So, our original schedule was set for October. You know, that's what, we're trying to hold that, but, you know, the October date, I'm sure, was taking into consideration some of this testing and training.

Commissioner Musgrave: So, instead of getting all the testing and training done in October, that's going to be pushed to November?

Les Smith: Well, when the systems are all installed, complete, and operating, then we have to go through and, you know, do the final training with Brad and Eric's people, with the, and just basically debugging and operating the system for a while to where, to work out any glitches in all the securities.

Commissioner Musgrave: You may be two, three weeks behind?

Les Smith: Yes, oh, yes. Again, I mean, it's not from lack of effort.

Commissioner Musgrave: I understand.

President Crouch: In your report, Les, in your report it says that after you've completed in October, there will be approximately six more weeks. So, that means we're now pushing the, where we can house prisoners into December?

Les Smith: Um, well, it will probably be close to the first of December, yes, ma'am. That's what it looks like to me. Unless, again, once we get this, the end of next week, like I said, most of this pre-cast, big, heavy stuff is going to be in and in place. At that time, we're going to go back, we're going to re-review our schedule, and we're going to, you know, see if there's any movement. The, all the administrative area, you know, within the next month, we're going to be painting walls and starting to install ceilings in that area, you know. So, that area is going to basically be ready to house, and ready to use, but, you know, as the pods go, I mean, we've got to just really take a good, hard look at it to see exactly where we're at. You know, because, again, the adverse weather that we've had over the past, you know, two months, you know, I mean, of course, this past week has been really, really positive for us, but, you know, leading up to Christmas, and then the week after Christmas, and, you know, the first of January, it's been pretty tough.

President Crouch: Is that delayed opening going to result in any extra costs?

Les Smith: No, ma'am. No. Anything else on the jail?

Commissioner Nix: I will say that Eric's sure got a handle on this thing. If you need to take a week or two's vacation, I'm sure he could take over.

Les Smith: He spends a lot of time out there with us. He visits us quite often.

Commissioner Nix: I'm pretty impressed with that.

Les Smith: Yes.

President Crouch: When, on your first page you indicated that you were going to provide updated forecasted cash flow needs to Mr. Rector and his staff, and then also that you would be reviewing the budget spreadsheets and contingency funds, is that something our office can have a copy of?

Les Smith: Yeah, we'll give everything to Mr. Nix.

President Crouch: Thanks.

Commissioner Nix: Yeah, we're going to do that right after this meeting.

Les Smith: Yeah, and we've got all of the updated cash flows from all the contractors. Okay? Anything else on the jail?

Les Smith: Shireman and Associates: Community Corrections Update

Les Smith: The community corrections, it's just a whole lot simpler. It's, all their interior, the metal studs are up. All the mechanical rough-in's are in. The fire proofing for the ceiling is in. They're just trying to get it to dry. They've got the aluminum windows installed. I think they've got to put the aluminum store front in still, but, at the main entrance. All of their block walls are complete, except for a few little chases of some things where they've got to do some fire spraying. The HVAC and plumbing, all the duct work is in, they are hooking up the VAV boxes. They're insulating the pipes, I mean, it's proceeding very well, honestly. Again, we've got, of course, the same electrician is doing both jobs, so, they're working to coordinate the two for the security system and running, they're starting to run security cables, and everything like that. So, it works really good. Again, you've got another there, a quality project with, you know, good quality workmanship.

Commissioner Nix: When do you anticipate the completion of that project?

Les Smith: Mid summer, June, I believe is where the schedule puts us. Late June, I believe.

Madelyn Grayson: Les, we need to change the tape please.

Les Smith: Okay.

(Tape change)

Madelyn Grayson: Okay, thank you.

Les Smith: Okay. Any other questions? Okay, well, thank you for having me here, and I invite you all to come out and take a tour anytime. Just give me a call, I think you've all got my phone number. I don't know if, Commissioner Musgrave, if you do or not, but get in touch with me, come out, and I'll give you a tour. Thank you.

President Crouch: Thank you, Les.

First "Coffee with the Commissioners": February 24, 2005

President Crouch: Next item on our agenda, under new business is the first "Coffee with the Commissioners".

Commissioner Musgrave: Yes, we have a date, the first "Coffee with the Commissioners" is set for February 24th from 7:30 to 8:30 a.m. at the Pagoda. The Convention and Visitors Bureau has graciously agreed to host us and provide donuts, I guess, and coffee. We're intending to invite the officials, in our world, so that we can get to know them better. Along with the appointments that we have made, and any other joint department heads that we can round up. It would be nice to get to know everyone, and talk more casually about some of the things that we need to do. Although, we will not take any official action of any kind at this meeting.

President Crouch: And, I guess, we will need to notice the media if more than one Commissioner attends.

Commissioner Musgrave: Yes, B.J. , make sure you do that.

President Crouch: Thank you.

Discussion of SMG, Teamster, FOP-VCSO & ACS Contracts

President Crouch: Next item on our agenda is the SMG, Teamster, FOP-VCSO contracts, and I left off ACS, and that's another contract that we need to start working on. I did speak to Craig Blessinger, and indicated to him that we would be starting to look at that, and that we would be in touch with him. I think everyone else is pretty...and, I believe, Commissioner Nix, you will be working on the Teamster and the Sheriff contract?

Commissioner Nix: Yes.

President Crouch: And, Commissioner Musgrave, you'll be working on ACS, and maybe together we can work on SMG?

Commissioner Musgrave: SMG? And, just to make it clear, the SMG contract is the contract we have for the Centre.

President Crouch: Correct.

Commissioner Musgrave: Operations at the Centre. The Convention and Visitors Bureaus has expressed a great deal of interest, and we're looking forward to working with them on that contract.

President Crouch: I think that would be wonderful.

**Resolution Regarding Policy on Waiver of Rental for use of the
Evansville Auditorium and Convention Centre**

President Crouch: The next item on our agenda is a rental policy for the Centre. We actually can take action on that. It is a resolution regarding policy on waiver of rental. We've had a number of not-for-profits and other people ask if they can get a reduction in the rent, or if they can have the rent waived. Mr. Ziemer, do you want to comment on this?

Ted C. Ziemer, Jr.: I do. I mean, the resolution speaks for itself, but one of the things in the resolution provides that if we waive the rent for a governmental entity, and later find that it's advantageous to use the date given that entity for a for-profit entity, that we can change, we can terminate that date, if we give them 90 days notice. What I want to comment on is that the contract that that entity would enter into with the convention centre would spell out that they have that date, and your policy could not terminate that date, if it's in their contract. So, I've advised Mr. Bolton of that, and he is going to suggest a modification to the contract, so that this 90 provision would be there for governmental entities.

President Crouch: We actually are waiving, or not going to waive the rent, in any instance, except for governmental entities, and we can then do those on a case by case basis.

Commissioner Musgrave: I want to make a motion to adopt this resolution, and also included in my motion is a request for SMG to put it on their website as well.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Video Equipment Update

President Crouch: Next item on our agenda, we're moving in to old business, the video equipment update, Commissioner Musgrave?

Commissioner Musgrave: Yes, I'm very disappointed to tell you that I was not able to attend the Building Authority meeting that was set for today at 2:30, because they failed to get a quorum, and did not hold that meeting. I'm further disappointed to tell you that they have rescheduled this meeting for Friday, after, Friday at 8:30 was it?

Ted C. Ziemer, Jr.: I'm not sure of the time.

Commissioner Musgrave: I lost track of the time. I will be out of town, and not able to attend that meeting. So, the public's important business on televising these, and any other meetings, was not able to be addressed. I will continue to pursue it, and get back to you at a later time.

Road Hearings: Dates and Locations

President Crouch: The next item is our road hearings. I believe each Commissioner can announce where, the location and the date.

Commissioner Nix: Yes, the first date, district one road hearing will be at Plaza Park School on February the 7th at 4:30 in the afternoon in the cafeteria.

President Crouch: Alright.

Commissioner Nix: That's for district one.

President Crouch: And district two will be at Scott School at 4:30 in the afternoon on February 14th. So, all the sweethearts will be at my road hearing.

Commissioner Musgrave: And district three will be February 28th, we're skipping a week as the Civic Center is closed on the 21st and so are all the schools where we were planning to hold these. So, on the 28th district three will be held at Helfrich Park Middle School.

President Crouch: Thank you.

Public Comment

President Crouch: We now move into public comment. Is there anyone in the audience who cares to address the Commission at this time?

Joe DeVoy: I would.

President Crouch: Please state your name and address for the record.

Joe DeVoy: My name is Joe DeVoy, address 3324 Harmony Way, Evansville, 47720. I just wanted to introduce myself, and familiarize you with me. You being a new Commission. I take care of the clock and all of the equipment at the Old Courthouse. I'm the guy that sets it forward and backward, and oils it and fixes it when it breaks. My work is volunteer. That's how I plan on keeping it. I've been doing it for about ten years, actually for ten years, and the person who gave me the job, I served sort of what you might call an apprenticeship with him for five, and his father did it before him. They have been doing it since the '30's from what I understand.

Commissioner Musgrave: Wow!

Joe DeVoy: So, I consider it an honor to have the position. He had four daughters, no sons, so, they had no interest in clocks.

Commissioner Nix: I'm just curious, how much time do you spend? Do you have to make adjustments? Or do you—

Joe DeVoy: Yes, with the construction, the power going off and on, it hasn't been interrupted very much. I had it turned off the entire time the roof was being installed. It's pretty dependable. It keeps actually very good time for it's age. I hope when I'm 112 I can do that well, you know. It's in very good shape. The only major repair I've ever had to do was I had a gear box go out, it's the one that picks the weights up from the second level and makes the bell ring. So, having said that...oh, I also wanted to say that I'm very pleased that the former Commissioners had the foresight and the ability to start the construction and the renovations down there, and I wanted to encourage you guys to keep doing that. I think it's an absolutely irreplaceable structure. A very big asset to our community. If there is anything that I can do to help you in anyway, please call me.

Commissioner Musgrave: Lottery tickets.

Joe DeVoy: Lottery tickets?

Commissioner Musgrave: There you go. It's an expensive building.

Joe DeVoy: Yeah, it's definitely a drain, I'm sure. It's more of a cost, but it's, I think it's worth it. Because you guys know construction, you know new buildings and old buildings, there is just no comparison. Some buildings are worth saving. Another concern that I have is the last time I was there to oil the clock, about a week ago, my lock has been cut on my clock house. I don't know if you guys have ever been up to the clock itself, it's in like a yard barn inside the dome. I think that they got inside to do some work, I noticed the lights are on again on the faces. So, really the main, one of the main reasons that the clock is in such good shape is that it's been protected from the community. There's a lot of people that get up in there and sign their names, and I think that if they were able to get to it, they would harm it. It's very delicate. Some things about it are very delicate.

Commissioner Musgrave: Did you replace the lock?

Joe DeVoy: No, and that's why I'm here. I did not want to put a lock on it not knowing if the contractor needed it to be open.

Commissioner Musgrave: Given the fact that we're streaming live on the Internet, I would like for you to go put a lock on it, and check with the contractor tomorrow.

Joe DeVoy: Sure. You'll speak with the contractor?

Commissioner Nix: I'll do that.

Joe DeVoy: You will? Okay.

Commissioner Nix: I'll give him a call. If I can reach him this evening, otherwise tomorrow morning. ESG will follow up and make sure that is taken care of.

Joe DeVoy: Yeah, I'll get a lock on it, and I was going to put a little sign with my phone number—

Commissioner Musgrave: That's a good idea.

Joe DeVoy: If they call me, I can be there within hours, at least by the next day to give them access to it. I would just like it to be regulated and protected.

Commissioner Musgrave: Is this a keyed lock?

Joe DeVoy: It can be, yes.

Commissioner Musgrave: Why don't you leave a key with us?

Joe DeVoy: Okay, I can do that.

Commissioner Musgrave: Yeah.

President Crouch: I was going to say, please bring us the receipt so we can reimburse you. I just want to thank you on behalf of everyone in Vanderburgh County for contributing your time and effort to something important for that historical building. I'm thrilled to death to meet you. I'm glad you came to the meeting.

Joe DeVoy: Thank you.

President Crouch: If there's anything we can do for you, let us know.

Joe DeVoy: Well, I'll keep that in mind.

Mike Duckworth: Suzanne, our department maintains the grounds, and if you would like for us to coordinate that, we have some locks so that he wouldn't have to purchase anything.

Joe DeVoy: That's alright. I have one already picked out.

Mike Duckworth: Okay.

President Crouch: Thank you.

Commissioner Musgrave: Do you want a key to it as well, Mike? Maybe not?

Mike Duckworth: I think I would prefer not to, as long as we have his name and number on the record, I think we'll leave that to his expertise. But, if there needs, if he needs any of our assistance in moving anything, we would be glad to help him.

President Crouch: Thank you, Mr. DeVoy.

Joe DeVoy: Thank you very much.

Mike Duckworth: Thanks.

President Crouch: Is there anyone else in the audience that cares to address the Commission?

Consent Items

President Crouch: We will next move on to consent items. I believe there is one item that we need to pull off our consent items, and that is the jail construction fund payment requisition number 50. We had a question on that.

Commissioner Nix: Yes.

President Crouch: So, if we could have a motion to pull that off the consent items.

Commissioner Musgrave: I move to pull the jail construction fund payment requisition number 50 off the consent items, knowing that Mr. Nix is having a meeting after this one, and will clear those questions up and bring it back next week.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And a motion to approve the consent items?

Commissioner Musgrave: Move to approve the consent items as listed.

Commissioner Nix: I second that motion.

President Crouch: Is there anything that needs to be added?

B.J. Farrell: Yes. The Sheriff's Department today brought me the grant application for the Stop Violence Against Women, and it was received after the Thursday noon deadline, but it's my understanding this must be received by the appropriate body February 1st. So, they are asking the Commission to approve this so that they can get this Fed Ex'd or over nighted to reach their destination.

Commissioner Musgrave: I include that in my motion.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

Commissioner Musgrave: Move to adjourn.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: We will be commencing with drainage board in just a couple minutes.

(The meeting was adjourned at 4:25 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (2)	Coroner (3)	County Clerk (2)
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Travel Requests:

Health Department (5)	Ozone/Health (1)	Burdette Park (1)
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Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	

Knight Township Trustee: Standards for acceptance.

County Clerk: Submit Monthly Report for November 2004.

Auditor: Submit A/P Voucher.

Prosecutor:

Federal Annual Certification Report: Prosecutor Task Force
Federal Annual Certification Report: Drug Task Force
Stop Violence Against Women Grant Application Renewal
VOCA Grant Application Renewal: Victim/Witness Assistance
VOCA Grant Application Renewal: Adult Protective Services

Sheriff:

Submit weekly jail and community corrections reports.
Stop Violence Against Women Grant Application Renewal

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Steve Craig	John Stoll
Mike Duckworth	David Kifer	Bob Stephens
Les Smith	Joe DeVoy	Brad Ellsworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson)

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 1, 2005**

The Vanderburgh County Board of Commissioners met on this 1st day of February, 2005 at 3:30 p.m. in Room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Thank you for being here. We will commence with the Board of Commissioners meeting of Vanderburgh County, February 1, 2005. We will start to my far right, I'm Suzanne Crouch, I'm the President of the County Commission, and if we could move to our far right we will do introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, the County Attorney.

Commissioner Musgrave: Commissioner Cheryl Musgrave.

Commissioner Nix: Bill Nix, County Commissioner.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: Bill Fluty, County Auditor.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of January 25, 2005 Commission Meeting Minutes &
Approval of January 25, 2005 Department Head Minutes**

President Crouch: Thank you. Our first item of business is approval of the minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: I second that.

President Crouch: This is for the January 25th Commission meeting and department head meeting. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Contracts/Agreements/Leases:
Mulberry Center/ EAP; YMCA; EARC (Deferred)**

President Crouch: Action items; contracts, agreements and leases. The first item on our agenda is the Mulberry Center, and—

Commissioner Musgrave: Would it be appropriate for me to make a motion to approve all the contracts?

President Crouch: I believe that some of them are ready to approve today, and some aren't.

Commissioner Musgrave: Okay, well, which one's are not ready to approve today?

Ted C. Ziemer, Jr.: As I've indicated in my e-mails to the Commissioners, the Mulberry Center agreement is not ready, the YMCA agreement, and the EARC agreement is not. The Sonitrol agreement is, and I have that with me, and the Health Department is.

**Approval of Sonitrol Agreement: County Highway &
Agreement with Tim Thompson: Health Department**

Commissioner Musgrave: Okay, so I move to hold until a future meeting the first three; a, b, and c, and move to approve d and e, the County Highway Sonitrol and the Health Department, Tim Thompson.

Commissioner Nix: I second that.

President Crouch: Would your motion include the change in the Health Department to have the maximum of \$8,000, as opposed to \$15,000?

Commissioner Musgrave: Yes.

Ted C. Ziemer, Jr.: Madam President? For discussion, there are two agreements there with that, there is the....here, just a second.

Commissioner Musgrave: (Inaudible)?

Ted C. Ziemer, Jr.: Yes. One was attached to the other, let me just find it here. There is an agreement entitled, "Consulting Services for Vanderburgh County Health Department", which contains the provision for the hourly rate, and currently provides for a maximum which has been changed to \$8,000.

Commissioner Nix: And that was, before, \$7,500?

Ted C. Ziemer, Jr.: It was \$15,000.

Commissioner Nix: Oh, \$15,000, okay, but that was the other one.

Ted C. Ziemer, Jr.: Then, attached to that, let me get past all the appendixes, is a separate agreement for HIPPA compliance called, "The Vanderburgh County Department of Health Business Associate Contract". Madelyn, do you have that attached to the copy that you have?

Madelyn Grayson: Yes, I do.

Ted C. Ziemer, Jr.: That's a separate document, so, it should be....I have reviewed it, and it's appropriate for execution, but you should approve each of them.

Commissioner Musgrave: I did have a conversation with the Councilmember who is the liaison with the Health Department, that's Marsha Abell. She was interested in

learning more about the HIPPA agreement. So, I'm not sure that we should pass that one today, if that is to hire somebody to do the HIPPA compliance.

Ted C. Ziemer, Jr.: It is not to hire anybody.

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: It's to make Tim Thompson comply with HIPPA as a contractor with the Health Department.

Commissioner Musgrave: That's fine then. Include that in my motion.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Old Courthouse Event Lease

President Crouch: The next item on our agenda is the Old Courthouse event lease, and I believe, Mr. Ziemer, this is just a standard lease that you have reviewed and made changes to?

Ted C. Ziemer, Jr.: I have reviewed it and made substantial changes. The highlighted copy of it, with the changes, and the clean copy for execution, if you approve it, was sent to you and to B.J.

President Crouch: So, this would be the lease that we would distribute from this day forward, if it's approved?

Ted C. Ziemer, Jr.: Yes, ma'am.

President Crouch: Okay.

Commissioner Musgrave: I've read that, and it looks very good. Thank you for your work on that.

Ted C. Ziemer, Jr.: Absolutely.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

EPD: Waiver of Rental Cost/Overtime for Centre

President Crouch: Next item, we do have a request from the Evansville Police Department. They are asking that we waive rental of the Centre. They also are asking that we waive overtime charges. As you recall, we did pass a resolution, I believe last week, where we did say that we would waive the rental to government entities, but we would not waive the overtime charges. So, your motion needs to reflect what it is that you care to do.

Commissioner Nix: I move that we approve the rental but not the overtime.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Open Bids for VC-2-2005: Tax Bills

President Crouch: At this point in time, if there are any department heads that have items that the Commission need to take action on. I believe that Purchasing is here, and we do need to take action on some items. Mr. Lawrence?

Phil Lawrence: If you could open VC-02-2005, tax bills.

President Crouch: Do we have a motion to that effect?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Are there any other—

President Crouch: Are there any bids in the audience regarding the tax bills? Seeing none, Mr. Ziemer, could you open the bid?

Ted C. Ziemer, Jr.: Certainly. While he's reviewing that, we can go ahead and move on to permission to advertise.

**Permission to Advertise APA-014-2005: Traffic Paint
APA-015-2005: Traffic Signals**

Commissioner Musgrave: I make a motion for permission to advertise the two on our agenda, APA-014-2005, APA-015-2005. Was there a correction about the date and time that needed to be made to that?

President Crouch: That, the opening, or the date that is advertised for bid opening is the Board of Public Works meeting. Then it will come here after that.

Commissioner Musgrave: Okay. So, that's my motion to give permission.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: You can stay here, and when Mr. Ziemer is ready.

Ted C. Ziemer, Jr.: I have a question for—

County Engineer

President Crouch: The next item on our agenda, I don't believe Burdette Park has any items that need action. The County Engineer.

John Stoll: I have two items, first is a reimbursable utility agreement for the Lynch Road project, section three. This is for the relocation of the Texas Gas line that's out in the easement that we will require them to relocate as part of the Lynch Road project. The agreement amount is \$336,074. Of that, our share will be 20%, assuming INDOT funds the project, that's the typical 80/20 split. I've had Ted review the agreements, and he was okay with these. So, I would request the Commissioners approve the agreements.

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other items, Mr. Stoll?

John Stoll: The second item that I have is a street plan approval request for section nine of Metro Center Subdivision. This is the same subdivision that I brought a sidewalk waiver request to you last week. Here's Virginia Street down here, this is Royal Avenue along the left side of the sheet. American General's building sits at

this corner over here. Basically, all we're approving is the segment of Metro Center Drive from Royal Avenue back to approximately this location. It will be the same as the rest of Metro, a concrete street with curb and gutter. I've reviewed the plans, the designer has made the changes that I've requested. So, I would recommend the Commissioners approve the street plans.

Commissioner Nix: This doesn't go through at this time, does it? This part?

John Stoll: It does go through up to about here. They recently built an indoor soccer complex right here, and the street goes up to their driveway.

Commissioner Nix: So, this is tying this in?

John Stoll: Right. It will be continuous from the intersection of Metro and Virginia around to Royal Avenue.

President Crouch: Any questions?

Commissioner Nix: I make a motion that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: If you could sign here on the roadway plans portion right here. Oh, I'm sorry, down here. Those were the only items that I had, unless you have questions on anything else.

President Crouch: Thank you.

John Stoll: Thanks.

County Highway

President Crouch: County Highway Superintendent.

Mike Duckworth: Good afternoon, President Crouch, Commissioners. Just two or three real quick things, just for your information. First of all, I wanted to let you know and the public know that we have opened South Weinbach from the levee to 41, that had been closed due to high water. We've got that open. In addition to that, our crews are working rather extensively in the Old Henderson Road-Union Township area as well as the South Green River Road area because of the amount of debris that's being removed. So, those areas are passable, but we are still working in those areas. We are cleaning, as I said, debris and working on wash outs around the shoulders. So, the public still needs to be aware of that situation while we're working through this. We will submit some requests to FEMA for some of that work, so that the county can recoup some of their money. I wanted to tell you about two items that, I covered them last week, of course, we approved the purchase of a gradall, which is about a \$269,000 piece of equipment. I have provided B.J. with

some additional equipment that enables that piece of equipment to be more flexible. It's two grapples for one existing gradall, and then the new one. I've provided that information to them for your consideration. As well as, I'm still gathering information on the salt brine production and the spray equipment for the mitigation of the ice and snow on the roadways. So, I wanted you to be aware of that, and that will probably be forthcoming at the next meeting. Thank you.

President Crouch: Any questions? Thank you.

County Attorney

President Crouch: County Attorney, Mr. Ziemer, do you have information on the bids please?

Ted C. Ziemer, Jr.: Yes, we have one bid for printing of 2005 tax bills, plus an alternate by the same bidder. The bid is for \$100,260. The alternate bid is for \$74,385.

President Crouch: And these were submitted by?

Ted C. Ziemer, Jr.: Oh, I'm sorry, Relizon. R-e-l-i-z-o-n.

President Crouch: If it pleases the Commissioners, we would take them under advisement for a week and let the County Treasurer review the bid to make sure it meets their requirements.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Ziemer, I do believe you have a lease?

Ted C. Ziemer, Jr.: Yes, I do. This was a lease sent to me by Steve Bohleber on behalf of an organization that wants to put on craft shows in the spring and fall of 2005 in the Old Courthouse. The same organization has run these craft shows in the Old Courthouse for a number of years. I made some revisions to the agreement relative to the space they're requesting and the exact time that they will be using that space. Otherwise, I found the agreement satisfactory for execution, if that's your wish.

Commissioner Nix: It's my understanding that construction will still be going on, and they're aware of that. I think they went through that last fall.

Ted C. Ziemer, Jr.: They indicated to me that they worked around the construction in November, when they had their last craft show, and that they will be able to do that again.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Board Appointments

President Crouch: At this point in time we have board appointments. I would like to receive a motion to inspect, or to appoint as a home inspector Dwight Barnett.

Commissioner Nix: I second that. I'll make the motion, I'm sorry.

Commissioner Musgrave: I'll second that.

Commissioner Nix: Okay.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. On Human Relations, our appointment, Dave Abbott, has a conflict with the date and the time. He has asked that we rescind his appointment, and we will appoint him to another board. But, I need a motion to rescind him.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. On Redevelopment Commission, we have five appointments, if I could receive a motion to appoint Tim Deisher, Tom Shetler, and Dave Abbott.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Those are the only appointments. We do have a number, not a number, but we do have a few more appointments that we do need to make, and I would like all the Commissioners to work to get those all made by the next meeting, if that's doable.

New Business

President Crouch: We will now move into new business, first item is Mr. Robinson, with Vision E.

Ken Robinson: I've got a couple of handouts here to pass out here. Madam President, members of the Commission, my name is Ken Robinson. I'm Executive Director of Vision 2000, Vision-e, I'm sorry. We changed our name this year, since people are asking us since the new millennium started, when are we going to update the name. So, we are now Vision-e. I think, my purpose here today is to kind of give you an update of Vision-e, and where we're going. First of all, I would like to kind of give you a little background, we were formed back in 1990 as an economic development attraction agency for Vanderburgh County and the three surrounding counties, in terms of marketing the advantages of the Evansville region. We had one simple mission, and that was to attract jobs to the Evansville region. We have modified the mission statement to include retention and expansion, as noted in this year's activities by our board, to increase our economic development activities to include, not only the attraction of new jobs and investment to the Evansville region, but also the retention and expansion of jobs and investments as well. So, we have really been successful, because we have a focused mission. The board structure is something that seems to always come up about Vision-e, and what I would like to offer is how we're put together. Basically, we're a 501(c)(3), non-profit corporation. We're a true public-private partnership. With your support and the support of the city, combined with that of the private sector, we are really a true public-private partnership economic development organization. We have 13 members, 11 of which are private sector, and two of which are public. This board serves on the board of Vision-e, as well as the Mayor from the City of Evansville. The slots are either elected or designated, or they're appointed. We currently have 13 board members, as I said, two of those board members are here today, Joe Theby and Ed Hafer are with us. I don't know if I've missed anybody else. I have provided a list of the past board members, so we have had quite a bit of activity on the board over the years. Our successes have been over 40 projects, and I listed some of the larger projects, the more notable projects that we've been involved in. We, as I said, we're a partnership, so, we assist in the attraction of new business and industry to the area. We were part of the team that worked on the Toyota project, for example. We were the lead agency to attract Azteca Corn Milling to Vanderburgh County. As I read down the list of the other large ones; Collis Corporation, with the help of the Evansville Industrial Foundation, who built a spec building, and then we helped find the prospect for that spec building. They are currently a Whirlpool supplier. The others; Allison, Graham Packaging, Total Interior Systems, which is a Toyota supplier. Accuride, which received a great amount of help from the county to locate them out in the county portion, near 164, a very important project for, from a headquarters standpoint. Just recently, the announcement of United Components on north 41, which involved the help of the county in convincing them to attract them to locate their new headquarters in Vanderburgh County. The impact is really what the bottom line of economic development is all about. What has the impact been on the community? With our involvement either in partnering with other organizations, or direct involvement, we have been involved in over four billion dollars worth of new investment to this area, which has resulted in over 6,000 new jobs. Many of those are actually contained in Toyota, but there are quite a few spin off benefits from that particular project and the other projects. This creates what really is the engine that drives the economy, and that's the annual payroll, the recirculating payroll that occurs from these projects. The calculations that we have used are 500 million

dollars of new payroll circulating through the economy. That's payroll to send kids to college, to buy groceries, to buy new cars, pay your taxes, whatever is involved. At this point, we're really fundamentally looking at Vision-e's activities in three areas, and that is continuing our retention, or our attraction program, and getting involved now in the retention and expansion program of the larger companies, and then other economic development activities that we get involved in, such as the certified technology park, or the health sciences initiative, or other, maybe air quality issues. But, Vision-e has become a major player in trying to, you know, broaden the economic horizon of the area, as well as having to deal with some very specific projects related to our attractiveness. In 2004, we were asked by Azteca Milling to become involved in their expansion project. Since we worked on their initial project, they asked us to get involved in the expansion. That was a 24 million dollar expansion, which is currently underway right now. As I mentioned, United Components, six and a half million dollar investment, average job is \$54,000 at their new headquarters. Those are very good jobs for the area, and we would like to capitalize on those kind of experiences with headquarter locations. We worked on Fed Ex ground out at the Vanderburgh Industrial Park. We also worked on a few smaller projects, Monarch Beverage, Monsanto Seed, which were relocation projects, and we have been working for the last four or five years on technology related issues. As an initiative of Vision-e, at that time Vision 2000, knew that we were getting inquiries from other companies, from companies about our technological capabilities. We really didn't know what they were, so, we began the investigation into the use of technology from an economic development standpoint. That turned into a certified technology park designation that we were positioned to be approved as the tenth certified tech park for downtown Evansville, and then that lead to a grant of \$280,000 that we received over the summer, I'm sorry, in the fall, from the Department of Commerce. So, we are really meeting a wide variety of objectives. Our 2005 objectives are very similar to those that we've had over the years, that is marketing, getting the word out about the Evansville-Vanderburgh County region, continuing with our certified technology park program. We're going to build the retention and expansion program, since that's a very new program that we just took on. We'll be building that program and implementing that. Then we'll be looking at a new regional initiative to involve others in economic development coordination throughout the region. That's pretty much where we see ourselves going in 2005. I would like to finish there, and open it up to any questions.

President Crouch: Thank you, Mr. Robinson. Any questions by the Commissioners?

Commissioner Musgrave: Could you explain what the certified technology park is?

Ken Robinson: The certified technology park is a state program designed to allow communities to encourage the development of new technology, new companies to locate in a certified, in a technology zone. Traditionally, communities have put those in green field locations, and I, through our efforts, decided that we needed some help in downtown Evansville from a revitalization standpoint. This is really a program to help attract investment from a technology standpoint to help support downtown needs. I thought that technology is becoming, you know, broadband technology, for the most part, is becoming what I call the fifth utility. You know, everybody looks at water, sewer, electric and gas. Now, they are looking at broadband capabilities, and we really didn't know what they were. We felt that the certified technology park, which is a partnership between the entity, which in this case is the city, Vectren Corporation, and also USI coming together to form a partnership to encourage new business development within the certified technology park. One of our programs is to develop a high tech incubator, and we're looking at a location right now to

develop the incubator, and what we want to have in that location is a place where we can capture what I call the brain gain. Instead of those kids leaving the university and going other places, we want to have an opportunity for them to take their ideas, or entrepreneurs who have a good idea and want a place to take that idea to at the incubator, incubate that idea, and, hopefully, then build jobs and capital investment by keeping that interest right here in Evansville. Now, let me just back up, the real advantage, one of the advantages is that the state will, they more or less create a TIF of two taxes that are generated in the zone. One is any incremental increase in state income tax, and any incremental increase in sales tax generated in that district comes back directly to that district to be spent on technology needs. Those technology needs would be, the decision on how those dollars are spent would be through the Redevelopment Commission process.

Commissioner Musgrave: I guess, I just don't have a clear idea on what kind of business you're seeking to attract, software programmers, or what?

Ken Robinson: I think we're, it's so, you know, we're kind of in the infancy of developing the whole program. The companies we want to attract eventually are engineering related companies that use high end software development, software developers, medical device companies, these are the typical companies that have been attracted to the other technology parks.

Commissioner Musgrave: Commissioners, I gave him a list of questions, and he promised to get back to me in writing, and when he does I'll share those with you. Thank you.

Ken Robinson: Thank you.

Commissioner Nix: Thank you.

President Crouch: Any other questions? Thank you, Mr. Robinson. Mr. Hafer and Mr. Theby, thank you for joining us.

Ken Robinson: Thank you.

President Crouch: Next item on our agenda is Brent Robinson, Energy Systems Group. Brent?

Brent Robertson: Good afternoon. I've pre-distributed a packet of information for you. I'm happy to announce that progress at the Old Courthouse is going well. I've put together kind of a snap shot as far as where we're at right now, and a sheet that kind of outlines some accomplishments that we're going to try to make this month, and then I'll entertain any questions that you have. Under HVAC ductwork, the ductwork systems are 99% complete. The grills, registers and diffusers are 70% complete. HVAC piping, the main heating and cooling loops are 95% complete, equipment room piping is 85%. We have 46 of the 53 fan coil units that are piped, and five of the six air handling units are piped. HVAC equipment, we have 48 of 53 fan coil units installed, five of the six air handling units installed. The building heat, right now, is being supplied by the five air handler units, and several of the fan coil units that are under temporary control. The permanent controls for those units should be installed later this month, and the thermostats will be operational at that point. We've also begun preliminary testing and balance work on those units. The plumbing in the restrooms, the women's restrooms are complete and operational. The men's restrooms are roughed in for plumbing and they have begun putting those

back together, as far as architectural work. The men's basement restroom, which had had some problems when we, it was installed under a previous contract. We've found those issues in the plumbing and have corrected those. So, it will be operational in the near future. Electrical-wise, the main electric gear is installed and connected to the temporary transformer. The power systems are being transferred to the new distribution system, as progress allows. The overall electric panels and distribution system is 90% complete. The surface mounted raceways for power and data are 60% installed. Sixteen rooms have new lighting completed, and our initial surveys, I went in in the evening and took some readings of the old lighting, back in, I think November, December time frame, and it was on the range of two to ten foot candles, which is very dim. The new lighting is providing an average of about 100 foot candles. The general trades, the drywall bulkheads at the windows are 99% complete. The ceiling systems are 55% complete. As I've stated earlier, the architectural work in the men's restrooms should be complete some time next week. Windows, the paint removal is completed, the repairs and the glazing work is 98% complete, and painting is 25% complete. The painting is being completed as the weather permits. We have, in the last couple of weeks, had two or three days where we've been able to come in and do some of the priming and caulking work on the front windows. Summary, the planned milestones for February is to install and connect all remaining mechanical equipment, complete all work in the tenant occupied areas, install and transfer the power to the new transformer, connect equipment to the new digital control system, and complete all the restroom work. The substantial completion date projected is March 31st.

President Crouch: Brent?

Brent Robertson: Do you have any questions?

President Crouch: We will stay within budget? We won't go over?

Brent Robertson: There's been no change orders, and none are projected at this time, yes.

President Crouch: Thank you. Any questions?

Commissioner Nix: If we were to have change orders, before you proceed with anything, you would come to the Commission, is that correct?

Brent Robertson: Yes.

Commissioner Nix: Okay.

Brent Robertson: By nature of our business, those change orders would probably come from you to us, through the request of changes in the scope.

Commissioner Musgrave: I was just going to say that your report is very impressive. It looks great, and was easy to read and follow.

Brent Robertson: Thank you.

Commissioner Musgrave: As a person who actually worked in the Old Courthouse for, I think it was three years, it's really encouraging to see some of the changes. The restrooms, the change there is so dramatic, it's gosh, I think people can actually work there.

Brent Robertson: It couldn't have gotten much worse.

Commissioner Musgrave: So, you should be really proud of the work that has been done. I just wish that we could have brought that lighting, the candle foot lighting change to all of the rooms. I guess, I'm upset that the third floor was mostly left off of that, and that's where our county departments are. It's still incredibly dim up there. Maybe in the future we can rectify that.

Brent Robertson: Yeah, I know we spoke about that earlier, and I didn't have a good answer for you at that time. After doing some research, we, basically, did as little as we could on the third floor, because of some constraints that the historical society had asked us about.

Commissioner Musgrave: Thank you.

Brent Robertson: Okay. Thank you.

President Crouch: Thank you, Brent. New item, or new business. I don't know if this is old or new, but the Commissioners were at the Convention and Visitors Bureau board meeting this morning. The Convention and Visitors Bureau did pass the extension of the 2% hotel/motel tax through the year 2009, with it then to continue at 1% from there on. In light of the fact that we did a former resolution, you know, to the legislature asking that it be set in at 2% through 2010, would the board like to make a motion that we send a letter to the legislature supporting the change that the Convention and Visitors Bureau did make this morning?

Commissioner Musgrave: Oh, definitely. I'll make that motion.

Commissioner Nix: I guess, before, that was through 2009, and then 1% thereafter, is that correct?

President Crouch: That's my understanding, yes.

Commissioner Nix: Okay, I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other new business?

Commissioner Musgrave: There is, well, legislative priorities. We had talked earlier about what we were going to plan to do at the legislature. So, I just want to inform the Commissioners that I will continue to work on specific property tax legislation. I'll watch the bills that go through, anything that would reduce the cost to county government for raising, collecting the data for taxes, generating tax bills, I'll be looking at that. I would specifically like to see the legislature eliminate the personal property tax form 101. I've asked if there are any bills that have that in it. I'll ask for it to be amended or put in next year, but that's the sort of thing that takes a long time. There are other minor, they seem minor changes in the law, but for officials having to do the work it occupies, and a number of employees way too much time and money. The ability to grant tax abatements is a law that is sun setting this year, and I will work to make sure that that does not sunset, so that we can keep that economic development tool going. Of course, the hotel/motel tax issue that we have

here. I'm really pleased that the Convention and Visitors Bureau took such an interest, and they are going to continue to help us with that. But, that is basically it. I'm very interested in what's going to happen at the legislature this year. I think we're going to see so many changes, and that they are going to come probably all in a rush at the end, and I don't want them to rush on us, I want us to be part of that. So, I'm just excited about the things that are going on up there.

President Crouch: Commissioner Nix? The only, and I echo your sentiment, the only other, there are a couple of bills regarding designating Mesker Park Zoo for revenues to come there, and Representative Becker has one of the bills, and I have asked her, and she has indicated that she will amend that to also include Burdette Park, which I think would be a positive. Then Senator Server also has a similar bill, and I think we should contact him to do the same on that. I also think that, not only should we work with the legislature, but we should work hard and lobby our departments, state departments for action that would benefit Vanderburgh County. Some of that would be the I-69, you know, that we are to receive monies later this year, and I think we need to be in close contact, and be on top of that at all times. Then, maybe look at ways to perhaps get Vanderburgh County and our surrounding counties, our neighboring counties in attainment, ozone attainment. So, you know, I would like to be involved in those projects. But, certainly, anything that we can do to benefit the citizens of Vanderburgh County, we're going to do. Thank you, is there any other new business?

David Kifer: (Inaudible. Not at mic.)

President Crouch: Sir, we're doing Commission business now, when we have public comment—

David Kifer: Oh, I'm sorry.

President Crouch: That's okay.

Commissioner Musgrave: New business, yes. The Mayor and I've been watching this percolate it's way through the neighborhood associations and the Police Department. The Mayor yesterday released a press release about the drug house ordinance for good neighbors. My understanding of this is that it would make the landlords accountable for the activities conducted on their property. They are proposing an ordinance to be adopted by the city. If I understand this fully, if you have a house and you rent it out and the people in the house are using it for illegal drug activity, after due process, if that continues, I think that they could even take the house. I would like us to ask the Sheriff to look at this ordinance and let us know whether or not we should pass it for the county. Because my fear is, is that if the city passes this ordinance, and the drug dealers are forced to move, they just move across the city line into the county. Frankly, if they're going to move, I would like to move them across the county line.

President Crouch: Or to jail.

Commissioner Musgrave: Well, that too. So, do I need a motion to send this to the Sheriff for his recommendation?

President Crouch: If Commissioner Nix would like to make a motion, or if you would like to make a motion. I would also say that we need to get it to our County Attorney so that he also can review it. Do we need to—

Commissioner Musgrave: So, I make that motion to give it to the Sheriff and the County Attorney for their review.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And we will change the tape.

(Tape change)

President Crouch: Alright, any other new business?

Old Business

President Crouch: Old business.

Commissioner Musgrave: I do have old business regarding the televising of the meetings. I wasn't able to make the Building Authority meeting last week, as I was out of town, but the attorney, Joe Harrison, Jr., did report to me that the Building Authority has agreed to pay for the moving of the cameras from the Commission room to this room, so that we won't incur costs for that. So, as soon as they can work out the details of getting the wiring and the cameras all in place, we'll be able to resume. Our contract, as it stands, is for one year. I believe that one year is up in October—

President Crouch: It's November, I believe.

Commissioner Musgrave: November? Of course, we have a certain funding amount that was set aside for that, some \$20,000. So, our question then, the question I pose to you, is should we send a letter to the County Council asking them to participate in the televising of these meetings? We could do two Commission meetings a month, and do the two Council meetings. We would stay within our budget, and fulfill our contract for the year. Once I know when the cameras will actually physically be here, then I can start projecting how many meetings we'll be able to televise, and how much cost. Because, we certainly don't want to go over that. Just a little bit more about the funding, we would have to put in the budget this year for additional funding for next year. Because the agreement with the Building Authority to use the bond defeasance money is only for this year. So, Council would have to approve any funding for future years. At that time, they could renegotiate the \$200 an hour fee, but right now we have that as a contract that we have to work with. I have also spoken today with Councilman Keith Jarboe about the city taking advantage of the cameras being here. I know that they have some bond defeasance money coming to the city as well, and even though I don't support using future revenues for current expenses, that is what's being done in the case of the county. So, they have some money coming back, and they could fund their project identically to ours. Mr. Jarboe has indicated to me that he will take this question, request, concept to City Council's Monday meeting on February 7th.

Commissioner Nix: Have you had conversation with the County Council on splitting the meetings up two and two?

Commissioner Musgrave: No, not at this point. I wanted to ask you first.

Commissioner Nix: I have no problem with that at all.

President Crouch: I certainly think that we ought to make that opportunity available to them. Of course, it's their decision whether they want to be televised, but I think it's--

Commissioner Musgrave: I'll try to get a letter to them so that they receive it first thing in the morning. They have a meeting tomorrow, maybe they would even have the opportunity to discuss it tomorrow. If not tomorrow, then, I think we have a few weeks before the cameras actually arrive in the room.

Commissioner Nix: The cameras will be relocated from the other room then to this room?

Commissioner Musgrave: Right. The last time we talked with the technical people about this, they were going to leave all the wiring and mounting in that room, and install new wiring and mounting here. So, that if you ever wanted to resume televising in that room over there, you would just have to buy new cameras, you wouldn't have to rerun all the wires.

Ted C. Ziemer, Jr.: I just have a question. The \$20,000 of funding, is that the bond defeasance money that we're talking about?

Commissioner Musgrave: Yes, it is.

Ted C. Ziemer, Jr.: And that would be for not only the....now, what about the cost of moving? Are they doing that with bond defeasance money, or not?

Commissioner Musgrave: No.

Ted C. Ziemer, Jr.: No, okay. That's with other Building Authority money. Then they will also cover the two, I'm just thinking about developing the agreement. They will do the \$200 an hour for the televising as well.

Commissioner Musgrave: Pretty much leaving the same terms in place.

Ted C. Ziemer, Jr.: In place. Thank you.

President Crouch: Do we have a motion to that effect?

Commissioner Musgrave: I'll make a motion to send a letter to Council.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other old business?

Commissioner Nix: Madam President, I have one issue. This is pertaining to the County Highway Superintendent department. I would like to make a motion that we

withdraw request of transfer of \$16,003 from the Assistant Supervisor position to the Supervisor position, and a repeal of \$24,281 from the Assistant Supervisor's position to the County Highway fund. This is in reference to the pay increase of the Highway Superintendent and the elimination of the Assistant Superintendent's position.

President Crouch: Is there a second? I will second that motion. I believe the attempt was to streamline the County Highway Department, and to get the pay in parody with the private sector, and also to save by doing that, by this action we would have saved the taxpayers over \$50,000 a year. In the course of four years that would have amounted to \$200,000. But, I will second your motion at this time. All in favor?

Commissioner Nix: Aye.

President Crouch: Aye. Opposed?

Commissioner Musgrave: Aye.

President Crouch: So ordered. Any other old business to come before the board?

Public Comment

President Crouch: At this point in time we have public comment. Is there anyone in the audience that cares to speak to the Commission.

David Kifer: If I may. I just need to make a brief record. Verdelski Miller is my attorney, in 82D03--

President Crouch: Your name, sir? And address?

David Kifer: I'm sorry. My name is David Kifer. My address is now 1128 Missouri St. I just recently moved. Verdelski Miller was appointed to represent me by the Public Defenders office in 82D03, or, no, excuse me, in 82D020308CM0660. This case was formerly 82D050307CM04488. The cause number was changed and twelve minutes were not transferred, it created a fifth amendment violation against double jeopardy. I cannot get the Clerk's office to consolidate these cases. I cannot get in the Clerk's office. They are telling me it's trespassing. I can't get in to get to my files. I'm trying to appeal this case. I can prove my innocence. I just recently, I came in and spoke with the County Attorney before this Commission met today, and he advised me to go talk to my attorney. Well, I went to the Public Defenders office, and apparently the Public Defenders office does not want to be held accountable for this, because they say Verdelski Miller is not affiliated with the Public Defenders office. I would have to pose the question, who is paying this man to represent me? I don't understand this. These cases are related to 82D0303PL00933NN0660, which is also 04488. There was no complainant signature on the arrest report, and all three of the state's witnesses refused to execute the document in the presence of the jury. You cannot prosecute a person under trial rule, uncited, I can't think of it, without executed documents. Furthermore, you have to transfer the minutes of these cases. They are not, I am sorry to trouble you people, I know you have business, but I am a human being, I am a citizen of this county, the rights are retained by the people, and I'm exercising due diligence to get to the bottom of this, because Judge Pigman's office, and Judge Pigman himself, I

am not ashamed or afraid to say committed a crime of false informing against me, merely by not filing my civil—

President Crouch: Mr. Kifer, thank you for your comments, and we appreciate you sharing them with us—

David Kifer: I need your help.

President Crouch: —but, at this point and time, Mr. Ziemer, do we have any recourse?

David Kifer: I understand—

Ted C. Ziemer, Jr.: I advised you before the meeting, and I advise you again that there's nothing that this Board of Commissioners can do for you at this time. I will re-extend my offer to talk to your attorney. You selected your attorney—

David Kifer: I don't even know who's paying him.

Ted C. Ziemer, Jr.: — Verdelski Miller.

David Kifer: I mean, who is he working for? I mean, he's not working—

President Crouch: Sir, you're out of order.

Ted C. Ziemer, Jr.: The Public Defenders office agreed to compensate Verdelski Miller as an accommodation to you, even though he was not on that staff. Verdelski Miller you selected as your attorney.

David Kifer: I didn't select not to have fair justice though.

Ted C. Ziemer, Jr.: But, you did select Verdelski Miller.

David Kifer: You can't say because I got a bad deal, that I waive my rights—

President Crouch: Sir, would you let the County Attorney finish, please?

David Kifer: Yes, ma'am. I apologize.

Ted C. Ziemer, Jr.: I've asked you to have him call me. If he has a suggestion as to what the County Commissioners can do to assist you. You told me that you called him and told him to call me, but he has not done that.

David Kifer: He was supposed to be here at this meeting today, and he has stood me up. I want that on the record as well. He was supposed to be here. He wrote it in his book, and he's not here. I can't, you know, well, it's like, well, everybody, nobody wants to do anything, but I'm not going to leave. I want my right of redress, and I have that right in this country.

President Crouch: Sir, not at this forum, and I'll please ask you to take your seat.

David Kifer: Well, how, at what forum do I go to, Ms. Crouch?

President Crouch: I think that—

Ted C. Ziemer, Jr.: It's the judicial system.

David Kifer: And, and, and the separation of powers is legislative, judicial and executive, with the rights being retained by the people, and that is what I fight for today. I would appreciate this Commission having a little bit more empathy for it's citizens when they are being treated like this by the county.

Ted C. Ziemer, Jr.: We have a great deal of empathy, but there's nothing we can do.

David Kifer: Eight and a half months for a crime that carries six months just to go to trial is a violation of—

President Crouch: Thank you, sir.

David Kifer: —due process.

President Crouch: Sir, thank you.

David Kifer: I need help.

President Crouch: Thank you.

David Kifer: Just to (Inaudible). I mean, why would you want a judge who's creating crimes against the citizens of this county to retain his self on the bench?

President Crouch: Sir, you are out of order.

David Kifer: I do not understand that.

President Crouch: Can you please take your seat?

David Kifer: Thank you, I have finished.

President Crouch: Thank you.

David Kifer: Have a nice day. Thank you for letting me make a record. I'll see you again.

President Crouch: Thank you. Is there anyone else from the public that cares to address the Commission?

Consent Items

President Crouch: Moving on to consent items. There are two changes that we need to make. If your motion would include deleting the payment of requisition number 49 for the jail construction fund, that was done at a previous meeting, and if your motion could also include the terrorism risk insurance of 2002, which the insurance agent brought by that requires signatures that need to be filed.

Commissioner Musgrave: Question, last week we had a jail, or a Shireman document with a bunch of claims for payment, and I had a question on one of those. What was the resolution of that?

Commissioner Nix: I have not gotten an answer back from them yet.

Commissioner Musgrave: Then, that's not on this list then?

Commissioner Nix: No.

Commissioner Musgrave: Okay. I would like to hold out the Perry Township Trustee's standards for acceptance from my motion. I make a motion to accept the items as listed with the changes that Commissioner Crouch just added.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: We have the Perry Township Trustee standards for acceptance which consisted of essentially a one page document listing salaries and amounts of money that food will be allowed in, and a couple of other things. I contrast that with the Knight Township Standards that we passed last week, which is, gosh, many pages, giving lots of information to people who need aid. All sorts of details, I think, that would be helpful for people. So, I will make a motion to ask the Perry Township Trustee to beef up their standards a little bit.

President Crouch: Has the County Attorney looked at that? Is that required? I mean, is what the Perry Township Trustee submitted, is that, is this something we could take under advisement—

Commissioner Musgrave: Alright.

President Crouch: —and let the County Attorney look? Because I want to be sure that—

Commissioner Musgrave: I agree.

President Crouch: — you know, that the offices are meeting the standards that are dictated by law.

Ted C. Ziemer, Jr.: Sure, I would be happy to look at them.

President Crouch: So, if we could hold that, and, which we've already voted on holding it, but have the County Attorney take a look at it and report back?

Commissioner Musgrave: I'll make a motion that the County Attorney take a look at it.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. With there being no further business to come before the Commission I will take a motion for adjournment.

Commissioner Nix: I make a motion we adjourn.

Commissioner Musgrave: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

(The meeting was adjourned at 4:24 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (2)	VCCC (3)	Prosecutor (1)
County Clerk (1)		

Travel Requests:

Health Department (1)	DADS (2)	SWCD (1)
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Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	

Commissioners:

SWIRDC- Jobe’s Lane block grant project report.
Torian Hofmann & Dillow: Terrorism Risk Insurance of 2002 &
All Lines Aggregate Public Entity Package Application &
Claims Service Contract with Alternative Services Concepts (ASC)
Surplus Request Letter: Fax machine.

Prosecutor:

SW IN Multi-Agency Drug Task Force Grant Renewal Application.

County Engineer:

Surplus Request Letter: HP printers.

Jail Expenses:

Payment Requisition No. 50: \$267,165.42
Payment Requisition No. 51: \$798,307.39
Shireman Payment No. 7: \$64,035

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
B.J. Farrell	Phil Lawrence	John Stoll
Mike Duckworth	Ken Robinson	Brent Robinson
David Kifer	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
FEBRUARY 1, 2005**

The Vanderburgh County Board of Commissioners met in special session this 1st day of February, 2005 at 3:00 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission special meeting to open bids for VC-02-2005. I will do away with any of the normal procedures that we go through, and we will just open the meeting to do this one.

Open Bids for VC-02-2005: Tax Bills

President Crouch: Is there anyone in the audience who has bids to submit at this time? Seeing none, do I have a motion to open VC-02-2005?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Here, help me. This says the opening time is 3:30.

Phil Lawrence: But, I think Madelyn had that the—

Madelyn Grayson: I've got the legal ad here, it says 3:00.

Phil Lawrence: Okay. So, I guess, we go by the—

Ted C. Ziemer, Jr.: Well, the legal ad said 3:00, but, now, this was put on here by your office?

Phil Lawrence: I wrote it, but that's what she put on her bid, to be at 3:30.

Ted C. Ziemer, Jr.: Do you have any other bids?

Phil Lawrence: No.

Ted C. Ziemer, Jr.: So, anybody else to have known about this could only have seen the ad—

Phil Lawrence: Right.

Ted C. Ziemer, Jr.: —which said 3:00.

Phil Lawrence: Right.

Ted C. Ziemer, Jr.: So, their bids would have had to have been here by 3:00, even though this is written 3:30 to this particular company. Now, did we write 3:30 on anybody else's?

Phil Lawrence: We wrote 3:30 on everyone else's. I think what happened was that day we came in and met, and I thought you guys were going to meet at 3:00, and after I left, you changed it to 3:30, but I sent the ad out prior to changing the bid.

President Crouch: Is it possible that we can recess this meeting, and then right before the 3:30, or do we even need to do that since it was advertised for 3:00?

Ted C. Ziemer, Jr.: No, my suggestion would be, Madam President, that we open the bids at 3:30, at our regular meeting, and simply adjourn this meeting. Nobody can be, no prospective bidder can be hurt by that. If they had them here by 3:00, we would certainly have them by 3:30. And, there may be somebody else who got this that said 3:30, who will come in at 3:30. So, I think we should do it at that time.

Commissioner Musgrave: Move to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

(The meeting was adjourned at 3:05 p.m.)

Those in Attendance:

Suzanne Crouch

Bill Fluty

Madelyn Grayson

Cheryl Musgrave

Ted C. Ziemer, Jr.

Others Unidentified

Bill Nix

Phil Lawrence

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 8, 2005**

The Vanderburgh County Board of Commissioners met in session this 8th day of February, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, February 8, 2005. I would like to do introductions. I am Suzanne Crouch, County Commissioner President. Welcome.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner Cheryl Musgrave.

Commissioner Nix: Commissioner Bill Nix.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: County Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Brad Ellsworth: We need another sheet.

President Crouch: Oh, you need another sign in sheet?

**Approval of February 1, 2005 Commission Meeting Minutes
February 1, 2005 Special Meeting Minutes &
February 1, 2005 Department Head Minutes**

President Crouch: First order of business is approval of minutes. The chair will entertain a motion.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mulberry Center/EAP Contract

President Crouch: Action items, we have some contracts, agreements, and leases. The County Commissioners have several, the first is the Mulberry Center/EAP agreement. Has this been reviewed by the County Attorney and found to be in order?

Ted C. Ziemer, Jr.: It has.

President Crouch: Do any of the Commissioners have any questions? Motion please.

Commissioner Musgrave: Motion to approve the Mulberry Center/EAP contract.

Commissioner Nix: I second the motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

YMCA Contract

President Crouch: The next item is the YMCA contract.

Commissioner Musgrave: Motion to table for further review.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

EARC Contract

President Crouch: The next is the EARC agreement. County Attorney, that has been reviewed, correct?

Ted C. Ziemer, Jr.: It has, yes.

President Crouch: Commissioners?

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Integra Bank: Escrow Agreement: Peyronnin Construction: Jail Project

President Crouch: Our last Commission agreement/lease is with Integra Bank for an escrow agreement.

Commissioner Nix: I make a motion to approve.

Commissioner Musgrave: So moved, second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

R & R Hauling Contract: Health Department

President Crouch: Next are agreements, leases and contracts with other offices and departments. The first is the Health Department, R & R Hauling.

Commissioner Musgrave: Motion for approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Business Equipment Distributors, Inc.: Maintenance Agreement
Purdue Co-Op Extension**

President Crouch: The Purdue Co-Op Extension maintenance agreement.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Vacation and Reestablishment of Perpetual Drainage Easement:
Red Bank Development LLC**

President Crouch: The next item, action item is vacation and reestablishment of perpetual drainage easement, Red Bank Development LLC.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Madelyn Grayson: I did have a question about that. Does that need to be recorded, that document?

Ted C. Ziemer, Jr.: Yes. It does.

Madelyn Grayson: Thank you.

Permission to Advertise Statement of Receipts, Disbursements & Wages for 2004

President Crouch: The next item, the County Auditor, permission to advertise statement of receipts, disbursements, and wages for 2004. This is an annual ad.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

EPD: Waiver of Rental Cost for the Centre

President Crouch: Evansville Police Department, waiver of rental cost for the Centre.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Our department head reports. Only department heads that require action by this board need to come forward at this time. Burdette Park is not here. County Engineer.

Patrick Seib: Good afternoon, Patrick Seib, Assistant County Engineer. The only item that I have this afternoon is to submit the three letters that John Stoll drew up to Congressman Hostettler, and Senators Lugar and Bayh, asking for their support of the University Parkway Project.

President Crouch: Motion to sign?

Commissioner Nix: I'll make that motion.

Commissioner Musgrave: I'll second it.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Patrick Seib: That's all I've got, unless you have any questions.

President Crouch: Questions, Commissioners?

Commissioner Musgrave: No questions.

Commissioner Nix: No.

President Crouch: Thank you very much, and thanks for your help at the road hearing last night.

Patrick Seib: Thank you.

County Highway

President Crouch: County Highway Superintendent.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission, ladies and gentlemen. Mike Duckworth, County Highway Superintendent. I have two brief items, one has to do with the acceptance of donations of furniture and carpet from Old National Bank, and the County Building Authority for improvements to the office area, and one individual for carpet. None of these individuals or companies do any business whatsoever with the County Highway Department, and I would ask for your approval of the acceptance of those donations.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: Lastly, just to give you some information that we met with FEMA this morning, and we're in the process of assessing damages in the county area regarding flood control. The state of emergency was declared in regards to the snow removal, we're putting those figures together, but we're in the midst of putting that together for FEMA now in regards to flooding, and we'll get that report back to you.

President Crouch: Questions by the Commissioners? Thank you for your help at the road hearing last night.

Mike Duckworth: Thank you.

Commissioner Nix: Thank you, Mike.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: I have three quotes here, which I believe were also in your packets that were received for cleaning services for the Drug and Alcohol Deferral Service office. There's one from V.I.P. for \$123.63 a month, one from A&J Cleaning for \$165 a month, and one from Hasgoe, H-a-s-g-o-e, Cleaning for \$182 a month. The apparent low bid would be \$123.60, bid by V.I.P., and I'm also advised by the Drug and Alcohol Deferral Service that they did find their bid to be most responsive to their needs. So, if there's a motion.

Commissioner Musgrave: Motion to approve the low bid.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business?

Ted C. Ziemer, Jr.: Well, yes, I wrote, at the direction of the Commissioners, the Perry Township Trustee, and the Knight Township Trustee regarding their determination of standards for poor relief, basically. It was suggested that perhaps I should contact the other townships. Have you received reports from, I mean, I'm not sure I'm supposed to call them and say you're supposed to file a report. I'm happy to do that, if that's what you want me to do. These two had filed reports, and I responded to them. If you want me to contact the others and tell them that they have to file a report, and then I'll look at it when I get it. Whatever you want me to do.

President Crouch: If they're required by law I think that's appropriate.

Ted C. Ziemer, Jr.: They are required by law, and, so, I don't know.

President Crouch: Would someone like to make a motion to direct the County Attorney to do so.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: He'll do it. Okay, that's all I have.

President Crouch: Thank you, Mr. Ziemer.

Board Appointments

President Crouch: The next item is board appointments. We have several appointments that we want to go ahead and make. The chair will—

Commissioner Musgrave: I need the list.

President Crouch: Alright.

Commissioner Musgrave: We have several boards, and I would like to make them all as a group. Human Relations, I would like to nominate Roberta Dunlap. For Home Inspectors, Mike Hirsch. For the Redevelopment Commission, Ross Rudolph and Jake Fulcher. The IT Board, Kenneth Larmore. For the Health Department, Dr. Ray Nicholson, and Catherine Engel. For EMA, Brad Ellsworth, John Buckman, Keith Kahre. For WIB, Christie Bradley. That's in the form of a motion.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business, the first item is surplus property procedures. This was actually some procedures on how to dispose of our surplus property. I did share that with the Auditor's office, met with the Auditor, he had several good suggestions. I tried to incorporate those, and what the Auditor suggested is that perhaps we circulate those to some of the other offices and departments to get their input, and maybe even discuss it at the February 24th meeting with the Commissioners coffee meeting that morning.

Commissioner Musgrave: Alright. I would kind of like to know the procedures we're following in the meantime. Are we holding all property until we establish these procedures, or is something else occurring with that property?

President Crouch: I believe that the last action that was taken by the board was to see if, and please correct me if I'm wrong, to see if other offices wanted to have access to the surplus property. The Building Authority was going to contact other county and city offices, and after that then contact non-profits. It is my understanding that is how it's proceeding. I don't believe we've been given any lists as to who has accepted that property, and that might be the appropriate thing to request that list from the Building Authority, so, that we could approve it at our meeting.

Commissioner Musgrave: Well, I would like for him to hold off on giving anything to anyone who is non-governmental at this time. Would a motion be appropriate at this meeting, while we work on these final surplus property procedures?

President Crouch: Certainly, if that's your pleasure.

Commissioner Musgrave: Yes, I would like city and county offices to be consulted about the surplus property, but everything else be held until we get our procedures in place. That's in the form of a motion.

Commissioner Nix: I'll second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The next item on the agenda is sale of county surplus. I believe that we had talked, I know there's quite a bit accumulating that Mr. Rector had spoken to the Commissioners about a sale prior to this meeting, and certainly we don't have to set that date now, but, I think, we need to look at some time, May or June, when the weather is nice that we probably need to go ahead and have the sale. Does anyone care to comment?

Commissioner Nix: I guess, one question that I have is if something doesn't sell, what's the procedure at that point then?

President Crouch: That will be part of our surplus property procedure.

Commissioner Nix: Okay. I just want to make sure that we've got that covered.

President Crouch: We would like your input on that.

Commissioner Nix: Okay. Let me look at that.

Commissioner Musgrave: I've heard that in the past, perhaps suspended in recent years, but we always held an auction at least once a year. I think it would be wise to return to that, so, that everyone can always be assured of what has happened to surplus property here. So, I would like to say that we need to look ahead and get a date established and maybe direct whoever is appropriate at this point, either our employee or Mr. Rector to establish a date for that, and select a vendor as well.

President Crouch: Actually, I believe the Commissioners conduct the sale, so, that would be something that our—

Commissioner Musgrave: New employee?

President Crouch: —yes, would be doing in the future.

Commissioner Musgrave: Do we need a motion to direct her to do so?

President Crouch: I don't think at this point in time. We have received from the Auditor's office a listing of all the assets that are in the Commissioner's name, that does include surplus property. I think the next step is to actually physically go and inventory and to check the records to see what we are showing that we physically

have, and at that point in time, as other offices will be doing. So, I think, you know, that's something we should consider in the future, but I think we need to work through those steps first.

Commissioner Musgrave: Now, there is one other type of surplus property that I haven't heard discussed recently, and that is the real estate that the county owns. Have the County Commissioners conducted an auction of surplus real estate lately?

President Crouch: They have, typically about what, every year, year and a half?

Bill Fluty: I don't believe they did one, they did not have a Commissioners sale last year. But, we are going to have an expedited sale, I think, February 28th, and as soon as that sale's over, anything that doesn't sell, actually goes to the Commissioners who sell their certificates, and what doesn't sell from there remains on your list.

Commissioner Musgrave: Will you be asking us to set a date to auction that?

Bill Fluty: I've had a meeting with Nick Cirignano?

Ted C. Ziemer, Jr.: Right.

Bill Fluty: He's going to be handling tax sale, with our tax sale, and then he'll help you with your Commissioners sale.

Commissioner Musgrave: Alright.

Bill Fluty: There's different procedures for your sale.

Commissioner Musgrave: I know that when you go on the Assessor website and search under Vanderburgh County or county, many, many properties come up. Does anyone ever go through that list to see whether there's stuff that perhaps we haven't noticed should be sold?

Bill Fluty: I believe the former Commissioners were handling that list. Once it gets in their name they're determining whether that should be sold, or that is property that they want to keep. Then they move that list to their Commissioners sale.

Commissioner Musgrave: So, maybe we can have Nick take a look at all of that when he brings the stuff from the tax sale forward.

President Crouch: The next item is purchasing policy procedures. Again, this is procedures that we are developing. The Auditor's office has been very helpful with this. I still need to have a meeting with the Auditor so we can kind of fine tune it a little bit, and then again get it out to other offices for their input, and have it on the agenda for February 24th.

Commissioner Musgrave: Okay.

President Crouch: So, nothing to take action on at this point in time.

Commissioner Musgrave: Okay.

Old Business

President Crouch: Next item is old business. This kind of goes along with the County Engineer, the letter that he had us sign for Representative Hostettler, Senators Lugar and Bayh, for University Parkway funding requests. If it pleases the Commission, perhaps we could ask Posey County Commissioners to also do a letter of endorsement for that project to send to Senator Lugar, Bayh, and then Representative Hostettler. I'll entertain a motion to that effect.

Commissioner Nix: I will make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Other old business?

Commissioner Musgrave: Yes, I have some old business regarding the television. We've been informed that the cameras will be moved, apparently, on the 16th, which if there's no delay in the cameras being moved, then we can start broadcasting on the 22nd. I've also done up a spreadsheet of the Commission meetings and the Council meetings through the end of September, and while I don't have the figures yet as to how much has been actually expended on televising to date. If all those meetings, except for the budget hearings, only take an hour, and the budget hearings are scheduled for three hours, it looks like we would still only be spending less than \$15,000 through the end of September. So, what I would like to propose to the Commissioners is this, let's go ahead and televise all the Commission meetings, all the Council meetings, including the budget hearings until we run out of money. Then, at that point, we can either stop for the year, as our contract will have been fulfilled in a monetary way, or go ask for more money, or search our budget at that time. By that time, the state approval of the budget will be done, more final figures will be in, we can make determinations later.

President Crouch: I think that's a good recommendation. I personally think we need to either seek an additional appropriation or find the money in our budget to continue through the end of the year, but, at this point in time, if you—

Commissioner Nix: And you've had conversation with the Council on this? I mean, as far as—

Commissioner Musgrave: The Council, at their last meeting, voted to televise their meetings. There was some expression that we were going to pick and choose our meetings, so, that's why I went and spread sheeted it out. How many could we afford to do with the money we have? It looks like we can afford to do all of them through the end of September, and then, as you suggest, we will look for more money to continue through the year. So, I don't think that we need a motion, because we've already agreed to televise our meetings, but if you want one, we can.

President Crouch: I guess, we don't need a motion. That's fine.

Commissioner Musgrave: Okay.

President Crouch: Thank you for that report.

Commissioner Musgrave: So, I will share the entire calendar with WNIN, and with the Council, so, that everyone knows which meeting is when.

President Crouch: And would you address the issue of switch, being able to control when the cameras and when the sound goes on air?

Commissioner Musgrave: Yes. I also think that we need to have a monitor, and I don't know if cable was run to this room. Mr. Rector, was cable t.v. run to this room?

Dave Rector: No, it was not.

Commissioner Musgrave: How much would it cost to get that here? He's responding no for the minutes.

Dave Rector: No, we didn't....is this on? We didn't run cable to this room, but it wouldn't be that big a deal to do it. We would just have to try to figure where you think we might put the t.v.

Commissioner Musgrave: You decide.

Dave Rector: Okay. But, yes, we can do that, and as you know, it's no cost for the cable, so, we'll try to get that in next week too, at the same time that we're doing the cameras.

Commissioner Musgrave: Alright, if you could make the cable thing floor level, the Commissioners already have a television, so, we could just wheel that thing right on in here, and then wheel it out when we're done.

Dave Rector: That would be good, well, we have a receptacle here, maybe it would be good if we just get it in this location over here and then run it down—

Commissioner Musgrave: That might work.

Dave Rector: Okay.

Commissioner Musgrave: Okay, thank you.

Dave Rector: We'll do that.

Commissioner Musgrave: Thank you for your help on, I understand that you got the cost to move the cameras considerably lower than the original.

Dave Rector: Yeah, it came down. It was \$2,500, and, I think, I told you the Building Authority will take care of that out of our budget.

President Crouch: And thank the board for us, would you?

Commissioner Musgrave: We appreciate that.

Dave Rector: Then, I'll bring up also how we're going to pay. Before it was going to be Commissioner meetings, and I really don't think our board will care how it's split. We just need to go back to change the motion. I'll do that at our meeting this month.

Commissioner Musgrave: But, that won't impede us from getting started?

Dave Rector: No, not at all.

Commissioner Musgrave: Good.

President Crouch: Thank you.

Dave Rector: Thanks.

President Crouch: Any other old business?

Commissioner Musgrave: Yes. I had given the city's proposed drug house ordinance to our attorney, and to the Sheriff and asked them to comment. Do you have any progress report at this time?

Ted C. Ziemer, Jr.: I did review it. I've discussed it with David Jones. He advised me that it was going to be brought to City Council last night. I haven't read a paper today, so, I don't know what City Council did with it last night. I've read the comments in the newspaper relative to constitutional issues. I've broached that question to David Jones, he told me that the ordinance was identical, with some tweaking, to one used, and, I think it's Fort Wayne. I'm not positive of that, but Fort Wayne or South Bend. I asked whether that ordinance had ever been tested in court? He said he didn't know, but he was going to check on that before the meeting last night. I've done nothing further.

Commissioner Musgrave: Okay. Did the Sheriff have any thoughts on it?

Brad Ellsworth: Brad Ellsworth, Sheriff of Vanderburgh County. Like Commissioner Musgrave said, she sent me down the ordinance, I reviewed it one time. I think it might behoove us, and I heard, at least on the news, and I hate to quote the news, but they said it had been tested and held water up in Fort Wayne. But, I think it might behoove this Commission, they are holding another meeting next Monday night for public comment, and I think that might be something that I would like to attend that to see both sides. I know some of the things we talked about implementing fines for in ordinances, it costs us as much to collect the money as it does of what we might take in in fines and that. So, it might be something, I think it's a comprehensive ordinance, but there's things I would like to see in there to, obviously, protect people's rights, and maybe tweak that a little more. Plus, hear what happens next week before we, or you all would move on something like that. It would give us a chance, I would like to also call the Sheriff's office up there in South Bend, and see if they have any experience with that.

Commissioner Musgrave: Would you also talk to the Police Chief here?

Brad Ellsworth: Yes.

Commissioner Musgrave: And discuss any relevant issues with him?

Brad Ellsworth: Sure. Absolutely.

Commissioner Musgrave: Thank you.

President Crouch: Thank you, Sheriff. Any other old business?

Commissioner Musgrave: I don't think so.

Public Comment

President Crouch: Alright, next item on our agenda is public comment. Is there anyone in the audience who cares to comment to the Commission at this time?

Jerry Jones: Jerry Jones, 4039 Lyle Road. This is old business, I believe. John Stoll stood before this Commission about three weeks ago and asked permission to submit, I think, it's an IDEM report. That was the last thing in order to put it up for bids. Patrick just advised me that he got the thumbs up on it. So, I was wondering when we could expect a motion to put Lyle Road up for bids?

President Crouch: I guess, you know, Mr. Stoll had surgery today. So, when he is back next Tuesday, maybe that's an issue that he can bring up. Unless Mr. Seib is comfortable bringing it up.

Patrick Seib: I can just verify what Mr. Jones just said. Our water quality certification was okayed by IDEM. So, that clears the way. We have no more permits that we would need to acquire. We do already have the right-of-way necessary for the project.

Commissioner Musgrave: And the funding is in place?

Patrick Seib: Yes, I believe, I'm not sure what the exact amount is. I believe that our estimate is approximately \$20,000 or \$30,000 more than what's in that line item.

Commissioner Musgrave: So, you'll ask him to bring that to our attention next week, in some form?

Patrick Seib: Yes, I can do that.

President Crouch: Okay. So, I believe we'll wait until Mr. Stoll is back. Do you think one more week will be a breaker?

Jerry Jones: Okay.

President Crouch: Thank you. Is there anyone else from the public who cares to make comment at this time?

Jack Waldroup: Jack Waldroup, United Consulting. Sorry I missed the old business, I was back there listening to Dave snore. A couple of week's ago there was a, we had an invoice up here, and it was held for three dollars and something cents. Or something about postage. Is that, and what I'm looking for is a copy of that invoice, so, we can clear that up through our office. If we made a mistake, and we have been known to make mistakes, I mean, we admit, I just want the office to find out why it was sent....it's Gibson County something, I don't know. Does anybody know anything about that?

Commissioner Nix: Yeah, we can get you a copy of that.

Jack Waldroup: That's what I would like to have.

Commissioner Nix: Also, I had asked your representative on site to have back up for all those itemized lists.

Jack Waldroup: Yeah, okay. That's what, if we made a mistake at the office, we apologize.

Commissioner Nix: That's fine.

Jack Waldroup: Apparently, in the shuffle within the last from 11/30/2004 to 1/27 there were two invoices sent up here, the same one. Excuse me, and you paid both invoices. They are the same invoice, so, I have a check here for \$9,899.

President Crouch: We'll have a motion to receipt that in.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: So ordered.

Jack Waldroup: (Inaudible. Not at mic.) Thank you.

President Crouch: Are you feeling poorly?

Jack Waldroup: Yes.

President Crouch: You sound bad. We'll get a copy of that for you, Mr. Waldroup. Thank you. Next item on the....is there anyone else from the public who cares to comment at this time? Seeing none.

Consent Items

President Crouch: Next item is consent items, and the only change I have is the County Commissioners, I would like to withdraw that travel request.

Commissioner Musgrave: Move to approve the consent items, with the one change.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no other business to come before this board, I will consider a motion for adjournment.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

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

(The meeting was adjourned at 3:54 p.m.)

CONSENT ITEMS:

Employment Changes:

Superior Court (1)	Health Department (2)	Public Defender (1)
Supt. Of Bldgs. (1)	County Clerk (3)	Prosecutor (3)
Auditor (1)	VCCC (1)	Voters Registration (1)
Coroner (1)	Sheriff Department (4)	

Travel Requests:

County Clerk (1)	County Engineer (1)	Health Department (3)
Treasurer (1)		

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	Veterans Service

Commissioners:

Lobbyist Activity Report (Sommer Barnard)
AMR quarterly report.

County Assessor: Booking confirmation for the Centre.

Superior Court: Byrne grant application.

EMA: Statement of work.

Burdette Park: Merchant credit card application.

Sheriff: Jail and Community Corrections weekly reports.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted Ziemer	B.J. Farrell
Madelyn Grayson	Patrick Seib	Mike Duckworth
Dave Rector	Brad Ellsworth	Jerry Jones
Jack Waldroup	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson.)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 15, 2005**

The Vanderburgh County Board of Commissioners met in session this 15th day of February, 2005 at 3:30p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Board of Commissioner meeting, February 15th. I would like to start with introductions. I am Suzanne Crouch, President of the County Commission, and we will move over to my right.

Ted C. Ziemer, Jr.: Ted Ziemer, the Vanderburgh County Attorney. I would like to introduce Katherine Daniels sitting over here in the front row on my left. She is another attorney in our office, and she'll be helping me when I'm out of town by attending these meetings.

Commissioner Musgrave: Welcome. I'm Cheryl Musgrave, Commissioner.

Commissioner Nix: Bill Nix, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Welcome. Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of February 8, 2005 Commission Meeting Minutes
February 8, 2005 Department Head Minutes
January 24, 2005 Rezoning Minutes**

President Crouch: Approval of the minutes, we have the February 8th Commission meeting, the February 8th department head meeting, and the January 25th rezoning minutes.

Commissioner Nix: I make a motion that we approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

YMCA Contract

President Crouch: Our first action item, under contracts, agreements and leases is the County Commissioners contract with the YMCA.

Commissioner Musgrave: I move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

County Treasurer: Agreement with BFOH

President Crouch: The next item is the Treasurer, the Treasurer has an attorney agreement with Bamberger, Foreman, Oswald and Hahn for matters that have to do with her office. I believe the funding is in place and this has been reviewed by the County Attorney.

Ted C. Ziemer, Jr.: Yes, Madam President.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

Change Order No. 2 for Community Corrections

President Crouch: The next item, County Commissioners change order. This is the second change order for community corrections. The total amount is \$13,659, and, Mr. Nix, or Commissioner Nix, if you could kind of give us a brief explanation of this please.

Commissioner Nix: I would like to just start by saying that we haven't done this in the past, and I think it would be important that we bring this to the Commissioners meetings, the change orders, and proposal requests. Typically, the way it's being handled right now, the proposal requests are sent to Mr. Rector, and, now I will be reviewing those with Mr. Rector, and we will either allow the request, or we will turn them around and give them back to the engineer or the architect out at the community corrections or the jail project. This change order is in the amount of \$13,659, and we will be seeing some continual change orders from now until the completion of the project. So, this isn't anything that's new, it's just something that I think we need to make sure that we get on the agenda for the meetings.

President Crouch: Question, this is the second change order for community corrections, is that not correct?

Commissioner Nix: That's correct.

President Crouch: The other one was in the amount of?

Commissioner Nix: It was around \$21,000 or so. It was back in July or August, I'm not for sure of the exact date. I don't have that information with me.

President Crouch: The jail?

Commissioner Nix: Right now, the total amount of change orders?

President Crouch: We've had how many?

Commissioner Nix: There's been quite a few. Quite a few, but some of them are built in to contingencies within the contract, and some of those are outside of those contingencies right now. So, we're working on those.

President Crouch: But, the change orders, as I understand it, are outside the contingencies. That's what I'm concerned about. Anything that is outside the contingency amount.

Commissioner Nix: This amount for community corrections, there was not any contingencies built in to any of the contracts for community corrections. So, this is money that will be paid out of a contingency fund for the community corrections. On the jail project, there has been a contingency set aside for three different sub-contractors, or three different contractors on the site. That money is being spent down as the project goes along. The Commissioners, I guess, haven't really seen that until after the fact. So, I think it's important that we bring this to the Commission meetings from this point forward until the projects are, until both of these projects are complete.

Commissioner Musgrave: And, you'll be reviewing all the documents as they surface?

Commissioner Nix: Yes.

Commissioner Musgrave: Okay.

Commissioner Nix: Yes, that's correct. Like I say, there will be some that Mr. Rector and I will look at for the jail project, and then Eric Williams and I will be looking at the community corrections. He and I will be looking at those together.

President Crouch: Is it possible that a change order will come before the Commission that we will possibly deny, or you will recommend that we deny it?

Commissioner Nix: Yes, there is a possibility. That is correct.

President Crouch: Can you elaborate on the amount, and what it is for?

Commissioner Nix: Well, change order one is for some door hardware changes, and it's in the amount of \$5,530; change order two is in the amount of \$2,464, and it's a parapet wall roof flashing detail that is required to match, what they wanted to do was match the jail project to the community corrections, that's more of a warranty issue. If they do that, they feel like the warranty would be more valid. Item three is some ceramic tile in the men's restroom they wanted to add.

President Crouch: Now, explain to me, and I hate to belabor this, but on a change order, that is something that the contractor or the owner wants to do different that hasn't been built into the plans? Is that—

Commissioner Nix: It could be numerous things. It could be something that the owner requests, it could be something that the architect might have missed that would have been part of the project anyway that the customer would have ended up paying for. It could be a lot of different things, but, typically, it's those two items that really generate a change order.

President Crouch: So, the change order...I don't know if I'm on or off. If a change order comes before us, and you would recommend that it be denied, it would be because it was no fault of the owner that this change order has come about? Is that correct?

Commissioner Nix: That's is correct, yes.

President Crouch: Okay.

Commissioner Musgrave: These change orders are the fault of the owner? Is that what—

Commissioner Nix: No, no. They are things that needed to take place for the project to be completed.

President Crouch: So, they may be additional, or, as you get into the project it's determined—

Commissioner Nix: Right, it's not unusual that there are things that are left off of a drawing. I mean, it's pretty common place, especially, on a project of this size, that the owner would have eventually paid for anyway. So, what you've got to be careful with is that you're not paying for something that is a mistake by someone. I mean, that's really the difference.

Commissioner Musgrave: So, we approved the drawings?

Commissioner Nix: Yes.

Commissioner Musgrave: And, it's our, perhaps, oversight or didn't think it all the way through at the time.

Commissioner Nix: That's correct.

Commissioner Musgrave: Okay.

President Crouch: Do you feel confident that we will be able to finish the project under budget, or at least on budget?

Commissioner Nix: Yes, I do.

President Crouch: Okay.

Commissioner Nix: With what I see right now, I'm comfortable with that.

President Crouch: Alright. And, can you, anything else that we need to know regarding this?

Commissioner Musgrave: Then, I make a motion for approval of change order number two for community corrections.

President Crouch: And, I'll second, oops! Yeah, I'll second? Are you voting?

Commissioner Nix: I abstain.

Commissioner Musgrave: Okay.

President Crouch: Did you state the reason that you're abstaining?

Commissioner Nix: A small part of this is work that's being performed by Industrial Contractors.

President Crouch: Okay. All in favor?

Commissioner Musgrave: Aye.

President Crouch: Aye, and one abstention. So ordered.

County Highway

President Crouch: Next on our agenda, department head reports. Only if a department head has business that needs the action of the board would they appear at this time. Burdette is not here. County Engineer, I don't see the County Engineer. He is here, but he's not here. Okay, we'll move on to the County Highway Superintendent.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission, ladies and gentlemen. Mike Duckworth, Vanderburgh County Highway Superintendent. I come to you unexpectedly to request a brief travel request to go to Boonville, Indiana with three supervisors for a short time tomorrow to inspect equipment and trailers that we're looking to purchase in regards to surplus equipment, as well as cleaning up our lot. And, this will be just a short, probably a couple of hours run, but, we will be leaving the county to Action Trailer to get more prices. This is, they are on the county vendor list as well.

President Crouch: Questions? Do we have a motion?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have. If I could leave this for you to sign please?

President Crouch: Thank you, and thank you for your help at the road hearing last night.

Commissioner Musgrave: Just a side note on the road hearing, I was so impressed with some of the people who brought forward the information about their road with beautiful photographs, lots of lists, that is going to be so helpful for all of us. I failed to thank them last night, so, I would like to thank them on the record today.

County Attorney

President Crouch: Next item on our agenda, County Attorney. Do you have anything to report?

Ted C. Ziemer, Jr.: Well, yes. I just want to report that, you will recall that we wrote the Perry Township Trustee requesting that the standards for poor relief be further augmented to reflect the requirements of the Indiana Statute in that regard. The Trustee there has done that. I see we have down here on the agenda, under consent items Perry Township standards. Those would be approved then today as he submitted them. In addition, we have written, well, Knight Township Trustee is in order, with some slight modifications, which I'm assured will be forthcoming shortly. We've written the other county trustees, township trustees and requested them to provide the standards as required by law, and indicated the statute requiring that. Those letters went out this week, and we should be hearing from them shortly. You, I guess, I received, I'm not sure, maybe I think it was from Ms. Farrell a copy, and then also from Madelyn Grayson a copy of the travel ordinance, or travel expense ordinance of the county. The County Council recently increased the monthly, I mean the weekly, the per mile charge from 28 cents to 30 cents. Our ordinance says that it will be 28 cents "or such greater amount as may be approved by the County Council". In my opinion, you do not have to change the ordinance to have it now be 30 cents, since it says the greater amount approved by the County Council. It would only be if, in the interest of providing more information you wanted to amend the ordinance, so that if somebody looks at it, it says 30 cents instead of 28 cents, and we'll leave that up to the pleasure of the Commissioners. Also, I think, well, when John Stoll talks to you, John, we were going to talk about the Ivy Meadows Subdivision. You'll recall we got a letter from a Mr. Schroeder regarding that subdivision and problems with the developer there. John and I and a representative of the Plan Commission met about that, and when John makes his presentation as County Engineer, he will refer to the steps that we plan to take to try to solve Mr. Schroeder's and the problems of other owners in that subdivision.

Commissioner Musgrave: He's right there.

Ted C. Ziemer, Jr.: Good.

John Stoll: I didn't know if you had any questions on that right now, but like Ted said, I'm going to have a road acceptance form that I left in my office, and, hopefully, it's on the way over here right now, requesting that the Commissioners accept the streets. However, that will not release the developer from his obligations to correct the remaining deficiencies. There were not many, but they are still covered by a letter of credit, and like Ted said this morning, we want to retain the right to be able to call in that letter of credit, if the developer fails to replace the broken curb, and address a few other deficiencies that are still in the streets. That should in turn help out Mr. Schroeder's complaint, which primarily, I think, goes back to the fact that the streets aren't accepted, therefore, we've never posted stop signs or street name signs out there in that subdivision. So, once we accept the streets, we can at least address that part of the problem.

Ted C. Ziemer, Jr.: Then, I think further we're planning to send a letter, probably combined from John and the Plan Commission, indicating that if the developer does not complete the work that's yet to be done by the time his letter of credit comes up for renewal, that the letter of credit will not be renewed, and instead will be drawn against to get the rest of the work finished.

John Stoll: Yeah, we would recommend to APC that it not be allowed to be renewed, and it's somewhat up to them as to whether or not that would happen, but that would be our recommendation, in hopes that that will entice him to finally finish his work.

President Crouch: Mr. Stoll, have we done this in the past, where we've accepted county roads before they are up to county standards?

John Stoll: They are up to county standards as far as width, the pavement design, there's just a few uncorrected problems. One is a broken curb out in front of Mr. Schroeder's house, and that's one of his, that's one of the things that's covered by the letter of credit. There's a few other minor things, but there is nothing in there that I would consider that would create an imminent problem for the county.

Ted C. Ziemer, Jr.: We felt that to help address Mr. Schroder's problem, this has been going on for about three and a half years, that to accept the streets, and since they are in a position to be accepted by the county on your recommendation, that this will allow street signage and so forth to happen, which Mr. Schroeder is very interested in. If we don't accept the streets, we just sit and wait until the developer decides to do something.

John Stoll: And there's nothing in the current subdivision ordinance that says that the developer is responsible for installing signs, therefore, we've not sent any work orders for those signs, because as far as we're concerned it would be working on unaccepted roads, which we're not wanting to be on the hook for that in our office. So, it kind of leaves the signs out in no man's land is what it amounts to. Because the developer's not required, but we won't go put them up until they are accepted.

President Crouch: Is there sufficient money in the line of credit to cover the work that needs to be done?

John Stoll: At this point, yes. As long as there isn't continued deterioration of anything. Most of the letter of credit work is drainage related rather than street related. So, unless the conditions fall apart rapidly, I think there is. It was just renewed last, I think it was last October or November.

Commissioner Nix: Is there like a warranty issue for a year from the time it's turned over?

John Stoll: Yes.

Commissioner Nix: Okay, so, they'll have to maintain it for a year from the point, from that point forward?

John Stoll: Right, if there's a defect that's in that first year, we go back and ask the developer to correct that.

Commissioner Nix: Okay, is that tied to the letter of credit then?

John Stoll: No, it's not.

President Crouch: Do we often draw on, or call letters of credit, or draw on them?

John Stoll: It's only happened probably a half dozen times in the twelve years that I've been with the county. The bigger problems are that the ordinances basically give an unlimited amount of time to complete the work, as long as you have a current letter of credit. This subdivision is an example of one of the problems where if the amount gets small enough, that the developer really has no incentive to continue to finish the work. Here we get all the complaints from the residents, and the residents feel that we're not doing our job, because we're not forcing the developer to finish the work, and yet the ordinance basically says the developer is in compliance because he has his letter of credit. So, it runs in circles. That was another thing that Joe Harrison, Blaine Oliver, and Ted and I discussed was what might need to be changed in order to address those problems, whether we make changes in the letter of credit procedures to where no reductions are given, or lesser reductions are given. Just so that way we try to create some enforceable time limits on when these subdivisions are completed. We've got one's that are out there that are eight plus years old with significant deterioration, where I think the letter of credit amounts are going to be insufficient. We have other one's that are out there that are going on six years where I don't think we've got deficiencies in the letter of credit, but there's still no end in sight, and as people move into these subdivisions we'll continue to get complaints on this unfinished work. So, I'm not sure what the ultimate solution is at this point, but that's some of the stuff that Ted and I were talking about.

President Crouch: Certainly the fact that this is not done often is reflective of the quality work that most developers and builders do in Vanderburgh County, I would say.

John Stoll: Yeah, for the most part we don't have problems. The biggest problem would be, we don't have problems with the quality of work, the biggest problem that we have is when it gets down to just a minor amount of work that needs to be finished, it seems to drag on forever. Invariably we'll go out at the tail end of a job and point out what we feel are deficiencies in the construction, and we get told that we're picking on the developer and we're nitpicking this and nitpicking that, when, basically, we've got the same set of plans they have, and all we're doing is pointing out the things that were not done correctly. So, it just seems to be a problem with getting the projects closed out, totally finished and totally accepted and done.

Commissioner Musgrave: Well, the Health Department posts a list in the newspaper every week of establishments that fail their health review. Maybe if you put a list on your website of those developers and the outstanding projects that they have, maybe that will give them incentive to get off your site at least.

John Stoll: Post our punch lists per subdivision on the website or something like that?

Commissioner Musgrave: Well, do you want to try it?

John Stoll: Maybe that combined with the potential changes in the letters of credit, that might be a way to—

Ted C. Ziemer, Jr.: When he's referring to these letters of credit, here's just an example of what can happen. There might be an original \$100,000 letter of credit

to back up all kinds of things that are yet to be done in the subdivision. As time goes by, the developer does some of those things, and say he's got the work down to \$75,000 worth, so he comes in and says I want to reduce my letter of credit from \$100,000 to \$75,000, and that gets done, right? If the punch list adds up to that.

John Stoll: Basically.

Ted C. Ziemer, Jr.: Then the next time it may be reduced to \$50,000. What could happen would be that that would continue happening until maybe you got the letter of credit down to \$10,000, and there's that much stuff left to be done out there, the developer could say, do it yourself. You can have my letter of credit, I'm not going to do it anymore. That's not a good result, because the county may not be able to get the work done for \$10,000, and has no other recourse against the developer, I don't think, other than the letter of credit, if I understand that correctly.

John Stoll: The way the ordinance is written, I don't really see anything. I don't know legally if you can go file a lien on any remaining lots or not.

Ted C. Ziemer, Jr.: So, one solution might be, and the developers wouldn't like it, would be that there wouldn't be any reductions in a letter of credit until the entire project was completed. A person is much more likely to do \$10,000 of work to get rid of paying for the cost of a \$100,000 letter of credit, than they are for a \$10,000 letter of credit. But, as you say, most of the developers do their work properly, and get their work done when they're supposed to, and reducing their letters of credit seems appropriate. But, it does not answer the problem that we're facing here, and in five or six other developments in the county.

John Stoll: There's one in particular on the west side where they have requested reductions from their letter of credit, and I believe their letter of credit is in the neighborhood of \$20,000. This letter of credit dates back at least eight years, and they've asked for reductions, and we've sent them lists indicating that it needs to go up, not down. The way the current procedures are, there's no good way of us mandating an increase, so, they've just extended their twenty some odd thousand dollar letter of credit for these eight years. It's totally insufficient, because it has deteriorated to the extent that the \$20,000 wouldn't cover the deterioration, much less what today's costs would have, what the work would have cost, in today's dollars, to finish it, assuming no deterioration had taken place. So, when the problems are out there they could snowball. It's just that they don't happen that often.

President Crouch: It would be nice to have something in place whereby we could address the problem developers, and not penalize the good developers, which is the majority of one's that we have in the county. Maybe you all can come up with—

Ted C. Ziemer, Jr.: We'll certainly think about it.

President Crouch: Okay, thank you.

John Stoll: Did you want to address these street acceptances now?

President Crouch: If Mr. Ziemer is finished.

Ted C. Ziemer, Jr.: I do have just one other thing.

John Stoll: Okay.

Ted C. Ziemer, Jr.: It won't take a second. Ms. Farrell sent an e-mail to Mr. Lawrence about Cater Paging, suggesting that a contract, or in December, I think, of last year, the Commissioners approved a contract with Cater Paging for "x" number of dollars, which I don't have in front of me, and now it's developed that of the five or six pagers that were covered by that, I'm told that we maybe only need one. Ms. Farrell was asking Mr. Lawrence for a copy of the contract, well, the contract was actually signed by the Board of Works, but approved by the County Commissioners. In other words, it was one of those contracts that the Board of Works signed, it was a joint contract, but would not become effective until it was approved in an open meeting of the Commissioners. According to Mr. Lawrence that was done. However, the contract provides that at the beginning of each year you can reduce the number of pagers that you want covered by the contract, so, I don't know what the exact number is or anything else, but Mr. Lawrence can address that working with B.J. That's all I have.

Phil Lawrence: I e-mailed here back, but the process is she calls, or I can call Cater and reduce the number. You may have to pay for one more month, but then they go away.

President Crouch: Anything further, Mr. Ziemer?

Ted C. Ziemer, Jr.: Nothing, no.

Purchasing

President Crouch: Mr. Lawrence, if Mr. Stoll doesn't mind, while you're at the microphone, go ahead and let you address your agenda item.

Phil Lawrence: Yes, I would like to ask permission to award APA-017-2005, that's the guardrails. CPI Supply is the low bidder on all the aluminum, steel pipes, and fittings. M&W Concrete is low on all the concrete pipes and culverts.

President Crouch: Questions?

Commissioner Nix: I'll make a motion we approve APA-017-2005.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business, Mr. Lawrence?

Phil Lawrence: No, thank you.

President Crouch: Thank you.

County Engineer

President Crouch: Mr. Stoll.

John Stoll: The street acceptance I have for Ivy Meadows Subdivision consists of 1163' of Ivy Meadow Drive, 172' of English Ivy Drive, 172' of Hedera Drive, and 172' Poison Ivy Drive. I'll request the Commissioners accept these, like I said previously, it would be with the understanding the developer is still obligated to correct the remaining deficiencies that were on our last punch list last fall.¹

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: I didn't have anything else, unless you have any questions for me.

President Crouch: Okay, thank you.

John Stoll: Thanks.

President Crouch: Welcome back.

County Highway: Approval of Second Travel Request
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President Crouch: Mr. Duckworth?

Mike Duckworth: I apologize, I did omit something on the travel request. There were two attached together in those, that stack that I gave you. On Thursday I've got a truck hauling a truck to Lawrence, Indiana to have a liquid tank mounted on that truck with Deeds Equipment. Then, on Tuesday, they will go back and pick that truck up with the equipment on it, and return it. So, that's included as well, and I wanted to put that on the record.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: Thank you.

President Crouch: Thank you.

¹Previous comments by County Engineer concerning Ivy Meadows Subdivision were made under the County Attorney's report.

Health Department

President Crouch: We have the Health Department here, and is there an item on furniture that we need to address?

Sam Elder: Sam Elder from the Vanderburgh County Health Department. Ms. Musgrave felt that we should bring this before the Commissioners. It's a list which I had given to her of the furniture that was donated to the Health Department in the new building. Actually, what they did they told us we could have anything that we wanted out of the Welborn Hospital, in the way of furnishings. I would say that there's probably 150 or so articles that they gave us.

President Crouch: So, that is money that did not have to come out of the Health Department budget.

Sam Elder: Well, we hadn't planned on having all the extra chairs and couches and small refrigerators that we had. It would probably have taken us years to accumulate it. There are a lot areas where there's room for chairs for the public to sit that we hadn't planned on purchasing right then, unless we could find some the same way. But, it's nice furniture, it's not cheap.

Commissioner Musgrave: I would like to recognize the generosity of St. Mary's to give those to the Health Department. It's the policy of the county that if something is donated to our departments it needs to come through the meetings. So, I move acceptance of the list of furniture.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business, Mr. Elder.

Sam Elder: Not today.

President Crouch: Thank you.

Superintendent of County Buildings

President Crouch: We also have the Superintendent of County Buildings. Ms. Wigginton, do you have anything to report?

Jennifer Wigginton: I just have one thing, the Vanderburgh County Old Courthouse lease, the last that it was accepted the amount was not included. So, we need to accept the, I need approval of the \$500 for 2004, well, that was the amount for 2004, and we would like to continue that to 2005, because there's already been leases that have been signed for 2005. Then, we'll have to have to continue it, or make a decision for 2006. This is concerning the Wedgewood Room.

President Crouch: I think probably we ought to address that fairly soon. I know that Burdette always sets their rates well in advance, a year prior, because people book out that far. So, any questions?

Commissioner Musgrave: Is this something the Advisory Board would look at?

President Crouch: In the future.

Commissioner Musgrave: In the future, okay. So moved for approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business?

Jennifer Wigginton: That's all, thank you.

President Crouch: Any other department heads? Seeing none.

Board Appointments

President Crouch: Board appointments. We just have one board appointment to rescind Lon Walters, cannot sit on the Home Inspectors Board, so we do need to rescind his appointment.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business. County Commissioners holiday schedule for 2006.

Commissioner Musgrave: Yes, I would like to bring to the Commissioners attention a memorandum that we could send out to the county departments and elected officials with two options for the county holidays. Option number one is roughly a repeat of this year, with the exception that the Friday holiday has been moved to a Monday. Option number two included election day and primary day. We would like their feedback on which option they would prefer and we will need to vote on this next week. So, we would like feedback in e-mail or in writing before Monday, and preferably by Thursday at noon, but we will continue to accept, because I know this is a very tight timetable. This is a move to include everyone in this decision. So, I'm interested in the feedback that we get from it. So, I guess, I make a motion to send the memo and the two options to all of our departments and elected officials.

Commissioner Nix: I second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: I'm sorry, I had a question about that. Does that include contractual employees as well?

Commissioner Musgrave: Yes. The number of holidays stays the same.

Mike Duckworth: We have not set that in a previous contract at this point?

Commissioner Musgrave: No.

Mike Duckworth: Okay.

President Crouch: Any other new business?

Old Business

President Crouch: Old business. Girls in Bloom, that is coming up. Again, a reminder to everyone, February 26th, which is a Saturday, and it's from 8:30 to 3:00 at the Centre for girls 5th through 8th grade. The County Commissioners are sponsors of that event, and it's a really fun filled event. A lot of workshops, on-going workshops for the girls to attend. I have a schedule that I will, I think we should post on our website, and invite both the Commissioners to join me that Saturday.

Commissioner Musgrave: Is that this Saturday?

President Crouch: Next Saturday. Any other old business? If it pleases the Commissioners, several weeks ago we talked about different contracts that, you know, we would start working on, and if it would please the Commissioners, perhaps next meeting we could have just a little brief update on, you know, where we are in that process, if that's alright.

Commissioner Musgrave: (Inaudible).

President Crouch: Okay, so get busy.

Commissioner Musgrave: I think she was talking to you.

Ted C. Ziemer, Jr.: She isn't.

Commissioner Musgrave: Oh.

President Crouch: Any other old business?

Public Comment

President Crouch: We have now arrived at our meeting where the public has an opportunity to comment. Is there anyone in the audience that would care to address the Commission at this time? Please state your name and your address.

Brett Winters: I'm Brett Winters, 1816 Monroe Avenue, Evansville, Indiana. I just had a couple of questions, and I thought you might be able to clarify them for me. I almost got lost actually getting over here, because I'm used to your other room. I just thought I would ask you why you guys moved from there?

President Crouch: Because it's a larger room, and it accommodates the public. I don't know, obviously, have you attended County Commission meetings?

Brett Winters: Yeah, in the past, before the move.

President Crouch: And, if you attended them on a regular basis there were any number of meetings where the public was out in the hallway, and they were behind the County Commissioners. This room allows us to accommodate more people.

Brett Winters: Okay. My other question is regarding the time of the meetings at 3:30. Basically, most people are at work, and it makes it very difficult for people to actually be able to attend the meetings. I think today's audience kind of shows that a little bit there. I was wondering if you guys were reconsidering moving the times there?

President Crouch: Commissioners, any comment?

Commissioner Musgrave: I'm happy to say that we start televising again next week. So, folks will be able to watch it at home or at work. Or at the times when it's rebroadcast. So, very happy to point that out. Then, we've also added the County Council meetings to the television agenda. So, we've doubled the number of meetings that are going to be on television.

Brett Winters: But, it does make it kind of hard for somebody like me to actually be able to stand here and voice an opinion if I'm at work. I kind of noticed something whenever I started going through all the various county offices, the Auditor's office closes at 4:30, the Clerk's office closes at 4:30, the Treasurer's office closes at 4:30, and so forth, and the Surveyor actually tries to make his staff available until 5:30. Although, technically, there office closes at 4:30. I was just wondering how is it that whenever all the government employees are expected to be at their job as part of their standard operating procedure, how it is that we're expecting people to, basically, be able to make it here to be able to attend the meeting and be able to voice their opinion.

President Crouch: The County Commission office is also open until 4:30, and we certainly have e-mail, and we also have conducted road hearings out in the districts. We also are going to conduct district meetings out in the districts. Certainly appreciate your comments.

Brett Winters: Okay, and just one more before I go. The cost of moving the televisions to the new room, or from the old room to this room, I should say, that's \$15,000 is that correct?

President Crouch: No, that is not correct. Commissioner Musgrave, would you care to address that.

Commissioner Musgrave: We're happy that the Building Authority is donating that cost.

Brett Winters: Okay.

Commissioner Musgrave: I think that their last figure was around \$2,500 to move that.

Brett Winters: Okay. Okay, thank you.

President Crouch: Thank you very much. Is there anyone else from the public that cares to address the Commission. We'll take you one at a time.

Bill Robinson: Commissioners, my name is Bill Robinson, 8525 Willow Way, in the county. Suzanne, I believe you're our Commissioner in Green River Estates.

President Crouch: That would be in my district.

Bill Robinson: Yes.

President Crouch: Yet, just to clarify, the district, the Commissioners have to live in that district in order to run. But, I really represent all the residents in Vanderburgh County.

Bill Robinson: I didn't mean to limit your authority, Ma'am, I just wanted to make sure that I was speaking to the right person. Last week I stopped by and left my name. I don't know whether the message got to you or not concerning a storm sewer problem on my property. I have been dealing with the County Engineer since September. They've done diligent work. I can't fault them, yet it seems that their records are very, very difficult to reconstruct when it comes to what has been paid for, and what has not been paid for as far as accepting the sewers in Green River Estates III. About a year ago my neighbor immediately behind me had a deterioration of a sewer and huge sinkhole, and the County Garage, I believe, and I cannot remember the gentleman's name, I'm sorry, I called him, he came out and looked at ours and he said, yes, indeed it is a sewer problem. But, he didn't know whether they could take care of it or not because they were researching the records to see if our section, and I believe that's D-1 had been paid for. Well, to make a long story short, the hole is still there, and my concern now is for safety. We have 17 kids on my block and cul-de-sac, and the area where the hole is presents a real and present hazard to the children.

Commissioner Musgrave: Could you come forward and show me on this picture where the hole is?

Bill Robinson: Yes, Ma'am. This is our cul-de-sac, okay, here's where the wash out was last year that they fixed. I think that's C-1 or C-2 or whatever, and the records at the County Surveyor's office says that it has been, they can reconcile their payment to section up through C-2, but when it gets to my area, which is C-2, but please do not hold me to these numbers, then they cannot find any record that they can tie a payment or a check or whatever to that section that runs to the holding pool down at the end of the subdivision. All I want to know is can somebody please research that....I'll go back to the podium now, I don't like to speak in your face. Would somebody please give me just a little bit of relief here and research that and find out if that has indeed been paid for. If it has not, tell me, so that I can get it fixed. Because I would hate to go to Mr. Dillow and tell him that I just had a child fall in there and he was seriously injured when I knew of it. If it's my responsibility, I will fix it. It was my understanding when we purchased the home 13 years ago that all the streets and sewers had been accepted by the county. I know that's no warranty, it doesn't hold the county responsible or liable for anything. All I'm looking for is

some kind of definitive answer as to whether the county can take care of it, or whether Bill Robinson needs to take care of it. If you could get me that answer within a reasonable time, it would certainly be appreciated.

President Crouch: Thank you, Mr. Robinson. I think we can do that in short order. Your phone number?

Bill Robinson: You have it. It's 867-7763. This is not casting any aspersions on the Engineer's office, it just seems like that their records are awfully, awfully hard to reconcile. I don't know what their problem is, but they have tried diligently to do it.

President Crouch: Alright.

Bill Robinson: I thank you for your time.

President Crouch: Thank you for coming.

Madelyn Grayson: May we change the tape please?

President Crouch: Yes.

(Tape Change)

President Crouch: Is there anyone else in the audience that cares to address the Commission?

Gerald Jones: Good afternoon. My name is Gerald Jones, I live at 3919 Lyle Road. Last week my brother spoke and asked if you folks would entertain a motion to submit the Lyle Road project out to bid since the money has been encumbered. The easements and the rights have been taken care of, and all the documents have been signed. I think that last week the reply was, Ms. Crouch, that you said just wait until John gets back, because you know he had some surgery. I see that Mr. Stoll is in attendance, and I'm hoping that maybe we could our road finally out to bid.

President Crouch: You and a whole lot of other people. Mr. Stoll?

John Stoll: We sent a request to the Department of Labor today to have them establish the construction wages for the project. We haven't, obviously, gotten a response back from them as of yet. We just faxed that letter to them today. Usually they set up those wage scale hearing meetings within a couple of weeks of our request. So, I would suspect that we could probably put it out for bid sometime in the next couple of weeks, depending on what we hear from the Department of Labor. We've put projects out for bid without having the wage scale in hand and issued it as an addendum to the contract in the past, but we could do it either way. We just need to find out the date that the Department of Labor sets for the hearing, and then that will be the last remaining piece of paperwork that we need to put into the contract.

President Crouch: Is there any danger that when we get the answer back there will not be enough money?

John Stoll: The amount of money encumbered really would only cover the low end on our cost estimate. I believe I forwarded Bill a couple of different estimates. The low end was about \$136,000, and I believe the high end was \$163,000. We had

originally requested an encumbrance of \$144,000, I believe it was, back in December, but based on what J.P. found in our office, I believe there was one other item paid for off of the Riverboat account prior to the end of last year, which reduced our encumbrance down to one hundred and thirty something thousand dollars. So, if we put the project out for bid and it comes in in the \$160,000 range, where we think it would be, then we would use up all the encumbered money, plus we would also have to tap into some of the 2005 Riverboat money to make up the difference.

President Crouch: And how much have we expended already on this project?

John Stoll: When we looked at it, it was, I believe, in the neighborhood of \$15,000 for legal fees, appraisals, and actual land purchase. We haven't kept track of the staff time, but, I'm sure staff time would put it well over \$20,000.

President Crouch: So, this will be a \$200,000 project, could be by the time all is said and done?

John Stoll: It might be approaching that, yes.

President Crouch: And how many families will this benefit?

John Stoll: I believe there's only three houses down there.

President Crouch: Did we not, Lutterbach Road last year, there was a gravel road that serviced three families, or four families, and they wanted it paved, and did we not require them to pay it?

John Stoll: Yes.

President Crouch: Themselves.

John Stoll: There were two houses out there, and they agreed to pay it. We're still waiting on their reimbursement, but, yes, they signed the agreement that said that they would pay for the resurfacing.

President Crouch: Questions?

Commissioner Musgrave: Want to put it out for bid, and just see what happens? If we don't have enough, then we talk to the owner?

President Crouch: I'm considering more the four families for, or three houses for \$160,000 or \$200,000.

John Stoll: If the project comes in under \$150,000, wage scales aren't required, but, at this point, we don't know if it will be—

Commissioner Nix: Excuse me, what's not required? I'm sorry, John.

John Stoll: The wage scales aren't required if it's under \$150,000.

Commissioner Nix: Okay.

John Stoll: But, at this point, we don't know what the actual bids will be. So, that's just a minor component of the overall price though.

President Crouch: Mr. Smith? Did you have, did you want to comment?

Gerald Jones: It's Mr. Jones.

President Crouch: I'm sorry.

Gerald Jones: That's okay. We're all the same, you know, Smith, Jones', Browns. Presently there are four homes on Lyle Road, and as I have stated in the newspaper article that Mr. Martin was so kind to write, at not my request either, by the way. One of the reasons why the road has not been, people have not moved is because, I think, of the flooding situation. This has been going on for a number of years, and I have been going, as you've, long before you folks were attending County Commissioners meetings. My brother and I, we've been up here, with our neighbors, for years and years and years, and we keep getting so close. We can go all the way back when Bettye Lou Jerrel was here, Mr. Tuley was here, the two Commissioners that have been replaced by you folks, they've always encouraged us from day one, and we have been very patient. This is a county road, and I'm sure that other folks are going to be building, if this is taken care of. Knowing what the cost was before all the easements and everything were purchased, now we're entertaining questions about now the whole validity of the project, and that I do not understand. You know, if we're not going to do it, then golly, we should have been told this years and years ago. There's a lot of projects going on in the county, and I know that you have a priority basis, our road was delayed for a long time because of Lynch Road, they wanted to establish and buy all the right-of-ways to extend Lynch Road. I understand that. Money is at a premium, but with all this that we've done, Mr. Tuley way back asked us, well, since there's only four families, why don't you go out and get a survey of other people in the county that use this road. We did that, and only took two or three hours in the afternoon, and talked to, we got and we submitted it to the Board of Commissioners at that time, there was like 85 people that wanted it, and we only went out for two or three hours on a Sunday afternoon. We tried to do everything that we could to get this project completed. We also entertained the idea that we would even entertain supplying the fill dirt, if the county wanted to take the fill dirt off of our property, we would look, you know, we would consider that. We're willing to do anything that we can, we just don't have the means to do so, to even get the dirt moved down there ourselves. So, this is what we're asking, the project entertains about 1,100', it is a straight stretch, the elevation, just fill dirt, we're not asking for it to be paved, just fill dirt, gravel. It would give us a whole lot of fire protection, police protection, anytime there's an emergency situation, because, you know, we're in the 21st century and when you have to boat out in extreme situations, presently one of our neighbors is close to 80, and we would just like to have the same accommodations that most everybody in the county has, and that is the right from a public road to be elevated so we can have the same protection that all of the rest of the county has.

Commissioner Nix: Can you tell me how old the homes are down there?

Gerald Jones: Well, yes, two of the homes, now this is, we've owned the property, and when I say we, my father and mother owned our property since 1948, but the two other, there's two older homes and two new homes. I built a brand new home, my brother's built a brand new home.

Commissioner Nix: They're a couple of years old?

Gerald Jones: Yes, my home is three years old. My brother's is four years old. We built, really, because of the promises that we were lead to believe by various members of the various boards from time to time from the county. We have raised the tax base because of this, and, as I said, I believe other homes would be utilized, the property would be utilized back there. So, the other two homes are older homes, that's for a fact. You know, I would say, oh gosh, probably they're 30 years old, 40 years old, you know, nice homes though. Very nice homes. So, this is where we are, and John has been very, very nice in helping us to do everything. The plans have been drawn, everything has been....the i's have been dotted and the t's have been crossed. The money has been encumbered. We would just like to, if this board would kindly request that the project go further and just put it out to bid and just see how much it would be. You know, because we don't know how much it's going to be. It's never been offered out to bid.

President Crouch: I guess, what caused me concern is when I read the article, and it was my understanding that we were raising this to prevent flooding and to allow accessibility, but in the article it indicated that it still could flood over the road.

Gerald Jones: Well, I know all about the flooding, believe me. If the road, according to Mr. Stoll, we had originally asked that the road just be elevated two feet, and it would help a great deal. But, Mr. Stoll indicated that if we're going to elevate it, shoot, we might as well elevate it up to about six feet. That would put it at the same level as the blacktop road, Nurrenbern Road, that goes into Burdette. Nurrenbern used to flood occasionally years ago, and Jerry David Construction Company was hired to alleviate that problem by filling in the places, and so that people could get back and forth to Burdette. But, if the road didn't, in fact, was elevated to six feet, oh my goodness, we would be in heaven, because, I would say that 95% of the time the road would not ever be affected by flood waters, if it was elevated six feet. Because, right now, the road floods when the Ohio River gets 40', and it will flood, but if it was elevated another six feet, well, you know, the Ohio River seldom gets up to that level. Now, it did back in '97, but '97 was the first big time flood we've had in 60 years. So, it would alleviate the problem 95% to 98% of the time, I'm positive of that.

Commissioner Nix: You had mentioned that there was potential for some other homes to be built back there. Is this an area that you think is going to be developed?

Gerald Jones: That I don't know. You know, none of the other property owners have spoken to me about this, but I'm thinking that would be a real, real possibility.

President Crouch: If we go out to bid, and it comes in for greater than what we have appropriated, then, at that point in time we could deny the project? Is that correct? Or not award the bid?

Ted C. Ziemer, Jr.: Yes.

Commissioner Musgrave: Could we also bid it at raising it by two foot, raising it by four foot, raising it by six foot?

John Stoll: To do that we would really need three sets of plans, with three sets of quantities. So, we're really not equipped to do that. I mean, technically, yes, that could be possible, it's just we would have to have three different sets of plans, and three alternate bids for all practical purposes, I would think.

Commissioner Nix: Mr. Jones, you had mentioned that there is a possibility of getting a borrow area for dirt from your property, is that something you would entertain at this time? I mean, as far as pricing it out?

Gerald Jones: If that's what it would take, reluctantly, yes. I say reluctantly because, what it would do, where the dirt would be available, I would have a large pond area, and I'm, you know, with all the, what is that disease the mosquitos carry?

President Crouch: Encephalitis, malaria?

Gerald Jones: No, what is that?

President Crouch: West Nile?

Gerald Jones: Yeah, West Nile. I'm always down at that creek, fighting that creek, trying to keep it flowing, by the way, and I have gone to some expense over the years, and actually I have installed two, about eight pipes through beaver dams to, you know, because people get flooded out by that creek way up the river, way up stream, and so I try, I'm trying to do what I can, but I'm just limited in my ability. Here I'm retired now, and my brother and I are retired school teachers, and we have just been promised by so many people, and encouraged by so many people, and it's sort of disheartening to hear when we finally get to the point where it's ready to go, and then it's almost like closing the door again. It's a little bit disheartening. I really would like to see at least the bids put out there to see what indeed it would cost. One of the adjoining properties on the east side of Lyle Road, that property is owned by Floyd Staub and Company, and I would think that they would have an advantage, perhaps, on some of the other construction bidders because, I think, what they would do, if they were to, you know, be the low bidder, would just move the dirt, just over from where they are on to Lyle Road with their big scrapers. So, it wouldn't be, I just don't think it's going to be that big of a job, I really don't. Now, maybe I'm wrong. I wish I had the machinery to do it myself, you know, I believe you could make a lot of money on a \$200,000 bid. I just don't see it being that much, but we don't know until we put it out to bid what the cost is going to be. John has probably ran some figures, you know, but, you know, John had a real good thought, he said, you know, if you build it up two feet, you know, the same amount of gravel just about is going to have to be put on top of it whether it's two feet or six feet, so, you might as well go with six feet and do it right. Of course, I'm for that, you know, but that's up to you folks to see how high up you want to go with it. But, it really would be nice if it were elevated six feet. That would put it up with the Nurrenbern Road level, and we would get some protection, some relief, and we could sleep at night. We're getting too old to boat, you know.

President Crouch: Thank you, and I understand, and certainly appreciate your frustration and your patience. We had so many people last night at the road hearing who had so many similar concerns, and I believe that we have a responsibility to look at serving the greatest number of people, and making our roads safe. That's, you know, what we have to struggle with also.

Gerald Jones: I'm not going to monopolize the time, I appreciate the time you've given me. The only thing that I would like to say in regard to that, is that last night's road meeting, I think most of those were for paved roads. Paved road requests. This is, we're not even asking for that. You know, my dad and mom when they bought the ground and land in 1948, so, that's getting real close to 60 years, you know, 55 years, I don't know when it would be our time. I mean, we can always say,

we can take money and we can spend it on other neighborhoods, more subdivisions, patch their streets, fix the sewers out in Green River Estates, all that takes money, but when is it ever going to be our time? I mean, we're citizens too. I know we're not that many citizens, we are low in numbers, I agree, but some time it has to be our time. You know, we pay the county taxes. I try to pay mine on time, and before time, just like, you know, but when is it our time? We've done all this work, all this surveying, the meetings that we've attended, I would like for it to at least, you know, entertain just to see what it would cost, because I really don't know, and I don't think nobody really knows what it would cost until we ask the people that's interested in the project to make a bid on it. It might come in pretty darn low. We don't know. Thank you.

President Crouch: Thank you. Commissioners? Do you want to make a motion at this point in time, or do you want to wait until the prevailing wage determination is back?

Commissioner Nix: The prevailing wage, I think we should wait until that anyway.

Commissioner Musgrave: Okay. Just wait until you get the letter, as soon as you get the letter will you let us know, so that we can put it on the agenda?

John Stoll: Do you want me to wait until we know when the meeting is, or do you want me to have the wage scales in hand and the meeting's been held? Like I said, in the past, we could do it either way.

Commissioner Nix: There's usually a lag of just a few days?

John Stoll: Right.

Commissioner Nix: I would say let's get them in hand.

John Stoll: Okay. I would suspect that would be within the next couple of weeks. There's usually a pretty quick turn around time on them, the Department of Labor, setting those meetings.

President Crouch: Thank you. Is there anyone else in the audience?

Jerry Jones: I'm Jerry Jones, 4039 Lyle Road. This \$144,000 which was set aside for this project, and this money was appropriated and agreed upon, I think, in 2003, as Suzanne knows, if the bids would happen to come back higher than \$144,000, is there going to be a big deal of getting a little extra money to get it done?

President Crouch: You know, I can't answer that at this time. I guess, what we would have to look at is all the requests that we have before us, and prioritizing them, and see how much additional it would require. Maybe it would be a big deal and maybe it wouldn't.

Jerry Jones: Okay. The other question was, I think John said something about some of that money had to be used, down to about \$138,000?

President Crouch: He said that they encumbered, the amount that was encumbered, there were actually bills, and you can, there were actually bills that were not taken off the amount that they encumbered. So, when they took that off, the actual amount was slightly less. That is just a matter of bookkeeping, you know, that they will have

numbers, or have their bills in hand in the Engineer's office before they actually reach the Auditor's office. So, they just reconciled the number.

Jerry Jones: Okay.

President Crouch: That's as I understand it. Is that correct, Mr. Fluty?

Bill Fluty: I would have to research that and see what was paid out at the end of the year. I could get back with you.

President Crouch: That is my understanding on how that number is slightly less.

Jerry Jones: Okay. Thank you very much. Please give us some consideration in pushing it through. We appreciate it.

President Crouch: Thank you.

Jerry Jones: Thanks.

President Crouch: Mrs. Harp?

Susan Harp: Susan Harp, president of Oak Hill Neighborhood Association. I've come to you this afternoon to ask your help in writing a letter, or however you feel fit to address this issue. Last Thursday Detective Debbie Williams from the Evansville Police Department, my husband and I went to Indianapolis to testify on behalf of House Bill 1145. This was introduced by Dennis Avery, and was co-authored by Representative Hinkle from Indianapolis. What this bill would mean would be that cities and counties can make some regulations about teen clubs. I know, I've talked to Commissioner Musgrave about this, and I don't remember if we've talked about it or not, but it's been an on-going thing, and Steve and I did ride-alongs last year's spring break, and that was the real eye opener for me. Being a citizen participant in the east sector police meetings I got involved with this, and we got this ball going, and the bill was introduced, we went to House committee and it passed. So, now it goes before the whole House, and, then, of course, it has to go the rest of the route to the Senate. But, what this bill would do would be, in short, that owners of teen clubs would have to have background checks, any owners or employees. Because there was a club in the past, which at that time it was in the county, it then moved to the city, but it was in the county at that time, the owner was a convicted sex offender, but yet he was the owner of a teen club. That's not good. So, anyway, the pressure came down on him, the Fire Department and building codes, and he, therefore, sold his interest and moved on. But, there's also problems with older people being with younger people. When we rode along, and I know Mr. Martin did the article, and the teen club owner of this one particular club responded in the paper and said that he didn't know if these allegations were true, but, we were there. They were true. My husband was at the jail booking this guy until 2:00 in the morning with Officer Williams. There have been documented cases, police reports, of young girls, 14, being with older guys. The one that was arrested was a month away from 20. We just feel that this is too big of an age gap. Teens need to have a place to go to have fun, but, yet it needs to be a safe environment. It needs to be a safe environment so that parents know, oh, well, it's okay, they can go there and dance and have fun like teenagers want to do, but, yet in a controlled environment. The other thing would be, could, it would allow cities or counties to make an ordinance to restrict the hours of those clubs. This has just really been a problem not only in our town, but all over the state, all over the country. I've been on the Internet.

Anchorage, Alaska has an ordinance in place, there's a place in Colorado that has a really good ordinance. These are just some of them that I've found. Talking to one of our neighbors in Evansville, Mary Kixmiller, her daughter is a teacher at Lafayette, I happened to ask her did she know anything about teen clubs. Oh, immediately she called me back. Oh, yeah, I got on the Internet, the same problems we're having here of older men with younger girls. So, we feel like there needs to be something in place. I'm sure if Sheriff Ellsworth was here he would come up right behind me and attest to this, because his deputies have been working some of these clubs, and they can attest to what they see and what goes on. I just heard yesterday that there is a club in Armstrong that they've been having quite a few problems for the past couple of years. So, it will go before the House committee, I mean, the entire House. I don't have any date. They're kind of not set on the dates. Like we had two different times that we were supposed to be there. I was hoping that you would maybe want to write a letter to our legislators and also the House Speaker, Brian Bosma. Mr. Bosma has a 15 year old daughter and a 13 year old son, so, I think he can relate to this issue, but since he is Speaker of the House, we would like to see it at least get this far. I'm asking your support.

President Crouch: Would it be helpful if we did a letter to all of the Representatives?

Susan Harp: I think so. That was what was suggested to me, maybe to all of our Representatives, and then Speaker of the House, but if you wanted to do the whole state, that would be wonderful. But, it's however you feel.

Commissioner Musgrave: Susan, you may remember the meeting, the neighborhood meeting where Officer Williams did describe this problem.

Susan Harp: Right.

Commissioner Musgrave: I was happy to put her in touch with Dennis Avery and then to bring his attention to the problem. So, I'm really, really pleased that Dennis put it into legislation and it has gotten as far as it has gone.

Susan Harp: Right.

Commissioner Musgrave: So, I'm happy to make a motion that we send the entire House and Senate too, if you want us to do that now.

Susan Harp: Hopefully, it will go to the Senate. I mean, if we want to send it to the House, and then once it passes the House I can come back to you and say it passed, let's go for the Senate.

Commissioner Musgrave: Okay.

Susan Harp: I think that helps.

Commissioner Musgrave: Alright, so that's my motion to send a letter to the House, and then we'll reconsider it when it passes the House.

Commissioner Nix: I second that.

President Crouch: And, as a mother of a teenage daughter, I would most wholeheartedly endorse that. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Susan Harp: Thank you.

President Crouch: Thank you.

Susan Harp: Yes, and it's, Commissioner Musgrave can attest to the fact that what I told you this afternoon is mild compared to the graphic things that really have been documented. So, it's a big step. We did meet last August with the legislators about several issues, litter and several issues around the county, and this was the one that when Officer Williams began to talk, all the legislators and the prospective legislators, because it right before election, immediately began to write. In less than two months Representative Avery had this ready to go. So, we're this far. Thank you so much. I'll keep you informed.

Commissioner Nix: Thank you.

President Crouch: Thank you. Is there anyone else in the audience that cares to address the Commission at this time. Seeing none.

Consent Items

President Crouch: Consent items, are there any additions or corrections to the consent items?

Commissioner Musgrave: Not that I'm aware of. Move to approve the consent items as listed.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business to come before this Commission we stand adjourned. We will convene rezoning at 5:00.

(The meeting was adjourned at 4:40 p.m.)

CONSENT ITEMS:

Employment Changes:

Coroner (1)	Burdette Park (1)	VCCC (1)
County Clerk (1)		

Travel Requests:

County Assessor (1)	Health Department (4)	Treasurer (1)
County Highway (2)		

Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD		

Auditor: Submit A/P Vouchers.

Perry Township Trustee: Submit Poor Relief Standards.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Ted C. Ziemer, Jr.	Jennifer Wigginton	Madelyn Grayson
Mike Duckworth	Phil Lawrence	John Stoll
Sam Elder	Brett Winters	Bill Robinson
Gerald Jones	Jerry Jones	Susan Harp
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Member

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
FEBRUARY 22, 2005**

The Vanderburgh County Board of Commissioners met in session this 22nd day of February, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, February 22, 2005. I would like to start with introductions, I'm Suzanne Crouch, the President, and to my far right.

Ted C. Ziemer, Jr.: I am Ted Ziemer, the County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please stand and join us for the Pledge.

(The Pledge of Allegiance was given.)

**Approval of February 15, 2005 Commission Meeting Minutes
& February 15, 2005 Department Head Minutes**

President Crouch: Approval of the minutes?

Commissioner Musgrave: Move approval of the minutes of the February 15th Commission meeting, and the February 15th department head meeting.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

CASA Contract

President Crouch: Our first action item, for contracts, agreements, and leases, the County Commissioners have a CASA, Juvenile Division contract with superior court. This has been reviewed by the County Attorney?

Ted C. Ziemer, Jr.: It has.

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Travel Ordinance

President Crouch: Under the County Commissioners, first action item, a travel ordinance.

Commissioner Musgrave: That ordinance has been reviewed by the County Attorney, and will be put in final form for first reading next week, upon which time we will ask for comments.

President Crouch: Very good. Thank you.

2006 Holiday Schedule

President Crouch: The next item, holiday schedule for 2006.

Commissioner Musgrave: We passed out last week two options for the holiday schedule, and called them option one and option two. We received a number of comments back from people, I really appreciated all the comments that we got, some very insightful remarks. It's my intention to offer a motion for approval of option number two.

Commissioner Nix: And this would just be for one year, is that correct?

Commissioner Musgrave: Yes.

Commissioner Nix: Okay.

Commissioner Musgrave: Yes, we only approve them one year at a time traditionally.

Commissioner Nix: Okay.

Commissioner Musgrave: I don't know that there's anyone here today who feels the need to make any comments?

President Crouch: Could you elaborate what option two is for those in the audience?

Commissioner Musgrave: Option two follows the pattern that the county has had for many years, during election years, and it allows the primary day and election day to be considered holidays.

Commissioner Nix: I'll second that motion.

President Crouch: And, just a comment, I believe the federal government is actually moving towards, or at least exploring making election days holidays, national holidays. So, all in favor?

All Commissioners: Aye.

President Crouch: So ordered.

An Ordinance Concerning Speed Limits

President Crouch: Our next item, action item, is an ordinance concerning speed limits. Mr. Ziemer?

Ted C. Ziemer, Jr.: I have prepared an ordinance concerning speed limits, number CO.02-05-007, which has been submitted to the Commissioners. On unanimous voice vote, it could be approved today on one reading.

President Crouch: Is Mr. Stoll here? Mr. Stoll, we have the ordinance concerning the speed limits, do you have any comments regarding that?

John Stoll: These changes are just, additions have been requested by various people who have requested speed studies over the past few months. We typically have EUTS do the speed studies, and, then, in turn, that determines what the speed limits should be, and those are the numbers I forwarded Ted. The only exception to that was on Upper Mt. Vernon, there's a segment of road that is just west of Diefenbach, where there's an accident problem, and we just are lowering the speed limits flat out to 35 miles an hour through there just to try and control the speeds in hopes of reducing the accidents. So, in a nutshell, that's how we got to those changes that are before you.

Commissioner Musgrave: When would signage be changed?

John Stoll: We'll get the work orders in immediately. I'm not sure what timetables the traffic department is on, but, typically, they get speed limit signs and stop signs installed fairly quickly.

Commissioner Nix: Do you think within the next couple of weeks or so?

John Stoll: Yes.

Commissioner Musgrave: Move approval of the ordinance concerning speed limits.

Ted C. Ziemer, Jr.: First we need to waive—

Commissioner Musgrave: Oh, waive first reading?

Ted C. Ziemer, Jr.: Waive first reading, yes.

President Crouch: Is there anyone who cares to speak to this ordinance in the audience?

David Kifer: Yes, I do. Is this new business? Or old business?

Commissioner Musgrave: This is the speed limit ordinance.

David Kifer: I'm sorry. I apologize.

President Crouch: Okay.

Commissioner Musgrave: I see no one offering to speak on the speed limit ordinance. So, I would offer a motion to, would you give me the exact language for that please?

Ted C. Ziemer, Jr.: It would be a motion to waive second reading, and approve the ordinance following first reading today.

Commissioner Musgrave: That is my motion.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Do we need a roll call vote?

Ted C. Ziemer, Jr.: Roll call on that please.

President Crouch: Roll call, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes.

Commissioner Musgrave: Then I move to adopt the ordinance concerning speed limits. Is there a number of that ordinance?

Ted C. Ziemer, Jr.: Yes, there is, CO.02-05-007.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Our next item is the state of emergency policy.

Ted C. Ziemer, Jr.: Pardon me, we need voice vote on that as well.

President Crouch: I'm sorry, yes. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. Show that it passes.

State of Emergency Policy

President Crouch: Our next item is state of emergency policy. This came about to address the issue of those employees who on the day that we had a state of emergency either worked or took vacation, comp, or personal time. It will put eight hours of comp time in their banks.

Commissioner Musgrave: If they worked?

President Crouch: Well, either if they worked or if they had a scheduled day already. Have the Commissioners reviewed that?

Commissioner Nix: Yes, I have.

Commissioner Musgrave: Do you want to make a motion on that?

Commissioner Nix: I make a motion that we approve it. I also sent a letter to the Teamster's in reference to that also verifying that. So, just to confirm that.

Commissioner Musgrave: Alright, I second his motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Torian Hofmann Dillow & Flittner: Insurance Update

President Crouch: Next item we have Bob Dillow from Torian Hofmann Dillow and Flittner with an insurance update.

Bob Dillow: Thank you very much, and if we may, Tony Flittner would like to follow for a brief discussion on an important life insurance issue and a couple of other points. My topic today is to let you know that the all lines aggregate program that was introduced in 1986 to the county's insurance program is still very much alive, well, and functioning. It's through Alternative Market Specialists, and we are continuing that program. It started and renewed on February 1 of this year. A couple of points, our property values are now set at \$166,228,197, which is an increase of 4.1% over last year. The payrolls which are used to calculate the insurance premiums for liability and workers compensation are now set at \$28,674,252, which is a 3.94% increase over the prior year. The reason for me sharing that with you is to tell you that with those increases in exposure, the overall insurance premiums are now down roughly \$50,000 from last year, and we're very pleased to announce that savings to you today. On some other issues, we've begun working with various people within the county and the County Attorney to review and revise insurance requirements on your sub-contracts. We reviewed a contract last

week that we felt the language was very old and outdated, and with the County Attorney's help, we're updating that information so that we can make sure the proper risk is transferred to the potential "at fault" parties, rather than the county bearing that risk. We will be working on that issue throughout the year. In the next few weeks we're going to meet with Jennifer Wigginton to discuss the insurance program in depth. She is going to be coordinating a lot of the insurance efforts with us, and our team is going to schedule a meeting with you and go over all of that, and we're going to update you on all of the things that we're doing. Also, we're going to be meeting with the various department heads to specifically ask for information about their departments as it relates to insurance issues. There are some underwriting issues that we feel we need to gather to clearly understand what we're doing, to make sure that the insurance program is doing for you what you expect. So, in the next few months we're going to be gathering information throughout the various departments. One of the insurance issues that we want to question in the near future, is flood insurance for any properties that you have in flood zone A. To the best of our knowledge those properties only exist in Burdette Park, but we need to verify that. Your insurance coverage over the last several years, for flood insurance, starts after a one million dollar deductible. And, we want to determine how much flood insurance will cost through the federally subsidized flood insurance program, where you can buy up to \$500,000 of coverage for flood zone A properties, and then we will determine how much it will cost to bridge that gap between the half million of the federally subsidized program, and the million dollars where your excess flood insurance starts. Again, all this applies only to flood zone A. All properties in flood zone B and C are covered through your standard coverages subject to your normal deductible. So, you've not had insurance coverage for flood zone A, and we think we should explore that to determine if there is a need to do so. Lastly, from my end, are claims, for several years have been handled through Alternate Service Concepts. They're the third party administrator. They've worked very closely with the insurance company for a large number of years. We've bid out their services, they are very competitive, and we've not found anyone that provides better claims service than them. So, we've renewed their contract for another year. They continue to impress us with their level of service and their competitiveness. With that, I would like to end the property and casualty discussion, ask you if you have any questions, and then bring Tony up. Thank you very much.

Tony Flittner: Good afternoon. I just wanted to make note of a few items that we had worked on with regard to employee benefits. At the request of Cheryl Musgrave, we looked into the group life insurance coverage for all of the employees of Vanderburgh County. We found that we were able to increase everybody's benefits up to \$15,000 in coverage, at no additional cost to the county. In fact, the monthly premium will drop by two or three dollars. So, that worked out very well, and we're glad to work to get that taken care of. Secondly, we would like to, with the permission of the Commissioners, reinstall or reinstate what we call "agent-on-site" for the employees of Vanderburgh County. That's a program where we have a licensed agent come in and be on-site for at least a couple of hours per week, at, typically over a lunch hour, so that the employees who have health insurance claims problems can sit down and talk with an agent. I think we did this a number of years ago back in the late '90's and it was a great program that was well received. So, we would like to get that started again.

President Crouch: Do we need a motion to that effect, Commissioners?

Commissioner Musgrave: Move that we reinstate the on-site insurance program, and that you work with Jennifer Wigginton to pick the right day and time to do so.

Tony Flittner: Yes, Ma'am.

Commissioner Nix: I second that.

President Crouch: I'll say, all in favor?

All Commissioners: Aye.

President Crouch: So ordered. Question, for those employees that are off-site, for instance, the County Highway Garage, the Sheriff's Command Center, would we be able to make arrangements where, perhaps, not once a week, but on a periodic basis, perhaps, be able to be on-site there?

Tony Flittner: Absolutely. Either on-site, or we have handed out contact sheets with all of our contact names and phone numbers in the agency. So, they're more than welcome to call at any time. Or we'll come out and meet with them.

President Crouch: Okay, thank you.

Tony Flittner: Then, just one other item. I was asked to look at the bill for the Tri-State Business Group on Health, which is a local program that works to be an advocate for health insurance, or for the insured. At any rate, based on the merit that it provides, or the value that it provides to Vanderburgh County at this time, I would recommend that it's not continued.

President Crouch: That was, the cost to the county was about \$2,000, wasn't it?

Tony Flittner: \$2,000, that's correct.

Commissioner Musgrave: Do you need a motion?

President Crouch: To instruct Mr. Flittner to contact them on our behalf.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Tony Flittner: Okay, thank you.

President Crouch: Thank you.

EPD: Waiver of Rental Costs/Overtime for Centre
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President Crouch: Next item, Evansville Police Department, waiver of rental costs, overtime for the Centre. If you recall, we had a similar request earlier in the year and we did deny the overtime. So, if your motion could reflect that to be consistent.

Commissioner Musgrave: Move the approval of the waiver of the rental costs, but not the overtime for the EPD for the Centre.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Purchasing

President Crouch: Department heads, only those department heads that have action to come before this Commission, or have business to come before this Commission that requires action need to appear at this time. Mr. Lawrence?

Phil Lawrence: I'm terribly sorry, my e-mail broke down Friday. I'm kidding, kidding, just a joke. Just a joke. I left off permission to advertise Burdette Park's t-shirt bid. It is VC-07-2005. The ad dates are February 26th and March 4th, and we'll open it March 15th here.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you, Mr. Lawrence.

Burdette Park

President Crouch: Burdette Park, no business? I believe your advisory board minutes will be added on to the consent items.

County Engineer

President Crouch: County Engineer, Mr. Stoll?

John Stoll: I have one item, this is the permit for IDEM for the St. George and Oak Hill intersection project. This just needs the Commissioners signature so that we can forward this on to IDEM. I think this is the only remaining permit we have to get in order to get that project to construction.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. That's it?

County Highway

President Crouch: Highway Superintendent?

Mike Duckworth: Good afternoon, President Crouch, members of the Commission, Mike Duckworth, Highway Superintendent. I have two action items that I needed to discuss with you this afternoon, first and foremost, we were scheduled to pick up a truck that had a piece of equipment added to it, a liquid tank. It was in Lawrence, Indiana. They did not have that ready today. We're sending them up first thing in the morning. So, I would request just the dates on that previous travel request that was approved to change from the 22nd to the 23rd please.

Commissioner Musgrave: That was done last week, right?

Mike Duckworth: Yes.

Commissioner Musgrave: Okay.

Commissioner Nix: Don't we need a motion on that?

President Crouch: Probably, yeah.

Commissioner Nix: I make a motion we change the date then on that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business?

Mike Duckworth: Yes, the last thing that I have is in regards to cable television coverage for the County Highway Department. I've discussed this with, I believe all Commissioners involved. Through our franchise agreement, Insight and Sigecom are, basically, required to provide this service at no charge to a county government—

Ted C. Ziemer, Jr.: Not Insight, under their agreement, only Sigecom.

Mike Duckworth: I'm sorry. It's Sigecom. That's who we basically went through, because of the fact that their coverage covers our off-site property. The need for this has to do with coverage for weather systems, not only in the winter for our snow removal and that kind of thing, watching fronts in the middle of the night, but also in the summer and spring times when we get heavy storms and wind damage to trees and those kinds of things. So, because of it's, and I had Mr. Ziemer to look through the agreement, I've spoken with Sigecom, all we need is a request from the Commissioners to designate us a operation, I guess, or a facility that under the

county auspices would be able to receive that. I'm asking at this time for you to include the County Highway Department on that.

President Crouch: Is there a cost involved?

Mike Duckworth: No.

President Crouch: No.

Ted C. Ziemer, Jr.: What the ordinance, or what the franchise agreement says is that they will supply it to any governmental entity named by Vanderburgh County. Since we're talking about the, I guess, County Highway Department, we need to say that that is an entity that you wish to have receive this drop service.

Mike Duckworth: That's right. We feel like we can save the county some money in this because so many times because weather is a science and a forecast, that if we watch some of these things while we're at the Garage, we kind of know when and if we need to hold crews over at the end of the day. Many times we'll not hold them over, and then there's a difference in the pay rate that we have to pay them if we have to bring them back in. So, because of the fact that there's no cost to us, and it's part of the franchise agreement, we feel like this would be an advantageous thing for us to try.

Ted C. Ziemer, Jr.: The only thing you need is your own television set.

Mike Duckworth: We've got one out there. I don't know where it came from, but it's there.

President Crouch: Of course, the only channels you would be watching or monitoring would be the weather channels, correct?

Mike Duckworth: Yes, there's no premium channels included in this. So, it would strictly be weather channel watching.

Commissioner Musgrave: Okay, move to allow Sigecom to recognize that the Highway Department is a county facility. That seems a little silly to me, but, I guess, it's required.

Mike Duckworth: Well, it's because we're a satellite and we're not located in this facility. Just to point out, for the record, there are numerous departments within this facility that get that service for the same kind of reasons.

Ted C. Ziemer, Jr.: Perhaps we ought to specify an address.

Mike Duckworth: St. Joe and, 5105 North St. Joe Avenue, which is located at the corner of St. Joe and Mill Road.

Commissioner Musgrave: I include that address in my motion.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: Thank you.

President Crouch: Thank you. Are there any other departments that have business before this Commission? Board appointments, we do have—

Ted C. Ziemer, Jr.: Oh, County Attorney, I'm sorry.

President Crouch: Oh, I'm so sorry.

Commissioner Musgrave: Mr. Craig is making—

David Kifer: David Kifer, counsel of record in 7966C.

President Crouch: We're not at that point of the meeting.

David Kifer: Oh, I'm sorry.

President Crouch: That's alright. Mr. Craig, did you have business?

Steve Craig: Steve Craig, Manager of Burdette. Listening to what Mike just said, I also think that that would be something that would be advantageous to Burdette. In the summertime we have the aquatic center open and that, at the present time I run home to watch the radar, because if we have a storm that's coming in, I've called from my house and it's been beautifully sunny and told them to get everybody out of the pool because of the way that the storms do move in. I think it would be to our advantage also if this is no cost to the county.

Commissioner Musgrave: What is your address out there.

Steve Craig: It's 5120 Middle Mt. Vernon, no, that's my address. It's close.

President Crouch: I see where we're going with this.

Steve Craig: I've already got this.

Commissioner Nix: Do you want to get the premium channels?.

Steve Craig: 5301 Nurrenbern Road.

Commissioner Musgrave: Okay, then I make the identical motion that I made for the Highway Department, but with their address.

Ted C. Ziemer, Jr.: That's fine.

Commissioner Musgrave: Okay.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Steve Craig: Thank you.

Ted C. Ziemer, Jr.: Steve, my suggestion is get from Mike Duckworth the name of the individual I gave him and phone number, call him at Sigecom, and just do him the courtesy of clearing with him that the Commissioners would like to do the same thing at Burdette that they've done for the County Highway Department.

Steve Craig: Yes, sir. Thank you.

President Crouch: Does the Sheriff's Command Post need a cable drop?

Eric Williams: Not at this time.

President Crouch: Okay.

County Attorney

President Crouch: The next item on our agenda is board appointments. We do have—

Ted C. Ziemer, Jr.: Excuse me, County Attorney.

President Crouch: Oh, I'm sorry.

Ted C. Ziemer, Jr.: If you don't want me to say anything.

President Crouch: Do you have anything important to say?

Ted C. Ziemer, Jr.: I do.

Commissioner Musgrave: Is your microphone on?

Ted C. Ziemer, Jr.: It is. We have the standards adopted by the township board for Center Township, which were delivered today. We had had an opportunity to review those before, and they're satisfactory for execution. So, we're bringing those to you under the County Attorney's report. I would like Steve Craig, is he still here? Steve, comment please on the Austill lease and the necessity for that?

President Crouch: The standards, we will just add to our consent items.

Ted C. Ziemer, Jr.: Sure.

President Crouch: Because that's where we normally put them.

Ted C. Ziemer, Jr.: Sure.

President Crouch: Okay.

Steve Craig: Steve Craig, Manager of Burdette. This property is approximately three and a half acres that is adjacent to our baseball diamonds, and the parking for our baseball diamonds. It is used as overflow parking for when the baseball diamond

has both fields rented. We've also used it as overflow parking for when we have large picnics. It's basically flood land. We mow it probably four or five times a year with a bush hog. Keep it down where you can park vehicles, but other than that, that's the only use of it to the park is for overflow parking for the picnics and for the baseball diamonds.

Commissioner Nix: How much property is it?

Steve Craig: It's about 3.2 acres what we actually lease from him.

Commissioner Musgrave: Has he applied for exemption on that?

Steve Craig: For exemption?

Commissioner Musgrave: Tax exemption. You should tell the owner to apply for tax exemption on the property that he's leasing to the county.

Steve Craig: Okay, I will tell him.

Ted C. Ziemer, Jr.: I've reviewed the lease. This is, there was a lease in effect last year that ended December 31, 2004. This is the same lease, the rent is \$400 a year, and Madelyn has two execution copies of that lease that have already been signed by Mr. Austill. Thanks, Steve.

Steve Craig: Thank you.

Commissioner Musgrave: Move approval of the Austill lease.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I was sent a, well, I guess, the county got a bill from Dover Elevator Company for maintenance of the elevator in the Old Courthouse. We looked at that, it's actually a continuing maintenance agreement, but runs since 1985, and the other party to the contract besides Dover is Conrad Baker Foundation, which is no longer in existence. So, I'm going to contact Dover Elevator Company and ask for a rework of that contract to bring it into the 21st century. We'll have that for you next week. Finally, you have in your packets for execution an agreement with Mercy Ambulance of Evansville doing business as American Medical Response, which we have reviewed, done some negotiation with American Medical Response, and worked out terms of a contract to be entered into for a period of one year from January 1, 2005 through December 31, 2005. There was some provisions which some Commissioners were interested might be included in that contract. There were some provisions with which American Medical Response was interested in. None of them rose to a level, or were able to be completed for this year's contract, but we've asked AMR to come back to us very shortly to start negotiating the contract for 2006, and, perhaps, even through 2007. Then we will consider all of these possible changes. But, it is ready for execution in the form that you have in your packet today.

President Crouch: Questions?

Commissioner Musgrave: No questions. Do you want that motion now, or do you want it included in the consent items?

President Crouch: No, I would take the motion now.

Commissioner Musgrave: Move approval of the AMR contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

Board Appointments

President Crouch: Board appointments. We do have a board appointment to Human Relations, Jamil Wali.

Commissioner Musgrave: Move approval of Jamil Wali to Human Relations.

Commissioner Nix: Second.

President Crouch: All in favor.

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business, County Commissioners office space. We had, I had a conversation with Mr. Rector, we no longer use 303, except for Solid Waste, and 307 is space that is utilized by people for meetings. In checking with the availability of moving those meetings that are currently in 303 to 307, it seemed that that would work. Mr. Rector requested that we do a letter, which I believe Jennifer has drafted, requesting his board to consider trading that space. Then that new space would also be space that we would want to share with County Council, because they are extremely cramped also.

Commissioner Musgrave: So, we would redo that space for Commission and Council use only?

President Crouch: Correct.

Commissioner Musgrave: Okay. Do you want a motion to send the letter?

President Crouch: Please.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Then the Veterans Memorial Coliseum lease, do we have an update on that?

Ted C. Ziemer, Jr.: Commissioner Musgrave and I met with the Commander of the Veterans Association that is the lessee under the lease. Together with Commissioner, former County Commissioner Willner who was in attendance at the meeting, two attorneys from Danks and Danks, and myself. We reviewed, it was a very amicable meeting, we reviewed various provisions of the present lease agreement, agreed to that all parties would take a look at some ideas that were suggested for changes, and then we're going to get back together the second meeting to review those, and I'm very confident that we'll be able to work out a satisfactory arrangement between all parties.

President Crouch: Commissioner Musgrave, do you have anything to add?

Commissioner Musgrave: Well, we, as part of the exploration of the lease, we determined that the Commissioners are paying for insurance on the building, above and beyond what the Veterans also pay, and the insurance vendor told me that that premium is about \$15,000 a year for nine million dollars of property coverage, plus, and I don't have the figure for this, liability coverage on that. So, I ask you to think about that, whether you still want to continue that coverage, whether we should deal with it in another way, and give that to you as food for thought. The county does incur some costs still for the Veterans Coliseum, although we're really proud of the job that the veterans do in running it.

Commissioner Nix: Do the veterans provide any kind of insurance that would cover some of that?

Ted C. Ziemer, Jr.: It's \$800,000 worth.

Commissioner Musgrave: I thought they said a million.

Ted C. Ziemer, Jr.: Or is it a million?

Commissioner Nix: That's on the building, or just contents?

Commissioner Musgrave: The building.

Commissioner Nix: The building?

Ted C. Ziemer, Jr.: The lease itself says that the veterans will provide the insurance, and it mentions \$800,000 as an amount. It doesn't have any provision requiring the county to pay any insurance. Over the years, since 1971, somehow the county has begun paying an insurance premium for that, and I can't explain, I've seen no documentation to indicate how that happened.

Commissioner Musgrave: I was told that in 1988 the Commissioners, at a meeting, decided to do that, but I don't know why.

Commissioner Nix: I know this was probably a real difficult question, but is there a way to put a value on what that building is worth? I mean, I know a building of that age, and it would be tough to replace something like that, I'm sure.

Ted C. Ziemer, Jr.: Sure, there is, and I don't know whether, I don't think you could replace it, as it is, if it blew up. But, that's beyond my purview. Certainly, an appraiser can do a creditable job of doing that for us.

Commissioner Musgrave: Under the current lease, or the lease that is in existence, the only way the county would ever get that back is at the expiration of the lease somewhere in 2070, I guess. Maybe it's 2069.

Ted C. Ziemer, Jr.: Yeah, uh-huh.

Commissioner Musgrave: Or, if the building were so damaged by fire that it was beyond repair.

Commissioner Nix: It would have to be a total loss?

Commissioner Musgrave: Total loss. So, I'm not sure why we're insuring a total loss. So, you would have to think about that, and, maybe when the veterans have their board meeting and decide whether or not they're going to adopt some of the changes or concepts that have been floated regarding a museum and so forth, we can discuss it at that time.

President Crouch: Thank you.

Old Business

President Crouch: Next item, old business, projects update. Do any of the—

Commissioner Nix: I've got just a couple of things, yes. As you all are probably aware, the Teamsters contract is due to expire at the end of this year, and that's pretty well for Burdette Park, the Centre, County Highway, and am I missing one there? Anyway, we have sat down with Rick Voyles from the Teamsters, and we've been meeting with Ted's people, and we have started some talks about the contract coming up. So, anyway, and also Eric Williams with the county Sheriff's Department. We have started this process, and we are also looking at the FOP language, which has been out for a while now, and, like I say, we're reviewing all that. So, we've got all that going.

Commissioner Musgrave: I know I've been working, along with Ted, on the Veterans Coliseum, but also with the Convention and Visitors Bureau to begin the talks with SMG for their contract renewal. I had hoped to have somebody, or a plan of action for that today, unfortunately, they were not able to deal with it at their meeting this morning. So, I will be looking at next month's meeting to finalize how the Convention and Visitors Bureau wants to participate with the Commissioners in that contract renegotiation.

President Crouch: Alright. I just have a couple of items, one on economic development. I met with Mayor Weinzapfel and along with Bob Jones, President of Old National, and he has agreed to chair an economic development task force to kind of assess and evaluate our economic development efforts, to see if they're as good as they need to be, and what improvements we can make in that area. In addition, the Burdette Park/USI pathways, there have been several meetings that have included members of USI, the Parks Board, Burdette Park, County Engineer, and we're moving forward on that project in terms of at least looking at costs and looking at funding. The advisory board, Burdette advisory board, is evaluating and assessing the master plan to see if that fits in with that. So, that's moving along, as we'd hoped. Then, the Old Courthouse, I met with Dennis Au regarding Allen County's efforts, and they've been very aggressive and very proactive with their foundation raising money, and this County Commission may need to look at redoing our ordinances regarding the foundation board, and, perhaps, even the advisory board. So, we do have a meeting with Jennifer and Dennis Au for later this week. So, I'll keep you posted there. What Allen County does, according to Dennis, their foundation board actually raised half the money for the renovation of their courthouse. If we could put together that type of a group of people that would just take the burden off of the taxpayers. So, we'll kind of keep you all posted on that.

Commissioner Musgrave: That sounds wonderful.

Commissioner Nix: You know, just looking at that project, we've got a roof on it now. The outside is substantial, and we've got a good heating and air conditioning system, electrical system. I guess, the next step is just to get it to where it's a useable building again. There's a lot of tenants that are in there that are using it now, but it's quite a building, and it's got the potential to do a lot of things for us.

President Crouch: Well, and then the advisory board actually in the ordinance is charged with the task of deciding whether it should be utilized for government offices, or for private industry. Certainly, that whole big picture needs to be looked at.

Public Comment

President Crouch: The next item on our agenda is public comment. Is there anyone in the audience that cares to comment to the Commission at this time?

Jerald Jones: Jerald Jones, I live at 3919 Lyle Road. Back again. Just very quickly today, I hope that the community realizes the importance of these meetings to be televised, because it's nice, I mean, my brother and I have been coming down here for years, and it's truly been an education. To see government at work, the questions that are answered and asked, projects that are cussed and discussed, and it's nice to see, really, governmental employees doing a great job for the public. I sincerely appreciate it. We also get to view the honesty and integrity of you fine folks up there, and over the years, I must say that, it's nice to be acquainted with the various employees of the county. I appreciate that. So, I do have one little question that I would like to ask at this time, I guess, that Mr. Stoll has not received the department of labor document that we need for the Lyle Road project. Did it come back?

John Stoll: No, we have not received anything, as of yet. As far as any meeting times or, obviously, we don't have the wage scales yet either, since they haven't scheduled the meeting.

Jerald Jones: So, I guess, we're waiting for that to come back before we proceed with the Lyle Road bids, is that correct?

President Crouch: I think that was the motion last week.

Jerald Jones: Okay, and when it comes back, I guess, then we will—

President Crouch: We'll proceed, yes, to get costs. That was kind of how we left it last week.

Jerald Jones: Okay. Alright, I look forward to that. Thank you.

President Crouch: Okay, thank you. And thank you for your comments. Is there anyone else in the audience who cares to address the Commission at this time?

David Kifer: I do.

President Crouch: If the business is not with the Commission, and what we have our jurisdiction of authority—

David Kifer: This business is with the Commission, please, Ms. Crouch. Mr. Jones was my teacher in school. Mr. Jones, I have a first amendment petition, I'm counsel of record in EV7966CHH. I have a first amendment petition for redress of grievances that I would like to submit before the council. This petition, and it has an attachment with the United States District Court letter to me, dated February the first caption to all counsel of record. I'll get back to that in just a moment, Ms. Crouch.

Ted C. Ziemer, Jr.: Question, Mr. Kifer, who is the petition addressed to? Why are you filing it with the Commissioners?

David Kifer: Because I have to serve you. I've already filed it with the court today, sir.

Ted C. Ziemer, Jr.: You have to serve us for what reason?

David Kifer: Because you're a counsel of record in this matter. You, Keith Vonderhae, Ziemer, Stratman—

Ted C. Ziemer, Jr.: Are you talking about your tort claim notice?

David Kifer: No, I'm talking about our tort claim, the people's tort claim.

Ted C. Ziemer, Jr.: I'm only aware of one tort claim notice that has been filed.

David Kifer: No, I'm not talking about the tort claim, excuse me, the tort claim is another matter, but it is related. What I'm talking about here is counsel for plaintiffs Kenneth Falk for Vanderburgh County jail inmates, David A. Kifer, for David A. Kifer, when David A. Kifer has a retainer with the ICLU. I ask you, Mr. Ziemer, who do you support, the ICLU against the citizens of Vanderburgh County?

Ted C. Ziemer, Jr.: That's none of your business.

David Kifer: It is the business, it's the public business.

President Crouch: Sir, you are out of order.

David Kifer: No, I'm not, Ms. Crouch. I'm listed as counsel of record in this matter, which is the Commissioners do fund prisoner petitions—

President Crouch: Sir, if you would like to submit your paperwork, we would be happy to accept it at this time.

David Kifer: I have to read these titles, I have somewhat to add. This is for the record, this is full public disclosure. The First Amendment of the United States Constitution, amendment for redress of grievances, abridgement of the freedom of speech, right to peacefully assemble. This petition is signed by seven other citizens of Vanderburgh County, including Christians, former inmates, and married couples.

Ted C. Ziemer, Jr.: What is their petition?

David Kifer: This petition, I will read number one, number four, number eight, and number ten. David A. Kifer is the only legitimate class representative in EV7966CHH since December 16, 1995.

Ted C. Ziemer, Jr.: Where is that filed?

David Kifer: December, it was filed today. December—

Ted C. Ziemer, Jr.: Where?

David Kifer: Pardon me?

Ted C. Ziemer, Jr.: Where? In the Federal court?

David Kifer: In the Federal court.

Ted C. Ziemer, Jr.: Okay.

David Kifer: February 9, 2000, and October 2, 2002, pursuant to 1A, federal injunction in this case; 2B, signing retainer with the ICLU; 3C, appearance pro se for this class in this cause and withdrawal timely from ICLU endorsed settlement agreements. This settlement agreement was unrepresentative, and in the settlement agreement the plaintiffs counsel wishes to disclose that no current or past class member has approved to this agreement. However, plaintiffs counsel believes that these matters are adequate resolution contested. I have right here, it is listed as counsel for the plaintiff is Kenneth J. Falk and David Kifer is listed as counsel of record, but he is not. I ask you again, Mr. Ziemer, who do you support, the ICLU or the citizens of Vanderburgh County?

President Crouch: Sir, you are out of order. That is really not—

Ted C. Ziemer, Jr.: I have no reason to answer that question. It has nothing to do with the County Commissioners.

David Kifer: I am a citizen of Vanderburgh County and this is Commissioner county business.

Ted C. Ziemer, Jr.: It is not.

David Kifer: What is it then, sir?

Ted C. Ziemer, Jr.: It's about to be—

David Kifer: What is it about to be?

Ted C. Ziemer, Jr.: You have actions filed in court—

David Kifer: Sir?

Ted C. Ziemer, Jr.: —pursue your actions in court. You have no appropriate action before the Vanderburgh County Commissioners, with the exception, perhaps, of an action that results from the tort claim notice that you filed.

David Kifer: No, sir.

Ted C. Ziemer, Jr.: Which we will evaluate and respond to in due time.

David Kifer: Today in EV7966CHH I have filed a class representatives first writ of (Inaudible).

Commissioner Musgrave: I would like to ask the Sheriff at this time to remove this gentleman.

David Kifer: I am counsel of record in EV7966C. The Sheriff cannot be ordered to remove me when I'm counsel of record in this cause.

Brad Ellsworth: I'm asking you to be done.

David Kifer: This is the integrity of these people. This is what we have in Vanderburgh County. This is signed by seven people. I want to at least read, oh, I do have a right to petition redress of grievances.

President Crouch: Thank you, Mr. Kifer.

Brad Ellsworth: Let's go.

Ted C. Ziemer, Jr.: Not to this County Commission.

David Kifer: Seven citizens of Vanderburgh County.

Brad Ellsworth: Easy.

David Kifer: Christians of North Park Baptist Church, Greg Roach—

Brad Ellsworth: Come on. Thank you.

Madelyn Grayson: May we change the tape please?

David Kifer: Crooked.

(Tape change)

Mike Duckworth: I'm sorry, Mike Duckworth, County Highway. I did forget to mention something. I think since we are being televised we ought to announce that we do have another road hearing coming up Monday on the 28th.

Commissioner Musgrave: If you would.

Ted C. Ziemer, Jr.: I just want to comment, Mr. Kifer has come to numerous meetings of this Commission. He has filed numerous civil actions in various courts, in state court, in federal court, in courts outside of Vanderburgh County. He has actions pending in those various courts, all of them, I believe have now been transferred to the Indiana Supreme Court on a motion, and then, perhaps, one in the Marion County court. He has filed a tort claim notice with Vanderburgh County, which we will, as I said earlier, respond to in due course. We are unaware, as the attorneys for Vanderburgh County, that there is any action at all that could be taken by the Vanderburgh County Commissioners or my office as attorney for the Vanderburgh County Commissioners for Mr. Kifer. If we could help him, and I must, let me add this, we have met with him in our office now at least on three different occasions, twice for 45 minutes each, each time we came to the same conclusion. We wish Mr. Kifer well with every right that he's asserting, but he's asserting them in the wrong forum when he comes to the Vanderburgh County Commissioners.

Commissioner Musgrave: Thank you.

President Crouch: And, yes, we do have a road hearing.

Mike Duckworth: We have a road hearing Monday the 28th at 4:30 at Helfrich Park Middle School. This would be for District Three, which is Mrs. Musgrave's district. Just a quick comment, at our last meeting in District Two we had in excess of 50 people. We got a lot of good suggestions. Our staff is currently checking those areas of concern now. As we're doing it on an on-going basis, so that sometime in March we can have a recommendation to you for our road paving schedule.

President Crouch: Thank you.

Commissioner Musgrave: While you're up there, I have been working closely with Mr. Duckworth and the GIS chairman, Matt Arvay, and we have put together a plan to have GPS locators on all the County Highway vehicles that Mr. Duckworth will choose. We would then be able to collect real time data on where those vehicles were, and we could run reports, where were they on a certain day? How many trucks went where? That sort of thing. We'll be bringing, or Mr. Duckworth and probably Mr. Baker from ACS will be bringing some proposals to purchase the necessary items to, I think, next week's meeting?

Mike Duckworth: Yes.

Commissioner Musgrave: Might be as early as next week's meeting. So, if you have any questions between now and then, I encourage you to ask Mr. Duckworth, but, otherwise, you'll be seeing some paperwork for that project to move forward.

Mike Duckworth: This is in an effort to be much more efficient and to gauge the time and effort, not only of our employees, but our equipment on task.

Commissioner Nix: I guess, while we're on that, the other thing that we missed a little while ago is that we are looking at a cost coding system, I've spoken to Mr. Fluty about that—

Mike Duckworth: Exactly.

Commissioner Nix: —to track labor, material and equipment on different activities at the Garage out there. This is just to kind of get a handle on where we're spending the money in different areas out there. So, and we should, hopefully, have that in place maybe within the next five or six weeks, depending on the logistics of everything.

Mike Duckworth: Again, I think that's a tool and a task that will help us at budget time as well as identify what we've done and where we need to go.

Commissioner Nix: What this will also do too is that if there are emergency repairs, reports that Mr. Duckworth has to give to FEMA or anything, we can actually set up a cost code and track those cost individually, so that if they need a report on that, they can get that. Right now, everything is sitting down there in a, basically, in a big pile if you will. As far as the labor and everything. So, we're trying to get that broke out and get it as efficient as we can.

Mike Duckworth: I'm glad you mentioned FEMA, I've spent at least four visits with them, along with members of my staff, evaluating and putting the paperwork together for the lost time and loss on equipment in regards to the snow removal. Because, Vanderburgh County was declared, during the snow removal, for I believe it was two days, a 48 hour period. We will be able to recoup some of those dollars that were utilized. Currently, we are working on the flood damage as well. So, we're hoping that, I think Gibson County was just declared last week, we're hoping that we'll follow suit there and be able to reclaim some funds for Vanderburgh County at that point in time as well.

President Crouch: Thank you. Just a question, Commissioner Nix, when this is implemented, this cost coding, will we be able to determine if it's more cost effective to do our paving in-house, as opposed to what the city does, which is contracting it out?

Commissioner Nix: That would be one of the things, there's a lot of activities that we can put in different numbers, if you will, codes, and it will determine what the county spends a year in paving, what we spend a year in snow removal, what we spend a year in grass cutting, removing trees from the roadways, stuff like that. So, it's something that I think we need to do. I don't think, it's really no cost to the county to do this. It's going to take a little bit of training for some of the employees out there, but I think in the end it will be a good thing for us.

President Crouch: Thank you.

Consent Items

President Crouch: Consent items, we have—

Ted C. Ziemer, Jr.: Madam President? If I may. One of the consent items is Knight Township Trustee standards, and those are in fine shape to be approved. Another item is the Pigeon Township Trustee standards, we would like to have that withdrawn. We found a defect there, and would like to have an opportunity to get those corrected before you approve those. Then, you'll recall that we're adding the Center Township standards to the consent items.

President Crouch: Also the Burdette Park advisory board minutes will be added.

Commissioner Musgrave: Move to add the advisory board minutes of Burdette Park.

Commissioner Nix: Second.

Commissioner Musgrave: Wait a minute, Center Township standards, trustee standards, and to remove the Pigeon Township Trustee standards, and to note that the Knight Township Trustee standards have been revised since the last time we adopted them.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And there's someone else that wants to address the Commission.

Jerald Jones: Jerald Jones, 3919 Lyle Road. Since my name was inadvertently brought up with Mr. David Kifer as his former teacher, and I just wanted to substantiate what you said, Mr. Lockyear.

Ted C. Ziemer, Jr.: Ziemer.

Jerald Jones: Oh, I'm sorry.

Ted C. Ziemer, Jr.: That's alright.

Jerald Jones: Excuse me.

Ted C. Ziemer, Jr.: He was a fine gentleman.

Jerald Jones: Yes, he was. I've had a lot of nice students, and brilliant students in the past, and I'm proud of all of them. Mr. Kifer's issues I have absolutely nothing to do with it. I wanted all of you to know that. I wish him well as well.

President Crouch: Thank you.

Commissioner Nix: Thank you.

President Crouch: There being no further business to come before this board I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, we will start with Drainage Board.

(The meeting was adjourned at 4:18 p.m.)

CONSENT ITEMS:

Employment Changes:

Circuit Court (3)	German Assessor (1)	County Clerk (1)
Burdette Park (1)		

Travel Requests:

Health Department (2)	County Assessor (1)
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Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD	Ozone Officer	Veterans Services
CIO Dept.		

Township Trustee 2005 Poor Relief Standards:

Knight Township (revised)	Pigeon Township (withdrawn)
Center Township	

County Clerk: Submit monthly report for December 2004.

Commissioners:

Jail Expense Payment: Shireman & Assoc. Req. No. 52: \$55,000
Old Courthouse Energy Savings Project: Req. No. 7: \$320,000

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	John Stoll	Bob Dillow
Tony Flittner	Steve Craig	Mike Duckworth
Phil Lawrence	Jerald Jones	David Kifer
Brad Ellsworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 1, 2005**

The Vanderburgh County Board of Commissioners met in session this 1st day of March, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting on March 1, 2005. I would like to start with introductions, and I'll start to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Nix: Bill Nix, Commissioner.

President Crouch: Suzanne Crouch, Commission President.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of February 22, 2005 Commission Meeting Minutes &
February 22, 2005 Department Head Minutes**

President Crouch: The first order of business is approval of prior minutes.

Commissioner Nix: I make a motion that we approve minutes of the meeting from the 2/22/05 Commission meeting and the department head meeting of 2/22/05.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

SBC Agreement

President Crouch: Our first action item; contracts, agreements and leases. We have a County Commissioners contract with SBC. Has the County Attorney reviewed this?

Ted C. Ziemer, Jr.: I have, and it is satisfactory for execution.

President Crouch: Thank you. Commissioners, any questions?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

McCarter & Associates Contract

President Crouch: Our next contract is County Commissioners with McCarter and Associates. Mr. Ziemer?

Ted C. Ziemer, Jr.: I've reviewed this, and it is satisfactory for execution from a legal perspective.

President Crouch: Questions?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

First Reading of Ordinance CO.03-05-008: An Ordinance Concerning Travel Expenses

President Crouch: Our next action item is travel ordinance, and this will be a first reading. Mr. Ziemer, or any Commissioners, comments?

Ted C. Ziemer, Jr.: I prepared the ordinance and provided copies to the Commissioners, and I don't have any comment beyond that.

Commissioner Musgrave: I make a motion to do the first reading of the revised travel ordinance. The goal of this revised ordinance is to reduce paperwork, but we're looking for comments from interested parties throughout the week.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And we will need a roll call vote on this since it is an ordinance. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes, and it passes on first reading. Would we be able to get this out to the department heads and office holders to get input before the second reading?

Commissioner Musgrave: Yes, I'll ask our staff to make sure that that happens.

President Crouch: Okay, thank you.

Change Order No. 2 for Jail Project
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President Crouch: Our next item, County Commissioners change order number two for the jail. This is an amount of \$55,841. Commissioner Nix, do you have any—

Commissioner Nix: Really it's, pretty well the change order is from quite a bit in December and some in January, quite a few of them that have been on the books for a while, and we wanted to get them all cleaned up. I think there was about eleven different items that added up to this change order amount.

President Crouch: Questions?

Commissioner Musgrave: Move approval.

President Crouch: All in favor.

Commissioner Musgrave: Aye.

President Crouch: Aye. And Mr. Nix?

Commissioner Nix: I abstain.

President Crouch: Thank you.

Revisit Travel Ordinance Discussion
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Ted C. Ziemer, Jr.: Madam President?

President Crouch: Yes?

Ted C. Ziemer, Jr.: If I may. On the travel ordinance, it just occurred to me, now as you know when we amend ordinances, the language of the amending ordinance sets out the changes that are being made. It does not totally reset out the ordinance which is being amended. So, what you have in your hands now is a document that says eliminate this paragraph, and add this sentence, and do this and do that. If you're wanting to get this disseminated, that would not make any sense to the department heads if they tried to look at that document. In many cases, the ordinances are so long that's it's unwieldy for our office to try to, I mean, to redo a 30 page ordinance to make six changes in the document. However, to help you to

speed this along so that it will be ready for next week for second reading, tomorrow I will have one of my assistants make the changes in the existing document, and I will e-mail you, Cheryl–

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: –the totally revised ordinance so that you can disseminate that to whoever you are disseminating it to, so they can review something that they can understand.

Commissioner Musgrave: I appreciate that. Thank you.

County Engineer

President Crouch: Our next item is our department head reports. Only those department heads that have business that requires action by the County Commission need appear at this time. Burdette Park is not here. County Engineer?

John Stoll: The first item that I have is a letter to send to Congressman Hostettler, and a letter to send to Senator Bayh, and a letter to send to Senator Lugar. This is in regard to funding requests for the University Parkway project. This would be a supplement to any funds that we might receive through the appropriation request we had previously made a couple of weeks ago. These letters are set up for the Commissioners signatures, and I would request that you sign those so that we can send on the requests.

President Crouch: Questions?

Commissioner Musgrave: Do you need a vote on this?

President Crouch: Please, a motion.

Commissioner Musgrave: I would like to make a motion that we sign these letters and send them to Senators Bayh and Lugar, and Representative Hostettler.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Stoll, as I understand it, this is in case we don't get the full amount from our original request of \$14.5 million, or in case we get nothing from the actual T-21 request, is that correct?

John Stoll: Right.

President Crouch: So, this is a second bite at the apple?

John Stoll: Hopefully, yes.

President Crouch: Good, thank you. Thank you for bringing this to us.

John Stoll: The next item I have is a request for street plan approval for section two of Burkhardt Center. The street that's going to be extended is Interchange Road North. It will eventually loop around and tie into Interchange Road South. Interchange Road South is existing up to this point here. Interchange Road North exists to this point here. Interchange Road South right now is a privately maintained road that I've been working with Ted to determine what kind of requirements the developer might need to meet in order to upgrade this to county standards. But, this portion they did design to county standards, and it will tie into another road that already meets county standards up here at Interchange Road North. I've requested some changes from the designer, and he has made those changes. As a result I would request the Commissioners approve these plans.

President Crouch: Questions?

Commissioner Nix: I make a motion we approve the plans as submitted.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: They didn't provide a signature line, so just if you just want to sign right here or somewhere. Just to show for the record that it's been approved.

Commissioner Nix: Do you want a date on there too, you think?

John Stoll: Yeah, please. The final item that I have is the cover sheet for the Lyle Road plans. We did receive the wage scales for that project, and over the next week and a half we'll finalize the plans and specifications, so that way it will be ready for bid. We've planned on bringing the notice to bidders to the Commissioners meeting next week. In the meantime I needed to go ahead and get your signatures on the cover sheet for these plans.

Commissioner Nix: Do you need a motion?

President Crouch: Motion?

Commissioner Nix: I make a motion we submit, or as submitted.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: County Highway Superintendent.

Jennifer Wigginton: I have one thing, a travel request for the Health Department for a workshop at no expense to the county.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jennifer Wigginton: Thank you.

President Crouch: You're welcome.

County Highway

Mike Duckworth: Good afternoon, President Crouch, members of the Commission. My name is Mike Duckworth, County Highway Superintendent. I'm here today for several different items. First of all, to renew a travel request, last week I asked and received permission for a County Highway truck to go and pick up a vehicle that had a brine tank attached to it, which is what we're going to begin, at some point in time, to treat our county roadways with, which is similar to what INDOT does. That did not work out to where the vehicle was ready, and, so, we have now waited until we can have that request renewed. So, at this time I'm asking again for you to approve the travel request for a two man crew to go to Lawrence, Indiana to retrieve the truck with the chemical tank that we've purchased attached to it.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: Secondly, I'm asking for another travel request which would be of no cost other than utilizing our vehicle and gas to go to Warrick County to view a certain type of roller. We are now preparing for paving season, and we're looking at the possibility of replacing a rather expensive roller, and we want to see and speak with Warrick County officials as to their interpretation of how this piece of equipment works. So, we would do that tomorrow morning. That's the basis for that request.

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: So ordered. Or, all in favor?

All Commissioners: Aye.

President Crouch: So ordered. If it doesn't work out tomorrow for some reason, just let the office know the changed date.

Mike Duckworth: Okay, I think that would be my recommendation, and I'll put that in writing when you send that information out on the travel requests, you know, that you give us permission by phone call or whatever if we need to go to an adjoining county. Or, if we've gotten a request and something's changed because of equipment or whatever that we can do that. I'll get that to you in writing. The other thing that I wanted to discuss today had to do with the, last night we had our last road hearing that was scheduled. We've now been into each district, and gathered information from residents in those districts. After last night's meeting, I would say that we've had probably in excess of 100 residents come forward with concerns, complaints, and requests of how we utilize, best utilize our funding dollars this year. I want to thank John Stoll and his staff, and Matt Arvay, and the Surveyor and the Auditor and all the county officials that attended these hearings along with the Commissioners at each one. It really gave, I think, the residents an opportunity to come out in their district and voice their opinion. What our plan of action at this time is, is to have our foreman and some of John's staff to work together to assess these situations, prioritize them, put a cost factor to it, and we'll bring that information back to you, and then at some point in time, I think in April, we will have the finalized road hearing to finalize that. So, I wanted to give you that information. The last thing that I have has to do with—

Commissioner Musgrave: We'll have the final hearing hear at the Commission—

Mike Duckworth: Yes.

Commissioner Musgrave: —not a road hearing out.

Mike Duckworth: Right, the final hearing will be here so that we can finalize whatever you decide the priorities are. Last night I will tell you that at 10:30 I watched the weather report and the report said that we would have intermittent snow and rain, and that we might get a few slick spots. So, in speaking to my on-call foreman, I told him to set the clock at 3:00 this morning, give me a call, we would see how we were doing. He got up at 2:45 and there was no snow, but at 3:00 he called and it was coming down like there was no tomorrow. Within a 30 minute time period we were at the garage and we called our crews out. We worked feverishly from 3:30, got the crews out about 4:30. As you know, we have to have a union call-in, and we did that. Yeah, there were some problems. Anytime you apply salt directly to the ice with low temperatures, you're not going to have the melting effect that people expect, and want to see when they get up and want to get out on the roadways. We followed the exact same road priorities that we had in the past, because we've not finalized our snow routing information yet from these hearings that we've gathered. So, it was a good experience for us because it tells us where we need to improve. It tells us the things that we need to do, but there are going to be situations where you get hit in the middle of the night like that, because of the type of front that comes

through that you're not going to be able to meet and to mitigate everything out there. So, with the brine system, and getting some of it down when there's a forecast that tells us that we're going to get snow, we can do that, and, hopefully, take care of some of the problems. The equipment that you've approved for us to purchase is going to allow us to do that. So, I wanted to give you that information and just also let you know that Vanderburgh County was not the only county that had problems. Warrick County cancelled schools today, I believe. We were able to be in school, have those busses out there and on time, no delays. The city, the county had 13 property damage accidents, one with injury. The city had 25 property damage accidents, with four injuries. So, it was slick. We had some slide offs, and, again, we're working through this, but the bottom line in this is when we get an event like that with ice and snow, people need to reduce their speed and be cautious, and we'll do all we can. So, if there's any questions about that, I would be glad to answer those for you.

Commissioner Musgrave: I don't have any questions about that, but a question arose out of last night's road hearing that I would like your input on. A gentleman offered to donate the county some right-of-way. Is there a procedure that we should follow? We may or may not be ready to follow, or fix the problem that he was talking about, but maybe he's willing to go ahead and donate the right-of-way so that when the time does come, we could do that.

Ted C. Ziemer, Jr.: Right-of-way where?

Commissioner Nix: Presently the roads not wide enough.

Ted C. Ziemer, Jr.: Oh, in one particular place you're talking about?

Commissioner Nix: Yes.

Ted C. Ziemer, Jr.: Certainly, yeah. That is very generous.

Commissioner Musgrave: Is there a form?

Ted C. Ziemer, Jr.: Yes, I mean, there's a procedure to go through to dedicate right-of-way to the county, and if the gentleman will get in contact with me I can arrange for that.

Commissioner Musgrave: Alright.

Mike Duckworth: I'll follow up on that.

Commissioner Musgrave: Thank you, Mike.

Mike Duckworth: Anything else?

President Crouch: Thank you.

Mike Duckworth: Thank you.

County Attorney

President Crouch: Next item is board appointments, and I believe we have a board appointment....oh, I'm sorry.

Ted C. Ziemer, Jr.: That's alright.

President Crouch: Every meeting.

Ted C. Ziemer, Jr.: I'm easy to miss.

President Crouch: Excuse me, Mr. Ziemer.

Ted C. Ziemer, Jr.: I have several items. I believe you have in your packets a resolution, which we have prepared to rename certain roads in Vanderburgh County. Which is being done at the request of Central Dispatch. If you want to take action on that, this would be an appropriate time.

President Crouch: Commissioners, questions?

Commissioner Nix: Is there anyone here to speak to that at all?

Commissioner Musgrave: Yes, I think Susie Craig is here from Central Dispatch.

Commissioner Nix: Okay.

Commissioner Musgrave: Do you want to come forward and explain?

President Crouch: Ms. Craig?

Susie Craig: I'm Susie Craig. I'm a supervisor at Central Dispatch. We have had a problem with what most of the residents call Waterworks Road. As it is officially named now, a portion of it is River Road, a portion of it is named something else that escapes me at the current time—

President Crouch: Shawnee Drive?

Susie Craig: Shawnee Drive, that's it. We would like it to be considered as Waterworks Road from where it starts in the city, as it stands right now, at 41 it is, when you head east it's named River Road until you get to Weinbach. From Weinbach to Nugent Drive it is named Shawnee. Then from Shawnee to, from Nugent Drive to the end it is called Shawnee. There are three residents at the end of Nugent Drive that have legal addresses or their parcels and their mail goes to Old River Road. So, we would like that portion to be named Old River Road for the sake of those people who have, I believe, river camps there. From 41 to Nugent Drive we would like it to be called Waterworks Road. With all of the cell phone calls that we receive now because of so many people having them, if there is an accident on that road, our dispatchers are given the information that it's Waterworks Road, because that's what everyone knows. Then we have to determine whether it's the River Road portion of the road, or the Shawnee Drive portion of the road to determine where to send help. So, that's why we're requesting the change.

Commissioner Nix: Will this impact any residents at all that you know of?

Susie Craig: There is nothing but farmland from 41 to the Nugent Drive.

Commissioner Nix: Okay, so there really won't be any address changes that anyone would have to make at all.

Susie Craig: No, none at all.

Ted C. Ziemer, Jr.: And we did check, the Commissioners have delegated to the Area Plan Commission the naming of streets, but has reserved to itself the renaming of streets. I've checked with Brad Mills at the Plan Commission, and he's reviewed the streets that are being, roads that are being renamed, and that will cause no confusion with their already named streets.

Commissioner Musgrave: Do we need to read the ordinance, or is it just making a motion?

President Crouch: It's a resolution, so, I think it would suffice with a vote.

Commissioner Musgrave: Okay, then I move that we adopt the resolution to rename the road to Waterworks Road as—

Ted C. Ziemer, Jr.: Well, I think to rename the roads indicated to the names indicated.

Commissioner Musgrave: That's my motion.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Susie Craig: Thank you so much.

President Crouch: Thank you, Susie.

Ted C. Ziemer, Jr.: We received a billing from Dover Elevator for the maintenance of the elevator in the Old Courthouse. We were instructed to review that. Dover Elevator doesn't exist anymore. It was taken over by ThyssenKrupp Elevator, and the contract for that was entered into in 1985 with the Conrad Baker Foundation, which also doesn't exist anymore. So, I contacted the ThyssenKrupp Elevator company, they have prepared and I have given to Madelyn, should you wish to execute them, new contracts with ThyssenKrupp Elevator Company, which the old contract renewed every five years, this will be a one year contract renewing each year, unless either party gives notice to the other 90 days prior to the one year period. The annual fee for the contract is \$3,280, that's up from \$2,016 twenty years ago. So, it's really not, and it's been increasing gradually over the years. It's paid in quarters, quarterly payments of \$820 a quarter. As I say, Madelyn does have three copies of that contract, which have been executed by ThyssenKrupp, should the Commissioners want to approve that contract and execute it.

President Crouch: Commissioners?

Commissioner Musgrave: Is the funding in place for that?

President Crouch: Yes.

Commissioner Musgrave: Oh.

Commissioner Nix: I make a motion that we approve the contract with ThyssenKrupp for one year.

President Crouch: No, it's one year renewable.

Commissioner Nix: One year renewable, okay, that's fine.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: When Sigecom entered into it's franchise agreement with the county, one of the provisions of the franchise agreement was that they had to post a bond of \$50,000 to show, until they had substantially completed the installation of their various lines. In December of last year, the prior Commissioners voted, under the terms of that contract, since it is now substantially complete, to reduce the bond from \$50,000 to \$25,000. It all appears to be in order, and I have placed with Madelyn copies of the documents that would be signed to reduce the bond from \$50,000 to \$25,000, should you wish to do that.

President Crouch: Questions?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Then, we have one, we have an instance in our office of a case that we're representing for the county where we would have a conflict. So, we have determined to place this case with Michael J. Cox, and I have given to Madelyn two copies of a standard form of agreement to be entered into between the county and Michael Cox. He's already signed them, should you decide to do so. In that case he would handle that particular case for Vanderburgh County.

Commissioner Musgrave: Motion to approve the agreement with Michael J. Cox.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

New Business

President Crouch: The next item on our agenda, new business. Commissioners, any new business?

Commissioner Musgrave: Do we want to do the board appointments?

President Crouch: Yes, that would be good.

Commissioner Musgrave: Alright. I have a list of people to make a motion to appoint to the Polling Place Advisory Council. I nominate Marsha Abell, the co-director of the Voters Registration the Democrat appointment, the co-director of Voters Registration the Republican appointment, Mr. Rob Kerney, Ms. Susie Kirk, Mr. Greg Utley, and Ms. Jennifer Wigginton.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other new business?

Commissioner Musgrave: I don't think so.

President Crouch: We did finish our road hearings, and we had indicated at the beginning of the year that we would be doing district meetings. I believe what we tentatively talked about was May the first district, August for second district, October for third district, but we might want to take a look at our calendars and try to find dates that work. Then, I guess, we need to decide if we're all going to address the same topic, or if we're going to do different topics at the different districts. So, you might give that some thought for the future.

Commissioner Musgrave: Will it be an official meeting? Or will it be more like the road hearings, where it's not recorded?

President Crouch: I was under the impression it would be more like the road hearings, where it would actually be hearing that each Commissioner would host in their respective districts, open to the public, open to the media, but no action would be taken. Just to get input, unless, you know, you all would like to go a different direction.

Commissioner Nix: I think that's what we'll end up doing.

Commissioner Musgrave: I think that sounds just fine.

President Crouch: Okay. Any other new business?

Old Business

President Crouch: Old business?

Commissioner Musgrave: We had our first Coffee with the Commissioners last week, and that turned out to be, I think, very good. A lot of good discussion, casual discussion. So, I've chosen another date for our second one, May nineteenth, at a slightly different time, from 8:00 to 9:00 a.m. The Convention and Visitors Bureau has again offered to assist with the coffee and donuts at the Pagoda. So, if that date's acceptable, I'll go ahead and put that on the calendar, and we'll get the invitations out to the elected officials and the department heads, and all the Commission board appointments, as was last time.

President Crouch: Would we have a motion to approve, Mr. Nix?

Commissioner Nix: I'll make that motion to approve.

Commissioner Musgrave: I'll second it.

President Crouch: So ordered.

Commissioner Musgrave: There was a good idea that came out of that. Ms. Crouch, do you want to talk about Area Plan, or shall I?

President Crouch: It just came as a result, I'm going to let you kind of elaborate, but in the course of this coffee with board appointments and fellow office holders a lot of good dialogue came about, and one of the suggestions was, gosh, you know, I can't believe how many people watch t.v., and wouldn't it be great if we could televise all the board meetings. Well, that's not financially possible, but as a result we decided that—

Commissioner Musgrave: We thought that it would be a good thing to have some of the boards, particularly the joint boards come and give some information about what's going on in their department at this time, and, perhaps even a little education. If there's a deadline looming, or a change in an ordinance, or a change in procedure, a new order of some kind, they can come and tell us about it. So, Area Plan has volunteered to be first. They will be here next week. I know that we sent WNIN a slide with their contact information on it. We would like people to e-mail any questions or concerns that Area Plan could answer when they come next week, and we'll hope that they'll spend about ten or fifteen minutes with us, and educate us and the public about what Area Plan does.

President Crouch: If it pleases the Commissioners, perhaps we could start the meeting with that, so that—

Commissioner Musgrave: That sounds fine.

President Crouch: —you know, they would have an opportunity, if they would have other business then, to move on. It is interesting that the better educated the public is, the better government can serve them. So, I think it's a great idea.

Commissioner Musgrave: We are looking for a volunteer for the following week.

President Crouch: Well, I kind of went through our boards, and we have about 39 or 40 boards that we actually make appointments to, the County Commissioners. Perhaps, we ought to send a letter out to the them and ask if they have a specific month that they, or date that they would like to appear. Perhaps they have a fund raiser or some special activity they've got that they might want to highlight. They may want to come several weeks prior to that. Then the rest, I would just assume we would just schedule them.

Commissioner Musgrave: We'll just volunteer them. Alright, so, do we need a motion to send a letter to our boards to ask them to contemplate a time to come?

President Crouch: Sure.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other old business?

Public Comment

President Crouch: At this point in time, the County Commissioners will accept public comment. Is there anyone in the audience who cares to speak to the Commission at this time? Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: I make a motion to adopt the consent items as listed.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business to come before this board, I will entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

(The meeting was adjourned at 4:00 p.m.)

CONSENT ITEMS:

Employment Changes

Prosecutor (1)	Center Assessor (1)	PTABOA (1)
County Clerk (1)	Auditor (3)	Sheriff Dept. (2)

Travel Requests:

Health Department (2)	DADS 1)	County Assessor (1)
County Highway (2)*		

*Date change on (1) previously approved on 2/22/05. Verbal approval on the second travel request.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	Veterans Services
CIO		

DADS: Surplus equipment letter.

Building Authority/Centre: Energy services guaranteed report for 2004.

Treasurer: Submit monthly report for January 2005.

Commissioners: Jail construction payment No. 53: \$1,195,290.50

Sheriff Department:

Federal annual certification report.
Submit weekly jail and community corrections reports.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	John Stoll	Mike Duckworth
Susie Craig	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 8, 2005**

The Vanderburgh County Board of Commissioners met in session this 8th day of March, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting. We would like to start by introductions, and I will start to my far right.

Ted C. Ziemer, Jr.: I'm Ted Ziemer, the County Attorney.

Commissioner Musgrave: Commissioner Cheryl Musgrave.

Commissioner Nix: Commissioner Bill Nix.

President Crouch: Commissioner Suzanne Crouch.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: Auditor Bill Fluty.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of March 1, 2005 Commission Meeting Minutes &
March 1, 2005 Department Head Minutes**

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Area Plan Commission Presentation

President Crouch: Action items, our first action item is we had discussed last week that we wanted to feature a board that the Commissioners make appointments to for education for the public. Area Plan Commission so graciously agreed to be the first board to appear before us and make a presentation. I would like at this point in time to introduce Mr. Mark Foster, who is the President of Area Plan Commission, and

to turn over this portion, about the next ten to fifteen minutes, to Mr. Foster. Thank you.

Mark Foster: Well, as you had mentioned, my name is Mark Foster, I'm President of the Area Plan Commission. I don't have a whole lot to say. Of course, the Area Plan Commission is a board that not only the Commissioners serve on and appoint to, but we are also a city board. We are a joint board between city and county. Mr. Mills will, I'm sure, cover that. Also here today is Burk McCarthy, who is the President of the Board of Zoning Appeals, and our Executive Director, Brad Mills. I think Brad has the presentation, and I will turn it over to him to make that presentation.

Brad Mills: Thank you, Mark. As Mark said, I'm Brad Mills, Executive Director of the Area Plan Commission. I appreciate the opportunity to come here and share a little bit about what my department does, and how we help the community. As you can see, up on the board here, we do have an easy way for you to contact our department at contactus@evansvilleapc.com. We also have a website up here, and as I go through the presentation our e-mail address will be at the bottom for you to write down, if you don't catch that. Go ahead and go to the next slide. As Mark mentioned, we are a joint city-county department. We are 15% funded by the city, 85% by the county, but we do equal share for both city and county. The main items that our department handles, we are charged with doing the comprehensive plans, rezonings, subdivisions, improvement location permits, signs, and also the Board of Zoning Appeals, which Mr. McCarthy is the president of. The comprehensive plan was just completed this past year. You do have a copy of that on your desk, I dropped that off at the beginning of the meeting. We had just gotten that back from the printer yesterday. So, those are hot off the press. That was approved by both the city and the county last fall. The comprehensive plan is a land use guide for the community. It's sort of a framework for us to work off of. It's not set rules and restrictions, but it is more of a guide. It's something that we use to try to help our county to grow and to prosper. It handles residential, commercial and industrial developments, growth policies, which take care of transportation, water and sewer. We also discuss schools, parks. The implementation of the plan is through our rezonings and our approval of our subdivisions. Rezonings, as you might all know, all the property in Vanderburgh County is zoned something. It's either zoned agricultural, or our highest zoning which would be industrial. To rezone a property, we have a series of steps that you need to go through. If you have, for example, you have agricultural and you want to put in a commercial development, the first thing you can do is go to our website at evansvilleapc.com, and you can click on a link that will get you to a GIS website which has the actual zonings for the properties. On the screen here you can see the zonings that we have at this intersection, Green River and the Lloyd Expressway. As you zoom in tighter it will actually show you the aerial photography under that as well. This is a view from higher up, so you can't see those. Once you have your zoning and you say, okay, I know I need to rezone this, the best thing that we recommend that you do is to call us, contact us, tell us what you're wanting to do. We'll tell you if what you're asking to do will be what you really need. You might come in and ask for a zoning for a C-2, and you really need a C-4, and you've just wasted \$500 or \$600, and you have to go back through the process again. You can download our applications right off our website. Once you've done that, filled those out, if you don't know how to fill those out, you can come to our staff, we will assist you in all ways to do that. Once you file that rezoning, you'll be scheduled to go to Area Plan Commission, then either the County Commissioners in the county, or the City Council. Once it goes to Area Plan Commission, the Area Plan Commission is just a recommending body, they make recommendations to this

board and to the City Council as well. Once those recommendations are made, it goes to you, and you all have the final vote on that. Alright. Subdivisions, one of the key things that I would like to point out, which is right underneath the subdivision title there, is that all lot splits must go through the Area Plan Commission. We want you to contact us for anything you do. By law, legally, you can write up a deed, and you can deed off part of your property to someone, and get it recorded in the Recorder's office. However, when you come to us and say I want to build a house on this, and we say, well, I'm sorry, you have a one acre lot that is in an area that requires septic, which is a minimum two and a half acres, I'm sorry, we can't give you a permit. So, of course, everybody gets very upset when that happens. So, please talk to us before you deed off any property. There are three main ways to deed off property. That is through major subdivisions, that would be required if you have three or more lots, or if you're going to dedicate a new street right-of-way to the city or the county. The minor subdivision would then be one or two lots. Parcelization is whenever you want to split off five acres of ground or more. You have to have at least five acres or more remaining. You cannot split something off and have five acres and a remainder of two and a half acres, because that would then be required to be a minor sub. We also do allow lot line adjustments between recorded lots. If you have a one acre recorded lot, and a one acre recorded lot beside that, you can scoot the lot line over and make it a one and a half acre and a half acre, as long as they are recorded. It can't be from a meets and bounds description to a recorded lot. Next slide please. Improvement location permits. Once again, we ask for you to call or for the community to call us everytime you want to put anything on your lot. We would be happy to answer your questions. If you're going to do a new home edition, a shed, garage, that requires an improvement location permit. Even if you took the old one down and there used to be one years ago, if you're going to put a garage back up, you need to get a permit. We want to make sure that you build it to code, that you meet all the required setbacks. Other things that are a little bit of a problem in the county, is any pool that is two foot deep, or more, requires a permit. You also have to have a fence around that. You've seen these new, inflatable pools that are popping up everywhere? If those things are over two feet deep, they require a permit and a fence. One other item that we also address are fences. The key thing on that is the height of the fence; four foot in the front yard, and the maximum residential is six foot in the backyard. So, please ask us before you do anything. Commercial, industrial developments, whenever you come in, and you occupy a new strip mall, you'll need to do a change of use. It could have been that there was a bookstore in there, and you want to put a restaurant in this facility, we want to make sure that you meet all the state and local code requirements. That example with the restaurant, you might be required to have a grease trap. There probably wasn't one in there for a bookstore. You'll need those for new buildings, additions, and parking lots. We also require the improvement location permits for apartments, which we do some other items as well. Signage, there's a little bit of difference for the signage requirements between the city and the county. In the city, for example, with a C-4 or industrial zoning, in the city you're allowed 500 square foot of signage, and for industrial you're allowed 1,000 square foot of signage. However, in the county you're only allowed 300. I know there are numerous times that we have individuals come before the Board of Zoning Appeals and complain that we're just right across the street from Target, or over at Wal-Mart, why do we only get 300 square feet, and Target gets 500 square feet? Well, that's a slight disparity between the two different codes. Off-premise signs, all the billboards, we did have a change in the zoning, not too long ago, I think it was '89, that limited billboards, and a lot of billboards were placed right before that, unfortunately, and there is a requirement that you have to be a certain setback from other off-premise signs. So, we just ask that you contact our office whenever you want to put anything that advertises your business, not on

your lot. If it's down the street, or on your neighbor's lot, that is considered an off-premise sign. One thing that I would like to stress is that permits are required for signs. Everybody needs to get a permit for your signs. So, if you want to put up a sign on the building, even though there might have been a sign there before, you need to come and get a permit, because we need to check to make sure that it meets the same size requirements in everything that you do. Or, if your property was rezoned in that process, the signage requirement could be different as well. One thing that I would like to stress also is the yard signs. As you might know, there are a lot of yard signs that pop up this time of year, sort of like dandelions, and we would really like to stress that the yard signs are not allowed in the right-of-way. That is city and/or county property, and we do go around, along with Transportation Services, and we pull those up and we discard those, because they are illegally placed, and we consider them trash. Next slide please. The Board of Zoning Appeals, this is my last slide here. The Board of Zoning Appeals does handle variances, special uses. With the variances, that allows you, for example to have increased lot coverage. If you're in downtown, the older lots are very small, small lot lines, very small spaces between the houses. If you want to put a garage, for example, on the back of your house, you're lot coverage is only 30% to 40%, depending upon the zoning. More than likely you would need to have a variance for lot coverage, so that you could have more. Other items that we would require variances for are accessory structures bigger than a house. If you want to put a 6,000 square foot barn up, and you have a 3,000 square foot house, you need a variance. Reduced setbacks, we also do reduced number of parking spaces, and variances for signs, especially out in the county, because they would like to have more. Special uses, there are 42 separate special uses that you can apply for. A special use is not a zoning change. It is a special use of the property. For example, a church or a school might go into a residentially zoned area, but they are required to have a special use for that. Other examples of special uses are parking lots, mobile home parks, electronic message boards, one's that scroll a name or advertisement, and also owner occupied beauty shops, where you would like to work out of your home. One final thing is appeal of staff decisions. That, the Board of Zoning Appeals does handle. If there's something that you're not satisfied that my department has made a decision, either myself or my staff, you do have the authority, we'll be happy to help you to fill out all the paperwork and go before BZA, and you can ask them to vote on your side. I would be happy to answer any questions.

Commissioner Nix: Yes, maybe just touch on how your department is funded.

Brad Mills: We are 85% funded county, and 15% funded city.

Commissioner Nix: And the fees, how does that weigh into the percentage?

Brad Mills: The fees that we receive and everything?

Commissioner Nix: Yes.

Brad Mills: All that goes into the General Fund, and then that just goes toward the monies that we spend to run our department. Any other questions?

President Crouch: Does Mr. McCarthy want to come up to the microphone?

Burk McCarthy: I have nothing to add.

President Crouch: Okay.

Brad Mills: He wanted to sit in the background.

President Crouch: Alright, well, thank you very much for sharing that with us. It was very informative. We hope that the public will learn something, and be in contact with you, which will, hopefully, eliminate problems for them in the future.

Brad Mills: That would be great.

President Crouch: Thank you very much.

Commissioner Musgrave: Thank you for coming.

Commissioner Nix: Thanks.

Agreement for Legal Services: Tom Massey: Bowers Harrison
--

President Crouch: Our next item is contracts, agreements, and leases. The County Commissioners have an agreement or a contract with Mr. Tom Massey.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

DADS: Contract for Oral Interpreter: Simon Leon
--

President Crouch: Next, there is a DADS contract. It's for an oral interpretation service. I believe this is an annual contract.

Commissioner Nix: So moved.

Commissioner Musgrave: I'll second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Sheriff Department: Evapar: Preventative Maintenance Agreement

President Crouch: Then the Sheriff's Department has an Evapar contract/agreement, and this is, again, I believe an annual agreement.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Travel Ordinance: Second and Final Reading (Deferred)

President Crouch: Next action item is our travel ordinance. Today is the second and final reading.

Commissioner Musgrave: The travel ordinance was distributed to department heads and office holders for comment. We received a great many of those comments, and the ordinance has been revised. That revision will be distributed tomorrow, with the Commissioners permission, and we will have second and final vote next week, if we don't get substantial more comments requiring another rewrite. So, with the Commissioners permission, I would like to distribute this revised ordinance.

President Crouch: That's fine.

Commissioner Nix: That's fine.

Commissioner Musgrave: Okay.

President Crouch: So, we will defer the second and final reading till next week?

Commissioner Musgrave: Till next week.

President Crouch: Alright. Very good.

Severe Weather Proclamation

President Crouch: Next item on the agenda, the severe weather proclamation. Would either Commissioner care to speak to this?

Commissioner Nix: I didn't know, do you want us just to read this? Or what do you think?

President Crouch: Sure.

Commissioner Nix: Okay. This is severe weather awareness week, March 6-12, 2005.

"Whereas: Indiana is vulnerable to severe storms throughout the year; and spring in Indiana brings with it likely occurrence of severe thunderstorms and tornadoes; and tornadoes may develop unexpectedly from any severe thunderstorms; and the months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Vanderburgh County; and 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

the statewide tornado warning exercise will be held on March 9, 2005 for the purpose of testing communication systems, equipment and procedures; and during this week, the Evansville-Vanderburgh County Emergency Management Agency, in cooperation with the American Red Cross, is emphasizing it's safety procedures involving tornado activity."

I didn't know if you wanted to take it from here, Commissioner Crouch?

President Crouch: Well, I think he doesn't want to read the part that says;

"I, Suzanne Crouch, Vanderburgh County Commission do hereby proclaim March 6-12, 2005 as severe weather awareness week."

That will be signed by all three Commissioners. Do I have a motion to approve?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Next item on our agenda, our department heads. It is at this time that any department head that has business that requires the action of this board to come forth. Are there any department heads that do have? County Engineer.

John Stoll: The first item that I have is a letter for the Commissioners signatures for the Mt. Pleasant Road project. This is a letter to Brad Sterchi, who developed Clear Creek Subdivision. Back when that subdivision was approved, Mr. Sterchi had committed \$25,000 towards the Mt. Pleasant Road project, and this letter is just a request that that contribution be submitted to the Commissioners.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The next letter that I have for the Commissioners signatures is to Roger Wade, who is the I-69, Section One, Project Manager. This letter is to request any information they might have regarding new access to Elberfeld. There is the possibility that new interchanges might be constructed to serve and provide access to Elberfeld in conjunction with the I-69 project. Since the I-164 corridor lies mainly

in Vanderburgh County, any new interchange could affect Vanderburgh County. So, this letter is just to request any information, so that way any infrastructure needs that we might have could be evaluated in conjunction with their planning studies for any potential new access, new interchange.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Could we get a copy of this also to, perhaps, Warrick and Gibson County Commissioners? Just kind of an FYI for them.

John Stoll: Sure. I did attach the joint resolution. It was passed previously where Vanderburgh, Warrick, Gibson, Oakland City, Evansville had all agreed to cooperate when it came to planning for economic development associated with I-69. So, that will be an attachment to that letter as well. The next item that I have is the Notice of Intent letter for the St. George and Oak Hill project. This is the letter that we have to submit to IDEM in conjunction with getting that project, getting all the permits taken care of for that project. I would request that the Commissioners approve this as well.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have a notice to bidders. This is for contract VC05-03-03, the Lyle Road elevation and widening project. This would have the bids opened on March 29th, and I would request the Commissioners approval to sign the notice to bidders, and to approve advertising for the project for bids.

President Crouch: There is no meeting on March 29th, that's the fifth Tuesday of the month.

John Stoll: Okay. We'll make it, I'm not sure what the first Tuesday in April is.

Commissioner Musgrave: Hold on. It is the 7th, I'm sorry, I'm looking at the wrong month. It is the 5th.

John Stoll: We'll revise it to say April 5th then is when we will receive the bids. I'll get Madelyn the revised language for the advertisement.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have construction agreements between Vanderburgh County and CSX for the Mt. Pleasant Road project. These agreements have been in the works for quite some time, and Ted's finally gotten the revisions back from CSX. He's reviewed those and approved those. They've been delayed for quite some time, because we've been waiting for CSX to address some revisions that the prior County Attorney had requested. That has all since been resolved, and I would request the Commissioners approve these agreements. It's for the amount of \$25,021, and this is what we have to pay in conjunction with the small amount of work that we're doing on CSX right-of-way in conjunction with the Mt. Pleasant Road project.

Commissioner Musgrave: Move approval, and offer my congratulations for getting it settled.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have construction inspection agreements for Section Three of Lynch Road. This is between Vanderburgh County and Bernardin Lochmueller and Associates. The agreement amount is \$574,156, and of that 20% will be our share of the project cost. This will cover their inspectors being on-site throughout the duration of the construction. Here again, I've worked with the County Attorney, and we were going to make some changes to the insurance provisions, but INDOT has a long, drawn out process to make those changes. So, the way it turned out, Bernardin Lochmueller provided us with a copy of their certificates of insurance that showed that they had sufficient insurance to meet the requirements that Torian Hofmann and Dillow were asking for. So, that has been done. So, on that basis, I would request that the Commissioners approve these agreements.

Ted C. Ziemer, Jr.: Which were those?

John Stoll: Construction inspection.

Ted C. Ziemer, Jr.: Okay.

Commissioner Nix: Is this just to the county line? Or is this the total project?

John Stoll: Total.

Commissioner Nix: Okay, this would also include Warrick? Are they participating financially with that?

John Stoll: Yes. This does cover the Warrick County portion, and we're also working on revisions to the interlocal agreement between Vanderburgh and Warrick counties.

There again, I've worked with Ted, and with the Warrick County attorney to review that agreement. It was previously approved last year that outlined the percentage splits that Vanderburgh County pays, as well as Warrick County. We need to make some revisions to that, and that's in the works. But, I'll bring that agreement to you, hopefully, within the next couple of weeks, and we'll get that finalized, once and for all.

Commissioner Musgrave: So, when does the project start?

John Stoll: The bids are supposed to be taken on March 16th.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have a letter from Ragle, Incorporated in conjunction with the Stockwell Road project. This is for a time extension request of 15 days on the culvert project that's on-going out on the project. I mean, out on Stockwell Road, I'm sorry.

Commissioner Musgrave: They're requesting two weeks?

John Stoll: Yes.

Commissioner Musgrave: Why?

John Stoll: In this letter, Ragle has outlined some delays that they've seen as a result of some utility conflicts out on the job. Through that they have itemized the number of days that they feel their entitled to because of these utility coordination problems. Like I said, they had requested an additional 15 days to complete the project, at this point, I'm prepared only to recommend granting an additional seven at this stage. The additional seven days would coincide with the amount of time that the Safety Board has already approved for road closure. And, the Safety Board approved from February 21st to March 21st. By granting seven additional days, that would make our contract's time coincide with their road closure time. So, like I said, I'm only recommending seven days at this point. If conditions warrant, this is something that we can revisit again later.

Commissioner Nix: I spoke to Mr. Stoll yesterday on this, and I would like to maybe do a site visit here in the next day or two, and see what we could do to maybe get things sped up a little bit. I understand that we're having a little bit of problem with the Water Department, with a water line.

John Stoll: Yes. The utilities that were in the way, primarily, were a gas main, a sanitary sewer force main, and a water main. The gas main was never relocated. Originally, it was intended that that was going to be cut off during construction, and then it be reconnected and relocated upon completion of the box culvert installation. The force main was planned to be relocated outside, actually, originally it was a

temporary connection was proposed, and then that temporary connection idea was scraped, and then a permanent rerouting of the force main was going to go outside the west boundary of our project. Then, during the construction of the Sewer Department's work, they ended up putting the new force main back over the top of our new box culvert. Then, as far as the water main goes, it was shut off on both ends of the project, and the water lines should have started back again last Friday. At this point, the water main has not been even started. So, at some point, they still need to get back out there and run a new water main over the top of the box culvert. So, those are the three primary problems that have been seen to this point.

Commissioner Nix: I would ask that before we give an extension that we take a look at it together, and maybe I'll contact someone from the Water Department and have them out there also, to look at that. Maybe we can look at this again next week.

President Crouch: If we don't grant the extension today, what does that do to the project?

John Stoll: The project will proceed. The way the contract was written, the contractor had three weeks of road closure time, and there are liquidated damages associated with not completing within that three week period for road closure.

Commissioner Musgrave: When does the Safety Board meet again?

John Stoll: Pardon?

Commissioner Musgrave: When does the Safety Board meet again?

John Stoll: Tomorrow at 4:00, I believe.

Commissioner Musgrave: Is it possible that they will grant road closure for longer?

John Stoll: I'm not sure, at this point. I spoke to the secretary for the Safety Board, and she told me that they had approved everything up through March 21st, but anything beyond that, I don't know if the contractor's requested it, nor do I know if they would grant it.

President Crouch: So, you're asking that this be delayed?

Commissioner Nix: I would like to take a look at this with Mr. Stoll, and, once again, get someone from the Water Department out there before we grant any kind of extension at all on this. Maybe after this meeting we could set up a time to meet out there in the next day or two.

John Stoll: Okay.

Commissioner Musgrave: Do you need a motion to—

Ted C. Ziemer, Jr.: I think this gentleman wanted to say something about this.

President Crouch: Sure.

John Bassemier: Honestly, I wasn't going to say anything.

President Crouch: Could you state your name and address?

John Bassemier: John Bassemier, 4220 East Morgan Avenue, with Bassemier's Fireplace and Patio. We didn't think a whole lot of this project. We understand that it needed to be done, and had good reasons to be done, but we see different days that nobody's working on it. I've talked to several businesses along the way there, and even the sandwich shop is off \$500 a week. My business is down 50% to 80%. There is other businesses that have restaurants with 80 or 90 people a day are now getting 20, 22 people in. I would say, easily, there's \$50,000 to \$80,000 worth of negative economic impact in that neighborhood every week. Mr. Ragle was nice enough to call me today, and I've spoken to most of the people involved in here, and sometimes the Safety Board, we heard they didn't close streets, but they do close streets. We get a lot of conflicting stories. I'm not here to raise any trouble for anybody, we just want to see this thing speeded up. We understand that the contracts for the water and the sanitary sewer and the gas and all that was supposed to be done before the contract was started on this, and that didn't happen. I understand the water line, if it's left where it is, they could have this road back up and running real shortly, but the water line, I guess, is what's running right over the middle of the new culvert. Then they would have to tear it up again and start over, but, apparently, the Waterworks is behind schedule, and we're just getting a lot of conflicting stories. I'm okay with extending it a week. I understand where we are now, you may not get it done by this week, but, I don't think they need 15 days. The Monday the decision was made it might rain, so, they worked at another project instead of this one. I think it was Weinbach Avenue where the street was open. Our street's not open, and it's killing us financially. That gentleman that got hit by a car last Friday night at Stockwell and Morgan, trying to cross the street there, the traffic was just absolutely backed up for half a mile. Last night, the public has caught on that there's no traffic for businesses, but just for the traffic on Green River Road is busier now, and it's just a total mess out there, and all of our businesses are really, really suffering. We would just like for you all to get together with the various departments to get in there. Because, to us, this is an emergency. Some of those other projects aren't quite as important. I'll be open to any questions, or hang around to talk to, if you want to know anything.

President Crouch: Thank you, Mr. Bassemier.

John Bassemier: Thank you.

John Stoll: One item that I would like to point out too is, Mr. Bassemier's correct, the contractor was not out there yesterday, but the way the contracts are structured, we don't dictate when the contractor works. We have them set up where he has to allocate his crews as he sees fit. So, we don't dictate that they work, or not work, on any given day. It's up to them to just get the project complete. So, it was the contractor's decision to have the crews work another job site, and that's solely their decision. We don't have any way to force them to be out on the job on any particular day.

President Crouch: The contract, the original contract what was it to be completed in a period of?

John Stoll: The road closure was for three weeks. The Stockwell Road closure. The rest of the project, I believe, has a May 31st completion date on it. But, Stockwell was limited to three weeks, simply because, like Mr. Bassemier was talking about, to try and limit the impacts as far as the detours go.

President Crouch: At this time the board is taking no action on granting a delay. Commissioner Nix will be getting with you and going out to visit the project to determine what it is that we can do to speed this up.

John Stoll: Okay.

President Crouch: Thank you.

John Stoll: I'll talk to the contractor and see what we can get set up.

Commissioner Musgrave: Could you send us an e-mail after you get done?

John Stoll: Sure.

Commissioner Musgrave: And let us know what's going to happen?

John Stoll: Sure. I did have one more item, and that was in conjunction with a damaged guardrail out on the Lynch Road bridge over Crawford Brandeis ditch. Several weeks ago a car crashed into that, or a truck, I'm not sure which, but it destroyed the guardrail on that bridge, and we've gotten three price quotes to replace that guardrail. The low price was submitted by C-Tech Corporation for \$4,290. I would like to request your approval to get a purchase order to have C-Tech replace that. We would use Cumulative, not Cumulative Bridge. I guess it would be Cumulative Bridge Funds in the meantime until Torian insurance can bill the driver's insurance, and then the Bridge Fund would be reimbursed for those costs.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Stoll, tomorrow the Safety Board meets, would it be beneficial perhaps for one of the Commissioners, Commissioner Nix, I don't know if you have time, I would be happy to attend that Safety Board meeting regarding this issue on the Stockwell Road closing.

Commissioner Musgrave: Do you know, is it on their agenda?

John Stoll: I do not know.

Commissioner Nix: I doubt that it would be right now, because I don't think anybody has put in a request for anything.

John Stoll: I would have to find out from the contractor whether or not they filed a request. But, as of this morning, no, it was not on the agenda.

Commissioner Musgrave: Do they have a provision on their agenda where you can just walk in? Or do you have to have advanced notice?

John Stoll: Off the top of my head I don't know, because I don't go to the Safety Board often enough to even remember. I can check into it.

President Crouch: Alright, and let us know.

John Stoll: Will do.

President Crouch: Thank you.

John Stoll: Thanks.

County Highway

President Crouch: County Highway.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission. Mike Duckworth, County Highway. I placed at your desk before you arrived a copy of a proposed snow route. This was something that we have discussed at each of our three county road hearings and taken input from members of the community. We have now got that down to a listing, as well as a map. I would like for you to look at and come to some decision on, if you could within the next couple of weeks. I would also ask that we ask the County Attorney, Ted Ziemer, to look at a proposed ordinance, and I would be glad to work with Ted on that, in regards to some things that happen along with that snow route, as far as the removal of vehicles that are parked on those roadways that are priority to have snow removed. Also, at some point in time, we want to look at signage designating those routes as county snow routes. This is similar to what the city has done. I'll get a copy of the city ordinance, Ted, for you to look at as well.

Ted C. Ziemer, Jr.: Thanks.

President Crouch: You'll check with Area Plan before you put those signs.

Mike Duckworth: Oh, most definitely. Most definitely. I would also tell you that, as we have discussed in the past, and a situation that was approved by this Commission, we have purchased a salt brine system, and the majority of that has arrived in, and we are putting it together. We're not up and operative just yet. We have some pieces of the spray equipment, and of the brine system, production system that have not arrived, and we're really close to getting that up and operative, which will allow us to pre-treat some roads. Recently we had a one inch snowfall that a lot of residents were concerned about, the fact that it was so slick with just one inch of snow. The problem was, and as, Suzanne, you and I have discussed over e-mail and telephone conversations, is that as your wind hits some of your county roadways with moisture on the road, you get a layer of ice underneath that snow that eventually comes down. Of course, depending upon the time that the snow hits, as I reported in my e-mail to you, at 2:45 there was no snow on the roadway, and at 3:15 the roadway, in some areas, were completely covered. That was 3:15, by 4:30 I had crews on the road. I can't tell you that those roadways by 6:00 or 6:30, or even 7:00 or 8:00 were even completely cleared, because the salt didn't have the sunlight and the heat to react to it to clear the roadways. But, I will tell you that Vanderburgh County school busses and Vanderburgh County schools were in session on regular time, opposed to Warrick County, who had some of the similar problems, and they cancelled school on that day. So, we were out, we were active, and I think this brine

system will assist us to mitigate some of the ice, and some of the stuff that causes those slick spots. On an unrelated note, I wanted to tell you that our office has received several calls regarding an area of roadway that is actually in the city that adjoins the county, and that is Petersburg Road, from Senate all the way around to Campground, and the conditions of that roadway. City Transportation Director, Ed Ziemer, and myself met with the Water Department, the Sewer Department and Bowen Construction that's handling that situation, and we've been assured that that roadway is going to be resurfaced within the next 30 days. I wanted you to know that, and I wanted to put it on record, because that's their agreement with us. Frankly, I'm tired of answering those calls. So, I wanted to make that a record with you, because also within that meeting we also had a very frank and open discussion about utility cuts and roadways, and some planning so that we're not out doing paving projects with Mr. Stoll's projects and our projects in the summer, and having them being followed up with utility cuts. So, we're going to try to have some planning and some organization in regards to that, so that doesn't happen.

President Crouch: When we approve our list of county roads that we're going to pave, do we then communicate—

Mike Duckworth: Yes.

President Crouch: —that to the utilities?

Mike Duckworth: Yes, we will send that out to the Water Department, Sewer Department, Vectren, all the utilities involved, Transportation and Services, and ourselves, dispatch, all those agencies that may have some involvement in having road problems, or whatever the case may be will be contacted.

Commissioner Musgrave: Has the city looked at this proposed map yet?

Mike Duckworth: We are currently trying, as we enact our snow routes, then Ed Ziemer and I are going to get together and put some agreement terms together about certain roadways. There's pieces of county roads and pieces of city roads that it makes no sense for us to stop at a certain area and let them come in and get it, when we could just take another five minutes and finish a roadway. So, there will be some trade off. We'll bring that back to the Commission and they'll take it to the Works Board for the agreement to be signed.

Commissioner Musgrave: Well, I think there's snow forecast for tonight. What are your preparations for ?

Mike Duckworth: Well, we'll, again, have county foreman on call, and they'll be driving the roadways. The last forecast, and I noticed channel 25 left, that's who I listened to, so, I can pick on Wayne Hart. His forecast was for a snow and rain mix with some slick spots. We got a completely slick roadway, and an inch of snow. So, it is a forecast, and there's not a lot you can do when it kind of dumps on you all at once. So, we will monitor the area, we'll have our on-call foreman checking that periodically through the night, and when he deems necessary, we'll get the call out and get the crews out. Thank you.

President Crouch: Questions?

Commissioner Musgrave: I know all the kids really appreciated being able to go to school that day.

Mike Duckworth: I caught heck from my two daughters. They wanted to stay in bed, but it didn't work out that way.

President Crouch: Thank you.

County Attorney

President Crouch: Mr. Ziemer, County Attorney.

Ted C. Ziemer, Jr.: I'm not sure we actually have anything—

President Crouch: Excuse me, I think we need to change the tape.

Ted C. Ziemer, Jr.: Okay.

(Tape change)

Ted C. Ziemer, Jr.: We have been working with Mary Hart of the Pigeon Township Trustee to get the poor relief standards completed. My information was that they are available in the Commissioners office, but I don't know if they are available here today to be approved.

President Crouch: I haven't seen them.

Ted C. Ziemer, Jr.: Also, the German Township poor relief standards have been completed and approved by my office, and Madelyn does have those, but she's planning to bring those for next week. So, there ought to be two sets of standards for approval next week. Then, finally, we have prepared a proposed ordinance concerning parks and recreation advisory committee. That is—

President Crouch: That will be presented to the Burdette Advisory Board tomorrow.

Ted C. Ziemer, Jr.: Okay, very good.

President Crouch: Thank you.

Ted C. Ziemer, Jr.: Thank you.

President Crouch: Any questions for Mr. Ziemer? Thank you. Have a good vacation.

Ted C. Ziemer, Jr.: I'm gonna.

County Assessor: Waiver of Fees for the Centre

President Crouch: Next item, or last action item is County Assessor waiver of rental costs and overtime for the Centre. We have waived the rental costs for government entities in the past, but not the overtime. Do I have a motion?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: Any new business?

Commissioner Musgrave: No.

Old Business

President Crouch: Old business?

Public Comment

President Crouch: At this point in time is there anyone in the audience that cares to address the Commission?

Jerald Jones: Good evening. Jerald Jones, 3919 Lyle Road. I just want to thank all of you folks, particularly John Stoll and Pat Seib, and all the Engineering Department, for the work that he has done, and what you folks have done to try to get Lyle Road out to bid. I truly appreciate it. It's been a long journey. Thank you so much.

President Crouch: Anyone else from the public?

Consent Items

President Crouch: With that, we do have some consent items, and if there have been no changes in what has been submitted, I will entertain a motion to approve.

Commissioner Nix: I would say that Energy Systems Group pay requisition be withdrawn.

President Crouch: Would you make a motion to that effect?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Move to adjourn.

President Crouch: Well, we need to approve then the consent items.

Commissioner Musgrave: Oh, move to approve the rest of the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Now my motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Good afternoon.

(The meeting was adjourned at 4:10 p.m)

CONSENT ITEMS:

Employment Changes:

Circuit Court (1)	Auditor's Office (1)	Prosecutor (2)
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Travel Requests:

County Assessor (2)	Auditor's Office (1)	Health Department (1)
County Highway (2)	Surveyor (1)	

County Assessor: Surplus equipment letter.

County Clerk: Monthly report for January 2005.

County Engineer: Surplus equipment letter.

EMA: County Emergency Response Team Sub-Grant Agreement.

Commissioners:

Jail Expenses: Shireman & Associates: No. 54: \$55,000
Energy Systems Group: Req. No.8: \$137,936.10: **(Pulled)**

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	CIO

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	Mark Foster	Brad Mills
Burk McCarthy	John Stoll	John Bassemier
Mike Duckworth	Jerald Jones	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 15, 2005**

The Vanderburgh County Board of Commissioners met in session this 15th day of March, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting of March 15th. I would like to call the meeting to order. We will start with introductions to my far right.

Kathryn Daniel: Kathryn Daniel from the office of the County Attorney.

Commissioner Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: County Commissioner, Suzanne Crouch.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: Auditor, Bill Fluty.

Jennifer Wigginton: Superintendent of County Buildings, Jennifer Wigginton.

President Crouch: Please stand and join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of March 8, 2005 Commission Meeting Minutes &
Approval of March 8, 2005 Department Head Minutes**

President Crouch: Our first order of business is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Girls in Bloom Presentation

President Crouch: Our first action item, every week we try to feature a board or a commission that is sponsored by the County Commissioners, or that we make appointments to. This week it is our pleasure and honor to have a presentation by Girls in Bloom, which is an organization that sponsors an event for young girls in the grades of fifth through eighth grade. This is sponsored by the County Commissioners, and has been for the last two years. Thank you, and welcome.

Patty Avery: Thank you for having us. I'm Patty Avery. It's been my pleasure to serve as director of Girls in Bloom these last two years. I would first like to introduce the committee members who have joined us today; Dorie LoBue, Lu Porter, Rakhi Agarwal. We have a special guest from Cedar Hall with us. We wanted to begin this presentation first by thanking you for your endorsement, your support, and your ownership of this event. Girls in Bloom started in 2003 when a group of women came together to discuss what we could do to build self esteem in young women. The history of the event is that it was an effort of the Commission office as part of National County Government Week in 2004. Last April we had a really exciting day with about 200 girls, parents, presenters, performers at the Old Courthouse. Well, the event went so well, and we got such good feedback that we felt that we needed to brace for growth. We asked last fall if we could possibly use the Centre. The Commission granted us that request, and just a couple of weeks ago we had about 400, we had nearly 400 people in attendance. So, we basically doubled in size from last year. Without the use of the Centre, that would have been, I can't imagine trying to manage that many people at the Old Courthouse. It was an absolutely wonderful venue. Actually, yesterday a presenter said to me, the girls felt so important being at the Centre. So, that was a tremendous gift to the young women of our community. As you'll see in the schedule in your packets, we presented ten programs an hour for the girls and one for the parents. So, our committee worked very hard, and scheduled, as I said, eleven workshops an hour. So, there was not a lack of anything to do that day. We received excellent coverage from the media. You may have seen some of our television coverage, and the beautiful article in the Courier and Press, the morning after the event. Again, your support was critical. You didn't just provide us the use of the Centre as a county event. You also provided the infrastructure of your office. Elizabeth, your intern, was a tremendous help. She fielded phone calls, she answered e-mails, and she handled our pre-registrations. So, she was an outstanding help. As well, in your packets I've provided you a list of the many area businesses and organizations that came together to underwrite this event. Again, we saw an outstanding increase from last year, and we were able to provide complimentary lunches to all of the girls and their mothers, when the girls qualified for free and reduced lunch at school. As well, we underwrote part of the cost of the lunch for all of the girls to keep the day an accessible day out for mothers and daughters. Our steering committee as well grew dramatically. The committee members are listed on the final page. I also took the liberty of listing our employers and supporting organizations. Because, without the flexibility that they give us it would have been an even greater challenge to pull over. Now, I would like to introduce Rakhi Agarwal, she's been on our committee for two years. She was a presenter both last year and this year.

Rakhi Agarwal: Thank you, Patty. I would again like to voice Patty's opinion and cannot stress enough of the fact that without your support this would not have been possible. Thank you so much and we look forward to your support every year coming forward. From a presenter's point of view, all I would like to say is that the most important thing that I got from the show, like doing that, being a presenter at Girls in Bloom was the parents making comments that this fair gives the girls an opportunity to call something their own, and something to look forward to for the upcoming year. It gives them an opportunity to come out of their comfort zone and try something new. I thought that was very important, because, I mean, I had also heard girls make comments like, "Oh, my God, this is so cool!", "I didn't know what to do. I know what I can do now, where to go if I need to learn music, or if I need to do art, or if I need to do a different form of dance." Like we had workshops of every different kinds to steer the girls in the right direction to give them a point of where they can start thinking in the future about what they like and what they want to do.

Also, the mom's were more enthusiastic this year. We did see participation from dads too this year, which was very nice, because the whole idea was to get the girls their niche along with the help of their parents there. So, Girls in Bloom gave them an opportunity to come together along with their parents and enjoy it, and learn, make this as a learning day together, which they will cherish throughout their lives. I thought this would not have been possible without your great support. So, thank you so much.

Patty Avery: One of the schools that has participated both years is Cedar Hall. We have a guest today, Christina Jacob, and she's going to introduce her guest from Cedar Hall.

Christina Jacob: Hi, my name is Christina Jacob, and I'm a social worker at Cedar Hall Elementary School. I would like to welcome, this is Arielle, she's one of our fifth grade students, and her grandmother, Shirley. This year we did have a lot more grandmothers participate. We do have several students who do live with their grandparents. Girls in Bloom has been very kind to us the last two years. We have a free and reduced rate of 86% at Cedar Hall School. So, they've always kind of allowed us that little leeway with providing lunch and activities for our students. We usually take a busload of our parents and kids over every year. This year it was interesting, our kids stopped us in the hallways, even before we advertised Girls in Bloom this year and said when is it going to be again? Can I have a permission slip? I want to go again. So, that was very exciting for us to see. Many times our kids don't have the opportunities unless we do bring them into the school to, you know, be a part of art and music and poetry and those types of things, theater and that type. So, it was a real fun experience for our kiddos. So, Arielle, do you want to say something you liked about the program? What was your favorite thing?

Arielle Powell: I liked it all.

Christina Jacob: Oh, okay. Well, what did you participate in? Which classes?

Arielle Powell: Arranging, flower arranging, CPR, scrapbookking, designing a dream-who wants to be millionaire.

Christina Jacob: Did you learn some things that you can take home with you while you were in there?

Arielle Powell: Oh, I learned how to write a checkbook.

Christina Jacob: Okay.

Commissioner Nix: That will come in handy one of these days.

Christina Jacob: I'd better watch my purse on the way out. No. Shirley, do you want to say something?

Shirley Swan: Yes, this is my first time ever doing anything like this. I really enjoyed it. I thought I was going to be bored. I thought I was going to be there for maybe an hour and be wanting to leave, but I enjoyed every bit of it. I mean, everything that we done, it was really interesting. I would be glad to go back again next year.

Christina Jacob: Alright, thank you.

Commissioner Nix: Thanks.

President Crouch: Thank you very much.

Patty Avery: You can imagine how gratifying it was for all of us, all day long, to hear the girls and their parents and their grandparents, and their big sisters and aunts when they came out of the sessions, and they would say things like, I learned to write a checkbook. I learned to... we built the seminars around focus groups that we held in the schools, so, we had our vision for the event. But, this year we actually shifted a little bit to take in some of the things that the girls wanted. They wanted career planning. They wanted financial planning. You'll see on the list University of Evansville provided us some tremendous resources in that regard. Where else could the girls have had a day with university professors, with artistic professionals, with creative craft designers, with drama coaches, with music coaches. Only in Evansville. A couple of nights before the program, as I was laying out the final program, I was absolutely overwhelmed with the resources in our community, and the uniqueness of our community. When people say things about, oh, Evansville, I say, no, no, you don't get it. You don't get it. I think Girls in Bloom is an absolutely wonderful, unique expression of thinking outside the box. Of those public-private partnerships that we all talk about developing. It's the result of government's involvement, it's a result of the school corporation, area business stepping up to the plate and saying, sure, we'll give a buck or two to help with this. And area not-for-profits lending their expertise. Again, I just extend to you our deepest thanks. Arielle's experience was repeated hundreds of times over that day, thanks to you and thanks to the use of the Centre. We fully anticipate that we will continue to grow. I don't know if we're ready to double yet again, but we do anticipate further growth, because all of the girls that have now gone back to their schools and the buzz is growing. We're already getting phone calls saying what can I do to help next year. So, we would ask for your continued involvement. The committee greatly enjoyed working with Suzanne's leadership. We look forward to continuing that. It was a tremendous year, and I think Girls in Bloom 2006 will be another outstanding experience. So, thank you very, very much.

President Crouch: Thank you. Comments?

Commissioner Musgrave: Well, Patty, I think that you deserve a lot of the credit too. So, thank you for what you have done for the entire group and the entire board of directors as well.

President Crouch: I do echo Commissioner Musgrave's comments. There were so many volunteers that gave, some who are sitting in the audience, that gave of their time. Without the time and energy of the adult volunteers this never would have happened. So, our hat's off to you. Thank you for allowing us to be a part of it.

Commissioner Nix: I would like to make a motion. I make a motion that we approve the County Commissioners continue ownership and support of Girls in Bloom.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. I just might point out that no resources, money resources, were utilized for this event and this activity. It was solely the resources of the volunteers and of the community. The County Commissioners did provide support through their intern, but I just want to point that out, that we did not commit any county dollars to that. So, it's a wonderful, wonderful event and opportunity. I agree with Mrs. Avery that it's an example of how government and the public and private sector can work together for the betterment of the community. Thank you for your leadership. Next item on our agenda. Thank you all for coming. Now that you know what it takes to be millionaire, maybe you can conduct some workshops here in county government. Thank you.

**Open Quotes for VC05-03-02: Concrete Repairs of Bridge #290
on Burkhardt Road (Deferred until 3/22/05)**

President Crouch: Our next item, County Engineer open quotes for VC05-03-02.

John Stoll: These bids will need to be postponed until next week. We had omitted the provisions about the drug testing requirements for the contractors in our contract documents. This afternoon we called the three contractors, four of them, I can't remember exactly how many, but we notified the contractors that we would postpone the bid opening until next week to allow us to put together an addendum stating that they had to comply with the ordinance that the county had adopted. Then we'll have the bids resubmitted again next week.

Commissioner Musgrave: Motion to resubmit bids next week? Or just postpone it?

John Stoll: Just defer it until next week.

Commissioner Musgrave: Defer it till next week.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

John Stoll: Thanks.

Open Bids for VC07-2005: Burdette Park T-Shirts

President Crouch: Next item, Purchasing open bids for VC-07.

Phil Lawrence: Yes, these are the annual....I started speaking before I got here. Madam Chairman, these are the annual bids for Burdette Park t-shirts, which is also the pricing that we use throughout the city and the county for all t-shirts purchased this year. I think she's got a bunch. I'll come over and help you, if you don't mind, so that we can move the process a little faster.

President Crouch: Motion?

Commissioner Musgrave: Motion to open the bids.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We'll move on and come back to that item at a later time.

Cooperative Extension Service-Purdue University Agreement

President Crouch: The next item, contracts, agreements and leases. First is the Co-Op Extension Service with Purdue University. This is similar to what we've had in the past. The funding is in place.

Commissioner Musgrave: Move to adopt, execute the contract with Cooperative Extension Service.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Second/Final Reading of Travel Ordinance

President Crouch: Next item travel ordinance, second and final reading.

Commissioner Musgrave: We sent the travel ordinance around to everyone, and got no comments except for one who said that it was just fine. So, with that, I move that we adopt the travel ordinance on it's second and final reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. So ordered.

County Assessor: Permission to Advertise the 2005 PTABOA Appeals

President Crouch: Next item, County Assessor, requesting permission to advertise the 2005 PTABOA appeals.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Health Department: Waiver of Rental Fee for the Centre

President Crouch: Health Department, waiver of rental fees for the Centre. This is for the employee health fair that the Health Department will be conducting for us.

Commissioner Nix: Move approval.

Commissioner Musgrave: I'll second. Do we need to say anything about overtime?

President Crouch: I don't believe they requested it.

Commissioner Musgrave: Okay, second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Burdette Park

President Crouch: Next item on our agenda, this is the time when department heads that have business that require the action of the Commission will come forward. Our first is Burdette Park.

Steve Craig: Steve Craig, Manager of Burdette Park. I have a project request from the FY '06 appropriation committee for the Burdette Park-University of Southern Indiana pedestrian bike and nature trail. This project extends from the USI campus to Burdette Park in western Vanderburgh County and will be a part of the American Discovery Trail. At this time I have a letter of support that I'm wanting to send to Senator Bayh, Senator Lugar, and Representative Hostettler. I'm requesting that the Commissioners sign this letter and send it to them in support.

Commissioner Nix: I make a motion that we approve the letter.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. You want us to sign it right now?

Steve Craig: Yes, Ma'am.

President Crouch: Okay.

Steve Craig: Madelyn, she'll get you a copy.

County Highway

President Crouch: Next item, County Highway Superintendent.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission. Mike Duckworth, County Highway Superintendent. Just as we're sneaking up on spring, we're still talking about snow. I wanted to, first of all, advise the Commission, and those in attendance that our brine production system is operative, and we have tested it and it's working fine. So, we do have another alternative to pre-wetting and pre-treating roadways if we're going to get any ice or snow in the remaining part of the year or next year. I have provided to you electronically, as well as a printed out list of a proposed snow route, which includes district one, district two, and district three. You have that in your packets. We asked and received several comments via e-mail and telephone calls from area residents. Some very good suggestions. In fact, from the time that we started the process until today, we have made multiple changes in this, due to citizens concerns. I think that tells us that we're on the right track in meeting the needs of our residents. Also, in my early meetings this morning, Commissioner Musgrave did mention one area that was omitted, and I didn't know if you wanted to go ahead and mention that at this time.

Commissioner Musgrave: Right, I would like to, when we do the motion to adopt this, to add West Terrace Drive from Peerless Road to the dead end. It's about, I don't know, a quarter mile? Half mile?

Mike Duckworth: At the most, right.

Commissioner Musgrave: Not very far, but West Terrace School is on that road. I think that's important.

Mike Duckworth: I agree. One of the things that we tried to accomplish in this snow route priority is to connect not only our fire and emergency, but to be a good neighbor with our school corporation so that the bus routes could be out there, the busses could be out there as well. So, with that in mind, I would ask at this point in time for the Commission to adopt the county snow routes. What that means is, this will be the routes that my department will tackle first. With this we will ask the County Attorney, Ted Ziemer, to adopt and to put together an ordinance that would, at some point in time in the near future be adopted by this Commission. We will also look into having signage designating these areas as designated snow routes. So, we still have a little work to do. But, this is the first step, and I would ask for your approval on this.

Commissioner Nix: You're still working with Mr. Ziemer then, as far as getting these to line up with (Inaudible).

Mike Duckworth: Exactly, if you'll see the second sheet that we have here, they basically are intersecting roadways where the city and county come together. Mr. Ziemer and I are having a continuing dialog, and we are going to see where it's most germane for us to take care of certain stretches of city roads and then take care of county roads, to save on fuel, and just as a convenience to not going over the top of each other. So, we will meet, we will work those together and we will make an addendum to this ordinance.

Commissioner Musgrave: I would like to make a motion that we adopt the snow routes with the one addition earlier described, and that you work with the County Attorney to get the formal ordinance written.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have. Thank you.

President Crouch: Thank you, Mr. Duckworth.

County Engineer

President Crouch: Next, County Engineer.

John Stoll: The first item I have is in regard to the Stockwell Road project. As you recall, last week a request was submitted by the contractor on the project to have a 15 day time extension for road closure on Stockwell. That matter was deferred until this week to give Bill and I a chance to go out to the job site and meet with everybody. Last Wednesday Bill, and I, and Duane Gilles from the Water Department, and Scott York from Ragle Contracting all met out there. We went over the project schedules as far as what work Ragle needed to complete, as well as what work the Water Department needed to complete. Based on that meeting, the schedule worked out to where Ragle needed until this Friday to complete the concrete wingwalls and headwalls in the culvert. Then, the Water Department could reconnect the water main, and then Ragle could get back in on Monday and Tuesday and complete the paving to allow the project to get back, to allow Stockwell Road to get opened back up again. So, on the basis of that meeting, rather than the seven day time extension request for closure that I recommended last week, I'm now going to recommend an eight day extension, which would allow the road to be closed through next Tuesday.

Commissioner Nix: I visited the site this morning too, took a look at it, and it looks like they're making real good progress now. They are pouring the last wingwall, I guess, this afternoon. I talked to Mr. York this morning for a few minutes, and looks like we're on schedule for that completion, if the weather holds for us. It looks like, right now, we should be alright.

Commissioner Musgrave: Is Mr. York here today?

John Stoll: Yes, he is.

Commissioner Musgrave: I would like to ask him a question. I had earlier asked the County Engineer to give me a timeline of the contacts that he had made with the various utilities, including the City Water Department, to get the work done. He supplied a pretty impressive list, and I was just wondering what contacts did you make in order to get them there on time?

Scott York: Well, obviously, I don't have the list in front of me, but we had correspondence before the first of this year. I spoke to them at the beginning of this year. John and I both met with them, I think it was the end of January, the first of February, and had a pretty impressive game plan that they, unfortunately, didn't follow through with. So, once the project was started, both myself and some of John's staff had contacts with them once again, and there were just deadlines that they didn't meet.

Commissioner Nix: After our meeting last Tuesday, John and I went downstairs and talked to Harry Lawson. I don't know that Harry was completely up to speed with the project, but Wednesday morning early Duane Gilles called me and got the ball rolling. I think it was more of a communication problem within the Waterworks themselves, but, I guess, in the future if we could be notified of these things ahead of time we probably could help that situation out tremendously. Maybe he didn't notify Mr. Stoll, and if we could, I think we can help internally in doing that. Once Duane got out on the site, we pretty well had all our answers answered and we were on our way. But, it took that initial visit to Harry to get that done. So, but, like I say, in the future, if we could get just a little bit more of a heads up, I think we could help the situation out better.

John Stoll: Okay.

Commissioner Nix: What this was doing, basically, was impeding them from starting work on the left side of the road, because this main's pretty well right in the way. They took the liberty to go ahead and put material over the top of it so they could work, to go ahead and keep working. Then it will have to be unearthed now for the Water Department to come in and do their thing. That way, the other thing that concerned me some too was the fact that the Water Department talked about maybe doing this a couple of weeks down the road, which would close the road again. We don't need to do that. We need to get this done, and get the road opened back up.

Commissioner Musgrave: Is this a typical situation where the Water Department, when another utility holds up a public works project?

John Stoll: We routinely have utility conflicts to try to get worked out. Like I probably told each of you, we've tried to get the water and sewer relocation plans included in part of our project, so, that way we would set up an agreement with the Water and Sewer Department to where they would reimburse us at the completion of the project. That's allowed us to at least control when and how things take place, which in turn helps the contractor get the job done. With electric and telephone we don't have that option. Like for example, Mt. Pleasant, until the contractor got started on that bridge, there were some conflicts with some SBC lines that weren't resolved until they were actually out on the job site digging. Much like Ragle was on Stockwell. So, utility conflicts are a routine thing. If possible the designers try to

design around it, or to minimize the conflicts, but that's not always possible. In this case we had gas, water, electric, and sanitary sewer all within the limits of the project, and with the new culvert going in there was really no viable way of designing around it. The culvert only could go in this one spot basically. So, it's a routine conflict and a routine problem we have to try to get worked out.

Commissioner Musgrave: But, in this case it was a government owned entity, the City Water Department, that is causing you to ask for another eight days from the county in order to meet your project. Have either of you ever told the utility board about this? Written a letter, asked for government projects like this to be given priority?

John Stoll: I have not. Most of our correspondence is usually with the staff of the Water and Sewer Department, as opposed to going to the utility board.

Commissioner Musgrave: Well, I wonder if they're aware.

Commissioner Nix: I would say this. Once the proper people knew about what was going on, we got all the response we needed to get the thing done. So, I don't know if it was just an internal communication problem that the Water Department was having. I understand there was a vacation and there was a sickness on a couple of people that were involved with the project early on, which hampered, somewhat, the progress of them getting out and taking care of this.

Commissioner Musgrave: I guess, I just feel for the business owners there—

Commissioner Nix: Right.

Commissioner Musgrave: —whom another week is a hardship. I guess, I would ask you to talk to someone in the utility to see if we can't be a priority. If government projects can't have more priority with the government water utility. Perhaps we can't get that sort of distinction in the privately owned utilities, but I'm not sure why the city water couldn't give government projects more priority than this. Because I noticed in your timeline, was it SBC that moved their line a year ago?

John Stoll: It was Vectren.

Commissioner Musgrave: Vectren.

John Stoll: And they moved a pole. They had a relocation on this one particular pole set up way back in, I believe it was 2003, if I remember correctly, but, anyway, it was Vectren that did that. Even that though, the pole that was moved, while it was moved northeast of the, north of the northeast wingwall in the project, there were still conflicts that the contractor had to work around because of the overhead utility line. So, there's no good way to get a job site free and clear of all utilities.

President Crouch: I guess, I would rather that we become, perhaps, a little more involved rather than asking you. While I believe that you command the utmost respect, I think there's a point in time where the Commissioners need to be involved. I would urge you and other department heads to call upon us when you feel that time is critical. Because when Commissioner Nix got involved, things started to happen. So, don't hesitate to call us and involve us whenever we can help to move a project along.

John Stoll: You'll probably get that opportunity soon, because we've got the St. George Road and Oak Hill Road plans are under review right now for utility conflicts.

Commissioner Musgrave: Well, that's okay.

Commissioner Nix: Maybe that might be a good time to just sit down with all the utility entities, water, sewer, cable, electric, gas and all of them. I know, it sounds to me like if this took place early on in this project here (Inaudible) very far.

John Stoll: Last probably November or December on a pre-construction meeting, we knew the utilities were out there, and contacts were made, it's just unfortunate that the relocations didn't occur until they were already on the job site.

President Crouch: Will you involve one of the Commissioners—

John Stoll: Sure.

President Crouch: —if you feel it will help the project? Or any projects in the future?

John Stoll: Sure.

President Crouch: I'm sure that any of us would be happy to attend a meeting, or make a phone call, or appear in an office.

Commissioner Nix: Let me emphasize too, that, like I say, once Harry and Duane got involved, everything just got taken care of. So, like I say, we're on track now.

John Stoll: I'll let you know.

President Crouch: Mr. Bassemier, did you care, have any comment?

John Bassemier: I'm John Bassemier, with Bassemier's Fireplace Patio & Spas. I got involved a little bit late, because I had no idea the closing of Stockwell Road, which is not that major a roadway to me, would have such an impact on the businesses in the neighborhood. I agree with everything that everybody has said up here in the last few minutes on this project. The one thing that I would add as a business person and a contractor, is that there be a punch list before you let the contracts, so, that you all know and you can check off of your punch list all of the items that have been done. Because Ragle told me, and, by the way, Ragle was really hustling there today. There were nine people working very hard and very fast, and I appreciate the input of the Commissioners here. But, I just think, before you let it go, just make sure, if SBC was in on this a year ago, where was the Waterworks, and where was the sanitary sewer people? So, that's my only comment. I'm very satisfied with the way that things have moved on in the last week or so. But, I just think you just need a little check off list and say, yeah, we can let this one go, we're ready. Thank you.

President Crouch: Thank you.

Commissioner Nix: Thank you.

John Stoll: One thing in regard to that, on this project we were kind of under the gun, because FEMA was going to go publish those floodplain maps that were going to raise the flood elevations on the whole east side. So, even though we knew the

conflicts had not been resolved, we've been waiting for FEMA, hopefully, FEMA wasn't, hoping that FEMA would not publish the maps and allow us to get this project finished. So, that way the whole east side would not have to start paying for flood insurance that they shouldn't have to pay for. Going back to when the project was initiated, Roger Lehman's office estimated that there was probably half a billion dollars worth of property improvements that was affected by this. The flood insurance premiums, he estimated, would affect probably 75% to 80% of those properties. Which in turn would lead to thousands and thousands of dollars of flood insurance. So, we were pushing the project ahead to try and avoid them publishing the maps that would have those adverse impacts on the whole east side.

President Crouch: This is mainly a county project, is that not correct?

John Stoll: Right. The dollar amount of the contract, the construction part was \$956,000. I believe the city's portion of that is around \$55,000. So, the bulk of it is coming out of the Cum Bridge Fund.

Commissioner Musgrave: The FEMA flood maps would have also prevented further development out there. Or development that would have to be raised above the flood plain, costing a great deal more.

John Stoll: Correct.

Commissioner Musgrave: So, it's a pretty important project. So, that, I guess, that's why I'm even more stunned that the Water Department just didn't get their part of the job done in time.

John Stoll: With the deadlines that we were trying to hit, they were originally telling us that these maps would have been published a year and a half ago. I think they've been giving us the benefit of trying to get the project completed. But, we couldn't really wait any longer, which, in turn affected what Mr. Bassemier was talking about, that the things were not relocated prior to the bid opening.

President Crouch: When we talk about economic development, we never think about this being a very important part of it, but, in essence, if we had not moved forward on this project we would not have protected our tax base. So, there is many different facets to economic development.

Commissioner Musgrave: Well—

Commissioner Nix: I would like to make a motion that we extend the street closing of Stockwell Road until, let's see, next Tuesday would be the—

John Stoll: 22nd.

Commissioner Nix: —22nd, and let's just say that it will be open by 6:00 p.m. on Tuesday the 22nd.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

John Stoll: Hopefully the weather holds so we won't have to deal with it again. The next item that I have is a street plan approval request. This is for section three of McCutchan Estates Subdivision. This is located out adjacent to the other phases of McCutchan Estates. One of the ways to get into it is a road that's been brought up several times in the past few years where McCutchan Place, it's a private road, comes in off of Petersburg, and eventually ties in to these roads that are being constructed as part of this subdivision. I've reviewed the plans, and I would recommend the plans be approved by the Commissioners. The changes that I'd requested have been made by the consultant.

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The next set of plans that I'm requesting approval on is section seven of Cross Pointe Subdivision. This is located north of Virginia Street and will entail an extension of Columbia Street west off of Cross Pointe, and will extend Cross Pointe by a couple of hundred feet. Then also construct this road over here on the west side of the site, which is Buente West Court. Here again, the consultant has made the changes that I had requested. I would recommend approval of the subdivision plan, the street plan I should say. One thing that I would like to point out is the design is basically designed to the minimums allowable by the drainage ordinance. So, it's going to take some finesse by the contractor to build it according to these plans. But, it will meet the minimums required. The streets are planned to be asphalt, curb and gutter. They will construct sidewalks out in this sub.

Commissioner Musgrave: Is this the edge of the road where it narrows?

John Stoll: No, the edges are over here.

Commissioner Musgrave: Okay.

John Stoll: As you head north on Cross Pointe, at Columbia Street, they'll have a left turn lane to head west on Columbia. Then this will be a through lane, which will eventually go north once Cross Pointe's extended further.

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Another request in regard to McCutchan Estates that was made by the developer. They have requested a sidewalk waiver for section three of this subdivision. I would recommend approval of the sidewalk waiver. Because of the grades I am not too confident that they would make ADA compliant sidewalks. So, on that basis I would recommend approval of their sidewalk waiver request.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have a notice of intent for storm water run off associated with construction activity for the Mt. Pleasant Road project. I talked to representatives of Morley and Associates last week, and we found that this was never submitted. We just need to get this in to IDEM for their review. All the other steps were taken. The plans were submitted to SWCD for review. The public notice was published. This was just the one thing that was omitted. So, I would request that the Commissioners approve this.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have an agreement between Vanderburgh County and Bernardin Lochmueller and Associates for design of bridge deck repairs on Kentucky Avenue, the Kentucky Avenue Bridge over Little Pigeon Creek. This agreement is for \$22,200. I've had Ted review it, and the changes that Ted had requested, which were primarily insurance changes have been made. Even though he's not here, he did say it was okay for the Commissioners to proceed with signing off on this agreement. So, I would recommend this be approved.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have another agreement between the county and Bernardin Lochmueller. This is for the design of deck repairs on the Old State bridge over the

CSX railroad. This is north of Mt. Pleasant Road. This agreement is for \$22,200. Here again, it's had the changes made that Ted had requested. So, I would request the Commissioners approve this agreement as well.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

John Stoll: Next, I have a page that was not signed out of the agreement that I presented last week. I did not flag it with a post-it note, but this is a certificate that was part of the construction inspection agreement for Lynch Road between the county and Bernardin Lochmueller. The agreement was approved last week. It was for \$574,156. It's just that I had omitted these two pages, and I would request the Commissioners sign these.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have interlocal agreements between Vanderburgh County and Warrick County for the construction of Lynch Road. This agreement assigns Vanderburgh County as being the lead agency on the project. Which means we'll do the coordination with INDOT and with Bernardin Lochmueller. It requires that Warrick County pay their share of the costs, which we've estimated the split is 66% for Vanderburgh County, and 34% for Warrick County. However, those percentages will be adjusted once the bids are received. So, we've tried to address all the different aspects of the projects to make sure each county pays their fair share. I've worked with Ted Ziemer on this, as well as Warrick County's attorney, Doug Welp. They have both reviewed and approved this. I've forwarded a copy to Jeff Ahlers, because this agreement will also require approval by County Council. I haven't heard back from him as of yet, but he does have the agreement. So, on the basis of Ted was okay with it, Doug Welp was okay with it, I would request the Commissioners approve this, and then I can get it to Warrick County so their Commissioners can approve it tomorrow as well.

Commissioner Musgrave: So, I had an inquiry from a Warrick County Commissioner a few weeks ago asking if the Lynch Road project could be one project rather than two. This is the answer to that. It will be one project.

John Stoll: Right.

Commissioner Musgrave: No stopping and starting of construction.

John Stoll: Right.

Commissioner Musgrave: Just one seamless project.

John Stoll: One continuous project, and it's a single bid by INDOT. The way we set up the agreement, the Warrick County share will be, they'll issue a check for their 20% share, we'll issue a check for our 20% share, but since we're lead agency, we'll submit all that to INDOT. So, it was all set up to address those things, and make sure it's all just done as one, rather than having, actually, there's three contracts in this single project.

Commissioner Musgrave: So, you'll be done when?

John Stoll: They put 200 work days in the contract. So, that will take it out until sometime late summer, fall of 2006.

Commissioner Nix: What part will the Warrick engineer have, and what part will you have in this? Will you work together? Or are you taking the lead on this?

John Stoll: We will work together. One of the provisions in that agreement was that if the need for change orders arises, we'll have to work it out as far as making sure that if it's something that affects the Warrick County portion of the project, they'll have to approve it, prior to us going to INDOT and working through all of the change orders. So, we've tried to address it to where anything that affects each county, the appropriate people with each county will deal with that situation. The next item I have is a claim voucher for the Jobe's Lane water and sewer project. This voucher is to be submitted to the state, and this will reimburse Vanderburgh County with \$25,906.65. I would request the Commissioners sign off on this so that we can proceed with getting the state share of this project back.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Does that get quietused into the General Fund, or back into a particular fund?

President Crouch: It will go to the fund.

John Stoll: I believe that was all paid out of the Riverboat Infrastructure Fund. So, that's where we would put it back. Next, I would like to request approval to go to County Council to get an appropriation for \$575,000 in the St. George-Oak Hill Road, for the St. George-Oak Hill Road project. We've got a culvert, two culverts in that project, so, the project could be funded out of the Cum Bridge Fund. This would replace some Local Road and Street Funds.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last thing that I have is a travel request that I didn't get submitted with the consent agenda. This is for Pat Seib to attend road school. He'll take a county vehicle, so, the request is for parking, per diem, gas and a hotel.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have, unless you have any questions for me.

Commissioner Nix: You've been busy.

John Stoll: I was going to say, that's probably enough, you've heard enough from me already.

President Crouch: Thank you, Mr. Stoll. We'll change the tape at this moment.

(Tape change)

Re-Visit Bid Opening for VC07-2005: Burdette Park T-Shirts

President Crouch: We will go to our bid opening. I will turn this over to our County Attorney.

Kathryn Daniel: If I may, it came to my attention that upon the first publication for these bids, it said bids would be opened in room 307. I don't know if that's of concern to the Commissioners. Maybe somebody should check and make sure that there were no additional bids submitted in that room—

Phil Lawrence: I'll go check.

Kathryn Daniel: —before we read.

President Crouch: Then we'll move on.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

Jennifer Wigginton: I have a lease for acceptance for the Wedgewood Hall for November 5th, regular rental rate, the only change was she was informed of the lease in 2004, which did not include the 25% catering fees. So, I okayed that with Ted Ziemer to cross that out and waive that.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: New business? Oh, County Attorney. I'm sorry. It doesn't matter who it is.

Commissioner Nix: It's not Ted.

Kathryn Daniel: I noticed that the German and Pigeon Trustee items had been moved down to the consent items. That was the only thing that we had. So, we don't have a report at this time.

President Crouch: Thank you.

New Business

President Crouch: New business?

Commissioner Musgrave: I don't think so.

Old Business

President Crouch: Old business? Legislative updates, University Parkway, we've received notice that the county did qualify for a three million dollar request in the T-21 Highway Bill that was submitted by Representative Hostettler. We now are making application, and need to lobby Senators Lugar and Bayh for the '06 appropriations funding, to ensure that that money stays in place, and perhaps it's added to. In addition we did get from Burdette Park the request for funding for the bike and walking paths between USI and Burdette. So, we need to lobby our Senators and Representative very aggressively to ensure that we get our funding.

Commissioner Musgrave: Well, we asked for 14.4 million in the original bill, and what came out of the House was three million dollars, which is still a wonderful thing. I'm told that this is the first baby step for the University Parkway to get this funding. Now, it has to survive the Senate. You're right, we have to do everything we possibly can to convince the Senators, not only in our own state, but other states to leave that three million dollars in there. So, I would ask anybody with influence with our Senators to send letters, call them, let them know how important University Parkway is to this whole region, and to keep that funding in there, keep it alive.

President Crouch: I might also note that our County Engineer, Mr. Stoll, indicated this is the first time that he knows that we have received funding through this process. So, let's hope that's the beginning of many more successful efforts.

Commissioner Musgrave: Great.

President Crouch: Thank you. Next item under old business, Indiana House Bill 1113.

Commissioner Musgrave: Yes, I received an e-mail from Dave Bottorff, who's the Executive Director of the Association of Indiana Counties. He was urging all the counties to support this House Bill 1113. What it does is it requires more fees, let me read this here:

"It provides a collection of a ten dollar service fee in civil actions for each defendant added, and each single additional defendant named, other than the first named defendant."

So, it would increase the small claims service fee from five dollars to ten dollars, and 100% of those fees would be deposited into the General Fund. The intention of this was to cover the postage costs for the notification that must be done in these cases. So, I have listened to past Commission meetings over the last decade where postage is a continuing concern. So, I would ask the Commission to approve a motion to support House Bill 1113, or anything that it turns into. As you know, sometimes these bills can move and morph into some other number, as this works it's way through the Indiana legislature, and hope that it continues to work it's way through.

President Crouch: Is that a motion?

Commissioner Musgrave: That's a motion.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other old business?

Revisit Bid Openings for VC07-2005: Burdette Park T-Shirts

President Crouch: We're now ready to move back to our bid opening.

Kathryn Daniel: Siegel's out of Evansville submitted a bid for \$4,005. Chips, Incorporated out of Ft. Branch, Indiana submitted a bid for \$4,115.26. Pro Mark submitted no bid. Southwest Graphics and Apparel, Incorporated submitted a bid for \$3,825.26. They are also in Evansville.

Commissioner Musgrave: Motion to take bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Public Comment

President Crouch: Next item on our agenda is public comment. At this point in time if anyone in the audience, any of the four of you that are still remaining care to comment on any issue, this is your opportunity to do so. Seeing none.

Consent Items

President Crouch: We will move on to our consent items.

Commissioner Musgrave: Move approval of the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. This meeting stands adjourned, and we will be convening rezoning, or having our rezoning meeting at 5:00.

(The meeting was adjourned at 4:22 p.m.)

CONSENT ITEMS:

Employment Changes:
Public Defender (1) Circuit Court (1) Auditor (1)
Sheriff Department (1) County Clerk (1) VCCC (3)
Burdette Park 2)

Travel Requests:
Knight Assessor (1) Health Department (3) County Engineer (1)
Weights & Measures (1)

Knight Township Assessor: Surplus equipment letter.

German Township Trustee: 2005 poor relief standards.

Pigeon Township Trustee: 2005 poor relief standards.

Auditor: A/P Voucher.

Commissioners:
Energy Systems Group: Pay application #9: \$137,936.10
Energy Systems Group: Pay application #10: \$87,143

Department Head Reports:
Burdette Park County Engineer County Highway
Ozone Officer SWCD Veterans Service
CIO

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave
Bill Fluty	Kathryn Daniel
Madelyn Grayson	Patty Avery
Christina Jacob	Arielle Powell
John Stoll	Scott York
Steve Craig	Mike Duckworth
Members of Media	

Bill Nix
Jennifer Wigginton
Rakhi Agarwal
Shirley Swan
John Bassemier
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MARCH 22, 2005**

The Vanderburgh County Board of Commissioners met in session this 22nd day of March, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting of March 22nd. We will start the meeting with introductions on my far right.

Kathryn Daniel: Kathryn Daniel from the office of the County Attorney.

Commissioner Musgrave: Cheryl Musgrave, Commissioner.

Commissioner Nix: Bill Nix, Commissioner.

President Crouch: Suzanne Crouch, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please stand and join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of March 15, 2005 Commission Meeting Minutes &
Approval of March 15, 2005 Department Head Minutes**

President Crouch: First item on our agenda is approval of the prior minutes.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Airport Authority Board Presentation

President Crouch: Our first action item, we would like to feature boards or commissions that the County Commissioners make appointments to. This week we are very pleased to have with us members and representatives of the Airport Board. I believe that Mr. Working, you will probably start, or would Mr. Farmer start, or would Mrs. Folz start.

Bud Farmer: I'll start.

President Crouch: Welcome.

Bud Farmer: Thank you very much for having us. I'm Bud Farmer, I'm President of the Airport Board. Our board consists of Vice President Donna Leader; Secretary, June Folz; Members Dan Hermann, and Dr. Dan Adams. June is with us here today and Bob Working. So, I would like to say that on behalf of all the employees of the airport, and the staff, and the board, we appreciate your support. Since we're televised, we would like to say to the citizens that we appreciate the support of the community also. Being a regional airport, it's very important to have that support. Currently we're working on our ten year master plan. I had given a copy of this speech to each of you, so that you can have that to review. The ten year master plan is required by FAA every ten years. All things approved by them in a plan is reimbursed 95%. In fact, the cost of the plan, which is, I believe, \$350,000, is that correct, Bob?

Bob Working: Yes.

Bud Farmer: Is reimbursed 95%. So, it becomes very important that as you get into plans for the airport and the surrounding areas that are under our control, that FAA's approval is there, because of that nice reimbursement. The last item completed in the old plan is the runway 1836, which is, I say 1000 feet, it's actually 1200 feet, which gave us additional runway there. There are three committees working now on the master plan with the Corradino Group, and the expansion plans are discussed weekly in the committees; economic development parks, infrastructure, changes, along with other exciting ideas. Not only do we want to be a good airport, but we want to create jobs. With the fragile nature of the airlines right now that we read about everyday, months ago we decided that we needed to think a little differently at the airport. That precipitated the master plan, that's precipitated many discussions of what to do about that. The regional planning committee, as a regional airport is headed by Donna Leader. The economic development park is chaired by Dan Hermann and Dr. Adams. The master plan committee is, I'm the chair of that, being President of the Airport Board. Bob Working and his staff work on each committee, and interact closely with the FAA and the Corradino Group. I'm proud to say, a lot of this work we would not have initiated without the staff that we have. You don't want to initiate a plan that doesn't have the support of a good staff, and I'm very proud of the staff out there and what we've put together. Each committee is represented by an appropriate cross section of community leaders, and FAA representation, which is required, and others with forward vision. Public meetings will be held shortly, and so that we can make sure we've heard all concerns and suggestions. So, I really hit just an overview as you've seen. I would like to turn it over to Bob Working now, because he gets into the details of working with the airlines, and I know you've read about ATA, and things that have happened there, and, perhaps, he can give you a little overview of that area. Thank you so much for having us at this meeting. I'll introduce Bob Working.

Bob Working: Good afternoon. It is a pleasure to be here today, and, really I don't have anything prepared, other than to say I am here to speak about the airport and answer any questions that you may have about the airport. The one thing about this industry is that it is very dynamic. It is constantly changing. We started service to Indianapolis on January the 11th, and I think it was January the 28th they announced they were going to cease service March 28th. Chicago Express has done a very nice job for us while they've been here. The one thing that I do think that the service has

shown to date is that there's a need. So, I'm hopeful that if it's not a Chicago Express, then that we'll have another carrier that will come in and fill its place. We have had several discussions with Northwest Airlines, they are building up Indianapolis as what they call a focus city. It would seem natural to have a feeder service to Indy that affiliated with Northwest, and we certainly will be looking at that come the 28th if a fella in Connecticut is unsuccessful in buying Chicago Express, which he's attempting to now. I would like to say just in passing that I enjoy working with President Farmer and Mrs. Folz. Mrs. Folz chairs our lease committee, and she does an excellent job of that. I must say the first board member that I've had that ever said send me every lease that you've got. Which I did, and the stack was about that high, and then she proceeded to let me know that she had read everyone of those, and not by saying that, by asking me questions about each one of them. So, anyway, I've enjoyed working with Mrs. Folz, and with Bud. It is an exciting time at the airport. As Bud said we've finished our runway expansion. We've pretty well completed all the elements of the master plan, and that's why we are going back through the process again. It is an opportunity not only for the airport, but for the community to look at the airport in a futuristic role and say what do you want, how do you want to be served? We're excited about that. I would be happy to answer any questions that anyone might have.

Commissioner Musgrave: Well, I find myself at the airport often.

Bob Working: We appreciate that.

Commissioner Musgrave: When is the new restaurant going to be done?

Bob Working: Well, I am glad you brought that up. We're excited that after about a 30 year relationship with Air Host, we have contracted with a new provider for our restaurant and lounge service. They're called the Café Group, they are out of Indianapolis. They are actually owned or are a subsidiary of Marsh Supermarkets. The Café Group is a part of Crystal Food Services, which is Indianapolis based. I've been told that they do about \$65 million a year sales just inside the 465 by-pass of Indianapolis. So, they are a very good firm, a very big firm. They came to the airport truly because they're looking for that experience, so that as Indianapolis is constructing their new midfield terminal, they would have an opportunity to be in there. The quality of food they are putting out is excellent. They did start remodeling, and then slowed down on it. As I understand there was some changing when the president of the company came down, they were looking at one level of finishes, and then he said, no, let's go all out, and so they kind of stopped everything and they are bringing in a higher level of finishes for the airport. It's going to be called a Trios Express. They have a Trios Restaurant in Noblesville. I was able to visit that a couple of weeks ago. It's going very well. But, to answer your question, the day after tomorrow they start putting the floor in, then I understand the cabinet work and all the other fixtures are due on the 26th. So, hopefully, within the next 30 days we would see that work completed.

Commissioner Musgrave: I look forward to it.

President Crouch: How important would you say an airport is to a region's economic development?

Bob Working: Well, that's a very good question. The answer is a whole lot, to be honest with you. As Mr. Farmer just alluded to, we very conservatively estimate the economic benefit of this airport in this community to be \$153 million annually. We

are the front door, every airport is a front door for their community. When businesses are considering moving or relocating to a facility, certainly as, if you'll talk to any economic development professional, one of the top things on the list is there a scheduled airport, scheduled service, who all is there, how quickly can people in business move throughout the United States? I'm very proud of Evansville. I think that we have very good service. We have approximately 30 flights a day. We currently go to six hub cities. I can say that we are having negotiations and discussions at this time, and I'm very hopeful, in the near future, to be able to announce that we'll have non-stop Dallas service. So, but, to get back to the importance of it, it's extremely important. It is what helps make a community move forward.

President Crouch: I have a question for Mrs. Folz. Out of all those—

June Folz: I won't tell my age.

President Crouch: Out of all those many leases you read, what was the most interesting one?

June Folz: I really, I don't know, they were all very interesting. Some of them had expired and we renegotiated and got them all up to date. It was interesting, very interesting.

President Crouch: You can learn about a facility by examining the leases, can't you?

June Folz: Yes. Very much so. While I'm here I would like to thank the Commissioners, because I am one of the appointees that the Commissioners put me on the board. I'm glad to be able to serve on the Airport Authority Board.

President Crouch: We thank you for your service.

June Folz: Anymore questions? Okay, thanks.

President Crouch: Thank you all very much.

Commissioner Musgrave: Thank you for coming.

Commissioner Nix: Thanks.

President Crouch: It must be refreshing to be here, Mr. Working, and not have to ask for money.

June Folz: Wait a minute.

Bob Working: If I could end on that—

Commissioner Nix: You spoke too soon.

Bob Working: —I would say that, you know, the one thing that I failed to mention at the airport, and that I'm very proud of is that for the last 20 years we have operated self sufficiently. We do receive some tax revenues on property taxes for our Cumulative Building Fund, and we, when the Airport Authority was created in 1959, we actually had the ability to tax up to twenty cents on the property tax rate. But, for more than 20 years we have been self sufficient, and still bring that economic benefit

to the community. We think that's important. We think it's important to the airlines, we think it's important to our community that we be as efficient as we possibly can be. But, if you're giving money away, we'll...thank you. I appreciate it.

President Crouch: Thank you all very much. That was very educational and we appreciate you spending the time with us. Good luck, and if we can ever be of service to you, please feel free to call.

Bob Working: Thank you.

President Crouch: Thank you.

Purdue Co-Op: Phoenix LLC Imaging Agreement

President Crouch: Our next action item, contracts, agreements, and leases. We have an agreement with Purdue Co-Op Extension and Phoenix LLC Imaging.

Commissioner Musgrave: Move approval on those two.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

2005 Centre Projects

President Crouch: Next item, Mr. Rector, who will be addressing us on the 2005 Centre projects.

Dave Rector: I'm Dave Rector, Building Authority, here to discuss the 2005 Capital Improvement Plan for the Centre for some projects that we're considering, or for you to consider actually. That we're proposing to do out of the Food and Beverage receipts. I also gave you a letter from Mr. Fluty that shows what the receipts are, and where we expect to be in Food and Beverage at the end of this year. And some good news too, we have finally settled all the lawsuits regarding the steel problems that we had when the Centre was built. I'll be getting you a check for a little over \$375,000, that will also be coming back into this. With that I'm here to answer any of the questions. In 2005, the one you had last week, I've added a couple to that. That being the floor sweeping machine, it's a big sweeping machine that goes down the hallways, that would clean up a lot quicker, and painting the flooring at the seating in the auditorium. I don't know if you've noticed when you've been over there, it's really wearing to the bare concrete. The other items are building out the dressing rooms, the First Aid area, stage lighting, stage microphones, and repainting the common area. It's been five years now, and a lot of it is really showing wear, and could use some sprucing up. So, it's here for your consideration, action, whatever you desire. I'll answer questions.

President Crouch: Questions?

Commissioner Nix: As far as the build out on the First Aid and the dressing rooms, what all would that entail, Mr. Rector?

Dave Rector: There is not a First Aid station at all now. That's the space behind the box office that was intended to be First Aid. It was supposed to be set up when there's a big concert or exhibition or something for EMT's and staffing in there. Right now if they do it, they have to do it in the hallway. The dressing rooms in the basement, I think if you go over and walk through, they'll speak for themselves. They're still what it was with the original auditorium.

Commissioner Musgrave: Move approval of the 2005 estimate, and is there, was there one thing left over from 2004 that needed to be addressed?

Dave Rector: There is, embarrassingly still we're working on some leaks in the Exhibition Hall. We met yesterday with Industrial Contractors, Schnell Sealant, and Bartley and Perigo, basically, just finally said, guys, we don't know where the problem is, we've got to get it fixed, we can't put carpet down until we get it fixed. They were all real cooperative about it, they were going to do some testing on the side and get that fixed, and then we'll get that carpet down, hopefully, yet this spring.

Commissioner Musgrave: So, that has already been approved?

Dave Rector: That was approved in 2004, yes.

Commissioner Musgrave: Okay. Well, then I move approval for the 2005 list.

Commissioner Nix: I second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Dave Rector: Thank you.

President Crouch: With what you're receipting in, we're about even, right?

Dave Rector: Yeah. I'll get you that check next week.

President Crouch: Thank you.

Dave Rector: Okay, thank you.

Change Order No. 3 for the Jail
--

President Crouch: Next item, change order number three for the jail.

Commissioner Nix: Yes, we've got a change order here from Williams Brothers, and it's change order number three, it's for \$15,297, and of that change order, I think there was four items on that. One was actually a deduct. I would make a motion that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Community Corrections Contingency Payment: Peyronnin

President Crouch: Next item on our agenda, it says change order, but I don't believe it's actually a change order, is it? Isn't it a contingency.

Commissioner Nix: It's actually, yes, it's actually money out of the contingency for Peyronnin Construction. This is some repiping work and they are going to reroute some piping, which would, I've talked to Mr. Rector about this, would make accessibility easier for the piping that will be put in place. It's proposal request number 12, and it's for \$3,642.

Commissioner Musgrave: Move approval.

Commissioner Nix: I would like a, yeah, I would move that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Next item on our agenda, department head reports. Only those department heads that have action before the Commission need to appear at this time. Burdette? No? Alright, then, County Engineer.

John Stoll: Those are the bids that were submitted for the repairs to the Burkhardt Road bridge. That was the bid that we postponed last week because we had an issue with the drug testing requirements that were omitted from the contract, and I didn't remember to file an agenda request. So, B.J. just handed those to me so we could open those this afternoon.

Commissioner Musgrave: Do you need a motion to open those? So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. While the attorney opens them, do you have anything else to report on?

John Stoll: Yes, one other thing. Back on those bids too, one of the contractors did not pick up his submittal from last week. So, if it doesn't address the drug testing issue, then it might have to be rejected. But, I just wanted to call that to your attention, that one of them was never picked up and revised. The other item that I had was a request for your approval for me to sign off on all the paperwork for the Rule 13 submittal. Our deadline is April 1st. I spoke to the consultant, Clark Dietz, yesterday, and they said that basically it's just my signatures and their signatures required, no Commissioners signatures required for this submittal. Basically, the program will be what I e-mailed you, I believe it was last week. If we can, we'll try to delete some things out of there, but, realistically what you have now will be the top end of what the program will be. I just need your approval for me to sign off on all that.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business?

John Stoll: That's all I have.

President Crouch: If you're continuing to open, we'll move on and come back.

County Highway

President Crouch: County Highway.

Mike Duckworth: Good afternoon, Commissioner Crouch, members of the Commission. Mike Duckworth, County Highway. I am here today to revisit a matter of old business which is the proposed snow route. I do have and have provided some of you with copies of those. We have made the one correction that Commissioner Musgrave made last week. And, I also have attached to this a copy of the city's ordinance that they use to enact during the time periods that they have snow events, for their snow routes. I wanted to provide that to you today and ask that we have county legal take a look at that, and when Mr. Ziemer is available, or his staff is available, I would be glad to meet with them and to prepare that for another time.

President Crouch: Other than the one revision have there been any other revisions to the snow routes since last week?

Mike Duckworth: Not since last week, no, but we have had a lot of input from the general public, from fire and emergency organizations. So, I think we've got most of it covered at this point. If not, we can always come back with an addendum, if we find a trouble area that we need to take care of. I would also add that Ed Ziemer, the Director of Transportation Services, and I will also be meeting about some city/county co-op deals, where we take care of some city areas, and they take care of some county areas, just because of logistics. So, I would like to provide that to those who do not have them.

Commissioner Musgrave: Would those co-op roads be a part of the ordinance, or a separate joint ordinance, or just a different type of agreement?

Mike Duckworth: When we do that, my recommendation is going to be an all inclusive memorandum or request to the Commissioners to look at a number of different areas where we can consolidate and where we can work together to accomplish the goal and to be more efficient and save money. So, I'll prepare that and let you look at the document, and you can change it or approve it, or send me back to the drawing board.

President Crouch: There being no further questions, if we can have a motion on the final approval of the snow routes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: I would tell you that we do, as I said in the past, we do have our brine system up and operative. Of course, we're getting into the season where we may not use it, but this has been a very good learning experience. We also had the Commissioners of the Tell City and Perry County road departments come in and meet with us this morning to look at that system. So, it's going to be a pretty popular system for road departments our size to come in and see what we're doing with our spray equipment and those kinds of things. So, along with that, we're implementing cost coding information that Mr. Nix has suggested. We're currently working on that. As well as the vehicle locator systems that we're going to bring up in our new GIS program that Commissioner Musgrave has suggested. That hardware and software is being worked on as we speak. In addition to that, the County Engineer, John Stoll, and I are putting together the priorities and working through the road hearings and the requests for paving and pot hole repair and those kinds of things, shoulder work, and we'll be getting a report back to you relatively soon.

President Crouch: Questions? Thank you.

Mike Duckworth: Thank you.

County Attorney

President Crouch: County Attorney.

Kathryn Daniel: The bids submitted were by Deig Brothers Lumber and Construction Company for \$37,905; J.H. Rudolph and Company for \$16,500; and CCC of Evansville, Incorporated for \$18,203.82.

President Crouch: Do we have a motion to take those under advisement?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other business?

Kathryn Daniel: Nothing else at this time.

President Crouch: Okay, thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

Jennifer Wigginton: Nothing, thank you.

President Crouch: Any other department heads?

New Business

Phil Lawrence: Purchasing, Phil Lawrence.

President Crouch: This could be even new business, which is where we're at.

Phil Lawrence: I thought you were. Madam Chairman, other Commissioners. I would like to ask your permission to award two contracts. One is APA014-2005, which is traffic paint, and APA015-2005, traffic signs. I have the bid tabulations for you to look at. It is, everyone that is being recommended is the low bidder in all cases.

President Crouch: This is an annual bid?

Phil Lawrence: Yes. The Board of Public Works awarded it Thursday. So, the actual, for APA014-2005, traffic paint, it's Dobco for the thermoplastic, which is \$8,944.50, and Sherwin Williams for all other paints and beads, which is a total of \$57,552.12. Those are the two recommended awards.

President Crouch: Then for the traffic signs?

Phil Lawrence: Traffic signs, oh boy, moving right along.

President Crouch: We'll entertain a motion for the paint.

Commissioner Nix: So moved.

Commissioner Musgrave: I'll second, but that includes both?

Phil Lawrence: Both.

Commissioner Musgrave: Okay, I've got it.

Commissioner Nix: Dobco and Sherwin Williams both.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: APA015-2005 is traffic signs. If you'll look at the bottom, all four of them are getting a small portion, which is something we typically do. That's why we broke it into sections, so it gave everyone a chance to do what they do best. For Vulcan the award would be \$21,022.69. For 3-M the award would be \$13,528.62. For Rocal it would be \$35,047.14, and Hall Signs, \$6,175.

Commissioner Musgrave: So, you took the best bid from each section?

Phil Lawrence: From each section, yes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: You're welcome.

Phil Lawrence: Appreciate it.

President Crouch: Any other new business?

Old Business

President Crouch: Old business. We've dealt with the snow routes. The Innkeepers Tax Bill, there was a vote today, I have not heard how that vote did turn out, but I'm sure we'll read about it tomorrow in the paper. District hearings, we had indicated at the beginning of the year that the three Commissioners would like to hold district hearings. I have contacted the 4-H Center for a district hearing in district two some time in August, the fifth Tuesday in August, I don't know the exact date. But, I would like to do my hearing, and I don't know how the other Commissioners feel, but I would like to do my hearing on consolidation. I would like to hear what my constituents in district two have to say about consolidation and their questions regarding such. So, I'm kind of envisioning a brief presentation by the committee, and then opening it up to public comment. So, I don't know if any of the other two Commissioners have given any thought to their district hearings at this time.

Commissioner Nix: I was looking for early June. I don't have a date planned yet, but early June, and I would also like to do mine on consolidation. Hopefully, we'll get a little bit better turn out in one this time than we did the last time.

Commissioner Musgrave: I was looking at November 29th in Burdette Park at the Discovery Lodge. Perhaps Mr. Craig would check to make sure that November 29th at the Discovery Lodge at 3:30 is available. I wouldn't mind if folks wanted to talk about consolidation, but I wouldn't rule out anything else that anybody wanted to bring to my attention at that meeting.

President Crouch: Okay, well, we can, hopefully, get those dates nailed down, and the locations and get that on our schedule. Any other old business?

Commissioner Musgrave: I don't think so.

Public Comment

President Crouch: Next item on our agenda is public comment. This is an opportunity for the public to share with the Commission their thoughts and concerns. I do know that we have two students from North High School that are here joining us today, and welcome to you. Is there anyone that cares to comment to the Commission at this time? Seeing none.

Consent Items

President Crouch: Consent items. We have a number of consent items.

Commissioner Nix: I move we approve the consent items.

Commissioner Musgrave: Yes, and looking at the department head reports, I see them all there, so second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business before this board, we'll entertain a motion to adjourn.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Drainage Board will start very briefly.

(The meeting was adjourned at 4:00 p.m.)

CONSENT ITEMS:

Employment Changes:

Circuit Court (1)	Superior Court (2)	VCCC (1)
County Clerk (1)	County Assessor (1)	Prosecutor (1)
Burdette Park (2)		

Travel Requests:

Auditor (2)	Treasurer (1)	Health Department (1)
County Engineer (1)		

Auditor:

Approval of lien releases for Mill Terrace Subdivision Barrett Law Project.
Approval of PERF authorization form: Jane Laib and Karen Belwood.

Treasurer: Monthly report for February 2005.

EMA: Revised County Emergency Response Team Sub-Grant.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	Veterans Service
CIO		

Sheriff: Weekly jail and community corrections reports.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Kathryn Daniel	Jennifer Wigginton
Madelyn Grayson	Bud Farmer	Bob Working
June Folz	Dave Rector	John Stoll
Mike Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl Musgrave, Vice President

Bill Nix, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 5, 2005**

The Vanderburgh County Board of Commissioners met in session this 5th day of April, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, April 5th. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of March 22, 2005 Commission Meeting Minutes &
March 22, 2005 Department Head Minutes**

President Crouch: Our first item of business is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Evansville ARC Presentation

President Crouch: The next item on our agenda is we invite boards or commissions that we make appointments to, to come and make a presentation not only to the Commissioners, but to the public who are watching this broadcast. We are pleased and honored to have with us today ARC. I know that Deidra Conner will start, and has a number of people here that will tell us a little bit about what ARC is and how they contribute to our community.

Deidra Conner: Thank you for inviting us today. We're excited to be here, and really pleased to have this partnership with the County Commissioners. I originally planned to start the presentation and spend a little time with you, but I wised up pretty quickly after I talked with the folks that I've brought with me. They are really the ones who can tell you much more about one of our adult programs at Evansville ARC. So, I'm going to turn it over right away, and I'll pick it up at the end. Cindy?

Cindy Blackford: Hi, I'm Cindy Blackford. I'm a QMRP Program Coordinator at Evansville ARC. Basically we kind of laugh and say that my job is a jack of all trades, and probably a master of none. But, some of the things that we do at Evansville ARC is we have adults that come to the training center on Virginia Street, and we provide programming, day services. Individuals are there usually from 8:00 to 2:00, and we do a variety of things there. Annie is one of the individuals that comes with us, comes to see us, and we help with, basically, enabling individuals to become more independent. To be able to be in the community and to be a part of the community. We have individuals who go out and volunteer at some of the nursing facilities, at some of the churches. Annie volunteers a couple of days a week at the Child Life Center. What I'm going to do is let Annie go ahead and do her presentation, and then if you guys have any questions, I'll be happy to answer those too.

President Crouch: Thank you. Welcome, Annie.

Annie Hazelip: Hi, my name is Annie. I am using a Dyna Vox to help me speak. I can touch it to control it, or use a special button on my left to control it. I have been working a couple of days a month to read stories to preschool children. With the help of ARC staff and program I also hope to soon be able to read nursery rhymes and lead a few nursery songs.

Cindy Blackford: The Dyna Vox that Annie is using today, we receive a grant, a communications grant....I'm sorry, I'm not used to this. We receive a communications grant that we're able to have speech language evaluations done on individuals to see if there are different communication devices that we can use to help them to communicate to us what their needs and what their wants are. Because it's very frustrating for individuals not to be able to express what's going on into their life for us. So, you know, and for us to be able to enable them to be more independent. So, we have these evaluations done, and then they either use the Dyna Vox like Annie has, or there's other communication devices where they just take their hand and press buttons to have, like one word commands. Like if they're needing a drink, or if they need to go to the bathroom, they can push those buttons to let us know this.

President Crouch: Thank you, Annie. That was great.

Commissioner Nix: Thank you.

Deidra Conner: Thanks, Annie. You did a great job. This is just one of the many programs that we offer at Evansville ARC. I understand that we will be back, probably once a quarter to share a little bit more with you about each of our programs. The ARC started in 1954. So, we just celebrated our 50th anniversary. We are very proud of that. We're also very pleased that the County Commissioners have been partners with us since 1964. So, we have a long standing relationship. We now serve over 1,000 families and individuals every year. We started out with 15 families who formed the ARC because there were no services for their children

in the community. So, we've really grown, with your assistance. The funding that you provide helps to give extra funding for staffing, programs, supplies, helps to have supplemental programs like this, which will really help individuals like Annie become much more independent. I think if you came and visited the facility, as Bill did a few weeks ago, and talk to some of the folks that we serve, you will see that adults, even with significant disabilities want to be independent. They want to be involved in the community, and they want to be active citizens in the Evansville area. They are very proud to live here. So, we will talk more in upcoming months about other programs and services that we offer to help adults become more independent in the community. We still have our children's programs, which is kind of where it all started for the ARC. So, we'll share more with you about that as the months progress. Do you have any questions for us? Or for Annie? Or Karen Schapker, her support staff?

Commissioner Musgrave: No, it's just really very impressive, and thank you for coming.

Deidra Conner: Thank you. You're welcome to come and visit any time.

President Crouch: Thank you very much.

Commissioner Nix: Thank you.

President Crouch: Thanks, Annie.

Commissioner Musgrave: Bye.

Ordinance Concerning Parks & Recreation Advisory Committee

President Crouch: Next item on our agenda is an ordinance concerning parks and recreation advisory committee. This was, this ordinance has been revised at the request of the Burdette Advisory Board. In it, really the only change from the prior ordinance is that this asks that all board members have attendance, and if they have three unexcused attendances, then they would be asked to not participate on the board. If we could, if it's the pleasure of this Commission, we could pass this today if we have a motion to waive the second reading.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote please. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes. Now, a motion to pass on first reading.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes. This ordinance passes.

**Auditor: KRONOS Software Maintenance Agreement
County Clerk: Xerox Lease/Maintenance Agreements
Legal Aid Society: Royal Office Products Maintenance Contract**

President Crouch: Our next item are contracts, agreements, and leases. We have a number. So, we will take them in order. The County Auditor has a KRONOS software maintenance agreement.

Commissioner Musgrave: Move approval, and I would like to do the first three, the County Auditor, County Clerk, and Legal Aid Society. Move approval of those contracts.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Sheriff: Phoenix Imaging: Windows Upgrade

Commissioner Musgrave: I understand that there were questions regarding the Sheriff's Phoenix Imaging. Were those questions resolved, Mr. Ziemer?

Ted C. Ziemer, Jr.: No. I don't....have you, well, we haven't had a chance, I don't think yet, to discuss this with the Sheriff. It's actually a one page contract for, I forget the amount of money involved, but it's thousands of dollars, and it doesn't really explain what the duties of the contracting entity are supposed to do. I think it's a contract that has been used in the past, but we just weren't satisfied that if we didn't have some further discussion about it that it would spell this out a little bit better.

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: So, we suggest that it be waived until the next meeting.

Commissioner Musgrave: Then, unless the Sheriff has any comments to make, I see he's in the audience today, I move to defer this until next week. He's saying that that's alright. So, that's my motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Superior Court: Home Verification Officer Agreement: Michael Collins

President Crouch: Superior Court.

Commissioner Musgrave: Move approval of the Superior Court Home Verification Officer.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**County Engineer: Open Bids & Quotes:
VC05-03-03: Lyle Road Elevation and Widening
VC05-03-04: St. Joseph Ave. Bridge #1922 Repair
VC05-04-01: Underdrain Retrofitting and Embankment Erosion
Repairs: Lynch Road**

President Crouch: County Engineer is next on our agenda with action items, and we have a number of bids to open, and quotes.

Commissioner Musgrave: He's out in the hallway.

President Crouch: He'll be joining us shortly. We have open bids for VC–

John Stoll: For Lyle Road?

President Crouch: Lyle Road, correct.

John Stoll: Then also some erosion repairs on Lynch, and –

Commissioner Musgrave: An underdrain retrofitting.

John Stoll: Pardon?

Commissioner Musgrave: Underdrain retrofitting.

John Stoll: Yes.

Commissioner Musgrave: Oh, that's on Lynch. Then the St. Joseph Avenue Bridge.

Commissioner Nix: Right.

John Stoll: Right.

Commissioner Musgrave: So, will one motion do for all three of those?

President Crouch: That would be fine.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So, the County Attorney will open those bids and quotes, and we will come back to him later in the meeting.

Evansville Plating Works: Vanderburgh County Tax Code Consolidation
--

President Crouch: Evansville Plating Works, Vanderburgh County tax code consolidation.

Commissioner Musgrave: Move to consolidate the codes as listed on the paperwork in your packet.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I have one additional item to bring up about this. There should be someone here from the brownfields department to answer any questions, if the Commissioners have any. The parcels we are moving toward a sale, an eventual sale. It's been brought to our attention that the county owns all except for one of the parcels on that block. The suggestion has been made that we move to acquire this parcel. In order to make a decision and move on, I thought that I would bring it up today to ask you whether or not you wanted to move to acquire this parcel. It has an assessed valuation of some \$24,000, but I understand that when the city contacted the owner, he thought that that evaluation was somewhat low. So, my guess is he'd be asking more than that. Do you have any comments that you care to make?

Jane Reel: Not unless you have any questions.

President Crouch: I guess, my question would be what is the advantage to the county purchasing property to turn around and sell?

Jane Reel: The advantage that I would see is that you would have a full block for development, instead of just most of the block excluding one parcel.

Commissioner Nix: Which part of the lot is the parcel on, the one that's not ours.

Jane Reel: It's on the southwest corner.

Commissioner Nix: So, it's across from where the billboard is then, to the west?

Jane Reel: To the west of the billboard location, yes.

Commissioner Nix: Okay. How big a parcel is it?

Commissioner Musgrave: Like 40' by 100' or something, with a two story frame. So, I feel that once we consolidate the codes, we're also taking action to vacate the alley, vacate the little diagonal street, add the little grassy lot to this whole thing. My feeling is that once we have one whole parcel for sale with one little corner out of it, that the purchaser of that could entertain whether or not to buy this additional lot. So, my personal feeling is to just let that go, but I know that that's a decision for us.

Commissioner Nix: It would make sense to me to do that. It could end up taking six months to a year to acquire a piece of property like that. To hold this up, I don't think it would be in the best interest of the county to do.

President Crouch: Motion?

Commissioner Musgrave: So, do you want to have the attorney approach the owner?

President Crouch: You know, that might makes sense is to have the County Attorney at least just make an initial effort before we just—

Commissioner Musgrave: Make a decision.

President Crouch: —before we just rule it out totally. So, perhaps he could make an overture on behalf of the County Commission?

Ted C. Ziemer, Jr.: I can do it.

Commissioner Musgrave: Would you be sure that he gets the information he needs to do that?

Jane Reel: Sure.

Commissioner Musgrave: Okay, thank you.

EPD: Waiver of Rental Fees & Overtime for the Centre

President Crouch: Next item on our agenda is Evansville Police Department waiver of rental fees and overtime charges. There are actually three requests for that, and in the past it has been our practice to waive the rental fee, but not the overtime.

Commissioner Musgrave: Move to waive the rental fee, but not the overtime for the three pending requests from the EPD.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise: VC9903-2005: Burdette Park Food

President Crouch: Next, Mr. Lawrence, Purchasing.

Phil Lawrence: Madame Chairman, Commissioners, I would like to at this time ask your permission to advertise for Burdette Park food bid. That's VC9903-2005. It will be advertised on April 8th, April 15th, and then opened here April 26th.

President Crouch: At 3:30?

Phil Lawrence: At 3:30.

Commissioner Musgrave: Move to advertise the Burdette Park food bid.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Award VC-02-2005: Tax Bills

Phil Lawrence: The second two, award VC-02-2005, which is the tax bills to Relizon for \$75,000.

Commissioner Nix: Move to approve VC-02-2005, tax bills.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Award VC-07-2005: Burdette Park T-Shirts

Phil Lawrence: Last is VC-07-2005, Burdette Park t-shirt bids. The low bidders are all the highlighted ones. I would like to award as highlighted in the bid tabulation.

So, actually all three would get a small portion; Siegel's, Southwest Grafix, and Chips.

Commissioner Musgrave: Move approval of the highlighted document for the t-shirt bids, the shirts for Burdette Park.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

County Engineer

President Crouch: Next, department heads. Only those department heads that have business that requires action on behalf of this Commission need to appear at this time. County Engineer?

John Stoll: I have three items. The first one is a recommendation to award contract VC05-03-02, concrete repairs of bridge 290 on Burkhardt Road to J.H. Rudolph. This is for \$16,500.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The second item that I have is a letter to send to the commission of INDOT to request that they accept the Lynch and I-164 interchange for maintenance. This has been requested in the past, and no action has ever been taken. So, this is another attempt to try and get that finally resolved.

President Crouch: Did you copy Mr. Grand?

John Stoll: Yes.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is a travel request for me to go to a meeting with DNR on April 15th. This will be in Bloomington, Indiana. The meeting is in regard to the DNR permits required for the Green River Road project. I would have gotten this on the consent agenda, but I didn't receive the e-mail until yesterday in regard to the meeting time and date.

Commissioner Musgrave: Move approval of the late travel request.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you, Mr. Stoll.

County Highway

President Crouch: County Highway.

Mike Duckworth: I have three brief items. First of all I wanted to report that I spoke with Mr. Ziemer this morning in regards to the snow ordinance, and his office has received the information, and that is a work in progress. We'll report back at a later date.

Ted C. Ziemer, Jr.: It isn't likely to snow anymore.

Mike Duckworth: As soon as he says that I'll have six inches this weekend, you know. The next thing I would like to have action on has to do with in some recent job responsibilities I've had, and we've tried this, and I think this is a good thing for the county to consider, and that is having a pothole blitz. Basically, what happens during that time period is that our crews would basically attack the potholes in our area that snow and deterioration over the winter months have caused to our pavement. We are going to announce today, and we'll send out a release to the media and to the general public that starting next Monday, April 11th, folks can start calling our office at 435-5777, or send us e-mails and we'll advertise, of course, the county e-mail address that they can send that to.

Commissioner Musgrave: Go ahead and say what that address is.

Mike Duckworth: Vanderburghgov.org, or you can just send it to mduckworth@vanderburghgov.org. We'll get that information as a complaint at our location. Remember it needs to be outside the city limits. We will then make our list and send our crews out starting on Tuesday, April 12th, through Friday the 15th. I'm

happy to also announce that on the twelfth we'll be adding three employees to our crews, our three County Commissioners will be joining us, and we'll have to have a little bit of a time training and those kinds of things. But, we'll probably do that somewhere in the late morning hours, and we'll send that information out. But, we want folks to know that we're initially going to attack some of the smaller areas, and then at later meetings we'll be establishing a road and paving list to handle some of the bigger problems in the county. That's all I have.

Commissioner Musgrave: So, that phone number was 435-5777, or mduckworth@vanderburghgov.org for all the pothole complaints outside city limits.

Mike Duckworth: Outside city limits, right.

Commissioner Musgrave: Okay.

President Crouch: And here's Mr. Ziemer. Maybe he wants to join us.

Mike Duckworth: Well, I don't know if he does or not, but he's here. Thank you.

President Crouch: You're welcome. Burdette? Nothing? Alright.

Superintendent of County Buildings

President Crouch: County Highway Superintendent.

Jennifer Wigginton: I have three items. My weekly report to add to the consent items, a late travel request for the Health Department to be added to the consent items, and a contract to be signed for the Old Courthouse for J.E. Shekell to make certifications and inspections on the backflow system of the generator.

President Crouch: Would someone care to amend the consent items to include those three?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. I apologize, it's County Building Superintendent.

Jennifer Wigginton: No problem.

President Crouch: You all look so much alike.

Jennifer Wigginton: Thank you.

County Attorney

President Crouch: Next on our agenda, County Attorney. Mr. Ziemer, are you ready to read the bids? Or do you want us to come back to you?

Ted C. Ziemer, Jr.: Not quite, but I do have just one item. We did advise you that the Scott Township standards are ready for approval. We advised you by e-mail that the Scott Township standards are ready for approval. I don't know if you have those.

President Crouch: They are on the consent items, yes.

Ted C. Ziemer, Jr.: Okay, they're on the consent items. Okay, great. Thanks.

President Crouch: We'll come back to Mr. Ziemer later in the meeting.

New Business

President Crouch: New business. Old jail detention, just a little note to the Commissioners, I met with Judge Niemeier and Council President Lloyd Winnecke, we had a meeting about just initial discussion of the juvenile detention and the future of that. We all decided to revisit the PMSI report and get back together and kind of go from there. So, I'll keep you abreast. Really not much to report in that area.

Commissioner Musgrave: Okay.

President Crouch: Next item, Old Courthouse ordinance. We actually have two ordinances concerning the Old Courthouse. One regarding the Old Courthouse Foundation, which was enacted in 2001 when the Conrad Baker Foundation turned over the operation of that building to the county. The second ordinance is for the Old Courthouse Advisory Management ordinance, and that is to establish a group to kind of look at the Old Courthouse operation and make recommendations to the County Commissioners. I've been meeting with Mr. Au, who is the historic preservation officer, who's very involved with the Old Courthouse, since the beginning of the year, and have come to the conclusion that perhaps one board would be best suited for addressing the Old Courthouse. That board would more than likely be the Foundation, which would be a not-for-profit, which would allow them to receipt in monies on behalf of the Old Courthouse for renovation. But, we also feel that that particular ordinance needs to be expanded upon to where they're giving perhaps responsibilities that the advisory committee had in the future, and that is to look at the whole operation of that facility, and make recommendations to the County Commissioners. So, not only would they be able to receipt in and spend money that is not county money, but they would also be able to make recommendations to us. If that makes sense to the Commissioners, I would like to ask that the County Attorney move in that direction and try to draft something up for us.

Commissioner Musgrave: So, you're looking to make one board out of two, and breathe new life into the board itself, and perhaps have it do some fundraising and help set the direction and maintenance of the building itself?

President Crouch: Right. Mr. Au indicated that in Allen County their foundation was very active in raising monies for the renovation of their courthouse, and actually contributed huge amounts of money. Millions of dollars of money. It seems reasonable that we ought to look at moving in that direction. I believe the county has, and I'm sure the Auditor can get that for us, but I believe we've expended in excess of probably seven or eight million dollars on the Old Courthouse to date. With the roof, the new roof and then all the energy savings. We need to make a determination of how much more do we need to put in, does it make sense to do

that, and then what is the future of that historic building. So, hopefully, this will be a step in that direction.

Commissioner Nix: Historic preservation would play a big part in that then too, as far as the process?

President Crouch: Yes, I believe that would be their role.

Commissioner Musgrave: So, we're looking for some community minded people who are also interested in fundraising for the Old Courthouse.

President Crouch: That's right.

Commissioner Musgrave: Okay, step on up. I'll make a motion that this be turned over to the attorney to work on amending or creating a new ordinance out of the two existing ones.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Last new business, a resolution concerning Riverboat taxes. Does either of the Commissioners care to comment? This is similar to what the City Council passed at their meeting yesterday. It is asking that our delegation and the legislative delegation not change the law, which would in turn reduce the revenues to the county that we get from Riverboat. That's about \$2.1 million dollars that the county does receive, and that money is spent on economic—

Bill Fluty: Economic development, infrastructure/drainage, and initiative based—

President Crouch: Welfare to work.

Bill Fluty: Welfare to work, right.

President Crouch: Work based initiative.

Bill Fluty: Yes.

Commissioner Musgrave: That program provides child care funding for parents who are going back into the workforce, right?

President Crouch: That is correct. That is where the majority of their money is spent.

Commissioner Musgrave: So, that service, if my memory serves correctly, several thousand children a year are taken care of while their parents begin work.

President Crouch: Uh-huh.

Commissioner Musgrave: Well, I think that's a very important program, and it's all funded by the Riverboat. It was created when the Riverboat funding came. What are you hearing from Indianapolis? Where's the likely spot that they're going to put this initiative?

President Crouch: I don't know.

Commissioner Musgrave: I guess, I had heard that they were going to put it in a budget bill.

President Crouch: I don't know.

Commissioner Musgrave: If they do that, then, I, you know, it seems to be it might take on a life of it's own. Well, move to approve the letter.

Commissioner Nix: Second.

Commissioner Musgrave: Resolution, I'm sorry.

Commissioner Nix: Yes, that's a resolution.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other new business that the Commissioners have?

Commissioner Musgrave: No.

Old Business

President Crouch: Any old business?

Commissioner Musgrave: No.

Quotes for VC05-04-01: Underdrain Retrofitting and Embankment Erosion Repairs: Lynch Road
--

President Crouch: We could come back to the County Attorney if you're ready to read the bids and the quotes?

Ted C. Ziemer, Jr.: I am. For the underdrain retrofitting, CCC of Evansville, \$16,420.04. Deig Brothers, \$13,869.

Company Name	Quote Amount
CCC of Evansville	\$16,420.04
Deig Brothers	\$13,869.00

Bids for VC05-03-03: Lyle Road Elevation/Widening
--

Ted C. Ziemer, Jr.: For Lyle Road elevation and widening, Koberstein Construction, \$219,016.50. Kieffer Brothers Construction, \$158,038.09. Deig Brothers, \$226,802.

Company Name	Bid Amount
Koberstein Trucking	\$219,016.50
Kieffer Brothers	\$158,038.09
Deig Brothers	\$226,802.00

Quotes for VC05-03-04: St. Joseph Avenue Bridge #1922 Repair

Ted C. Ziemer, Jr.: For the St. Joseph Avenue Bridge number 1922 repair, CCC of Evansville, these are with a base quote plus optionals. The base quote of CCC of Evansville was \$23,692.77. With all of the optionals that would rise to \$27,996.05. Deig Brothers base quote is \$16,512. With all of the optionals being exercised it would be \$23,417.

Company Name	Base Quote Amount	Optional Quote Total
CCC of Evansville	\$23,692.77	\$27,966.05
Deig Brothers	\$16,512.00	\$23,417.00

Commissioner Musgrave: Move to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: No.

Public Comment

President Crouch: At this time on the agenda this is the opportunity for the public to make comment to the Commissioners. Is there anyone in the audience that cares to comment at this time? We do have a number of students here. Can you all stand and tell us where you're from?

Unidentified: North High School.

President Crouch: All of you?

Unidentified: Yes.

President Crouch: Well, welcome.

Commissioner Musgrave: Thanks for coming.

Commissioner Nix: Thank you.

President Crouch: Perhaps one of you will be sitting up here one day. Seeing no one else in the audience at this time–

Consent Items

President Crouch: –consent items, with the amendments?

Commissioner Nix: I'll make a....go ahead.

Commissioner Musgrave: No, no, go ahead.

Commissioner Nix: I'll make a motion that we approve the consent items.

Commissioner Musgrave: With the amendments?

Commissioner Nix: With the amendments, yes.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business.

Commissioner Musgrave: Move to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will commence briefly with our Drainage Board meeting that we are reconvening from two weeks prior.

(The meeting was adjourned at 4:00 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (3)	County Highway (1)	County Clerk (4)
Sheriff Department (2)	VCCC (1)	Area Plan (1)

Travel Requests:

Legal Aid (1)	Treasurer (1)	Health Department (4)
County Engineer (1)		

Commissioners:

Jail Construction Payment No. 55: \$907,965.54
Old Courthouse Energy Savings Payment No. 11: \$171,033

Prosecutor: Revised Federal Annual Certification Report.

Scott Township Assessor/Trustee: 2005 Poor Relief Standards.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	Veterans Service
CIO	Supt. of Buildings	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wiggington
Madelyn Grayson	Deidra Conner	Cindy Blackford
Annie Hazelip	John Stoll	Mike Duckworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 12, 2005**

The Vanderburgh County Board of Commissioners met in session this 12th day of April, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, April 12, 2005. We will start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of April 5, 2005 Commission Meeting Minutes &
April 5, 2005 Department Head Minutes**

President Crouch: First item on our agenda, approval of prior minutes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Burdette Park Advisory Board Presentation

President Crouch: We will just go to our second item. We're waiting to get our Power Point, then we will be ready for Burdette Park's presentation. We might be ready right now.

Unidentified: We are.

President Crouch: We are. That's quick. Thank you. At this point in time in our meeting, we feature a board or a commission that the Vanderburgh County Commissioners make appointments to. We ask that they come and educate the Commissioners, and educate the public on what is going on with their board. At this time it is our pleasure to have Burdette Park's advisory board here with us today. I would like to introduce Jan Davies, who is the president of the board. Welcome.

Jan Davies: Commissioners, thank you for giving us this opportunity to present today. I am Jan Davies, and I serve as the chair of the Burdette advisory committee. Other advisory committee members present today are vice chair Suzanne Nicholson; we also have Michael Harp; and Steve Provost I don't think has come in yet. He'll be here later, I guess. We are here today to request that the Commissioners reappropriate the funds currently held to complete the projects found in the Burdette master plan. The plan was created by the Corradino Group in 2003. These requests are being made after thoughtful study and review by the advisory committee, considering information provided by the park staff, a comprehensive tour of the park, and hours of lively discussion between the staff and the advisory board members. Basically, we are requesting that the time line for completing master plan projects to be altered. Collectively, the advisory committee believes these changes will preserve the park's natural beauty, enhance the facility so it can better serve the community, and increase the park's revenues. Steven Craig, our Park Manager will present our suggestions.

Steve Craig: Steve Craig, Manager of Burdette Park. Okay, the first thing that we have here is the ten year master plan overview. It was completed in 2003. It was to explore year round revenue generating activities; help become more financially independent; identify opportunities within the park properties; to reevaluate, reconsider, and reinforce the future role of Burdette Park in the balance between preservation and progress. The next slide we have up here is the Corradino Group's master plan proposal. The Corradino Group had made a five and ten year master plan, and these were the items that they included on there. They went from the lazy river to the WPA Heritage Trails, skating rink, parking lot, landscaping, new chalets, interactive spray park, shelter house improvements, main office renovations, enhanced marketing, ADA allowance, and architectural design guidelines. Total cost for their proposals was between 2.715 million and 3.465 million. The lazy river, we have a breakdown here of it's initial costs. It was an 832 lineal foot lazy river, infrastructure and support buildings. It was designed by the Northeast Aquatic Designs, at the request of the previous County Commissioners. The design included play station, waterfalls, and an aquatic spray park. The basic lazy river and furnishings without the interactive play station was 1.43 million. An approximate amount that was budgeted and is available for it was 1.2 million, which leaves us an estimated over available budget at this time of \$243,800. The lazy river and the furnishings with the interactive play station, as suggested by Northeast Aquatic Design was another estimated \$800,000, thus having an initial cost of \$2,243,800. The next frame that we've got is a lazy river and a furnishing breakdown. What this includes was the basic river itself, and then the removal of the bumper boats, concession decks and the boat house on our beach area. Replacing of the concession stands, installing of the decks and emergency bridge, remove, replant and relocate trees in the area, landscaping and waterfalls, safety equipment, pool furniture and lighting. It also included the tubes for the ride. The total lazy river and furnishings was 1.443 eight hundred, \$1,443,800. The lazy river's annual cost, and this was the cost to operate it, was 12 new full time lifeguards, chemical consumption, on-going maintenance, winter closing and spring opening, utilities. The total annual costs was \$93,750 to run the lazy river for one year. The advisory

board's recommendation for proposed projects are as follows in no certain order; the parking lot resurfaced and landscaped, a soft spray pool, Burdette Park/USI nature trail, one new chalet, ADA pavilion restrooms, vehicle replacements, new concessions with a shaded area, Bishea Building remodeling, pavilion painting, a renovation of shelter house 19, that's to make that a year round building, convert seminar building to chalet, and resurfacing of our tennis courts. Other future projects that would be considered after these have been done would be the WPA Heritage Trail and the outdoor skating rink. The future projects proposed would be \$690,000. The proposed project justification that was made by our advisory board is that we think that we can generate about \$96,000 of increased annual receipts. \$19,210 savings in reduced slide guards. Five and a half years to realize net gain on new chalet investments. No additional staffing required, and the overall safety and general maintenance of Burdette Park, and projects can be done with available funds. I think the advisory board has a put a lot of time into this, and I know the park has, and the Commissioners also, and I would like you to take under advisement their suggestions, and I give you my endorsement that I think that this is the way that we should go on these projects. I thank you for your time. Do you have any questions?

Commissioner Musgrave: Just to make clear, the advisory board is not recommending that we proceed with the lazy river right at this time?

Steve Craig: Right. We do not have enough monies available to do that.

President Crouch: For the annual operating costs of \$93,000 for the lazy river, that is not currently budgeted. So, that would be an additional cost that County Council would have to set in the budget every year, if we did move forward with that project. Is that not correct?

Steve Craig: Yes, ma'am.

President Crouch: Did not the city recently approve a spray, water spray project for, was it Garvin Park?

Steve Craig: Garvin's Park, yes, ma'am.

President Crouch: Is that not, is that the trend that we're moving for with some of our—

Steve Craig: Yes, we've done some study and that, and it's a very low maintenance and low cost item to run, because you actually don't need lifeguards. You do have an attendant on duty, and it's, they're converting a lot of their old swimming pools and that into these spray parks. It's, from the studies that I've read that the city has done and that, and from what I've read in the magazines on the future of the pools, this is one of the upcoming new attractions.

President Crouch: If the County Commissioners would accept these recommendations and approve them today, what would you start on first? Or have you given that thought, gotten to that point?

Steve Craig: Well, I would like to start on our parking lot resurfacing and our landscaping, but at the time of the year it is with the summer coming up, we would probably delay that until the fall. We would probably start taking bids on certain of

these projects. By the time we got them done, we would be ready to do them during the fall.

President Crouch: I know we have spent 70 something thousand for some design work and consulting work for the lazy river park, or the lazy river ride, is that something that we may consider doing in the future? So, that that money would not be considered, you know, money that we wasted?

Steve Craig: I don't consider it wasted, because the plans will be good for a long time. If the money is available in the future, then we could look into building the lazy river. Plus, the lazy river plans that we have does have a soft spray pool designed into the center of it, which is one of our projects that we have on here. So, the plan will come to use.

Commissioner Musgrave: Well, I'm very interested in the USI nature trail, and looking toward building that. I understand that this will get us to the point where we can do a joint application, perhaps, with USI, or other groups—

Steve Craig: Yes, yes.

Commissioner Musgrave: —to get funding.

Steve Craig: Yes, to apply for federal funding and that, so that we can do this joint project.

Commissioner Musgrave: Okay. I'm looking forward to seeing that get underway as soon as we can reasonably get going on it.

Commissioner Nix: Steve, we spoke about this a few weeks ago when I was out there. How many days was the pool open last year?

Steve Craig: It's open approximately 75 to 80 days. It depends upon each year when the school goes back to school.

Commissioner Nix: Okay.

Steve Craig: We're basically open June and July, and the first week of August, and then weekends until Labor Day.

Commissioner Nix: Yeah, and this plan that you're proposing would add two chalets, that's what I understand. One would be a new one, and the other would be a renovation of an existing building.

Steve Craig: Correct. Then that would bring us in income for all 12 months.

Commissioner Nix: Okay.

Steve Craig: It's an income year round.

Commissioner Nix: I had a chance, once again, a month or so ago to walk the site with you and to look, those chalets are really, really nice.

Steve Craig: Well, thank you.

Commissioner Nix: You know, they're well maintained and clean, and that's something you can be proud of, along with the rest of the park.

Steve Craig: Thank you.

President Crouch: I want to thank the advisory board and the staff at Burdette for putting the time and energy and effort into studying the best use of our resources. One of the concerns that have been voiced over the years, that I know the advisory board is very aware of, is how do we provide a quality of life institution at the least amount of money possible? And how can we keep that deficit down? I was particularly pleased that you all did proposed revenue projections, and actually costed out how long it would take us to realize, or to pay off a chalet, which would be after five and a half years. Is that not correct?

Steve Craig: From the amount that we've rented the ones that we've got now with the hot tubs and that, it would take approximately five and a half years to—

President Crouch: So, anytime after that, that would be money that would help to offset that deficit?

Steve Craig: Yes.

President Crouch: And, I'm very pleased and commend the advisory board and the staff for giving us the kind of revenue information we need to make sound decisions, financial decisions for the county. I would be happy to entertain a motion.

Commissioner Musgrave: Is this a motion to accept the recommendations?

Commissioner Nix: That's fine.

Commissioner Musgrave: Okay. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you very much. In consulting with the Auditor today, that money is in a line item titled Parks and Playground. So, I think it would probably be advisable for the three Commissioners to each meet with individual Councilmembers and kind of apprise them of the change in direction, but we do not need to go before County Council for a Council call at this particular point in time.

Steve Craig: Thank you very much.

President Crouch: Thank you all very much.

Jan Davies: Thank you.

President Crouch: This board is full of movers and shakers. I mean, they've not only figured out how to try to decrease our deficit, but they've already revised the ordinance and I'm anxious to see what else they come up with. Thank you very much.

Commissioner Nix: Thank you for your service.

Susan Harp: Oak Hill Neighborhood Association

President Crouch: Next item on our agenda, Susan Harp, Oak Hill Neighborhood Association.

Susan Harp: Hi, Susan Harp, Oak Hill Neighborhood Association. And, I did receive your letters regarding the Oak Hill-St. George meeting that we are planning to have. I haven't had any input from any neighbors at this point. The person that did mention it to me was just someone who had watched the t.v. show, and asked me about it. So, I mean, I'm sure that there will be questions, and I was contacted by a Councilman who still wants to have a meeting on another night, I suppose, at this point. I've not heard anything different. So, I guess, we're a go for this—

President Crouch: Yeah, we appreciate you hosting the County Commissioners. The Oak Hill Neighborhood Association hosting the County Commissioners on April 25th at 6:00 p.m. at Oaklyn Library. County Engineer, John Stoll will be there and will have information to share with the neighborhood association. We appreciate your neighborhood association hosting us, because the better information we can get out, the better that project is going to go. It's an extremely important project, as you know, for the Oak Hill neighborhood.

Susan Harp: I know that many of the neighbors have been, you know, like wondering like where all the little markers are, and what they meant. We said, well, it's an upgrade of St. George, and we just weren't, you know, for sure what the capacity was, except it's going to be an upgrade and a traffic signal and that was much needed. They were all happy about that. So, I mean, you know, personally I don't like roads closed either, but, you know, my husband explains to me, in construction, sometimes you have to do things that have to be done.

President Crouch: Well, thank you very much. Did you have another issue?

Susan Harp: Yes, at about 10:00 last night I got the message that the teen club bill, of course, it did not go through to the third reading in the house, but the Senate Bill 498 that Greg Server had introduced about ordinances, they were able to, with Representative Henkle from Indianapolis, he agreed to insert the teen club ordinance into that bill. So, it did pass the House again. So, you know, we feel really good about that. The only thing now would be is it goes back to the Senate, and they have conference, and if they find it germane it's a go. It will be signed into law July 1st. But, otherwise, I did bring a couple of, well, I brought the original House Bill, how it was originally written, and then, how it is engrossed into the Senate Bill. A copy of an Anchorage, Alaska ordinance. I gave this to the City Council attorney, and we thought that just if we could start drafting things or looking at things so that we would be prepared, because summer will soon be upon us, and that's when the clubs are most active, I think.

Commissioner Musgrave: Are you suggesting that we draft a local ordinance in case the state effort fails?

Susan Harp: The state bill is a bill that says the local municipalities have the right to adopt this. Yeah, it's not a law saying it has to be done. That's what we really wanted, but we didn't get that. So, you know, we're glad that we've got this part, but

it does mean that we have to have one for the city and one for the county, because one of the questioned clubs was in the county, moved to the city, and we all know that they are in both localities, and if we had it in one place, they would move to the other.

President Crouch: It would make sense to actually do a joint city-county ordinance. So, if you have that information—

Susan Harp: I do.

President Crouch: —Mrs. Harp, if you can share that with Mr. Ziemer—

Susan Harp: Okay.

President Crouch: —we will move in that direction, and certainly include you and keep you abreast of how that moves forward.

Susan Harp: Okay. Then we'll just keep in touch on that.

President Crouch: Yeah.

Susan Harp: Okay, alright.

President Crouch: Thank you very much.

Permission to Open Quotes: VC-37-2005: D'Limonene
--

President Crouch: Next item on our agenda, Purchasing Department, permission to open quote VC-37-2005, D'Limonene.

Phil Lawrence: D'Limonene.

President Crouch: D'Limonene.

Commissioner Nix: Maybe you need to explain what that is.

Phil Lawrence: It is a solvent that goes in trucks. Bill, you're just messing with me today. That's alright. It is a solvent that goes in trucks to keep the asphalt from sticking. So, that it will just slide right out.

President Crouch: Great. Motion?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will come back to that under the County Attorney's report.

**DADS: Oral Interpretation and Written Services Contract:
Joel Claycomb
Sheriff: Phoenix Imaging: Windows Upgrade &
City/County Resolution for Byrne Justice Grant**

President Crouch: Contracts, agreements, leases, we have several. If it pleases the Commissioners, we could take the DADS contract and the Sheriff's contract, the Sheriff's's two contracts in one motion.

Commissioner Musgrave: Move approval of the contracts for DADS, and the two for the Sheriff's Department.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Award Quotes: VC05-03-04: St. Joseph Bridge #1922 Repair &
VC05-04-01: Underdrain Retrofitting and Embankment Erosion Repairs:
Lynch Road**

President Crouch: With the County Engineer we need to award quote VC05-03-04 and 04-01. Is the County Engineer here?

John Stoll: One thing, on the St. Joe Avenue bridge, the bid was put together with a base bid plus some optional bid items. I don't believe the form 96 contract that was submitted to you had all the optional items included. So, I've got a revised page for that project. Other than that, the recommendation would be to award the bids as submitted.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: We've got one more here.

President Crouch: And, on the Lynch Road? The Lynch Road, the second quote for the underdrain retrofitting and embankment? Sorry.

John Stoll: That's alright. The same thing, just recommend that it be awarded as it was submitted.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Aabel's Park Barrett Law Project

President Crouch: County Commissioners action item, we do have a request from Aabel's Park for a Barrett Law project. If you would state your name and address for the record please.

Jim Thomas: Good afternoon, I'm Jim Thomas. The committee with me today is Nelson Bailes, Vicki Hubert, and our engineer with us is Andy Easley. I live at 9911 Old Petersburg Road in McCutchanville near the church there. If I could, if it's permissible, would you like for me to take about a three, four minute overview of how we got to this point? And, I didn't know if the packages that I had submitted, were they to be dispersed at all? The package that I had signed.

President Crouch: I did pass that on to the County Attorney.

Jim Thomas: Okay. Just to give you a very, very short overview, and then I'll ask if there's any questions please. Many, many years ago Nelson Bailes had attempted, with some other neighbors in our Aabel's Park Subdivision, which is directly behind the McCutchanville United Methodist Church in McCutchanville, to bring a sewer extension there. The homes at that time were roughly 30 to 35 years old, and there were some folks there who wanted the extension, but others did not. Now we are about 50 years or so since those homes were built, and the need has become a little greater, of course, and has brought us to this point. So, we began working last spring with Andy Easley to bring this sewer extension into our area, and through meetings in July and November and several neighborhood walks, etcetera. We had another major meeting after the first of the year, and then had one two Saturdays ago. We've reached a point where 19 of the 41 potential people want to, have shown interest and signed to do an immediate hook up, and we have 31 of the 41 indicating a strong interest to bring the extension into the subdivision. It's outlined in the package to the County Attorney. It's been a very good process for our neighborhood. It's an indication that 19 folks of 41 who want to immediately hook up is a good indication of where we're at as a neighborhood needing this improvement. We are asking to do a Barrett bond to fund that and pay for that ourselves. We will be going, of course, before the Utility Board through the normal process. We have reached a threshold we've noticed as a committee that what brought us to a Barrett bond was that when the cost seemed to rise above around \$4,000 or more per household, it just became more of a burden than a commitment to do it immediately. They just couldn't bring themselves to it, some of them. So, that brought us to the Barrett bond. We've talked to some folks about it, and feel like it's a good funding mechanism to try to resolve our needed improvement in the neighborhood. Is there any questions that I can take that a little further on, if there are, please.

Commissioner Nix: I haven't had a chance to see the drawings, but you're going to run a lateral across, and then people can tie into that? Into some type of a lateral, is that correct?

Jim Thomas: Yes.

Commissioner Nix: Okay. Will it run the entire length of the subdivision?

Jim Thomas: Yes.

Commissioner Nix: Okay. It would be available for anyone to tie into at some future date, if they so desired, at a cost?

Jim Thomas: Yes.

Commissioner Nix: Okay.

President Crouch: I believe, as the Barrett Law works, everyone would be assessed, if a majority, is that not, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yeah. What I've noticed here is that you show 42 property owners and tax codes, at least Mr. Easley listed those. Then I looked at the formal petition, which is signed by you and it says it's on behalf of the others on the following list.

Jim Thomas: Yes, yes.

Ted C. Ziemer, Jr.: On that list it looked to me like only 11 of the 42 have signed the petition in favor of going forward. I don't know how hard that was worked to get everybody signed. That affects a couple of things, first, it affects the cost, and what the....if any of those individuals have a working sanitary sewer system, they can't be required to hook up to the sewer. So, your number of 11 out of 42 is only 25%, and that will certainly affect the length of time. If those people are against it, the other 75%--

Jim Thomas: If I may, that was our original number back in the summer of '04, and then since that point we've added nine more homeowners just into the scope of discussions. Then, since that time we do have forms that are signed by 24 people who are showing a strong indication, and did deposit \$200 each, for a total of \$5,200, the 26 of them deposited \$200.

Ted C. Ziemer, Jr.: So, there's new information that I haven't--

Jim Thomas: Yes, that's is the original letter that I just thought that I would enclose to show how the project got started with the original 11 that were talking about it. I did enclose a bank statement to show that deposit.

Ted C. Ziemer, Jr.: The \$5,200, yeah, I saw that. I was a little confused by what I read, you were talking about, or at least I read about an escrow agreement.

Jim Thomas: Originally this was, we were trying to do this just ourselves through a private sewer, and we thought we could do it ourselves, but as the costs kept going up, just beginning to get more feedback to the committee as neighbors, that when we got past around \$4,000 we were beginning to lose some people.

Ted C. Ziemer, Jr.: Right.

Jim Thomas: So, that's what we had to switch to a different way to fund the project to keep a mass majority that really needed it and wanted it.

Ted C. Ziemer, Jr.: Sure.

Jim Thomas: But just couldn't, it's just hard to come up with that much money up front, plus pay a tap, plus pay your plumber to hook in.

Ted C. Ziemer, Jr.: Right, this will likely be funded by bonds.

Jim Thomas: We, at this point, had just suggested that an extension would be, and then the lateral would go to the front yard and be capped, and then if they want to tap in at that point, then they would pay their tap fee themselves.

Ted C. Ziemer, Jr.: I mean, the overall cost of the project would be funded by bonds.

Jim Thomas: Yes.

Ted C. Ziemer, Jr.: And, I don't know, I was somewhere or someone had asked me to give some kind of an estimate of the cost, not of the project, but of the preliminary work, and it looks like, we would think maybe \$25,000 of engineering costs for getting the project properly engineered so that you could go forward with construction, bond counsel would probably be somewhere in the neighborhood of \$10,000 to \$12,000, then there would be fees for our firm as local counsel for the county, and then incidental fees of publication, postage, and that sort of thing. It's hard to tell you today what, we can get a closer estimate of that a little later on, but just to give you some idea we wanted to mention that. Usually, for bonds, at least some of the ones that I've looked at, 30 years is a better pay off period, we didn't know if you were committed, I read something about 20 in your materials, but 30 would be....one thing about the bonds is that we have to find a bank that will be willing to purchase the bonds, maybe you could help us in that way. But, bonding is the only way to go so that we can get the contractor paid, and then have the 30 year period, or 20 year period, whatever, and that really is determined by the homeowners. So, again, a majority would determine what period of time you wanted that payoff to be.

Jim Thomas: We did discuss that last, or two Saturdays ago, and at this time they were thinking about 20 years as an average of what they would like to do.

President Crouch: Mr. Ziemer, at this point in time at this meeting, what do the Commissioners need to formally move this project forward?

Ted C. Ziemer, Jr.: Nothing, nothing today, but we'll be working with Andy and with you, and shortly we'll get into the....what I would like you to do though is present to me a fuller list of the homeowners who are willing to....I'm interested that they are willing to hook up to the sewer and willing to be assessed for the cost of the sewer, that's what I would like to see.

Jim Thomas: We can provide that to you.

Ted C. Ziemer, Jr.: To that effect, and what will happen, if we have a sizable group who are not willing to sign that, we may have people remonstrating against this

petition in your subdivision. That will cause the proceedings to be protracted and take a longer period of time. The whole process, before you start construction, should be somewhere between three and six months, and the time over three months would largely be dictated by the number of people who were actually willing to go forward with this.

Jim Thomas: I think we can provide some good information that we had in our meetings with actual signatures on documents that show a strong indication—

Ted C. Ziemer, Jr.: Good.

Jim Thomas: —plus their willingness to come to the meetings and place at least something on deposit to permit Andy Easley to, which has gotten two good rough estimates of where we're at on cost through two different contractors at this point, to give us an idea of where we're at.

Ted C. Ziemer, Jr.: Okay, good.

Commissioner Nix: What are the average size of the lots?

Jim Thomas: They're about 1.1 acres to 1.3. They were originally platted that way, and then as they built through the years, they were grand fathered, even though it was two and a half acres required in time.

President Crouch: At this point in time then, Mr. Ziemer, you will make an appointment with the neighbors and go ahead and—

Ted C. Ziemer, Jr.: Well, I'll work through, I think I'll work through Jim and Andy Easley and—

Jim Thomas: Our committee.

Ted C. Ziemer, Jr.: Yeah, good.

President Crouch: Thank you very much. We're glad that we have this mechanism to assist neighborhoods that are in need of projects like this.

Jim Thomas: Well, thank you for your time. We appreciate your help.

Commissioner Nix: Thank you.

Commissioner Musgrave: Just, the neighbors will be funding this entirely, and the county will not have any funds in it, but we're the enabling, part of the enabling process to get you through there. There's nothing like a water issue to bring the neighbors all together at a meeting, is there?

Jim Thomas: Yeah, thank you.

President Crouch: Thank you very much.

Hamrick's Recovery, Inc.: Contract Amendment Request

President Crouch: Next item on our agenda is Hamrick's Recovery, Inc., contract amendment.

John Hamrick: John Hamrick, the owner of Hamrick's Recovery Service, your towing provider. I don't know if you all are aware, but the two contracts that I hold, the city contract towing and the county contracts are all basically the same contracts. One thing that I would like to change on the county contract is the hours to release the cars. The city has it from seven in the morning until six in the evening, Monday through Friday, and Saturday it is eight to three, and Sunday it is eight to noon. The county is 24 hours a day, seven days a week. The reason that I would like to change is because I have some numbers here for you, in January the city hauled, now these are cars that just came to the yard, you can pretty well double this is where we hauled them to their houses, body shops, wherever, the city hauled in 393 cars, and the county did 62. In February there was 357, the county did 85. In March there was 381, the county did 81. As of today, or this morning, it was 113 city and 28 county. There's several reasons, the, I don't like the, I have to have another person there at night, which is more on the payroll. The night people do not know a lot of times what's going on with some cars that's there, the day dispatchers do because they talk to the county detectives, city detectives, people that's got their cars there in the holds. A lot of times there's wrong information give out at night, people come in the next day, it's wrong information, and I'm trying to cut down on problems. With doing this, I'm not wanting to change any pricing, just the hours of operation. Now, we do release cars at night for the city and the county on request by the officers. If they, if there's a mistake or something, we do do that. We usually have a driver go back and get them. It would sure help me a lot.

President Crouch: I guess, a question, a couple of questions that I have, one to the County Attorney, can we legally go in and make a change to a contract after we've awarded it? If we do, what is the danger in doing that?

Ted C. Ziemer, Jr.: You can amend a contract that has been bid so long as the amendment would not affect the cost of the contract, and would not have affected, reasonably affected, the bids of any other party at the time that the contract was bid. As to the future, in terms of precedent, I guess you're asking, you know, at anytime, anybody that has a contract can request an amendment. We're not bound to give an amendment to any contract. A contract is a contract, and it's binding until the term is over with. So, you're not bound to make any change in this contract. I think that if you wish to make a change, I don't know, I'm not sure, I would have to ask you. If the contract that was bid would have said that the hours of operation for retrieving cars would be what the city contract says, as opposed to what the county contract says, would that have affected your bid?

John Hamrick: At the time of the bidding of the contract I didn't think that these would cause a conflict, because I wasn't exactly sure what the city was going to bid at the time, or how they was going to do their contract. Because I had already had the county contract. I didn't have the city, at that time. Now, if the city would have had theirs—

Ted C. Ziemer, Jr.: I guess, what I'm asking you is, forget the city contract, if the county contract had said that retrieval of automobiles could only take place between the hours that the city says now, do you believe that people's bids would have been

different, because they don't have to have somebody there to allow retrieval during the other hours?

John Hamrick: No, uh-uh. That wouldn't have made a difference to me. Because what I'm doing now is I have a driver there or somebody there, if they're on a run, they come in and I have them go dig cars out, and release cars, which is a problem.

Commissioner Musgrave: What is the term of the current contract?

Ted C. Ziemer, Jr.: It ends in December 31st of '06. It goes another year and three quarters.

Commissioner Nix: I guess, there was a reason why the county specified this. Do you know what that reason would be? Or, I didn't know if maybe the—

John Hamrick: Well, I talked to Eric about it, and he said he just thought we would release cars 24 hours a day, seven days a week. If Eric would like to say something, you know.

President Crouch: May we change the tape at this time?

(Tape change)

President Crouch: Thank you.

Eric Williams: Eric Williams, Chief Deputy, Sheriff's office. I was the one that authored this contract, at least the language of it, and as we worked out the details we basically wrote a contract that was as favorable as it could be towards the county and towards the public. So, we put 24/7 in because that was the easiest.

Commissioner Nix: Do you see a need in keeping that? Or would it create a problem for you if Hamrick's went back on the city schedule?

Eric Williams: That clause in the contract really has absolutely no bearing on the Sheriff's office. It is on the public who would come get their cars. I can't speak to the number of people that actually exercise those hours in the clause, in the contract. So, I couldn't answer that. It doesn't affect the office. We tow cars 24/7.

President Crouch: Mr. Hamrick, out of the 62 vehicles in January, 85 February, 81 March, and 28 to date, how many of those do come after the hours, or after the hours that the city allows for pick ups and utilize that service?

John Hamrick: As of right now I think we've had two this month, county. Now, the other months I can't say that. Now, I can't say for sure. Now, I can tell you, on those cars, about a fourth of those cars will be left. They don't claim them. They don't come and clean out their personals or anything. They just leave them.

President Crouch: Question for the attorney, I respect the job that you do, Mr. Hamrick, you do a very good job for the county, and I appreciate that. I myself am hesitant to go in and make any change to a contract that we've already awarded. But, my question to the attorney, is there anyway that we could go out to bid on this earlier? For instance, if it expires in December of '06 could we choose to rebid it in July of '05, or December of '05?

Ted C. Ziemer, Jr.: With the consent of Mr. Hamrick.

President Crouch: I would be inclined to consider that. To go ahead and rebid it at some point in time and then making a change to the hours. I'm just not comfortable making a change to that contract as it's awarded.

John Hamrick: I was on the understanding on these contracts that they could be changed if both parties was agreeable.

President Crouch: I'm just telling you that I'm not comfortable with that, myself personally.

Ted C. Ziemer, Jr.: Well, that's true unless we run afoul of bid procedures, and in that case then the two parties can't agree to that.

John Hamrick: I have a problem with leaving money there at night. You know, that just, you take a chance of getting robbed.

Ted C. Ziemer, Jr.: I think that what President Crouch is suggesting is that, at least for her, she believes maybe the bids might have been different if this change had been made at the time the bidding was done, rather than now.

John Hamrick: Uh-huh.

Ted C. Ziemer, Jr.: So, for fairness sake, for other bidders, she would prefer to leave it as it is, but would be willing to entertain the possibility of, with your consent, of rebidding this contract, which would mean that you rebid, as well as everybody else that bid the first time, with this change being included in the contract. Then the cards would fall where they do.

John Hamrick: Well, at the time, Mr. Ziemer, I didn't think it would be a problem.

Commissioner Musgrave: Are you willing to rebid the contract and let other people bid on it? Or would you rather leave it the way it is now, and wait for it to expire?

John Hamrick: Do I have to answer that now?

Commissioner Musgrave: No. Do you want to think about it?

John Hamrick: I want to think about that.

Commissioner Musgrave: Okay. Alright, so, then we'll just leave things as they stand right now, and we'll hear from you later?

John Hamrick: Okay.

Commissioner Musgrave: Alright.

John Hamrick: Thank you.

Commissioner Musgrave: It's good to see you.

Building Authority: Commissioners Office Space

President Crouch: The next item on our agenda, Building Authority, Commissioners office space.

Dave Rector: Dave Rector, Building Authority. The first item that I was going to talk about, and I hope you each got your letter this afternoon on what we might be able to do in the existing Commission office space to improve security measures. Wondered if you had any questions about that? Do you have any further direction? Simply we were just going to try to move the door out to the front, put an electric strike and button release on it, move the panic hardware up for a button that would call 911 immediately, and then put a new desk, or partition system there that is either from surplus furniture, or actually Proliance is donating to us when they move some rather nice furniture that we might be able to use. Then we have to move the phone and the computer. We could do all of that for about \$4,000 to \$5,000, and we could do that under the July 12th agreement from last year with defeased bond money coming back, if you so desire.

Commissioner Musgrave: I would suggest that we go ahead and do that. This is just common sense safety precautions for the Commissioners office. Making it similar to the other offices in the building.

Commissioner Nix: I guess, I just had one question. That door would be monitored through a mirror or something?

Dave Rector: Well, the way we're proposing right now is your existing entry door will move out to the corner of your old meeting room, at the column line, and then the receptionist desk would be directly in front of that. So, when someone entered, the person sitting there could see and buzz them in.

Commissioner Nix: Okay.

Dave Rector: Or, if they stayed the other way, they would have to look in the mirror—

Commissioner Nix: Okay.

Dave Rector: —to get buzzed in. The only entrance would be through controlled access.

President Crouch: A couple of questions, if you move it out, what do we gain by leaving it, would it be cheaper to leave the door where it currently is, and then have the same procedure in place? As opposed to incurring the extra cost to move it out, for what? To allow—

Commissioner Musgrave: Seating. Put a couple of chairs there. There's really very limited space there now, and this would give us another, I don't know, four feet or something to put another chair.

President Crouch: In looking at that space too, if you have a door opening, those doors from where the elevator come open out, and it looks to me like you could have someone standing there who, if someone comes from the elevator area is going to get hit with the door, if it is actually moved out.

Dave Rector: We'll have to put stops on the doors so that they don't slam into each other.

President Crouch: I guess, the other issue that I have, this is more a Commissioner issue, is we're going to have to move someone up, and they're going to have to be there eight hours a day, and as the Commissioners probably know, we sometimes have employees on vacation, we have two employees, one on vacation and one out of the office doing work, and the empty—

Commissioner Musgrave: You don't have to move anybody up, because the buzzer system would be at either position. So, you could buzz people through at either desk. So, it could be just the way it is now. The panic buttons all stay the same. It adds the buzzer to let people in. So, you don't have to move someone there.

President Crouch: So, our current configuration would stay as it is?

Commissioner Musgrave: If you want it to, yes.

Dave Rector: I think you're suggesting adding. B.J.'s desk would stay where it currently is, and then we would be adding another receptionist station right at the entry.

Commissioner Nix: But, B.J.'s desk she would be able to access, or she would be able to see who's at the door?

Dave Rector: From the mirror.

Commissioner Musgrave: Do you want to think about it for a week?

Dave Rector: The other thing you would probably get, I guess, from moving the door is, as you enter you're just not right on top then of the new receptionist area. At least you have an entry space. Whereas, if we leave it where it is and do that, you're going to be immediately right there at that person. We'll be glad to try to make the renovations accommodate however you would like.

President Crouch: This would be the only change that we would have? Or are we looking at that hearing space also? What I don't want to do is make a change and then turn around in another four, five, six months and make another change. So, I don't know what our plans are in that regard. Or if we've even looked or decided or made any kind of—

Commissioner Musgrave: No, no decisions have been made. There are plans up in the air. Some thoughts that the Commission's office, the staff would move down to where the Sheriff is now when the Sheriff leaves, and that the County Council would move over into our current space. If that scenario played out, the change that we're talking about right now is one that the County Council's staff has also requested. So, they want it, we need something similar to this, so that would be money spent and left in place. Other scenarios are taking over that, is that 301? I always lose track of the numbers of those rooms, and sharing it between Council and Commission. If that happened, then the door move is already in that plan, and the only thing it would probably do is move the little counter thing that you're putting in there a little further forward, but it's free standing, you just move it.

Dave Rector: I think the immediate desire was trying to secure the Commissioners space, initially here. We have looked at some other possibilities for Commissioners space in reviewing too, but I understood the need was trying to get them more secure for controlled access, instead of people coming and going so freely.

Commissioner Nix: It looks like any other scenario that we come up with, this would work within that.

Dave Rector: I think it would, yes.

Commissioner Nix: Okay.

President Crouch: Well, as long as we are, this is something that is not going to cause us to have to redo—

Commissioner Musgrave: I don't think so.

President Crouch: —in the future, then, certainly, security is always an issue. Not only with our office, but really with all offices, and with the building in general.

Commissioner Musgrave: So, I would like to go ahead and make a motion to have him proceed as he's outlined in his letter.

Commissioner Nix: Second.

President Crouch: And that would be spent out of the money that we will be getting, but at this rate we will be getting none, probably?

Dave Rector: You still have monies left over.

President Crouch: Perhaps, I think, Mr. Ziemer, you had told us what we would end up getting, it was \$140,000?

Ted C. Ziemer, Jr.: I don't remember the number, but it is dwindling quickly.

Commissioner Nix: We better hurry.

Commissioner Musgrave: But, it dwindled before we took office. This is the first time this set of Commissioners will have spent any of it.

Dave Rector: Yes.

Commissioner Musgrave: Part of it is going to the television contract, but that was cut before we came here.

Dave Rector: If interest rates improve, you may get back a little more than what we were estimating you're going to get back. We just don't know until the end of the year.

President Crouch: All in favor?

All Commissioners: Aye.

Building Authority: Discussion of Old Jail Space

Dave Rector: Okay, we'll proceed with that. Another item, I've brought some things for you all, kind of we'll talk about that. Suzanne, I know at one point you had gotten them. Commissioner Musgrave and Nix, I don't think you've probably seen most of these documents. This was a summary of what the proposed, and I say proposed very generally on what might happen when the old jail moves, and the domino effect we would have throughout the building. You have a summary on that. You have a matrix that shows where all the areas may move, and how square footage is maybe affected, and budget estimates. Then, at that time, you have a construction schedule that shows those things happening even clear out to 2008. That's all very loose, nothing's been defined, nothing's been decided. Just to show you that we had been working on that, and we are looking at different opportunities now with that space from direction from you all of what we might do on the second and third floor of the old jail. The last thing, Ted, I don't know if you had ever seen this July 12th agreement, but I wanted to get you a copy, and, again, Commissioner Nix and Musgrave, I don't know if you had seen it. But, that's what we've been working under that we just discussed. With that I'm continuing then to try to look at some other opportunities with the old jail space. I think as we've all talked, and Commissioner Crouch asked an interesting question today, what if you give it back to the Building Authority? I'm going to ask you and our attorney, Joe Harrison, Jr., and just see, can that happen? Do we do nothing up there? Do we lease it out? Do you turn it back to us? Who's responsible for it? But, the lease does address city-county usage of it, but not if it's not being used, that I can see. But, that's why we've got you.

Ted C. Ziemer, Jr.: I don't have a copy of that lease.

Dave Rector: You do not have?

Ted C. Ziemer, Jr.: If you could get me that.

Dave Rector: That's what I wondered. I'll get you one.

Ted C. Ziemer, Jr.: Good, thanks.

Commissioner Musgrave: Mr. Rector and I had a conversation the other day where I asked him on behalf of us, and perhaps we need to formally ask him to do this, because there have been so many questions asked, what are we going to do with the old jail, both floors of it? If this happens, you know, what causes other things to happen? So, I've asked him to put together a memo outlining every option, as you were just discussing from locking the doors and letting it gather dust, to complete renovation into different kinds of spaces. He has suggested that it would take him about a month to put that document together. I've also relayed that to Lloyd Winnecke on the County Council, and he would like to see—

Dave Rector: Okay.

Commissioner Musgrave: —anything that you put together. What you put together though needs to have costs in it. If you're going to say that the Commissioners, on behalf of the county, have to pay rent for this space no matter what, if that's, I would like you to quote the part of the lease that requires us to do that.

Dave Rector: Okay.

Commissioner Musgrave: Please answer as many questions in advance with your document that you can.

Dave Rector: Sure.

Commissioner Musgrave: Because folks are confused, and we need to have some solid information.

Dave Rector: Those are big questions. This is the first time in 35 years this has come about, and some really important questions. There's a lot of money laying there if we do nothing, but it requires a lot of money to do something.

President Crouch: With that, we have the Old Courthouse that we've invested probably seven or eight million dollars in, and we need to probably invest another five million in order to move offices or to utilize that space, or to use it for, you know, for private individuals. We also, President Councilmember Lloyd Winnecke and Judge Niemeier and I have met again, and we are continuing to move forward in collecting information regarding the whole juvenile detention, and are we doing everything we need to do. So, I think that's all part of this equation.

Dave Rector: Sure.

President Crouch: We can't very well determine that we need it for juvenile detention, when, in fact, there may be a different direction we want to go in that. So, we'll continue to work forward, because that time will be upon us before we realize it.

Dave Rector: I'm glad you're starting to look at this now. Because this summer, very possibly, the Sheriff's going to move out to his office, then, by this fall the whole jail is moving, and we don't want to wait until November to start looking at this.

President Crouch: Well, we appreciate your assistance in this matter.

Building Authority: Discussion of Current Projects

Commissioner Nix: Can you give us a snapshot of the current projects that we've got going on? Just a real quick synopsis.

Dave Rector: Sure. Downstairs the juvenile probate court renovation and the adult probation area should be complete by the end of May. We'll be moving them in at that time. After that we'll move Judge Heldt and his staff down to the old juvenile probate area, renovate his area. After that's done, move him back up. The existing juvenile probate area then gets totally gutted and we have an adult, a divorce hearing room. I guess, they are adults if they get divorced.

Commissioner Nix: Sometimes not.

Dave Rector: We get a divorce hearing room and a criminal hearing room and some offices and some conference rooms. So, that's probably all going to take through October, November of this year.

Commissioner Nix: Okay, and everything looks like it's pretty well on schedule then?

Dave Rector: Everything's on schedule. The only thing delayed is, we thought we were going to be moving in the first of May. It's going to be the end of May, the security doors, security again, they've been delayed for about three or four weeks. They're supposed to ship April 22nd, if they do, we should keep to that schedule.

Building Authority: Centre Repairs Update
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Dave Rector: The only other thing that I have, if you please, I think we've finally identified the leaking source in the exhibition hall at the Centre.

Commissioner Musgrave: Hallelujah.

Dave Rector: Yeah. We need some brick repair done, some sealant. Unfortunately, your line item for those repairs was zeroed out, Jennifer tells me. So, I suggest we do that under the F&B funds again, so that we can proceed with the carpet installation.

Commissioner Musgrave: How much is it?

Dave Rector: Sixty two hundred.

Commissioner Musgrave: Oh. Do you need a motion for that?

Dave Rector: Please.

President Crouch: Yes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Dave Rector: Thank you very much.

President Crouch: Thank you.

Dave Rector: We'll get you a lease.

Commissioner Nix: What is that word dwindling?

Board Appointments

President Crouch: Next item on our agenda, board appointments. We do need a motion to rescind Marsha Abell off of the polling advisory board, polling place advisory board, because it does require that she, that person either be disabled or elderly. She is not disabled, and she does not consider herself–

Commissioner Musgrave: She disputes that?

President Crouch: –elderly. So, we need to rescind her appointment, and we need to, I would suggest we appoint Frank Daugul, who fits both of those criteria.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Reading of Quotes: VC-37-2005: D'Limonene
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President Crouch: Department heads, first we have the Centre.

Ted C. Ziemer, Jr.: We have the bids ready.

President Crouch: Well, you have to wait till your report.

Ted C. Ziemer, Jr.: He wanted to leave.

Commissioner Musgrave: Well?

President Crouch: Do you mind if we take the bid openings?

Unidentified: No.

Ted C. Ziemer, Jr.: Thank you.

Commissioner Nix: He does that all the time.

Ted C. Ziemer, Jr.: KRS, or Mark Abell, A-b-e-l-l, bid \$8.26 per gallon. Goedde Oil, G-o-e-d-d-e Oil, Inc., \$8.37 per gallon. Busler Enterprises, Inc., \$7.00 per gallon. Eco Link, \$9.86 per gallon.

President Crouch: Motion to take under advisement?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Thank you.

President Crouch: Thank you.

The Centre: Monthly Report

President Crouch: Now, we will hear from the Centre on their monthly report.

Kathy Embry: I am Kathy Embry. I am the director of sales and marketing for SMG, and we are the facility managers for the Centre. The most exciting thing I think we had this week, we announced a new Broadway season. We're thrilled with what we were able to book. We have; Thoroughly Modern Millie, 42nd Street, Oklahoma, Cirque Dreams, and the Evansville premier of the Broadway blockbuster, The Producers.

Commissioner Musgrave: Oh, good.

Kathy Embry: So, we're really excited about that season. They are renewing season memberships now. The first show will be in October of 2005. For April we have a performance of the Doors of the 21st century, and that is on April 26th at 7:30. That is a group led by the founding members, Ray Manzarek and Robby Krieger, and then they have added the singer Ian Astbury, known as the rich baritone voice of The Cult. They will be performing April 26th at 7:30. Then the Children's Dance Center for dance education will present Firebird at the Centre on Sunday, May 22nd at 3:00. This is a production that is about an hour long with colorful costumes, lively choreography, and dancing and is designed to engage even young children. That's kind of what we've got in the marketing area.

Commissioner Musgrave: What's the price for the Broadway season package? I know that there's a range of prices, but—

Kathy Embry: It's about \$125, I think. There's a four show package and a five show package.

Commissioner Musgrave: Alright. Is there a phone number that people can go to? Or a website?

Kathy Embry: Yes, they can go to our website, which is www.smgevensville.com.

Commissioner Musgrave: Okay.

Kathy Embry: And that will, the shows will, anything at the Centre will be there. They can also call 435-5770, extension 210, for the box office.

Commissioner Musgrave: Alright, thank you for the update.

Commissioner Nix: Thank you.

Burdette Park

President Crouch: Next item, Burdette, if Burdette has anything.

Steve Craig: Steve Craig, Manager of Burdette. I have received proposals for the electrical services at Burdette Park. After our electrical company had raised their prices, we sent out requests for companies interested in giving us an hourly rate for

service calls for evening, weekends, holidays, basically 365 days a year, 24 hours a day. After receiving many proposals and reviewing them, and having one of the Commissioners, Mr. Nix, overlook them, I recommend that we accept Wortman Electric proposed on the hourly rates being the lowest of the companies that submitted them to us.

President Crouch: Is that a yearly, or when will you look at rates again?

Steve Craig: We usually keeps these contracts until they raise their prices again. The present contract that we had was probably six or seven years old. Then when they raised their prices is when we go out for new bids.

Commissioner Nix: Ted, is there anything that we need to do as far as contractually with them? I didn't know if anything needed to be written up from a legal standpoint.

President Crouch: I would think we would need an agreement.

Commissioner Nix: Okay. Just for services?

President Crouch: We would need an agreement, wouldn't we?

Commissioner Nix: This is for electrical service, just an on-going electrical service type thing.

Ted C. Ziemer, Jr.: And we don't know, you took quotes in other words?

Steve Craig: Yes, sir.

Ted C. Ziemer, Jr.: Sure you would need an agreement for the electrical services. Yes.

Commissioner Musgrave: Do you have an agreement prepared already?

Steve Craig: I have the proposals that was sent to me by the electrical companies.

Commissioner Musgrave: So, we would just accept the proposal?

Steve Craig: Yes.

Ted C. Ziemer, Jr.: Well, you better let me see it. I mean, a proposal is not an agreement.

Steve Craig: I have it with me.

Ted C. Ziemer, Jr.: Perhaps it could become an agreement after it's accepted by the Commissioners. You need to let me see it.

Steve Craig: I have them all with me, and I'll give you the proposals.

Commissioner Musgrave: So, motion to take this under advisement?

President Crouch: Yes, and let the County Attorney review the proposals and then draft an agreement with the lowest proposal.

Commissioner Musgrave: Okay. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Steve Craig: Thank you.

President Crouch: Thank you, Mr. Craig.

County Engineer

President Crouch: Next item, County Engineer.

John Stoll: I've got three things. First, last week we opened the bids on that Lyle Road project, and I'm not prepared to make a recommendation on that just yet. I need to discuss some things with each of you in regard to funding, as well as some discussions with the contractors. So, hopefully, I can bring that back for recommendations next week. The second item that I've got is in regard to some complaints we've been getting out on Number Six School Road. There's some people who have been adversely affected by some drainage ditches that have had either inadequately sized pipes, or ditches just filled, you name it, any number of problems that have occurred out there. Basically, what we would need to do to correct the problem would be to design a series of pipes and inlets that would get the water off the road and drain it away properly. As opposed to letting it sheet into these people's properties who are seeing this storm water. So, with your approval, I would like to go ahead and have my staff prepare a design, then we would bring it back later for bids.

Commissioner Nix: John, I'm curious. Is there anything that caused this recently? Or is this just something that over time has happened?

John Stoll: It's over time.

Commissioner Nix: Okay.

John Stoll: It's the same problem we see routinely with ditches. People don't want to maintain a ditch, so, they'll pipe it with whatever size pipe they feel is adequate, or they'll fill it, any number of things. The county used to pipe quite a few ditches. Some people got approval, some people didn't, but you end up with a mixed bag of anything and everything in these ditches. It just isn't set up to convey the water properly. So, with your approval, we could come up with a plan for something that would work for these people.

Commissioner Musgrave: Move that your staff go take a look at that, and proceed as you've outlined.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Okay. The last item that I have is the invoice for our local share of the Lynch Road project. I didn't get it on the consent agenda because we just got it a couple of hours ago. This is for our portion of the project costs. The project cost, the local share is 20%, but of that 20%, Vanderburgh County is only responsible for 63% on the basis of the interlocal agreement that was signed a few weeks back. Another thing that was done in this, we were given credit for the money we spent on right-of-way and design. So, that further reduced the amount of the overall local match. So, in the end, since the overall project cost was 4.7 million, our 20% local share should have been \$940,000. It was further reduced down to \$785,000, then we're paying 63% of that \$785,000. The only down side of the credits is that this does utilize all of our eligible federal aid money for this project. So, if we do run into any change orders, they will have to be funded with 100% local money. But, at this point we don't know if we'll have change orders. So, in my opinion, it was better to take the credits now, and potentially save some money up front, as opposed to leaving that money on the table where we could never get it back from INDOT. So, with your approval, I would like to recommend that this invoice be processed, and we'll proceed with getting Warrick County's share of the project cost as well.

Commissioner Nix: I think one of the things that John and I had spoken about was that we feel like we've got a pretty good set of plans and specifications to where we don't feel like, there shouldn't be a lot of change orders on this. So, we feel pretty good about doing this.

Commissioner Musgrave: Is that a motion?

Commissioner Nix: Yeah, I'll make a motion that we approve this.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you.

John Stoll: Thanks.

County Highway

President Crouch: Next, County Highway Superintendent.

Mike Duckworth: Good afternoon, Mike Duckworth, County Highway Department. Here for several items this evening. First of all, we had an event planned today, we

announced late last week that we would have a pothole blitz start this week, and we've been taking calls ever since. Today we were going to have a kick off with our Commissioners joining our staff to help us fill in the potholes. Unfortunately, rain water filled most of them today, and mix was not available. At this time, with your permission, I would ask that we be able to, due to not only the existing weather that we're going through, but the forecast of some additional rain this week, that we extend that pothole blitz throughout, till the end of next week to cover all the complaints that we've received. We've received quite a few. I would say somewhere around 50 to 60. Some are in the same area, but we need that time to work through it. So, I would ask for your indulgence, and we have also released another news release in that regard, and the ceremony that was going to take place today at noon will take place on Friday. So, bring your shovels and your hip boots.

Commissioner Musgrave: We have to bring our own shovels?

Mike Duckworth: Well, now if you use the county's shovel we'll have to put that on Bill's cost coding schedule for the equipment. No, we'll have shovels and everything ready for you. But, I will notify and I think that release was sent out today, and we'll renotify the media of that change.

President Crouch: Do we have a motion to extend the pothole blitz?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: In addition to that, I have provided you, the Commissioners, with a proposed road paving list. This is a preliminary list that includes approximately 19 areas of roadway, a little over 24 miles of sections of roadway within on county roadways that our department would be proposing that we repave. In addition to this, there's going to be some additional concrete repair work done in subdivisions, and that's included, those subdivisions are included in that list that I've provided to you. This, again, is a preliminary list for your inspection, and in addition to those two areas. During those three road hearings, we also received a number of small projects, everything from road shoulder work to culvert work, and we will put an additional list together of those kinds of things that we can do, along with estimated costs estimates. So, I've submitted that to you today for your inspection. Next week we'll bring the list to you for your consideration.

President Crouch: If it pleases the Commissioners, if we could come back next week and approve the concrete repairs that would enable the County Engineer to go out, start the process for the bid work, which would kind of expedite that. So, if it pleases the Commissioners, we'll come back next week.

Commissioner Musgrave: Motion to take this under advisement for a week, and we still have time to go over that road paving list with you then?

Mike Duckworth: Yes, we do. I wanted to mention to you, this road paving list that I've provided to you includes sections of about a mile or more in specific areas. The patching areas, the small project areas, we will have that list of what we've received and what we've completed, and what is still to be done due to weather considerations and those kinds of things.

Commissioner Musgrave: Okay.

Mike Duckworth: We'll put all of that together in a brief report for you. I've been working very close with John Stoll's office. They've helped us with having their engineers look at some of those areas, and give us some ideas and some cost estimates and those kinds of things. So, John and I together will meet and have that information for you at the next meeting.

President Crouch: And, I believe that the County Engineer indicated that he's developed, working with you, has developed a spreadsheet addressing every single complaint, or every single issue that was raised during the road hearings. With then a recommendation. So, hopefully, that will be available next Tuesday, so that we can post that on the website, and then send a letter or a post card to everyone that attended. Kind of directing them to that, so that they know what recommendation has been made. Now, not all of these are things that are going to be addressed in the paving.

Mike Duckworth: That's right. Some of them are basically very small items that we can get on relatively soon. Others are things that weather or other work will have to be done prior to that time. I would also mention to you that we will provide this paving list with the utilities companies, so that we can coordinate those efforts. The last thing that we want to do is to go out and do a paving project, and then have, of course, a utility cut done there shortly after. So, I've met with Duane Gilles and some others in regards to those situations. We'll provide that information, not only the water and sewer, but also to Vectren and other utilities, cable as well.

Commissioner Musgrave: And Duane Gilles is with the Water Department?

Mike Duckworth: Water, right.

Commissioner Musgrave: The Evansville City Water Department, okay.

Mike Duckworth: Yes.

Commissioner Musgrave: So, we had a motion to table this.

Commissioner Nix: Second.

President Crouch: Before we vote, if I'm understanding this, we'll be able to post what currently has been submitted on our website to get public input, but the spreadsheet that actually is more than this will be available next week?

Mike Duckworth: That's right.

President Crouch: And, then we would come back next week, hopefully, and take action on the concrete repairs, but not on the paving until the following week, is that correct?

Mike Duckworth: That's right.

President Crouch: Okay. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Madelyn Grayson: Mike, do you have a copy of that for the record? The proposed list?

Mike Duckworth: Yes, I do. I will also provide that to the members of the media that are here as well.

Commissioner Nix: That other list that was e-mailed to me earlier today, is that the final list?

Mike Duckworth: No, it's not.

Commissioner Nix: Okay, there's some additional things that need to be added to that, okay.

President Crouch: Anything else, Mr. Duckworth?

Mike Duckworth: I believe that's it.

President Crouch: Thank you, and thank Mr. Stoll for all the work and effort you've put into this.

Commissioner Nix: A lot of effort in that, yes. Thank you.

Superintendent of County Buildings

President Crouch: Our next item on our agenda, County Superintendent of Buildings.

Jennifer Wigginton: Thank you. I have three items. I need permission to go to Council for Legal Advertising for \$20,000.

Commissioner Musgrave: I understand that we've spent the amount that Council gave us, and all these ads are legally required, they are not optional. So, I move approval of that.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jennifer Wigginton: The second item is that we have an offer from CDS Company to purchase all county owned surplus computers and related parts for \$500. They will pick up and remove all equipment at both locations, and they'll completely go by

what direction we give them in regards to pick up. This was originated back in September, and the only other offer that we had was us paying them to come and get them.

President Crouch: Have Matt Arvay, or has Gregg Baker had any input?

Jennifer Wigginton: The only exception we will do is the necessary equipment that we need for the Veterans office.

Commissioner Musgrave: So, we took bids in September, the Commission took bids? Or sent out information?

President Crouch: We got quotes. Called and got, actually requested if companies were interested in either purchasing or disposing of computers.

Commissioner Musgrave: So, lots of people had the opportunity?

Jennifer Wigginton: Yes. There was three others contacted.

President Crouch: And, we can take this under advisement for a week, if you want.

Commissioner Nix: I think we need to move ahead.

Commissioner Musgrave: Yeah, I would like to move that we go ahead and accept their offer.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. These computers are, have been kind of evaluated as not really being worth use to other offices—

Jennifer Wigginton: Correct.

President Crouch: —within the city and county. So, it wouldn't be anything that someone would want.

Jennifer Wigginton: No. The third item is our tenant at the Old Courthouse, the Aids Resource Group, abbreviated ARG, is asking to renew their lease. With the Commissioners permission, I would like to have the County Attorney look over the prior lease and write up a new one for next year.

Commissioner Musgrave: Move approval of the County Attorney.

Commissioner Nix: Second.

Ted C. Ziemer, Jr.: Are you going to let me know what terms you want to change. I mean, I'll look at it from a legal point of view, but if you're wanting to change any of the substantive terms, you'll have to let me know what they are.

President Crouch: I think it's just, they have an old lease. We need to renew it at our—

Commissioner Musgrave: Current rate?

President Crouch: —current, yes, terms. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jennifer Wigginton: Thank you.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: You should have in your packet two copies of a lease with Eastland Mall to sign. This is kind of an after the fact thing. Burdette Park used space in Eastland Mall for a table for some purpose on February 26th in the morning. The cost of that was \$150. The lease was never signed. Eastland has sent us their standard eight page lease for this purpose. I have reviewed it. None of the terms are onerous for the county. They acknowledge that all we owe them is \$150. So, we think it's satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I have delivered to Madelyn two copies of an agreement for attorney services signed by Ross Rudolph, and that would be for cases for which Ziemer Stayman Weitzel and Shoulders have conflicts.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Finally, at your request, President Crouch, I've prepared a letter to the Indiana Election Division, which I assume you have in your packet.

President Crouch: This is in response to the Election Board meeting yesterday where they had requested that we contact the State Election Commission and ask them to examine our election and whatever software was utilized to ensure that everything was operating correctly.

Commissioner Nix: That would not be at any cost to the county at all?

President Crouch: We're requesting that there be no cost to the county.

Commissioner Musgrave: Do you need a motion to approve sending that letter?

President Crouch: Yes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Okay. Do we need to change the tape?

(Tape change)

New Business

President Crouch: New business, Cinergy Communications power and air conditioning, Commissioner Nix.

Commissioner Nix: Yes, I had a conversation with a gentleman by the name of, and I probably will blotch this pronunciation, but Charles Richols. Anyway, he's requesting to do some work over there and actually add a new generator, add some electrical service, some communication service. Right now, I had conversation with Dennis Au from Area Plan, he says that as far as he knows that has not been to site review yet. So, that's probably something, and I've got a call into these people right now to try to get this resolved. There's a few other issues we're working through, so.

President Crouch: And, Dennis Au with the Historic Preservation?

Commissioner Nix: Yes, Historic Preservation, he also sits on the site review also.

President Crouch: On site review, okay.

Commissioner Nix: Yes.

Commissioner Musgrave: Can they meet the urgency of this issue?

Commissioner Nix: Well, I'm trying to set a meeting up with everyone tomorrow, and I have not had a conversation with Cinergy about the site review issue yet. But, it's my understanding that they have not been to site review, and that's something that's going to have to take place first.

President Crouch: But, you're going to meet tomorrow and try to resolve this?

Commissioner Nix: Yeah, we're going to try to get everybody together, and try to get it moved along.

Commissioner Musgrave: Does he need advance authorization to take necessary action? From this Commission?

Commissioner Nix: I really think that—

President Crouch: Well, I think that he's trying to work through some issues, and then it will have to come to us for approval.

Commissioner Musgrave: Alright.

Commissioner Nix: Before they can proceed—

President Crouch: So, you're expediting the process?

Commissioner Nix: —with the project. Right.

President Crouch: Thank you. Any other new business.

Commissioner Musgrave: As you know, I've been working with DMD regarding the Evansville Plating Works, and we had discussed last week the possibility of purchasing that additional lot. A proposal that would allow us to purchase it has been floated, and I would like the Commissioners to engage a real estate agent, not only to pursue that option, but also to sell the property when the time is right to do that.

Ted C. Ziemer, Jr.: Since we did talk about this, Cheryl, I told you that I was going to look further into that issue. The law does say, first of all, you must advertise. Whether you use a realtor, or whether you use an auctioneer. It's very simple, if you use an auctioneer, you advertise that the property will be auctioned off at a particular time. I am unable to find any reason why we would ever use a realtor. We advertise for purchase price that individuals are willing to pay. We receive those offers. We accept the best offer, and then we proceed to close the transaction. The realtor being involved, it seems to me, adds another 7% layer to the cost of the project, and I don't know, because we're not having the realtor go out and find buyers for the project, we are, because we have to advertise.

Commissioner Musgrave: Well, so you're telling me a little bit about the law, and then you're moving on into your own opinion about whether or not we should hire a realtor.

Ted C. Ziemer, Jr.: No, no.

Commissioner Musgrave: I would like to ask some realtors whether or not they would add any value to this, particularly in terms of marketing it to get the best possible price, and particularly also to acquire that other lot.

President Crouch: Could you do that?

Commissioner Musgrave: Right.

President Crouch: Contact them and then maybe come back?

Commissioner Musgrave: Right, but I wanted to let you know what I was doing.

President Crouch: Sure. Okay.

Commissioner Musgrave: Alright.

President Crouch: Thank you.

Commissioner Musgrave: Thank you.

Old Business

President Crouch: Old business? Old Courthouse Foundation ordinance, do we have something that, perhaps in draft form this week to the Commissioners?

Ted C. Ziemer, Jr.: No.

President Crouch: We would by the end of this week?

Ted C. Ziemer, Jr.: Well, that depends. I'm working on it. What we have is a corporation. So, what we have to do is get the articles....I have the by-laws, which were sent to me by, but I don't have the articles of incorporation, which I need, I can get those on line. Then we have to talk about amending the articles of incorporation and the by-laws. So, I will present you with a draft, but I don't have it today.

President Crouch: That's fine. Any other old business?

Public Comment

President Crouch: Public comment. This is the opportunity for the public to comment to the Commission. Yes?

Gerald Jones: Thank you. Gerald Jones, 3919 Lyle Road. I heard Mr. Stoll say he was going to meet with you folks some time this week, or wanted to, about the Lyle Road project. I've got a quick, I hadn't planned on talking, what, normally what is the procedure after a bid, after the bids are opened in a project? I mean, does it go to Mr. Lawrence? I just don't understand how the procedure is.

President Crouch: The bids go to the individual who came to the Commission and asked for us to advertise. So, in this instance it would be the County Engineer.

Gerald Jones: Okay.

President Crouch: Then he reviews them, or whatever department head or office would have those bids. Then they come back also and have the County Attorney review them, and then a recommendation is made to this board.

Gerald Jones: Okay, thank you. Secondly, 2005 money for the Casino Aztar, they let us have, or we get, or the county gets so much money per year. Is it about a half a million dollars in county roads from the Riverboat funds? Is that correct?

President Crouch: The money is budgeted typically, this year it wasn't. This year we ended up getting \$150,000, I believe, for Infrastructure, and \$300,000 for Economic Development? Or was that just the opposite?

Bill Fluty: That I don't know, but I believe those are two correct numbers. They were cut in both those areas. I can research that and get back to you.

Gerald Jones: Well, that's okay, I appreciate it, Mr. Fluty. I'm just, is most of that money still available at this point in time?

President Crouch: There is some monies that is unappropriated. It would be up to the Commissioners to make recommendations and to go to Council for any additional monies that would be appropriated or expended in any request that we would have.

Gerald Jones: Thank you. Since most of the Lyle Road monies has already been encumbered from the previous budget, it looks like it might be a little bit more, unfortunately than it's going to cost. That's why I was asking the questions about how much money is available, and, you know, thank you very much.

President Crouch: I do believe that you also had indicated that you thought that perhaps those bids would come under a lot less too, which is kind of—

Gerald Jones: Yes, I'm really, really disappointed, because one of the contractors, who I personally contacted myself and said, we need your help, can you, you know, we need an economical bid. A good job, but an economical bid. They did come out and look at the project. I was very, very surprised. I talked to John about it that they didn't even produce a bid. That I'm just bewildered, because I was counting on their bid, because I knew it would be very economical, but it didn't happen, and I have no idea why. So, I'm disappointed in that.

President Crouch: Thank you. Yes, sir.

Greg Meyer: I'm sorry, I got blinded. My name is Greg Meyer. I live at 532 South Runnymede in Evansville. Steve Provost used to be a neighbor of mine, and he's on the Burdette advisory board. We've talked about some of the projects that are being planned for that area, and I would like to, I'm here to congratulate, and also thank the Commission for funding the development of a trail project between USI and Burdette Park. I'm familiar with the area where this trail would run. I think it would be beneficial to county residents, as well as USI students. There is an existing trail system, sort of an informal trail system that's already in place in this area, and it's used primarily by hunters, and by oil rig maintenance trucks, at least it appears that way. It currently connects the USI softball fields on Broadway with Nurrenbern Road. So, there's already a trail system there, and that would allow the county, I feel, to develop a low cost, year round health and fitness alternative for Vanderburgh County residents to use, whether they are west siders or anybody in the county. I would encourage the Commissioners to avoid spending massive amounts of money on this project. I saw numbers on the board and in the reports, there's already a trail there, and it can be developed, I feel, at a very low cost. I would invite any of the Commissioners that want to see this area to go out and look at it. I would be glad to go with you. There's several small ponds in that area, there's a stream that runs through the area, there's the back waters from Bayou Creek, there's a bamboo forest in there, which you wouldn't believe it until you saw

it, but it's a unique area. I think opening it up to the public would really be beneficial. So, I encourage the Commissioners to continue with that project. Thank you.

President Crouch: Thank you for your comments.

Commissioner Nix: Thank you.

President Crouch: The Commissioners did apply for some federal monies. Hopefully to enable this to move forward, but, with, as you said, not a huge cost. I certainly would be interested in walking that with you.

Greg Meyer: I would be glad to.

President Crouch: As long as the weather is good and there's no hunters out.

Greg Meyer: Well, it's not deer season now, so, I think we're safe. I'm concerned that the public when they hear a trail development, they think of the cost that the Greenway is currently spending on every foot of trail system. The Commission simply would not have to spend anywhere near that amount of money to get this trail that would connect the campus, the USI campus where the softball fields are, to Nurrenbern, and then, of course, right up to Burdette Park.

Commissioner Musgrave: Well, I want to encourage you to have some conversations with John Stoll, the engineer, or Steve Craig, Manager of Burdette, to hear what they have to say about, oh, I don't know, wetlands and federal requirements and that sort of thing, so that you could understand the hurdles that they face in developing anything on government property.

Greg Meyer: I understand.

President Crouch: But, I do agree with you. I don't think that this is a project that would require the huge amounts of money that the Greenway does. I appreciate you taking an interest, and waiting through this lengthy meeting, they usually aren't this long, to address us with your comments.

Greg Meyer: You're welcome.

President Crouch: Your phone number so we can—

Greg Meyer: It's on the list, but I'll give it to you.

Commissioner Musgrave: Okay.

Greg Meyer: 476-0394, that's evening, or a day number is 425-5345.

Ted C. Ziemer, Jr.: You can expect a lot of calls since we're on television.

President Crouch: This is televised.

Commissioner Nix: We'll put you on an advisory committee.

Greg Meyer: Maybe we can schedule a time and we'll just all group hike it at one time.

President Crouch: Thank you very much.

Commissioner Nix: Thank you.

President Crouch: Is there any other comment from the public? Seeing none.

Consent Items

President Crouch: Our consent items, would it be possible to approve those in one motion?

Commissioner Musgrave: I certainly hope so. I will make that motion.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Motion to adjourn?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

(The meeting was adjourned at 5:02 p.m.)

CONSENT ITEMS:

Employment Changes:

Recorder (1)	VCCC (1)	Pigeon Assessor (1)
Prosecutor (3)	Burdette Park (3)	

Travel Requests:

Auditor (1)	Commissioners (1)	Health Department (2)
County Highway (1)	SWCD (1)	Treasurer (2)

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Auditor:

Submit A/P Voucher
Submit Financial Statement

Commissioners:

Met Life Group Insurance Application
4-H Center Rental Application (District 2 Meeting: 8/29/05)

Superior Court:

ICJI Grant Award Letter (04-DB-041)

Vision-e: Submit Monthly Report for February 2005.

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	Jan Davies	Steve Craig
Susan Harp	John Stoll	Jim Thomas
John Hamrick	Eric Williams	Dave Rector
Kathy Embry	Gerald Jones	Greg Meyer
Mike Duckworth	Phil Lawrence	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 19, 2005**

The Vanderburgh County Board of Commissioners met in session this 19th day of April, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commissioners weekly meeting, April 19, 2005. I would like to start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: Auditor, Bill Fluty.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of April 12, 2005 Commission Meeting Minutes &
Approval of April 12, 2005 Department Head Minutes**

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Evansville Convention and Visitors Bureau Presentation

President Crouch: Our first action item, what we do at every meeting is we try to feature and highlight a commission or a board that this Commission makes appointments to. There are a lot of boards involved in county government and the operation of it, and one of the more high profile boards is the Evansville Convention and Visitors Bureau. We have with us today Joe Vezzoso, who is a board member,

and who is going to apprise us of what's going on with the Convention and Visitors Bureau. Thank you, Joe.

Joe Vezzoso: Madam President and Commissioners, it's a pleasure to be here. I would like to take a few moments to pass out some gifts, because I always think it's good to hand out a gift before we start into deliberations.

Commissioner Musgrave: Alright. Thank you very much.

Joe Vezzoso: It's indeed my pleasure to be here as a representative of the Evansville Convention and Visitors Bureau, and especially since I'm appointed from this body. It's a pleasure to come before you and speak to you about what we do at the Evansville Convention and Visitors Bureau, so that you're aware of what goes on and any ways that we may be able to assist the Commissioners in the future. I want to give you just a little bit of history for some of you that might not know the history behind the Convention Bureau. The Evansville Convention Bureau was actually formed out of the Evansville Chamber of Commerce back in 1977. Bill Brooks worked with the state legislators and formed the legislation to do the Innkeepers Tax and to form the Bureau. So, it actually started in 1977 under William Brooks, who remained a member of the commission up until the time of riverboat gaming. The first offices of the Evansville Convention Bureau were located at Bob Green's Executive Inn. Within a few years they moved over to the Centre, and their offices remained in the Centre until about 1992 when Mr. Green built the annex building and invited the Convention Bureau to come over their rent free. The Centre needed the space, so, it was kind of a joint decision to move the operations over to Mr. Green's annex building. We stayed there until 1996 when we had renovated the Pagoda on the riverfront and opened the Visitors Center, and we moved our offices to the Pagoda and have been there ever since. If you haven't been to the Pagoda, which I think most of you have because you had a public coffee there. It's an excellent facility, and, certainly we believe that facility improved the site of our riverfront. In 1993, '94, '95, the Convention Bureau was very heavily involved in the riverboat gaming legislation, and assisted the S committee in passing the referendum here in Vanderburgh County. The Evansville Convention Bureau is made up of seven commissioners. Two members are appointed by the County Council; Mr. David Dunn and Ms. Gloria Altman. Two members are appointed by this body, and that's myself and Jeff Korb. Three members are appointed by the Mayor of the City of Evansville, and those members are Jim Brown, Mike Belwood and Ms. Bev Oswald. The commission is made up of, has to be made up of three hoteliers, one hotelier from each appointing body, and that's myself, of course, David and Jim. Jim also serves as the representative from the riverboat gaming company, which is stated in state law. Funding for our commission comes from the Innkeepers Tax. The current Innkeepers Tax is at 6%, and is divided in the following manner; two and one half percent is for the operation of the Evansville Convention and Visitors Bureau and the promotion of Vanderburgh County's tourism and convention business; two percent goes to offset the operation deficit at the Centre, about \$750,000 per year; and one percent remains in the Tourism Capital Development Fund for other tourism related capital projects. The total operating budget for the year 2005 is \$1,097,000. It is made up, and the funding comes from this source; \$883,000 of that comes from the Innkeepers Tax, we get \$212,000 that is generated from a portion of the admission tax from Casino Aztar. That fund, the Tourism Capital Development Fund has been used for the following items; the rehab at the Pagoda on the riverfront; the relocation of the museum's train and construction of the transportation center; renovation of the Reitz Home carriage house, and the repainting of the Reitz Home; we assisted with completion of the third floor of the

Signature School; at the time of construction of the new Centre we contributed a million and a half dollars; the Vanderburgh County 4-H Center we have assisted in paving the roads and additional parking lots. We were, we funded the new soccer complex. We have funded Burdette Park to some extent. Funding assistance for the African American Museum, and we just recently went before County Council and got approval for funding to assist the city with the docks for the LST 325, coming to Evansville in July of this year. This fund, the Tourism Capital Development Fund, has generated \$6,800,000 since 1994. The total amount of projects funded has been about six and a half million. These amounts do not include the three and a half million that has been contributed to the operation of the Centre. The Evansville Convention and Visitors Bureau is the sole provider for materials for Evansville and Vanderburgh County's tourism and convention business. I have provided each of you a number of the printed materials that we have, included in that is our 2004 annual report, also our meeting planners guide, and then there is a new marketing, our 2005 marketing piece that has not been approved yet. It's probably going to be approved next Tuesday. We provide grants for both special and matching for various non-profit organizations within Vanderburgh County. Some of the past grants include Friends of Angel Mounds, YMCA Evansville Half Marathon, Smoke on the Water: Evansville Professional Firefighters, Easter Seals of Southwestern Indiana, Mesker Park Botanic Gardens, Reitz Home Museum, Burdette Park, and other numerous groups. These people that might be presenting, there are brochures that need to be printed and we assist with the printing of that, or they might be starting up a new project that needs some funding for that, so, we assist with that. The Evansville Convention Bureau meets on the fourth Tuesday of each month. We meet at the Pagoda at 8:30 in the morning. I would invite any of you to come. Cheryl has been a number of times, and those of you who haven't been, we would love to see you down there. It's a fun board to serve on. I have had the privilege of serving on it for about 20 years. We, all of our commissioners are fairly lengthy in service on that board, and we take our task to heart, and we try to promote Vanderburgh County and the City of Evansville and get convention and visitors and tourists to come to our community. We have seen a tremendous increase in our tourist business in the last three to four years. Aztar certainly has been a huge asset for us. It makes us a destination. With the addition of the new LST or the old LST to the riverfront, we're going to have a lot of things for people to come to Evansville and see and do. Burdette Park is a huge asset. Our 4-H Center is a huge asset, and the crown of the whole thing is, of course, our Centre. When we bring people in here from Indianapolis that haven't been to Southern Indiana in a number of years, and they see our state of the art convention center, I can tell you they're duly impressed, and 95% of the time we sell those conventions. The unfortunate thing for us is that we are probably selling conventions now in 2008 and 2009. So, we really have to work out quite a number of years ahead of our own time. It is a privilege, and I do thank you for allowing me to serve, and at any time that I can be of service to any of you, I would be more than happy to. If any of you have questions, I would be glad to try to answer them.

President Crouch: You had mentioned in 1977 was when the Evansville Convention and Visitors Bureau was started up?

Joe Vezzoso: Yes.

President Crouch: There were others in the state at that time?

Joe Vezzoso: In the state of Indiana, ours is specific for Vanderburgh County. Our law falls outside the other laws of the state level. Actually, the Chamber of

Commerce here was doing that type of business prior to '77, and I think Bill thought it was time that Evansville stepped up and had their own convention bureau that went out and solicited business. It started with a very small staff, only two people, to be honest with you. Currently we have five, seven people on staff full time. We also manage, for the state of Indiana, the Black River Welcome Center up on I-64. We've done that for about 12 years, which is an asset for us also. So, when you go by Black River you should know that it's operated by us. The state pays us to do that, but we do manage that facility. Any other questions?

President Crouch: Questions?

Joe Vezzoso: Mr. Ziemer, I'll be sure to bring you some candy over at your office. Sir, I'm sorry that I ignored you. Thank you all very much for having us.

President Crouch: Thank you.

Commissioner Musgrave: Thank you for coming.

Soil and Water Stewardship Week Proclamation

President Crouch: Next item on our agenda, Soil and Water Stewardship Week Proclamation. Commissioner Musgrave?

Commissioner Musgrave: I have a proclamation to read:

"Whereas fertile soil and clean water provide us with our daily sustenance; and Whereas effective conservation practices have helped provide us a rich standard of living; and Whereas our security depends upon healthy soil and clean water; and Whereas soil and water stewardship calls for each person to help conserve these precious resources; Therefore, we do hereby proclaim April 24-May 1, 2005 Soil and Water Stewardship Week."

In witness whereof and we will sign below.

President Crouch: And that's a motion?

Commissioner Musgrave: That is in the form of a motion.

Commissioner Nix: I second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Would you like to state your name and make a few comments for the record please.

Holly McCutchan: My name is Holly McCutchan, I'm a supervisor for Vanderburgh County Soil and Water Conservation District. I would like to thank you all for declaring that Soil Stewardship Week.

President Crouch: Do you have any special projects that you'll be conducting?

Holly McCutchan: We are in the midst of doing a lot of education projects right now. We have Ag Days going on, Norma is doing that. We're doing an Earth Day celebration at Daniel Wertz, that will be going on, and then we're doing little local Earth Day celebrations and things. We had a soil contest, poster contest, we finished that up the first of March. So, it kind of extends it for all spring. We appreciate that.

Commissioner Musgrave: Who won the poster contest?

Holly McCutchan: I'm not for sure. They are still picking. So, once they win, they get a \$50 bond and then that goes on to the state and they can actually go all the way up to national.

Commissioner Musgrave: That sounds wonderful. Did you bring some guests with you today?

Holly McCutchan: My son and his friend. They are doing homework.

President Crouch: Welcome.

Holly McCutchan: Thank you all very much.

Commissioner Nix: Thank you.

Commissioner Musgrave: Thank you.

Treasurer: Tax Bill Payments

President Crouch: Next item on our agenda, the Vanderburgh County Treasurer has some information for us regarding tax bill payment.

Jason Perry: We're going to do our best with this easel.

Z. Tuley: Hi, I'm Z. Tuley, I'm the Vanderburgh County Treasurer. I wanted to give you all a display and a little presentation of the new design with the tax bills. I don't have with me a comparison to show you the changes. I should of probably thought to bring the other one, but as we look at this....can you move this a little bit closer? I'm not very coordinated, that's why we let him do this. There we go. This used to be the midsection right here. So, it was in the center, so, at the print shop when they went to fold and insert these bills into windows, the fold had to go this way in order for the address to appear in the window. This made everything a little more timely. So, that kind of spurred the thought of redesigning the bill. We have moved the November coupon from the bottom of the bill up to just below the spring tax bill. So, the midsection then was just moved down. There's not any information missing from this bill from one year, to this year, or, yeah, to this year from last year. We didn't omit anything that we hadn't already put on to the other form. But, this year we did add something else. Next to, and this is chopped off a little bit, so that the actual form goes a little bit longer. Next to the address line, where this will now be in the window, you will find that there are peel and stick return address labels for the taxpayers to use. There will not be pre-printed envelopes enclosed for them. This was at a savings to the county, and I also thought it would make it a little more convenient. By the time you add all of the inserts, the tax bill, the envelopes, the postage went up and up and up, and actually what we did was we hit a higher bracket, just at the bottom of the next higher bracket in paying. So, we thought that

this might work out real well. Also, on the tax bills, I wanted to point out that Integra Bank was the successful bidder for the cash management account and collection of our tax bills and processing the lock box. So, they are going to be picking up our mail. On the tax bill itself, it lets the taxpayers know that the Integra Bank is where you can pay, and there's a list of their locations. It also has a phone number where they can call and ask for branch hours and so on and so forth. I strongly urge the taxpayers to use this method of payment. With this many available branch locations, surely to goodness this is close to their home, to and from their work, perhaps even close to them on their lunch hour to use the bank, rather than coming down here where parking is limited, you can get a ticket if you're here for too long. Sometimes taxpayers are procrastinators and they wait till the last minute before they make their payment, so, sometimes the line is rather lengthy. At the Integra Bank location, if you would like to walk in the payment and have the cashier give you a receipt, they will do that. But, you don't have to go into the bank. You can go through the drive through, so, if it's raining or what have you and you don't want to get out of the car, perhaps you are disabled and inconvenienced by getting out of your vehicle, you can simply go through the drive through. It's not necessary to go inside. Taxpayers who prefer to pay on line, this is a way for the future here. We have it available on the website at www.vanderburghtreasurer.org, that's all spelled out. That's also noted here, in bold, on the tax bill. They can go on line, they click on the tax payments, and then they click on official payments, and they can use their credit card or their check card and pay that way. There is a service fee for doing it that way, but it will save you the gas at two dollars and whatever a gallon and the time and the trouble. Also we found this tool is very, very useful to those who hear it or see it on the news or in the news a little too late, our office is already closed, the post office is already closed in order for them to get a proper postmark. They can still go on line as long as the transaction is completed by midnight, they can accept, and we will accept this payment as timely and avoid a costlier penalty than the surcharge would be, I'm sure, to use it.

Commissioner Musgrave: What is the surcharge?

Z. Tuley: It varies by dollar amount. There is a table to go by, and if you log on it will inform you. You can also use the 800 number, if you don't have a computer at home, and it works in the same fashion, and they will also let you know how much the service fee will be or surcharge. Taxpayers are welcome to pay in my office, however, I don't recommend it, unless you have a problem or unless you have a question that you just can't seem to get answered over the phone, or it's too much detail to handle over the phone. We also accept partial payments that cannot be taken at the bank. You can do this in person in the office, or you can use the post office. If you mail in a partial payment, we will get it, it will not get processed at the bank. Partial payments are welcome in any dollar amount at any time. Now, I wanted to switch over to the form—

President Crouch: Mrs. Tuley, your room number in the Civic Center?

Z. Tuley: Oh, I'm sorry, room number 210. I had that written down and I failed to say that.

Commissioner Musgrave: While you're getting the other form ready, when will these bills arrive in our mailboxes?

Z. Tuley: They are going to be mailed on Friday, I believe that's the 22nd. So, people can expect them in their mailbox on Monday.

Commissioner Nix: How many are you processing this year?

Z. Tuley: 98,000 plus? 98,000 plus. One of the other things that we've done in our office is created a slightly different in house bill. It has the same information that was on the regular bill as far as how you can pay. It has the bank locations on it. Previously this information was not, it wasn't easy to give at the office, if you came in and got an in house printed bill. But, now if you get one you're going to get the full sheet, it's going to let you know your alternative methods of payment, rather than having to come back into the office. Or, if you simply didn't get the bill because you purchased a house, but the previous owner perhaps got the tax bill, we can mail this to you and you can still use it to pay at the bank, because we now have a MICR line, so, that the bank is eligible to process this payment. It will be very, very convenient for the taxpayer to not have to run downtown. We have scanners in place to read this MICR now when someone brings in a tax bill and they want to pay here. This will not only, hopefully, speed up the processing end of the payment, but it will also ensure a more accurate payment, because it's not having to be manually keyed. This is something that the printer will read and translate to the computer. On the new form here, the first time we mailed this out was last year, we did it as a pilot. Vanderburgh County is still the only county in the state of Indiana to perform this task. It was quite a task. My Chief Deputy and I decided that it needed a name. We got a little bit of an idea from the bankruptcy court that uses the basketball acronym of PACER, for Public Access of Court Electronic Records. So, we decided to choose our football team, and the acronym spells out COLTS. So, we will be referring to this as our COLTS form. I had a discussion with the author of the bill that created this form, this bill does not go into effect until the 2007 pay in 2008 tax year. However, I am going to go ahead and continue the process at this time. It is uncertain as to whether or not some suggestions to the law that I have made, I have suggested that they make some alternative items on here. Rather than having the percent difference, which is greatly affected by any change in the assessed value, I have asked that they remove that as part of the requirement. It will not be on the form this year. You can see it on here, this is the way it was displayed last year. We have the programming built in. We have the ability to see this, but it will not be printed, and it will not be mailed out, however, we haven't decided what's going to be, whether this is going to be revealed on the Internet or not. If it is, it will show that anytime you have a change in the assessed value, it greatly distorts this percentage difference. This percentage difference was intended so that when someone got their tax bill and it went from "x" dollar to "x" dollar, they would know the percentage of increase. But, if you change the AV, and the AV increases, then your assessed value went up that percent, plus the increase that your overall tax bill may have created, and it completely distorts the picture. Last year, and what I took to the legislators was an example of a farm where the farmer had bought, purchased a piece of equipment, which more than doubled his assessed value. It went from like \$12,000 to \$25,000 something. His increase percentage revealed down here a 500 and something percent increase. That's not a true and accurate picture. That's not the picture that the legislators were trying to display. So, I think that it just needs to be removed. If they can see from line to line exactly what taxing authority went up and went down in dollars and cents, if someone is curious enough to want to know the percentage, I think that they can figure it.

Commissioner Musgrave: What did the legislators intend with this form?

Z. Tuley: Well, they intended for it to reveal exactly why your taxes go up and who's causing it. Or why your taxes may have decreased and who caused that. That was the intent of this form. So, that the taxpayer could be informed as to these things

that they don't really realize are causing their taxes, perhaps, to be driven. Welfare, in the past, was not revealed, how much it costs the counties to conduct the welfare. It was not revealed to the taxpayer how much the library causes taxes to increase or decrease, and parks and things of these natures were never revealed before. So, they thought that it would give them a whole and clearer picture as to what their money goes for, and where those increases or decreases are coming from. I have let the legislators know that if they go forward with the thought of trending, this form will become completely irrelevant. Anytime your going to mess with the AV, and have those changes, it's going to distort these figures. You can still tell someone in dollars and cents what they paid last year, and what they're paying this year, but it will have a distorted picture. I wanted everybody to know too that just like your tax bill, this is also on line on my website. There will be a new page displayed, and you will be able to see your tax bill, or what we call the breakdown. There will be two different buttons, side by side, and you'll be able to click on the one that you're wanting to look at.

Commissioner Musgrave: What address would someone go to to look at this?

Z. Tuley: It's www.vanderburghtreasurer.org.

Commissioner Musgrave: Okay, is the tax bill on there now?

Z. Tuley: The tax bill is on there now.

Commissioner Musgrave: Okay, so, we don't have to wait until Monday? We can go there right now?

Z. Tuley: You don't have to wait until Monday. This form is not available on line yet. We know that it will be up no later than Monday. We're not sure if it will be up before Monday, it could get real iffy.

President Crouch: Could we interrupt for a moment?

Z. Tuley: Sure.

President Crouch: I believe the governor is here, and we wanted him to come in.

Z. Tuley: Sure. Thank you.

Commissioner Nix: Thanks, Z.

President Crouch: Thank you, Z.

Governor Mitch Daniels

Mitch Daniels: I'm ready to testify.

President Crouch: If you could approach the podium.

Mitch Daniels: But, first what is the subject matter?

President Crouch: State your name and address for the record, please. Please come to the podium.

Mitch Daniels: Am I going to be interrogated?

Commissioner Musgrave: Oh, yes. We have lots of questions.

Mitch Daniels: I just came by to thank everybody for their public service. I really don't want to interrupt, and I apologize if I am.

President Crouch: Thank you for joining us.

Mitch Daniels: What is the subject of the afternoon?

President Crouch: I-69.

Mitch Daniels: Never heard of it. Have no idea what you're talking about.

Commissioner Nix: We're going to start on that real soon, right, Governor?

President Crouch: Starting in Evansville and working our way up?

Mitch Daniels: Well, that is the plan, as it happens. No, honestly, I didn't want to interrupt, and I apologize to everybody here, but I just wanted to come by and pay my respects.

Commissioner Musgrave: Well, we appreciate you taking the time to come and see us, Governor—

Mitch Daniels: Good to see you again, Cheryl.

Commissioner Musgrave: —we were just talking about tax bills.

Mitch Daniels: Yeah.

Commissioner Musgrave: They are hitting the mail here on Monday.

Mitch Daniels: Well, all I can tell you is that you're ahead of some places that I travel.

Z. Tuley: I can still send you one.

Mitch Daniels: I'll just take it along with me.

President Crouch: That's our County Treasurer, Z. Tuley.

Mitch Daniels: Well, let me not interrupt any further, but, sincerely say thanks to everybody for wrestling with the problems at the probably the most difficult, certainly the most personal level. As I've been traveling the state regularly, I've been trying to always remind people of how well served we tend to be at the local level, and how hard the jobs are, and how selfless your service and yours is.

President Crouch: Well, thank you for stopping by, and welcome to Evansville.

Mitch Daniels: With a lot of thanks, I'll get out of your way. Thanks very much.

Commissioner Nix: Thank you.

President Crouch: Thank you.

Mitch Daniels: Excuse me. Pardon me for interrupting.

Resumption of Tax Bill Discussion
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Commissioner Musgrave: Were we done with the tax bills? Okay.

President Crouch: Z., do you have any closing comments? I apologize, and thank you for being gracious.

Z. Tuley: That's fine. I would still be happy to send him a tax bill.

Commissioner Musgrave: Send him mine.

President Crouch: 98,000 of them.

Z. Tuley: Yes. There is one more thing that I wanted to say. Because of the varying AV's with state assessed, personal property, and things of this nature, the only people that will be receiving this form in the mail are real estate and mobile homes. Because they have a more consistent AV. They will not be enclosed with the other entities.

Commissioner Musgrave: I did have one last question.

Z. Tuley: Sure.

Commissioner Musgrave: One which I know sparks all sorts of agony after tax bill due time for certain taxpayers. Would you please explain what happens if you fail to pay on time? Either one minute or one week or one year?

Z. Tuley: What happens is on May the 11th there is a 10% penalty assessed to the tax bill, whatever that 10% works out to be. We do honor a post mark, but it has to be an official post mark, and it says so in the law. It does not give us any allowance for the history of the taxpayer to be taken into consideration that this is the only time that they have been late. The law does not allow for us to make any room for post meters, postage meters that are used in businesses. That's not allowed to be taken into consideration at all. The 10% penalty goes on, it doesn't matter if it's one day or 100 days. You might not want to wait the 100 days if you haven't paid last year, because then you could be in the line of fire for a tax sale list. But, I don't have any leniency in that area at all.

Commissioner Musgrave: So, we can pay by mail, in person, on line, all those ways to pay—

Z. Tuley: All those ways to pay.

Commissioner Musgrave: —and at the bank.

Z. Tuley: So, bring me your money, avoid the 10% penalty. I've tried to make it convenient, and if anybody has any kind of suggestions or what have you....I have been asked to put a box out front like the Water Department. I actually explored that idea years ago. Because we have a deadline of May the 10th, we

would have to physically have someone remove those payments at midnight, which means hiring it done or what have you, and here we go more money again. So, we didn't think that was a good idea, we thought the bank was a little more convenient.

Commissioner Nix: There's enough ways to pay it.

Z. Tuley: Yeah. Thank you.

Commissioner Musgrave: Thank you for taking the time.

President Crouch: Thank you for your service.

Ordinance Regarding the Sale of Ephedrine Products

President Crouch: Next item on our agenda, ordinance regarding the sale of ephedrine products. Sheriff Brad Ellsworth is here to speak to us on that.

Brad Ellsworth: Good afternoon, Commission. I had talked to Commissioner Crouch this morning early about this ordinance, the proposed ordinance, and first would like to commend the Commission for taking a proactive approach to something that is such a horrific problem in our county. It's been, we had methamphetamine problems here when they didn't even know what it was in Indianapolis and other places. I can't even really explain that, but it has not gotten any better over the years. The difference is that years ago when I worked narcotics, we had to get our crank from out west, where the Frankenstein labs, the beakers and the Bunsen burners, and now people have learned over the years how to make it in coolers and in the back seats of cars and trunks and it's gotten much easier. If you saw the news this morning, we had one of the largest methamphetamine lab busts in our history. So, this is a welcome ordinance. For some reason, I don't know the whole recipe myself, but ephedrine is the magic ingredient in methamphetamine. So, I think anything that we can do to control that, make that a little more scarce for these who would cook the stuff is something we need to do. It's ruining families, it's ruining lives, it's ruining marriages, it is busting our budget. It's probably one of the sole reasons that we have to build a \$35 million jail on the north side of Evansville. It is greatly contributing to that jail overcrowding. That drug, as well as many others. So, I think it's great. I would like to meet with the Commission, if we do the first reading today, meet with the Commission to talk about the things, like enforcement, the permit, those kind of things. My agency is extremely willing to work a little harder to see this happen. I know it's going to cause more work for the retailers. I know it's going to cause more work for our agency, but it's a small price to pay. It's going to be a little more inconvenient for the law abiding citizen that has a cold and just needs a Sudafed or an Actifed, but I think when they see what this is costing us everyday, that going to the counter and showing an I.D. for a pack of this is a small inconvenience on what the turn around and the pay off is going to be. So, again, your proactive approach is extremely welcome in the law enforcement community.

Commissioner Musgrave: Is the city pursuing this as well? Or will it only apply to the county?

Brad Ellsworth: Well, since it's in the county, it should include every retailer in the city. I don't know how many that is yet. That's one of the things this week I'm going to start looking at and see, if we modeled this after the Terre Haute and Vigo County,

and started looking at some of the procedures that they did, and implementing that and just how many we're looking at in the permits. So, whoever you want to assign to that, I would be glad to meet with you and we'll talk about some of the details.

President Crouch: Perhaps we could have the County Attorney maybe talk to you to kind of work out some of the initial—

Brad Ellsworth: Sure.

President Crouch: —and then we will be back for a second reading next week, and you can perhaps speak to us regarding those that you would recommend as Sheriff.

Brad Ellsworth: That would be great. Again, I thank you. This is a welcome surprise, quite honestly.

Commissioner Musgrave: Do you need a motion for first reading?

President Crouch: Yes. Do you have a comment, Mr. Ziemer?

Ted C. Ziemer, Jr.: No, only that I was going to tell Brad that, give me a call—

Brad Ellsworth: Sure.

Ted C. Ziemer, Jr.: —and we'll get together and we can look at them.

Brad Ellsworth: Will do. Thank you very much.

Commissioner Nix: I make a motion we do the first reading for the ordinance regarding sale of ephedrine products.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. We will have it scheduled for second reading next week.

Award Contract VC05-03-03: Lyle Road Elevation and Widening
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President Crouch: Next item on our agenda, contracts, agreements, leases, County Engineer.

John Stoll: I did some checking with Kieffer Brothers, who was the low bidder on the Lyle Road project, they provided all the paperwork that we needed. So, on that basis I was going to request that you award the Lyle Road project to Kieffer Brothers for the amount of \$158,038.09. That would require the use of the money we encumbered from last year, which was slightly over \$139,000, plus around \$19,000 of 2005 Riverboat money.

Commissioner Musgrave: I'll make that in the form of a motion.

President Crouch: I'll second it for a vote. Now, so, you're recommending that we spend \$139,000 of the 2004 money that was encumbered, and then your recommending that we spend out of our Riverboat, \$19,000 of this year's money for that?

John Stoll: Right. I don't have the exact figures, but that's approximately what it was.

President Crouch: Comments, questions?

Commissioner Nix: I'm just curious, has there been any entertainment of possibly some monies being fronted by the owners of the property down there? Is that something that they would entertain at all?

John Stoll: I spoke to Gerald Jones yesterday, and he's here, he could speak for himself, but when I spoke to him yesterday, he didn't feel that was an equitable way of treating them down Lyle Road.

President Crouch: Have we asked property owners to contribute towards the pavement or the improvement of county roads in the past?

John Stoll: The only person I could think of that's participated in the cost of an existing county road was out on Lutterbach Road last year, where we had a resident agree to pay for the resurfacing of the road. I shouldn't say resurfacing, it changed the road from rock to a paved asphalt surface. But, that's the only similar situation that I could think of on an existing county road. Now, in a Barrett Law situation, yes, the other residents have participated in that. But, those have always been roads that weren't previously county accepted.

President Crouch: Any questions? This is a tough one, because it benefits so few people, but it's also a project that has been lingering on for a long period of time. For that reason I will go ahead and vote for it, but I would hope that in the future we give very, very serious consideration to these projects before taking them on. All in favor?

Commissioner Musgrave: Aye.

President Crouch: Aye. Opposed?

Commissioner Nix: Aye.

President Crouch: Thank you.

Commissioner Musgrave: When will that project begin?

John Stoll: It typically takes the contractor a week or so to get their construction bond and their certificate of insurance in to us, and then we would issue them a notice to proceed after that. So, I would say within the next week or two they could potentially start. Given the weather, I doubt if they start just yet, just because it's all dirt work down there that they'll have to do, so, they might wait until the dryer period. I'll let you know when they do get ready.

President Crouch: Do you have any other items that you want to address at this time?

John Stoll: Yes, I need to go get those.

President Crouch: You need your props?

Madelyn Grayson: May I make a tape change real quick?

President Crouch: Please.

(Tape change)

County Engineer

John Stoll: The next thing that I have is a notice to bidders for contract number VC05-05-01, concrete repair of various roads in Vanderburgh County. This will be for street repairs in a number of subdivisions, as was presented on the preliminary road list last week. Those subdivisions and the streets that will be repaired are; Virginia Street, Ashmore Estates, Bob Court, Vogel Road, Eagle Crossing Subdivision, Blue Grass Farms Subdivision, Old State Subdivision, Green River Estates Subdivision, Whispering Hills Subdivision, excuse me, Brookview and Brookview Heights Subdivisions. We have sufficient funds, we think we can get all that work done. In the event that we have surplus monies, after all that is completed, then we can take a look at going in to Evergreen maybe later on this year. Evergreen has some significant costs ahead on it because there are some significant problems with those roads out there. But, if we have enough money we could maybe pursue that later, in late summer or early fall.

Commissioner Musgrave: So, we'll be putting these out to bid this week?

John Stoll: Yes, it would be advertised this Friday and the following Friday, then we would open bids on May 10th.

President Crouch: At 3:30?

John Stoll: Yes.

President Crouch: Evergreen Acres, if we don't have sufficient funds to start that work this year, could we put that for priority, or at least top consideration for next year?

John Stoll: Yes. Yeah, we could just carry that over, similar to like on Harmony Way, that was originally on the paving list last year, but because the water line work prevented that, it just carried over to this year. We could do the same with Evergreen.

President Crouch: Motion for the concrete repair?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have a request from Klenck Companies, Incorporated, and they are the contractor on the Schaeffer Road bridge project. They are requesting an extra five days of road closure on that project due to the rains we had. It just slowed down their progress. They were originally set up for 45 days of road closure, and they're requesting an additional four. I would request approval of their four day request.

Commissioner Musgrave: Can we wait?

Commissioner Nix: Is this something we can put off until next week?

John Stoll: I'm not sure exactly when their 45 days of road closure is up. But, if you didn't have a problem approving it retroactively, if that's what it comes down to. I'm not sure if it's up this week or next, but that's the only issue. Other than that, it wouldn't be a problem.

Commissioner Musgrave: They had 45 days worth of closure in their contract?

John Stoll: Correct.

Commissioner Musgrave: And they want five more?

John Stoll: Four more.

Commissioner Musgrave: Four more, why wasn't this brought to our attention sooner?

John Stoll: They wrote us that letter, I don't remember what the date is there, we got it a few days ago, I just hadn't brought it before you as of yet.

Commissioner Nix: Let me take a look at it—

John Stoll: Okay.

Commissioner Nix: —and I can come back at the meeting next week. We could retroactively approve it next week.

John Stoll: We could delay it until next week, that's not a problem.

Commissioner Nix: That's fine.

John Stoll: The only issue, like I said, would be if their time expired during this week.

Commissioner Nix: Sure.

President Crouch: So, we will hold this?

Commissioner Musgrave: Do we need a motion to defer this until next week? That's my motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request approval to go to County Council to transfer \$25,000 from the Barton Road Culvert Account, which is 2030-4736, and \$55,000 from the Burkhardt Bridge 290 Account, which is 2030-4408, to the Stockwell Road Culvert Account, and that is 2030-4735. That would cover change order costs we have seen on that project.

Commissioner Nix: I've looked those over and they look fine, they look acceptable.

Commissioner Musgrave: Do you want to make a motion?

Commissioner Nix: I make a motion to approve that, and transfer the funds.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Nix, would you be able to attend that Council meeting along with the County Engineer?

Commissioner Nix: Sure. That's May the 4th? Is that correct?

President Crouch: I think that's correct.

John Stoll: That sounds right.

Commissioner Nix: Yeah, I've got it on my agenda already.

John Stoll: Okay. I have the change order for that as well here. The total change order cost right now is \$74,997.62. The bulk of that is due to the railroad requiring us to leave all the steel sheeting in place upon completion of the project. That item in itself is adding \$55,686.62 to the project cost. The rest of these items were over runs on rip rap, or asphalt, and like the rip rap we'll be invoicing the city for that. So, we will get reimbursement on some of that, but the single biggest item on here is the railroad. We have in a letter requesting that they reconsider us, allowing us to remove the sheeting, knowing how things go with railroads, I suspect we won't get any positive response on that, but if we do then we could get that adjusted

downward from \$55,000. As it stands right now, this will be the change order. So, I would request approval of this as well.

Commissioner Musgrave: So moved.

Commissioner Nix: I think we already had, didn't we have a motion on that already?

President Crouch: Not for the change order, I don't believe.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request your approval to work with Bernardin Lochmueller to get a contract put together for the feasibility study for the USI-Burdette Park bike path. They submitted some information that said that their proposed fee would be \$14,000, and by doing that study they could define the path, the route for the bike path, which would in turn allow them to define the scope of work for the design contract much better at a later date.

President Crouch: Excuse me, this is money that's in Burdette's budget already?

John Stoll: Yes.

President Crouch: Okay.

John Stoll: I spoke to Steve Craig about it this morning, and he said that's not a problem.

Commissioner Musgrave: This information would be required for the federal grant process anyway, wouldn't it?

President Crouch: It would help, yes, to determine the cost more accurately.

Commissioner Musgrave: Okay. Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: When I get a draft I'll forward it to each of you. Next, I have a letter that we need to submit to the Water and Sewer Utility Department. This is on the Jobe's Lane sewer project. They require that we submit a letter stating that we will repair any deficiencies in the sewer for a period of one year after acceptance of the sewer by the Water and Sewer Utility. They are requesting a statement that says that the sewers lie within public utility easements and street rights-of-way, and they wanted

the value of the sewer which we determined based on the bid prices was \$179,937.79. I need to submit this to them in conjunction with some other paperwork. Hopefully, we'll get this on the agenda for the Utility Board to do the final accept this letter.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have a set of street plans that we're requesting approval on. This is for Dawn Ridge Subdivision, which is at the intersection of Dogwood Drive and Boehne Camp Road. They will build one small cul-de-sac street, the remainder of the streets will front on either Boehne Camp or on Hogue Road. I've reviewed the plans and would recommend approval. One item of note is this set of inlets right here is a critical point, they need to make sure that they build that correctly. Otherwise, we would have a situation where the water could sheet across the road and end up on this person's property. So, I would recommend approval subject to they will have to verify that they hit those elevations on the nose. If not, they will be tearing it out and starting over.

Commissioner Musgrave: Do you need that in the form of a motion?

President Crouch: Please.

Commissioner Musgrave: I make that in the form of a motion with the details as the engineer described.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: There's the signature line there.

Commissioner Musgrave: Is that it?

John Stoll: The last item that I had was an update on where things stand with Oak Hill Road and St. George Road. Basically, after doing some checking with the consultants and contractors and reviewing the plans with Phil, we had come up with the best way of approaching the project is to close Oak Hill between St. George, between Rode and Keystone Hills Drive for a duration of approximately ten weeks. We've got it set up right now to close the road immediately after school lets out, and then have it opened up, Oak Hill opened up again by August 5th, which would be just in advance of school reopening. The options that were looked at were the temporary traffic signals as was discussed before, which that in itself had some safety issues

associated with it. If you put a traffic signal at the north end and the south end of the project, you've got all the driveways in between where somebody could turn out of the driveway, and if you've got two people turning out at the same time, you could have a head on accident situation in that. So, that wasn't safe. It was costly. It was estimated to cost around \$100,000 by the time we installed the temporary traffic signals, widened the pavement, put in barrier walls to separate the traffic from the construction workers, in order to try and keep those guys safe as well. So, that didn't seem to be that much of a viable option. Nor did the temporary run around, because the temporary run around isn't even a legitimate option for the west side of the road because there's only, I don't remember the exact dimension, 40 or 50 feet between the road and the houses on the west side of the road between Rode and St. George. So, if we went out and put 24 feet of pavement, temporary pavement out there, and offset that enough from our construction site, enough to allow the workers to work and motorists to continue through, all those people would walk out their front door and have a temporary road right out their front door step. So, that would not be safe, so, that was discarded immediately. We didn't even try to run any costs on that. The other side of the road, while physically it would fit much better because the houses are set further back from the road, it had problems as well. There's a lift station up near Keystone's entrance, so, if we did a temporary run around we would have to leave Oak Hill Road, down around Rode Road, parallel our construction site, and then bring the temporary road back in to Oak Hill just south of the culvert that we're replacing out there. So, we would still have a road closure period to deal with with that culvert replacement. Here again the costs were rather high, it was \$200,000, and we would still have to deal with a road closure for the culvert. It didn't seem to be that beneficial as well. So, all things considered, in order to allow the contractor to work efficiently and safely, the road closure seemed like the best bet. On the basis of going with the road closure, we could get the project out for bid, I'll bring a notice to bidders to you next week on the 26th for your signatures, which would mean that we would advertise it on the 29th and the 5th or 6th, I don't remember what the following Friday is. We could open bids on the 17th, and then make an award on the 24th, which would allow the contractor to get going as soon as school let out.

President Crouch: Then the road, if we did go in that direction then the road would be opened before school starts, is that correct?

John Stoll: The way we wrote the specs, we said no time extensions would be granted for the road closure period. We would allow them to place the final asphalt surface and the final striping during traffic, but they would have to flag traffic. But that would only be allowed during the hours of 8:30 to 2:30 to try and lessen any impacts to school traffic as well. So, the contractor may pursue an option like that, but it would be open to traffic.

Commissioner Nix: That's just the final overlay and striping and that?

John Stoll: Right.

Commissioner Musgrave: What incentives or penalties will you put in the contract?

John Stoll: For closure beyond August 5th it's \$1,000 a day liquidated damages that would be assessed. Likewise, for early completion it's \$1,000 bonus per day, per calendar day.

President Crouch: While I think cost is always a consideration, I believe that safety has to be the overriding factor in our road construction projects. I don't believe that this Commission would want to sacrifice safety for the sake of convenience. So, I appreciate you looking at that, and will continue to move forward on that project.

John Stoll: We did go ahead and put in a requisition to buy the culvert structure. There was a six to eight week lead time for the manufacturer of the large culvert that we've got going in up near Keystone's entrance, and, so, that wouldn't delay, that structure itself wouldn't delay things and cause the road closure to take longer, since we had an annual bid on that, we went ahead and wrote a requisition up, we'll get a purchase order on that and get the manufacture of that under way. So, hopefully it will be ready by mid to late June. We might be able to save a little time on that as well.

Commissioner Nix: I didn't know if you wanted to touch on the meeting next Monday evening.

President Crouch: There will be a meeting at Oak Hill Library—

Commissioner Nix: Oaklyn.

President Crouch: —Oaklyn Library, with the Oak Hill Neighborhood Association at 6:00. It will be an informational meeting to share with the residents and concerned parties the project and the details concerning it.

John Stoll: Right.

President Crouch: Any other questions? Any other items?

John Stoll: That's all I have.

President Crouch: Thank you.

Commissioner Nix: Thanks, John.

John Stoll: Thanks.

County Highway

President Crouch: Next department head, Burdette Park. Do we have anything? Nothing? County Highway?

Mike Duckworth: Good afternoon, President Crouch, members of the Commission. Mike Duckworth, County Highway Department. I just wanted to give you a brief update of our county pothole blitz. To this date we have had 128 calls, complaints about troubled areas. Forty three of those from the west side, 52 from the north side, and 33 from the east district. Of those 128, I would say that about 95% of those have been completed. We are still receiving calls, and we'll continue to correct those situations until we get them done. Our blitz is through this week, but we will always have mix available, weather permitting, to fix any of those areas that we get complaints on. I would also tell you at this time, as we work through our county road hearings that we had, and looking toward how we're going to utilize our resurfacing money, we've taken input from the citizens in each of the three districts,

we've worked together with the County Engineer in determining their concerns, and we've put together, I would say John Stoll has put together a spread sheet that either indicates that it's something that our department can repair, or it's something that's going to be under contract. For instance, as the projects that you've just passed in subdivisions for concrete street repair, whether it's shoulder work or culvert work, or whatever the situation may be, and that report has and is being completed within I would say the next day or so. That then will be put on the county website, www.vanderburghgov.org, and on the right side of that column there will be an area referred to as news items, and underneath that area, county road hearings comments. For those folks that attended those meetings or have some interest in what those areas may mean or what repairs are going to be done in those areas. So, they can pull that up on the website, or, of course, at any time contact our office at 435-5777 to be updated as to what direction we're going. At some point in time down the road, we're going to have all that information available, and people will be able to go on line, make not only comments, but file complaints on line with us, and even further down the road be able to map our progress by looking at where our trucks are and what work is being done in the county. So, we're real excited about that. I just returned from a three day event in Kansas City, it was the American Public Works Association Snow Conference, so, even now, today, when the weather is sun shining outside we are preparing and getting ready for the next snow season so that we can, we can attack snow events, so we can have clear, safe streets for our residents to travel on.

President Crouch: I believe that the Commission office, if I could have a motion for us to send a letter to everyone who attended the road hearings, notifying them that they can go to the website, and they can look to see if their comments or their concerns were adequately addressed on our end.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have.

President Crouch: Thank you very much.

Commissioner Nix: Thanks, Mike.

Superintendent of County Buildings

President Crouch: County Superintendent of Buildings.

Jennifer Wigginton: I have one item for approval, in regards to the adult probation and juvenile courts moving over to this building, moving their phone system. We got a quote from Cinergy to make those changes. The total amount is \$6,217. One quote is to move all of the phones, and the other one is the ten new phones that they need.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Let's see, I've got several items.

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: No, it isn't. We have a contract, just a second here, for electric services pursuant to the quote that Wortman Electric, or as to the quote for which Wortman Electric was the low quoter. I obtained a copy of the quote, and with that prepared an electric services agreement, of which I e-mailed you about.

President Crouch: Question—

Ted C. Ziemer, Jr.: It is satisfactory for execution.

President Crouch: – does this Commission have an option if a low bidder, if someone comes in a low bid and they are responsive, do we have the option of denying or refusing that bid?

Ted C. Ziemer, Jr.: You have to accept the lowest, responsible and responsive bid. This bid, this was not a bid, it was quote, that's different, it wasn't advertised. Quotes were received by the manager, Steve Craig, he opened the quotes, he has the six quotes, this was the lowest quote and he advised the Commissioners of that at the last meeting. With that information we proceeded to prepare a contract.

President Crouch: Mr. Craig, how did the quotes come in? If you could comment on that. The timing of them.

Steve Craig: Steve Craig, Manager of Burdette. The quotes that we'd received, we had given them a deadline, and, I think the winner of the one, Mr. Wortman, was the second one that had came in out of the six that we got. They came in between the time of 3/18 and 4/1.

President Crouch: You're satisfied that this is the most responsive and lowest quote?

Steve Craig: It's the cheapest by the hour, and that's what we were looking for.

Commissioner Nix: And, they met all the criteria, is that correct?

Steve Craig: Yes, sir.

Commissioner Nix: As far as what you were looking for?

Steve Craig: Yes, sir.

Commissioner Musgrave: Move approval of the contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

Steve Craig: Thank you.

Ted C. Ziemer, Jr.: The next item I have is the possible execution of a verified petition for rezoning of all but one lot of the eight, nineteen lots that make up the Plating Works Property. We're prepared to go forward with the rezoning. The petition needs to be executed, and then, Madelyn we would propose to take that with us and we'll make the copies to file with the Plan Commission and then get one back to you.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I'm not sure whether you're, the Commissioners are ready to go forward with this or not, but we did advise, I believe Kathryn from our office, I'm not sure who she discussed this with, but one of you, relative to the offering of sale of certificates for real estate for parcels that were not sold at either the August or February tax sales. We have the certificates in hand, and I have a resolution which could be adopted, if you're ready to do so, but we need to know the date, time and place that you would propose to conduct those sales.

President Crouch: Do we have any advertising limitations?

Ted C. Ziemer, Jr.: If it's to, let's see what's spelled out here for advertising.

President Crouch: Would it be possible to defer this until next week?

Ted C. Ziemer, Jr.: Certainly it's possible to defer it for several weeks.

President Crouch: Okay.

Commissioner Musgrave: As we're deferring it, I remember that the county adopted something similar to the city's neighborhood bill of rights, and it obligated us to inform neighborhood associations of tax sale properties. So, I just want to make

sure that that base is touched as we go through this process. I move to defer this until next week. I think we could probably get the date, time and place down by then.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I e-mailed each Commissioner that the Vanderburgh County Democrat party, who is a tenant of the Old Courthouse, and has a lease that expires August 30, 2005, would like to extend that lease through July 31, 2005. I've prepared a third addendum to the lease for your execution, should you desire to do so.

President Crouch: That was April 30th instead of August? I believe you said August.

Ted C. Ziemer, Jr.: The original lease expires April 30, 2005. This is to extend the termination date to July 31, 2005.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

New Business

President Crouch: New business? Mr. Nix?

Commissioner Nix: I think we have someone here from Cinergy.

Joe Buck: I'm Joe Buck with Cinergy Communications. We have been working with Commissioner Nix and Jennifer on an expansion in the Old Courthouse of our power facilities, serving our communications site there in the Old Courthouse. Over the past several weeks, we originally received approval from Tammy McKinney back when she was taking Jennifer's place, unfortunately, we were not able to come up with the nearly \$200,000 in funds to do it. We now have that and went to do this work and found that we had not jumped through some, some of the Commission's hoops that we needed to. This morning we've gone through the Metro Development group, received the approvals that we needed. We've worked with the city arborist to talk about the landscaping on the outside where we're doing work. What we are doing is we are placing a second generator and a second air conditioning unit on the outside, and then redoing the electrical work on the inside, some of which to match the new electrical work that the Commission has done inside the Courthouse.

Additionally, to put some additional power facilities in there that are metered strictly for our use, so that we're not using the buildings power facilities. The position that we're in right now is, approximately two weeks ago we had a major outage there that burned some of our transformers up, and we're running on some emergency facilities right now. So, we're in a position where we need to get this approved rather quickly in order to move forward.

Commissioner Nix: I've had a chance to look over the drawings, and I have no problem whatsoever with you proceeding as long as you secure the permits, the electrical and if there's any other permits that you haven't applied for.

Joe Buck: They have been applied for.

Commissioner Nix: Okay, okay. I make a motion that we approve this project.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you for your patience.

Joe Buck: Thank you very much.

President Crouch: Any other new business?

Old Business

President Crouch: Old business? Old Courthouse Foundation Board ordinance.

Ted C. Ziemer, Jr.: I've been asked to review and prepare such documents as might be necessary to, in general, terminate the Old Courthouse Advisory Board, and to make changes in the articles of incorporation and by-laws of the Old Courthouse Foundation, Inc. In that connection I have sent to each of the Commissioners a proposed draft of an ordinance which would repeal the chapter that created the Old Courthouse Advisory Board, thereby terminating that board. There are members of that board, I assume, at least the ordinance provides for that, and I would assume that we would want to give some notification to the members of that board that the board they now serve on is being terminated, and thank them for their service, or whatever. Secondly, we need to, since the Old Courthouse Foundation, Inc. is a corporation, there is no ordinance that creates that, it's an Indiana non-profit corporation, we have to deal with that as an Indiana non-profit corporation, and the only, and the change we propose to make is to include, within the purposes of the Old Courthouse Foundation, the general purposes of the terminated Vanderburgh Old Courthouse Advisory Board to make changes regarding the naming of the board of directors, the operation of the corporation, incorporating both the fundraising aspects that it now has, but adding operation and maintenance aspects, which it does not now have. To do that we will have to amend the articles of incorporation and the by-laws of the Old Courthouse Foundation, Inc. That will require getting the consent of the members of the Old Courthouse Foundation, Inc. I don't know whether they have any members or not, but their articles of incorporation provide for members. If there are members, they would have to consent to any changes in the

articles of incorporation. There's another little wrinkle, there are by-laws for the Old Courthouse Foundation which provide for the way that members of the board of directors are to be appointed. I did not find, on reviewing the article of incorporation and all of the amendments of the articles of incorporation that there is any provision in the articles which authorizes the naming of the board of directors as it's presently named. So, it's high time then, perhaps, that the articles and the by-laws are amended to correct this. It's not a major deficiency, the good people who serve on that board have been doing that, and pursuant to the by-laws of the corporation, but there was no provision in the articles of incorporation of the corporation to permit that. So, it's a technical violation, but which should certainly be corrected. We, the board members are appointed by various entities, for example, well, I have that somewhere, I'll just give you some examples; the Commissioners appoint one, then the Commissioners appoint three others; one from real estate, one from management, one from law; then one is appointed by the County Council; one is appointed by the City Council; one is appointed by the Mayor. Anyway, there is a total of 11 individuals. To make any change in the by-laws of that corporation will require the consent of a majority, no, excuse me, of 2/3 of the individuals on that board. So, that means that 8 of the 11 would have to agree to any changes that we're proposing. So, these are the issues that....oh, and then I did supply each Commissioner with a copy of a proposed form of the by-laws, which we might present to these board members, and the members of the corporation to amend.

President Crouch: Thank you for that update.

Ted C. Ziemer, Jr.: You're welcome.

President Crouch: Any other old business?

Commissioner Musgrave: I'll be meeting with a realtor to discuss, perhaps, getting the Evansville Plating Works under contract for sale, but, if I have a contract available for next week we'll certainly go through the attorney. Maybe it won't be ready next week. I will keep you informed.

President Crouch: Thank you. Any other old business?

Public Comment

President Crouch: Public comment. This is an opportunity for the public to comment to this Commission, provided they are brief, because we have our Area Plan meeting starting at 5:00.

Ted C. Ziemer, Jr.: Excuse me, Madam Chairman, President, if I may, I have another meeting that I have to be to at 5:00, which is also going to be attended by the Governor, and I would like to leave now and Kathryn Daniel is here and she'll take my place for the remainder of this meeting.

Commissioner Musgrave: As long as you get I-69 started.

President Crouch: Thank you.

Ted C. Ziemer, Jr.: Thank you.

President Crouch: Public comment.

Jerry Jones: Commissioners, this is Jerry Jones, 4039 Lyle Road. I want to thank you for your passage to get our road elevated. I've been coming down here about ten years, and before that my father, when he was alive, he tried, you know, and it will be self-rewarding now to know that we'll have better police protection, fire, you know. One life, if you lose it back there because of an emergency, is far more worth than what these few dollars is going to cost. I thank you so much. Again, thanks. Appreciate it.

President Crouch: Thank you. Anyone else from the public?

Gerald Jones: Very briefly, Gerald Jones, 3919 Lyle Road. I want to echo the same thing my brother said. Thank you so much. We, years ago we were employees of Burdette Park. We worked there 12 years. I would like to give something back to the county. You've helped us. I've talked to Brad Ellsworth, I know you're going to be short on employees, you can't fund them, I would like to help him and volunteer my services out there. He's looking into that. My wife is a heck of a hiker, she's hiked the entire Appalachian Trail. She's 2,160 miles from Georgia to Maine, and when you get ready for the Burdette Park-USI hiking trail, if she can, in any way, help you, or give you some ideas about the trail, please call us, we'll look into that. But, I do, again, I want to express my sincere thanks to all of you. It's a great day. One, I also got to meet the Governor. He's a good guy, I believe, thank you.

President Crouch: Thank you. Consent items, if the Commission would entertain taking these all together. Oh, I'm sorry.

Roger Bass: Commissioners.

President Crouch: You've got to be quick.

Roger Bass: My name is Roger Bass, I live in Bohannon Estates Subdivision. We are petitioning the Vanderburgh County, the undersigned property owners of Bohannon Estates and property owners located on Boonville-New Harmony Road East hereby petition the Commissioners of Vanderburgh County to begin the measures necessary to procure Barrett Law funding for sanitary sewer systems. We have gone ahead with the road project, the surveying was done last week. John Stoll brought it up that it would be a good idea to see if there was any interest in the sanitary sewer systems before they did the road. So, I passed this petition around, and I've got it signed by 60%. So, I would just ask that you take it under advisement, or whatever you do to try to make it happen.

President Crouch: Mr. Stoll, is that—

John Stoll: This is the project that I e-mailed you about yesterday. The scope of the work basically would add on to what they've already proposed, which is the road work, as Mr. Bass discussed. I guess, the only unknown at this point would be whether or not they could all be lumped into the same project and same bond issue. Because I'm not sure from the Barrett Law prospective whether or not it has to be identical people being assessed identical amounts, but that's something that Ted would have to look into at a later date, or Kathryn. But, basically, if it could, the neighborhood might save one bond issue cost if they could lump it all into one, of which that would be a pretty good size benefit to the neighborhood group. At this point, I guess, all you need to do is acknowledge that they are going to pursue the sanitary sewer project, and their next step would be the same as the road project

and bring us back a set of plans and specs so that we can run a resolution through the meeting with a final cost estimate in it.

Commissioner Musgrave: But, it would be best if they got identical sets of neighbors wanting to do the identical things?

John Stoll: I'm not sure exactly how that would work. I don't know if the same people that are on this petition match up to the same people who would have the assessments for the roads. But, worst case, I guess, it would be two separate bond issues, and two separate Barrett Laws basically running at the same time.

Commissioner Musgrave: Okay.

President Crouch: And, we can ask the County Attorney to look at the legality of that. I'll entertain a motion to take this under advisement to accept the petition from the neighbors.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Bass, for waiting.

Roger Bass: Thank you.

Consent Items

President Crouch: Now, consent items.

Commissioner Musgrave: Move approval of the consent items as listed.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will start rezoning in ten minutes.

(The meeting was adjourned at 4:50 p.m.)

CONSENT ITEMS:

Employment Changes:

County Clerk (1)	Pigeon Assessor (1)	Weights & Measures (2)
Burdette Park (4)	Superior Court (1)	

Travel Requests:

County Assessor (1)	County Engineer (1)	Health Department (3)
SWCD (1)		

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Commissioners:

EARC: Monthly Report for March 2005
Southwestern Indiana Regional Development Commission: Grantee
Performance Report: Jobes Lane
Vision-e: Monthly Report for March 2005
Jail Construction Requisition No. 56: \$71,200

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	Joe Vezosso	Holly McCutchan
Z. Tuley	Jason Perry	Mitch Daniels
Brad Ellsworth	John Stoll	Mike Duckworth
Steve Craig	Joe Buck	Jerry Jones
Gerald Jones	Roger Bass	Kathryn Daniel
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
APRIL 26, 2005**

The Vanderburgh County Board of Commissioners met in session this 26th day of April, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, April 26, 2005. We will start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Jennifer Wigginton: Jennifer Wigginton, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of April 19, 2005 Commission Meeting Minutes &
April 19, 2005 Department Head Minutes**

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Musgrave: Move approval of the April 19th Commission and department head meeting minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Southwestern Indiana Regional Development Commission Presentation

President Crouch: Our first action item, this is an opportunity for boards and commissions that the Commissioners actually make appointments to, to come forward and to educate, not only the Commissioners, but the public on what it is that they are working on, and what it is that their board or commission is all about. Today it is our pleasure to welcome the Southwestern Indiana Regional Development

Commission. We have two speakers that will be shedding a little light on that commission's work today, Ms. Lu Porter and Ms. Nancy Burns.

Lu Porter: Good afternoon. Thanks for inviting us. We're so thrilled to be here. We are glad to represent Vanderburgh, Posey, Warrick and Gibson counties. This is Nancy Burns our executive director. I am vice president of this commission. So, I'm just going to give you a brief vision, and then Nancy will take over, because she's the executive director and it's in her right that she gets to tell you exactly what's going on. But, I do want to thank you all for appointing me to this position, and it has been an honor to fulfill that. Our vision is, as a corporation we're going to provide regional cooperation and leadership in working in four counties to improve the quality of life and enhance economic development efforts in southwestern Indiana. Like I had said before, these counties include Gibson, Posey, Vanderburgh and Warrick county. Now, Nancy will tell you in depth as to what we're doing and plans that we have going on in the future. Thank you.

Nancy Burns: Well, I echo what Lu said, thank you for inviting us. I have been on board now for four months and I am trying desperately to get the word out about the Southwestern Indiana Regional Development Commission, and also thinking about changing the name to make it shorter. Most folks don't really know what we do. We are a regional plan commission, which means that we will work with governmental entities to help them plan for growth. We're not, when I say a plan agency, we don't do the actual planning, but we will work with you if you have a project that possibly needs funding, and then we go out and we look for sources of funding. We're trying to get the word out. I think that some of the smaller communities were not aware that we will codify your ordinances. So, that's just one of the minor things that we do. We've been meeting with the housing folks to try and see how we can partner with them on different housing projects in the four county region. We've been working with Carolyn Rusk on brownfields, because Carolyn is here, and, you know, we have four counties that we have to answer to. So, all in all in four months it's been extremely busy. We get our funding, thank you very much, from the four counties, and then we get funding from the Economic Development Administration. This will be our last year for that funding. So, we have to work especially hard to be able to write grants so that we will be able to survive. I think it's very important that we have a regional organization, the safety in numbers, or a stronger voice. I have some information...one of those things that we're working on, which really doesn't fall under our guidelines is the Wabash Heritage Paddle Fest. This is doing to be a 9.7 mile canoe float from Grayville, Illinois to New Harmony, Indiana. I say it's not part of our charter, it is in a way because tourism is a real economic development avenue, and we're trying to use that and bring more people in to the area, not just, you know, for a day, but as a destination point. I would be glad to answer any questions, and thank you for your support. I really appreciate it. I appreciate the folks that you have nominated. Lu's a great asset.

President Crouch: Questions by the Commissioners? I have kind of a thought, perhaps my fellow Commissioners will join me and we'll sponsor and do a canoe, in the canoe float.

Nancy Burns: Now, it's not a race. It's a float. We expect that the floats will take about three hours. I mean, it's a really neat family event, because there will be activities in Grayville as well as New Harmony. So, you know, if you have a friend or a spouse who doesn't canoe, you can meet them in either community, and you can, you know, take advantage of the events that are going on in that community.

President Crouch: Nancy, what if you don't have a canoe?

Nancy Burns: Oh, we have canoe rentals. There are going to be lectures on canoe camping, and camping for kids, and I think one of them is camping and yoga. We're also going to have quick start classes for those folks that may be a little rusty, haven't canoed for a while.

President Crouch: That would be us.

Commissioner Musgrave: So, are we allowed to be in a canoe together for three hours.

Commissioner Nix: We would have to notice the media.

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: No, that would be a chance meeting.

Commissioner Nix: We could get one for the media to follow us.

Commissioner Musgrave: I would be happy to go in on a canoe.

Nancy Burns: You really wouldn't want to put three in the same canoe. So, two in a canoe. So, there you go.

President Crouch: Someone is going to be odd man out.

Nancy Burns: Well, there's all kinds of department heads, and Ted would love to go. I bet he used to canoe all the time. Right, Ted?

President Crouch: Any other questions?

Commissioner Nix: Thank you.

Nancy Burns: Thank you so much for your support.

President Crouch: Thank you Ms. Porter and Ms. Burns. Thank you very much. We appreciate the job you're doing bringing all four counties together and getting them to work together on projects. That's very important to have a regional approach, and we thank you.

Nancy Burns: Thank you.

Lu Porter: Thank you.

<p>Second/Final Reading of An Ordinance Establishing Limits on Sales of Products Containing Ephedrine, Pseudoephedrine and Phenylpropanolamine</p>

President Crouch: Next item on our agenda, the ordinance regarding the sale of ephedrine products, second reading. The Sheriff is here, I know that there were a couple of issues that needed to be worked out.

Ted C. Ziemer, Jr.: I've spoken with the Sheriff, I think we've worked....we have no issues regarding the ordinance itself, and...I did explain to the Commissioners in an e-mail, and Brad can address that, it seems that there really is not in the county a mechanism for the Sheriff to give citations for other than driving infractions. One of the things that we'd talked about was how we would give a citation to somebody who didn't get the permit from the Sheriff that this ordinance requires, or who didn't send the monthly report in to the Prosecutor and so forth. I think Brad intends to talk to the Vigo County Sheriff, and then he and I are going to meet and see what we could come up with on that.

Brad Ellsworth: Exactly. My name is Brad Ellsworth, and exactly that. I called Terre Haute today, and their Sheriff's daughter was involved in an accident down in Florida, so, he had to leave, and I didn't get a chance to talk to him. I called for the next person to call me, so, and we're still waiting for that. But, I think, the ordinance, like I said last week, is just wonderful. I heard even more news today about in some areas where they've enacted this same ordinance, that it cut the labs found by their police agencies by 80%. So, I don't think that we're going to be sorry that we do this. Like I said, any inconvenience I think is going to be worth it in cost savings on the other end. But, I think that's the things we need to discuss, the enforcement, I don't think distribution will be a problem, but then the follow up and the enforcement of that is what we'll work out the details on.

Commissioner Nix: Is there a move to go state-wide with this that you know of right now? Or is there something in the makings to possibly have that happen?

Brad Ellsworth: There is a similar statute, I believe, but you guys have acted a lot quicker than they are.

Ted C. Ziemer, Jr.: There is, it hasn't been enacted yet—

Brad Ellsworth: No.

Ted C. Ziemer, Jr.: —so far as I know, but there's a bill to do something similar at the state level. It's not as strict as our ordinance will be, at least in the first draft of it that I saw. I don't know what form it will be in when it finally passes, if it passes, but that's the answer to your question.

Commissioner Musgrave: Would you be willing to post this on your website so that people could go and read the entire ordinance?

Brad Ellsworth: Sure.

Commissioner Musgrave: Okay.

Brad Ellsworth: Be glad to.

Commissioner Musgrave: Great.

President Crouch: Well? Motion?

Commissioner Musgrave: I make a motion then to pass this on second reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes.

Open Bids for VC-9903-2005: Burdette Food Bids

President Crouch: Next item Purchasing, we need a motion to open bids, VC-9903-2005.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: The County Attorney will open those, and then report his findings during his report.

Award VC-37-2005: D'Limonene: Busler's

Commissioner Nix: You've got one more. Oh, that's an award.

President Crouch: Next item is to award, did you want to do that now, Mr. Lawrence?

Phil Lawrence: Yes, that would be great.

Commissioner Musgrave: Make a motion to award bid VC-37-2005 to, and I'm sorry, is that D'Limonene?

Phil Lawrence: D'Limonene.

Commissioner Musgrave: D'Limonene.

Commissioner Nix: Second.

President Crouch: And that was the low and responsive bidder, is that correct?

Phil Lawrence: Yes, it was.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Lawrence.

Phil Lawrence: Thank you.

County Engineer

President Crouch: Next item on our agenda, department heads. I don't know, Burdette has nothing today. County Engineer.

John Stoll: The first request that I have is for a sidewalk waiver for Dawnridge Subdivision. This is a subdivision that I brought street plans for last week, and I failed to mention the fact that the developer was requesting a sidewalk waiver. That subdivision is located off of Boehne Camp Road between Dogwood Drive and Hogue Road. I would recommend approval of the sidewalk waiver.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, we discussed the Schaeffer Road Bridge time extension request last week, and I don't have all the final information on that as of yet. So, I'll bring that back next week.

Commissioner Musgrave: Okay.

John Stoll: The next items that I have are in regard to the St. George and Oak Hill Road project. First, I have a notice to bidders. I would like to request that the Commissioners approve the notice to bidders and approve the advertising of the project.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Those advertising dates are?

John Stoll: This Friday and a week from Friday. It would be the 29th and the 6th, I believe. Then we would open bids on the 17th.

President Crouch: And will we be able to award?

John Stoll: That was something that I was going to ask about this afternoon, whether or not we could set maybe a special meeting for May 18th, so that way we would get an opportunity to open bids, review those on the 17th, and then come back and award it on the 18th in order to allow the contractor a little extra time in ordering his materials and things like that.

Commissioner Musgrave: How much time would it take you to get ready? I mean, is a noon meeting enough time?

John Stoll: That would be plenty.

Commissioner Musgrave: How do you feel about a noon meeting?

Commissioner Nix: That's fine.

Commissioner Musgrave: On the 18th. I'll go ahead and make a motion that we have a special meeting to open the bids for this particular—

President Crouch: Award the bids.

Commissioner Musgrave: I'm sorry. To award the bids for the Oak Hill-St. George project at noon on Wednesday, May 18th.

President Crouch: In?

Commissioner Musgrave: In this room.

President Crouch: If it's available?

Commissioner Musgrave: If it's available. Otherwise, we will post a notice on the door telling you where it is.

Commissioner Nix: So moved.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That was award bids for what?

John Stoll: St. George and Oak Hill. The other item that I have in regard to that project is the cover sheet and plans. It needs the Commissioners' signatures as well. Next, I would like to request approval to proceed with getting left turn arrows installed at the traffic signal at Green River and Lynch. Right now there is only one left turn arrow out there, that's for the northbound traffic. I've discussed this with Dave Savage, and I just need your approval. He can proceed then with getting left turn phases on the other three legs of that intersection.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: I also put a phone call in to him today to talk about the possibility of getting the left turn phase added for the northbound lefts at Oak Hill and Lynch as was requested at last night's Oak Hill Neighborhood Association meeting. So, once I talk to Dave about that I'll let you know what he has to say, and maybe we'll do the same thing as far as getting left turn phases installed out there as well.

Commissioner Musgrave: Okay.

President Crouch: In addition, have you made a request to EUTS to, for the four way stop suggestion?

John Stoll: Not as of yet, but I'll get that in to them as well.

President Crouch: Okay, thank you.

John Stoll: Next, I have supplemental agreements for the utility relocations out on the University Parkway project. This is for Vectren's relocations and the original agreement amount was \$126,819. There was a supplemental agreement approval that increased the amount not to exceed to \$207,819. Now that the final bills have come in for Vectren, the final total is \$223,130. I've had Ted review these agreements, he approved it, and Bernardin Lochmueller has gotten all of the documentation from Vectren substantiating why the increases are there. I would request the Commissioners approve these. Of these total costs we pay 20%.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is a street plan approval request for William Hirsch Subdivision. This subdivision is located at the northeast corner of Columbia Street and Burkhardt Road. Right now it's just a single lot subdivision, but they will, in conjunction with this be extending a street along the east side of this lot number one. They'll also be widening Columbia Street. I've reviewed the plans, and I would request approval of the plans.

Commissioner Nix: This what Drainage Board was about a few weeks ago?

John Stoll: Yes, when there were questions about the on-site detention and whether or not it would be waived.

President Crouch: Motion?

Commissioner Nix: I make a motion that we approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Where do we sign?

John Stoll: Right here. The developer has also requested a sidewalk waiver for this subdivision. I would recommend that that be approved as well.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

Commissioner Nix: On St. George Road, that box culvert is ordered, is that correct?

John Stoll: Yes.

Commissioner Nix: Have they given us a delivery date on that yet?

John Stoll: No.

Commissioner Nix: Okay.

John Stoll: We've not gotten the purchase order yet. We submitted the requisition about, I think it was a week ago, but we don't have the actual purchase order back as of yet. I spoke to MW and it's my understanding that they at least have the steel ordered.

Commissioner Nix: Okay.

John Stoll: So, it's in the process even though we don't have the purchase order in hand as of yet.

Commissioner Nix: Good, okay.

Commissioner Musgrave: I was approached by someone the other day talking about University Parkway, and they said that they remembered when the Commissioners in past Commissions renamed that for President Rice out at USI. Do you recall any such official action?

John Stoll: The only official action I've seen was, it probably dates back 15 years ago when they named it University Parkway.

Commissioner Musgrave: Okay.

John Stoll: I don't recall anything that changed it from University Parkway to anything in regard to Rice.

Commissioner Musgrave: Alright.

John Stoll: I'm not saying it didn't happen, I just don't remember it.

Commissioner Musgrave: Alright, thanks.

President Crouch: And thank you for your presentation last night. Nice job.

John Stoll: Thanks.

County Highway

President Crouch: Next item, Highway Superintendent.

Mike Duckworth: Good afternoon, Commissioners, President Crouch. Mike Duckworth, County Highway Department. I'm here today to finalize the revised, after the revised, after the revised listing of paving improvements, the county road paving list that we've put together. The finalized list shows that we have approximately 25 areas that we'll be addressing. A little over 25 miles that is, of course, within our budgetary limitations. We have added some in the last few weeks. Some small portions of some roadways that we've gone out and checked and because of the limited amount of space that they're requesting, we found that we have that much in our budget to do. So, we've included areas such as Chapel Hill Drive, Chapel Valley Court, Honeysuckle Drive, Mt. View Drive, Shady Valley, Marlene Drive, Westmore Drive, Phase One of Hillside Drive, and then there are two other projects, Cross Pointe and Virginia that the County Engineer has agreed to put in his budget. There's a total of 25 miles, 25.54 miles, of which 25.05 would be coming out of the County Highway budget. I would submit this to you with the understanding that also in this document that I've given to you today, I think Mr. Stoll has addressed to you the need and his agreement to contract out the concrete street repairs in our subdivisions. The document that I've given you does have a typographical error in it. It is not Evergreen Estates Number Three, it should read Green River Estates. Evergreen Acres is one that we are going to kind of hold on at this point, because there is extensive repairs that need to take place there. We want to wait until the end of the season to see how our budget is running. If we can do some work in that area during that time, fine, if not, we'll give it a priority next year. With that thought in mind, we also have removed Seib Road from the paving list due to construction, other construction needed in that area that we want to get completed prior to putting it on the paving list. In addition to that, there was some concern about Kansas Road, our office has looked at that, and frankly in driving it and in driving the area, it has come to our attention by the amount of construction that has taken place in the subdivisions with home construction, that we think that it would be much more advisable to wait on that until some of those homes are complete, so we don't have the heavy truck traffic damage a new roadway that we put down. With that in mind, I would submit to you this revised list for your approval.

Commissioner Musgrave: Move approval, and thank you for all the effort that I know that you and the engineer put in to this.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: I will just tell you that we are going to start on Harmony Way probably by the end of this week or early next week. That is a project you'll recall that was paved up to a certain point and then there was a lot of utility and water work that had to be done. That's been completed. We've had to go out and prep those areas, and we are ready to move.

Commissioner Nix: This third revision today is on our website, is that correct?

Mike Duckworth: I don't know that it is at this point, but it will be sometime tomorrow.

Commissioner Nix: Okay, and is this the order in which you plan on doing this work?

Mike Duckworth: No, sir.

Commissioner Nix: Okay.

Mike Duckworth: This is the order that we received the complaints—

Commissioner Nix: Okay.

Mike Duckworth: —at the road hearings. We're going to do that as we can, we're going to do it in areas, so we don't have to mobilize equipment from one side of the county to the other. So, we'll put up some type of a structured schedule and we'll work in areas so we don't have to move it as far. The other part of that is, we get asphalt from certain areas too, so we don't have to transport it so far.

President Crouch: Thank you very much for your hard work.

Mike Duckworth: Uh-huh. Thank you.

President Crouch: And it's just beginning. Thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

Jennifer Wigginton: I have two items. I received two leases, Becky Lawson for October the 22nd, and James Sullenger for July 23rd. One is just a deposit, and the other one is the rent fee.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jennifer Wigginton: Thank you.

President Crouch: Thank you.

County Attorney

President Crouch: County Attorney, Mr. Ziemer?

Ted C. Ziemer, Jr.: I have an agreement that the Sheriff would like to enter into with Lieberman Technologies.

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: Oh, I'm sorry, it isn't. I have an agreement that the Sheriff would like to enter into with Lieberman Technologies for a tracking system project for inter agency training. The total cost of the agreement is \$4,600. The agreement will be completed by November 30th if it's accepted by April the 30th. I have reviewed it and distributed copies today to the Commissioners, and I find it satisfactory for execution from a legal perspective. Ms. Grayson has two copies of that for execution should you decide to approve that agreement.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

President Crouch: Will you work with Ms. Farrell to be sure we get our contract agreement checklist on it?

Ted C. Ziemer, Jr.: I actually have one.

President Crouch: Okay, great. Thanks.

Ted C. Ziemer, Jr.: Which I will distribute right now.

President Crouch: Thanks.

Ted C. Ziemer, Jr.: Also I don't know what position you're going, the Commissioners would like to take on this, I did e-mail to each Commissioner a proposed form of resolution that could be adopted if the Commissioners wished to authorize

advertising and ultimately the sale of certificates for sale of real estate that did not get sold at tax sales. Last week, it might have even been the week before last, we were under the impression that that resolution needed to set out the exact sale date, the place where the sale would be held, and who would conduct the sale. Since then in looking further it appears that you do not need to make those decisions. The sale, I've discussed this with the County Auditor, the sale would probably be held either in this room or the other, what's the other room, 301 and–

Commissioner Musgrave: 307.

Ted C. Ziemer, Jr.: 307, depending on which one is available 90 days after the second publication. So, those are things that we would need to find out if the Commissioners pass this resolution. Then the sale would be conducted by, and, again you can decide this later by one of you, or by me, or by the Superintendent of County Buildings, or anyone you want to name to be there and actually handle the sale. In any event, I probably would want to be there to be sure that it's conducted according to the statute. So, the only issue today is whether or not you want to adopt the resolution to permit the sale to go forward.

Commissioner Musgrave: I think that would be fine to adopt the resolution. Do you need it to be read into the record, or just submitted?

President Crouch: I don't think that's necessary. I would have it submitted for the record.

Commissioner Musgrave: Alright, move approval of the resolution regarding public sale of certificates of sale.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Then, Mr. Ziemer, should the Superintendent of County Buildings work with you and check on availability of rooms so that we can get a date set?

Ted C. Ziemer, Jr.: Actually, I thought we can work with Jennifer and then Madelyn because we've got to find out what the publication dates are, what 90 days would be from the last publication, is a room available on that day. So, anyway, yes, we will work that out.

President Crouch: Thank you.

Ted C. Ziemer, Jr.: Finally, I have reviewed on line, at this meeting, a copy of an agreement that is proposed to be entered into between McCarter and Associates and the Vanderburgh County Assessor. It's a consultation agreement–

Commissioner Musgrave: The Commissioners.

Ted C. Ziemer, Jr.: –well, the Commissioners for the Vanderburgh County...is that, oh, I thought it was. I'm sorry, it's for the Commissioners. In any event, it's a consultation agreement under which McCarter Associates would charge \$75 an hour

for their consultation, with the maximum fee under this contract to be \$1,000. They anticipate that they can finish the work within two months. Otherwise, I find the agreement satisfactory for execution should the Commissioners decide to approve it.

Commissioner Musgrave: I will note that the funding is in place for that, and I'll move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Madelyn Grayson: Do you have that agreement with you? I don't have that.

Ted C. Ziemer, Jr.: No, we'll have to make copies. That's all I have.

Reading of VC-9903-2005: Burdette Food Bids
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Ted C. Ziemer, Jr.: Oh, yeah, the bid openings. We did do that, I'm sorry. This is interesting, to say the least. We have four bids, they each used a different method of bidding. What these are is for supplies for—

Phil Lawrence: Concessions.

Ted C. Ziemer, Jr.: —the concessions where?

Phil Lawrence: At Burdette.

Ted C. Ziemer, Jr.: At Burdette Park. Different bidders bid on different items so that if the bids were taken under advisement they are going to have to be reviewed. But, I will tell you that CRS One Source of Owensboro bid separate, multiple line items with separate pricing for each item, without giving a total. Weber Foods bid \$5,000 total, but not for all items, only for certain items contained on the list. Schwan Home Foods bid multiple line items but only for ice cream items. Fischer Candy Company bid multiple line items for most of the items contained in the bid proposal, again with separate pricing for line items and no total. So, unless we wanted to read every individual line item, I don't think that's necessary, we have opened the bids, this is how they bid, and if you take them under advisement then you can determine the low bid.

Commissioner Musgrave: Move to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That is all I have.

President Crouch: Thank you.

New Business

President Crouch: New business. Commissioner Musgrave?

Commissioner Musgrave: Yes, I attended a panel meeting for Homeland Security money, it was called Project Hoosier MinRisk- Vital Issues Panel, last week. This panel was to assist in drawing up the criteria for which Indiana's 45 million dollars in Homeland Security money would be distributed on a county wide basis. A county by county basis is what I mean to say. I know that Vanderburgh County will get some money, but I can't say how much or when. But, I will note for future reference that next year's money will be distributed by a regional basis, they have now divided Indiana up in to ten regions, and no one will be surprised that we are region number ten. Our region is comprised of 13 counties, and all 13 counties will need to submit a joint application for this money. So, I assume that they will tell us, soon, hopefully, whether they are expecting that from say Sherman Greer, or someone else, but next year in order to get this money they will not just deliver it by some mysterious formula, we will have to apply for it.

Commissioner Nix: Was there representation there from the other counties? These 13 counties that we're talking about here?

Commissioner Musgrave: No, at last week's meeting it was a mixture of people from academia. I was the only elected official. I was taken by Roger Lehman, Building Commissioner. There was, the gentleman who headed it up is actually from Evansville and he spent his career at Sandia National Laboratories and now he's with Purdue. There were people from power companies, that spent their career in electricity that sort of issues, water issues. It was very interesting where we had to compare the risks of seven or eight different categories of things to each other. For example, we had to compare how health care ranked against human rights. How human rights ranked against economic development. It was a little unsettling I'll tell you, because it's hard to rank human rights versus health care, but one panel member would speak in favor of the topic and another panel member would speak against the topic. Then the group would discuss, everybody would rank their little scoring sheets, and we would move on to the next one. So, it will be interesting to see how Evansville-Vanderburgh County fairs in such a ranking.

President Crouch: Well, thank you for attending, and I am sure that because you were the only elected official there, Vanderburgh County will get it's fair share.

Commissioner Musgrave: I hope so.

President Crouch: Thank you. Other new business, is, Sheriff Ellsworth, can I ask you something on the record?

Brad Ellsworth: I suppose you can. Brad Ellsworth, Sheriff.

President Crouch: As president of the Community Corrections Advisory Board, is it possible, and Commissioner Nix is on the advisory board, is it possible for the advisory board to perhaps look at all the petitions to revoke for perhaps the years

2004 and 2005? And maybe look at the reasons that they were asked to be revoked, and then the outcome, how many were denied? Is that something that perhaps could be provided to the advisory board, and they could look at that and maybe report back to the Commission, through you, as to what that shows?

Brad Ellsworth: Sure. We've compiled most of that, in light of the recent events, we've compiled most of that information already, and would be glad to bring it to the board and the Commission. I think it's only appropriate that, you know, we look at that and what petition to revoke has meant over the years and what it means now. I think it would be appropriate. I think probably the Community Correction Advisory Board might be the appropriate place, where we have time to sit there and fully discuss the events and what happened out there, and if anything was, you know, procedurally wrong, or done wrong, I'm not finding it at this time at all. It's a shock, and it always brings a cloud over what we think is an otherwise good program, and an essential program with the jail overcrowding. So, we would be glad to do that, it's easy information to come up with. I can tell you there are certain categories that do it, the most in that time period are for non-payment of fees, which doesn't seem very, you know, it's not violent, but it's something that we, it's money that we live and breathe on out there, and we need for our budget, and also helps, you know, the taxpayers. Others are dirty urine drops, when someone has drugs in their system, and another category would be unaccountable time. Those are just three examples of things that we might file a petition to revoke on at this point. I think, in fact, I just e-mailed the judges today, and asked them for a meeting to discuss the petition to revoke and the meaning of what that means when we file one of those. I think that, in fact, Judge Heldt and Judge Trockman both agreed and I think we've scheduled it for next week. So, we'll be discussing that too, so that there's a clear understanding of what that document means.

Commissioner Musgrave: Well, I noticed that the Prosecutor is involved in that, and that you filed the petition to revoke and then the prosecuting attorney and the defense attorney reach an agreement about that, and then the judge, of course, rules upon it. Are you including the Prosecutor in your discussions?

Brad Ellsworth: Yes, we will.

Commissioner Musgrave: Okay.

Brad Ellsworth: They're on the board also of the Community Correction Advisory Board, and they do, like I said, it's probably over the years been, I don't want to say watered down, but the term petition to revoke would lead you to believe that we want this person gone, we want him back in prison, and I think over the years it probably has gotten to that point where sometimes it's considered a progression or a progress hearing to let the judge know that there is either something going wrong and that we may accept them back. I think most of the judges, to be fair to them, ask the case manager if, can you work with them, if I, you know, put in another sanction can you take them back and work with them on this, remand them to more training, remand them to more drug treatment. I think in most cases the case manager, when asked that, well, they'll give a reply, sometimes it's no and sometimes it's yes. I know Judge Bowers has said that I always ask the case manager. But, I think that's something that we need to hammer out is what this petition actually means we want to be done at community corrections. Do we want them gone? We no longer feel we can work with that individual in the system, and I think that's what we'll try to hammer out in these next few meetings, and take the advisory board and their stance on, as the true board, and make that decision.

President Crouch: I think that makes sense to start with that board.

Brad Ellsworth: Right, I do too.

President Crouch: Thank you.

Brad Ellsworth: Thank you.

Commissioner Nix: Thanks.

President Crouch: Any other new business?

Old Business

President Crouch: Old business?

Public Comment

President Crouch: Public comment, this is an opportunity for the public to comment to the Commission about business of the Commission. Yes?

Mary Hukill: Hi, my name is Mary Hukill. H-u-k-i-l-l. Madame President, also the County Commissioners and the panel here. I wanted to come today to just basically say, hi, how are you? I started a business about two months ago by fluke, just by fluke, of bringing in river boats to our community. Basically, I was bored out of my mind in December before the big snow and I looked through the Louisville Courier Journal paper and I saw an ad about a yacht, and I thought well, you know, we don't live in a large city, but we still can have amenities every so often. So, why not get a yacht? Well, we had the big snow, then we had the flooding on the river, and I finally got a hold of the people in Louisville and said I would like to have yacht to come here that I'll basically rent out for parties, events and that kind of thing for our people. Just because I was bored. So, the gentleman called back and we talked several times, and then he stated that his wife was the person that was the director of sales for the river boats in the state of Louisville, Kentucky.

Commissioner Musgrave: Mary? Mary, can I interrupt you for a moment?

Mary Hukill: Yeah.

Commissioner Musgrave: Will there, are you asking the Commissioners to do anything?

Mary Hukill: No.

Commissioner Musgrave: Or to pass anything?

Mary Hukill: No, just basically telling you that there's going to be river boats coming to our city.

Commissioner Musgrave: Okay. Well—

Mary Hukill: I'm glad I could, saw these people to talk with.

President Crouch: Could we change the tape?

Commissioner Musgrave: Yes, so you need to take some time out here to stop for a moment.

Mary Hukill: Okay.

(Tape change)

Commissioner Musgrave: Well, you know, the public comment portion of our meeting—

Mary Hukill: Okay.

Commissioner Musgrave: —is only for Commission business.

Mary Hukill: Okay.

Commissioner Musgrave: So, I'm grateful that you are telling us this, but if you have information, go ahead and leave it with us—

Mary Hukill: Sure. Okay, it's basically in a nutshell to tell you that our river boats, and yes, we're going to expand tourism, we're talking with people all the way down from Mt. Vernon all the way to Owensboro, Kentucky, and I am going to be calling these people, because with the different cities that I'm talking with we're bringing in motor coaching to our city, it's going to be more tourism than you and I have ever seen in our lifetime.

Commissioner Musgrave: Sounds encouraging.

Mary Hukill: It's going to be real exciting.

Commissioner Musgrave: Thank you.

Mary Hukill: Okay, thanks.

President Crouch: Thank you, Mary. It's good to see you again.

Mary Hukill: Good to see you.

President Crouch: Any other comments by the public? Seeing none, consent items.

Commissioner Nix: Suzanne?

President Crouch: Oh, I'm sorry.

Larry Toone: Yes, my name is Larry Toone. I live on Highway 65 and Kuebler Road. There's been a proposed Old Orchard Subdivision to be put in across Kuebler Road, opposite of my property. There is a drainage problem there. The county just put in a new culvert pipe, drain pipe across Kuebler Road, and one at the corner, and put in evidently by the state at the corner of 65 and Kuebler Road. My property, which would consist of approximately four acres. I catch all the drainage—

President Crouch: Sir, you know, I bet you're wanting to speak to the Commissioners as the Drainage Board, and that, we're getting ready to move right into that portion of the meeting. You certainly can tell us, but we couldn't take any action as the Commissioners, only as the—

Larry Toone: When will that be?

President Crouch: It's going to be right in about three or four minutes.

Larry Toone: Three or four minutes? Okay.

President Crouch: Thank you.

Consent Items

President Crouch: Consent items?

Commissioner Nix: Move approval of consent items.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered, and we're getting ready to start the Drainage Board meeting in about two minutes. As soon as we can get everyone set up.

(The meeting was adjourned at 4:15 p.m.)

CONSENT ITEMS:

Employment Changes:

PTABOA(1) Auditor (1) Burdette Park (10)

Travel Requests:

County Highway (1) Health Department (2) Veterans Service (1)

Department Head Reports:

Burdette Park	County Highway	County Engineer
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	Weights & Measures	CIO

Auditor: Submit Financial Statement.

County Clerk: Submit Monthly Report for February 2005.

Treasurer: Submit Monthly Report for March 2005.

Commissioners:

Bill Bartlett: Appraisal of Plating Works Property.
PCI Invoice No. 0015091: \$1,302

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Madelyn Grayson	Lu Porter	Nancy Burns
Brad Ellsworth	Phil Lawrence	John Stoll
Mike Duckworth	Mary Hukill	Larry Toone
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A. W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 3, 2005**

The Vanderburgh County Board of Commissioners met in session this 3rd day of May, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, May 3, 2005. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Jennifer Wigginton: Superintendent of County Buildings, Jennifer Wigginton.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of April 26, 2005 Commission Meeting Minutes & Approval of April 26, 2005 Department Head Minutes

President Crouch: First item on our agenda, this is an opportunity where boards and commissions that the Vanderburgh County Commissioners make appointments to have an opportunity to come before the board and tell us a little bit about what it is that they do, and educate the public about other aspects of county government. Do you want a few minutes to try to resolve your technical difficulties?

Sherman Greer: Well, you know, I've had this thing set up for 40 minutes, and I went to move it awhile ago and now I have a red light.

President Crouch: Would you like us to....we'll move on with the agenda.

Sherman Greer: (Inaudible).

President Crouch: No, that's for the internet streaming, but perhaps Ms. Wigginton could go to call Computer Services.

Sherman Greer: (Inaudible).

President Crouch: We will start with the approval of the minutes.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Burdette Park: Xerox Maintenance Agreement

President Crouch: Contracts, agreements and leases, Burdette Park, Xerox maintenance agreement.

Ted C. Ziemer, Jr.: I have reviewed that agreement and advise the Commissioners that, in my opinion, it's satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Change Order Number 3: Community Corrections Project

President Crouch: County Commissioners, change order number three, \$7,611.

Commissioner Nix: Yeah, this is change order number three for the Vanderburgh County community corrections complex. This is to ARC Construction, there's just some miscellaneous items. Chief Deputy Williams and myself have reviewed this. So, I see no problem. I would recommend approval.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Board Appointments

President Crouch: Board appointments, at this time we need to rescind Roberta Dunlap, and we need to appoint Cedric Hustace to the Human Relations Board.

Commissioner Musgrave: I would like to move that we appoint Cedric Hustace to Human Relations and rescind Roberta Dunlap who sent a nice letter explaining the personal deaths in her family which prevented her from playing a role.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Department heads, Purchasing?

Commissioner Musgrave: We also need to rescind Rob Kerney from the Polling Place Advisory Board. So, I make that motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Next, department heads, is Purchasing here?

Commissioner Musgrave: Let's come back to them.

EVSC: Request for Waiver of Fees and Overtime Charges for the Centre

President Crouch: The EVSC waiver of rental fees and overtime for the Centre.

Commissioner Musgrave: I am still awaiting some information from the Centre. So, I would like to table that until next week. That's my motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Krista Lockyear? Not here? Let's go into our department heads. Burdette has nothing. County Engineer?

County Engineer

John Stoll: I've got a few things here this afternoon. First, in the signature file I've got a copy of the agreement with Bernardin Lochmueller for the USI-Burdette bike path. It's for \$14,000. This is for feasibility and location study for the path. I would request that that be approved. I had Ted review it earlier today, and he said that everything was okay from a legal standpoint.

Commissioner Musgrave: I took a look at that. I'll move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request approval to get a purchase order for some archeological work for the Green River Road-Millersburg Road intersection project. Because we are adding some additional traffic, maintenance traffic items in that contract, we have to get some additional temporary right-of-way, and that was not previously studied with the archeological work that had been done in the past. Since it's a federal aid project we do have to do that. So, I would like to request approval to get that done. It's for \$2,600 and it will be with IU's Glenn Black School of Archeology.

Commissioner Nix: Can you explain just in 30 seconds or so the procedure? I read this and it kind of intrigued me a little bit.

John Stoll: Part of the federal requirements that we have to do are archeological studies that the state's Historic Preservation office says there is a need for archeological studies. Part of the criteria that they use is that if there are other sites of any significance in the vicinity, and they determined that there were sites in the vicinity of that project. So, therefore, we're having to get this done for this project.

Commissioner Nix: It's my understanding that they basically go through and take a grid, if you will, and dig down by hand and see if there's anything there. Is that correct?

John Stoll: Right. They will do some random shovel samples to see if there's any signs of anything of any significance.

Commissioner Musgrave: What happens if they find something that is of significance?

John Stoll: Our project will get delayed. And probably costly delays. They did not find anything on the previous study. So, hopefully, since we're expanding the limits a little bit it won't, they won't find anything that will affect the project.

Commissioner Nix: I move approval.

Commissioner Musgrave: I'll second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I've got the time extension request for Klenck Companies, Incorporated on the Schaeffer Road bridge. This is the time extension that was discussed a couple of weeks ago. I've since e-mailed each of you about this. And, because of weather again last week, they are asking for two additional days, to make the grand total ten. I would recommend approval of the time extension.

Commissioner Nix: And that would put the completion day when then?

John Stoll: That puts the road closure through May 9th. I don't know if we'll need to extend the completion date. They've just been asking for an extension of the road closure time.

Commissioner Nix: I move that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last thing, I just wanted to give you a brief update on the Mt. Pleasant Road project. The first phase runs between Copperfield Subdivision and Highway 41. In talking to the inspector out on the project he thinks that work should be open to traffic by mid to late June. Then they could do the phase between Copperfield Subdivision and Big Hill Drive. Then the third phase will be from Big Hill Drive to Old State Road. But, so far things have been going relatively smoothly. There haven't been any major problems with utility conflicts like we had figured. So, so far so good.

President Crouch: And the completion date on the total project?

John Stoll: October 31st.

President Crouch: Questions? Thank you, Mr. Stoll.

John Stoll: Thanks.

Commissioner Nix: Thank you.

President Crouch: We will finish our department heads and then we will go back to Emergency Management. Next is County Highway.

County Highway

Mike Duckworth: Good afternoon, Commissioner Crouch, members of the Commission, ladies and gentlemen. Mike Duckworth, County Highway Department. Just a few brief notices. First of all, we began our paving projects today with work beginning on Harmony Way, from Cave to Old 460. We'll continue to work through those that were approved last week. Two other additional items, in regards to property that will be up for tax sale, there's a list of those that we were trying to sort through, because, of course, the county's responsible for cutting and maintaining those properties. I would ask if we could get the County Attorney to work with the County Building Superintendent to establish a more firm list, so that we know exactly what there is there that we need to cut.

President Crouch: Then, I guess, we also need to set a date for that particular sale, and I don't know if we're any closer to that?

Ted C. Ziemer, Jr.: Sale of surplus properties? No, I have to get with Madelyn and we've got to figure out room availability. We haven't done that yet.

Commissioner Musgrave: We've had a number of telephone and in person inquiries in the Commission office about this sale, and the potential properties that are on it, and I've promised them that when we get our list that we will post that on our website. So, as soon as you get the list and the date I would like to know and get that up there. I'm also trying to work with the County Assessor's office to put that in a GIS layer so that people can see where the property is and what it is near and that sort of thing. So, we will get that out to everyone as soon as possible. We just don't have it yet.

Mike Duckworth: As soon as we can get that list then we can start cutting those properties that we're supposed to cut, but, at this point in time, between last year and this year, I don't know what's been sold and what we still have, and so on and so forth. So, if you could get that list to me I would appreciate it.

Ted C. Ziemer, Jr.: Well, the list is available. What we're talking about is setting the sale date. The list is available right now.

Commissioner Musgrave: Could you get that to me, because I would like to proof it.

Ted C. Ziemer, Jr.: I don't think I have it.

Madelyn Grayson: I've got it from last week's meeting. I can get it to Mike.

Commissioner Musgrave: Okay, and would you e-mail it to me.

Ted C. Ziemer, Jr.: Also to Cheryl.

Commissioner Musgrave: Thanks.

Mike Duckworth: In addition to that, Mr. Ziemer, at your convenience, and I know that you've had other things on the burner, but, at your convenience I would like to revisit the snow route ordinance. Because—

Ted C. Ziemer, Jr.: What I would like you to do is to call my office and make an appointment to come in and see me. I've got the documents that you had at the meeting. We'll go through it entirely, and then we'll do the ordinance.

Mike Duckworth: Okay, once I get that completed then I'm going to move forward with the signage and that kind of thing so that we can be ready for next, next winter season. Hopefully, the frost and the snow is gone.

Ted C. Ziemer, Jr.: It's just that right now I have the documents that you left at the meeting, but I really don't know enough to draft the ordinance without further input from you.

Mike Duckworth: Okay. That would be fine.

President Crouch: Thank you very much, Mr. Duckworth.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

Jennifer Wigginton: Thank you. I have one item, a request from the Health Department on a list of surplus items.

President Crouch: Can we accept that?

Commissioner Musgrave: I move acceptance of the surplus items from the Health Department.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Ms. Wigginton.

Jennifer Wigginton: Thank you.

County Attorney

President Crouch: And County Attorney.

Ted C. Ziemer, Jr.: Okay, thank you. I just have two or three items. We received from the State Department of Health a proposed amendment number three to the grant agreement for the HIV Substance Abuse program. The addendum would increase the amount of the grant by \$45,000, and extend the grant agreement termination date to June 30, 2006. I've reviewed that and it is satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Speaking of grants, we have an engagement letter here from Barnes and Thornburg to assist us in obtaining federal grant monies. I've reviewed that and find that acceptable for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I've been asked to comment on the status of the Vanderburgh County enacted ephedrine ordinance. As others may know from reading it in the newspaper, the state near the end of it's session did enact a, I understand, I have not seen the statute, but a fairly sweeping bill, which will govern the dispensing of ephedrine and ephedrine products and notices and so forth. The newspaper article that I read about that indicated that the bill would override all ephedrine, county ephedrine ordinances in the state, except for the Vigo County ephedrine ordinance. I don't know why that is, and I wouldn't know until I get a chance to read the state statute. However, our ordinance was to be become effective this coming Friday, May the 6th, which would have been the date that we would have done second publication. I've recommended to the Commissioners that we dispense with, that we not do second publication on Friday, which would stop the ordinance from taking effect at this time. We'll wait until we receive a copy of the state statute, review that, and then I'll give you some advice on how I think we might proceed from that point on.

Commissioner Musgrave: Does the Sheriff's Deputy have any comments on that? Any advice? No? Okay. I make a motion then to not advertise on Friday.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

Purchasing: Award VC9903-2005: Burdette Park Food Bid
--

President Crouch: Purchasing.

Phil Lawrence: Thank you. I'm sorry I'm late. I had my eyes dilated, that's why these--

Commissioner Nix: You're sporting a new look there.

Phil Lawrence: Yeah, you know, Hollywood. Did you guys get the bid tabulation?

President Crouch: Yes, thank you.

Phil Lawrence: Okay. If you'll notice on the last page, our recommendation is to award all the areas shaded. I would say that 90% of it goes to CRS, and Weber and Fisher with smaller portions, but they, in that case, would be the lower bidder.

Commissioner Musgrave: Our documents don't have any shading on them. Can I see yours please?

Phil Lawrence: Sure. I wondered about that, if that shading stayed in there.

Commissioner Nix: Thank you. There we go.

President Crouch: This is a shady bid.

Phil Lawrence: I heard that. I heard that shady bid comment. You all ready?

President Crouch: And this has been reviewed by Mr. Craig?

Phil Lawrence: Yes.

Commissioner Musgrave: Move approval of the bids in the shaded area, and I will make sure that the secretary gets a copy of this as supplied by Purchasing.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

Emergency Management Agency Presentation

President Crouch: And now, without further ado, we will welcome the presentation by Emergency Management Agency, a very important and critical agency to the health and welfare of all the citizens and residents of Vanderburgh County. Mr. Greer?

Sherman Greer: Well, thank you. Sherman Greer, the Emergency Management Director for Evansville-Vanderburgh County. I had this thing set up for forty minutes before you got here, and moved it, and it went out on me. I want to give you a little bit of information about the Emergency Management Agency and what our job is at the local level, but at a state level and federal level also. As you know, we are by city-county ordinance, and by state code, Emergency Management is responsible to the County Commissioners and to the Mayor of Evansville for Vanderburgh County. That's why the ordinance that we have here within Vanderburgh County. We have four phases of emergency management that we operate off of; it's mitigation, preparedness, response and recovery. In the mitigation phase we cannot stop the disasters or emergencies that's going to happen within our community, but what we do is we look at each one of these emergencies or disaster situations that we've have had within our community and try to figure out how we can lessen the impact on it when it happens again, because they do have cycles. It's going to flood one year, it may not flood the next year, but the next year it may flood. Or we may have a tornado, or a June 8th storm like 1982, a June 8th storm of 1995, and I predict the June 8th storm of 2008, about every 13 years apart we'll have these things. So, we do look at ways we can lessen the impact of these different types of emergencies and disasters that we can have. Preparedness goes on everyday. Preparedness

goes on with the Evansville Police Department, the Fire Department, the emergency medical services and the hospitals. There again, that's just something that we do on a day-to-day basis, but in the process of doing that we're preparing ourselves for the big event that's going to happen sometime within the Evansville-Vanderburgh County area. Response is going on everyday. The Police Department is responding, I think the Police Department was very busy this afternoon responding. The Fire Department is responding all the time. The emergency medical services, the hospitals are gearing up for any type of emergencies or disasters that we may have. You know, the Sheriff's Department, they are all working on a response on a day-to-day basis. And recovery, recovery is a long term, a short term and a long term. The short term is immediately right after a disaster or emergency situation. We try to get things back together as soon as possible on a short term type thing. On a long term type situation, it can take years. You think about Hurricane Andrew how many years it took, and they are still maybe in the recovery stage in some of these different situations that we may have. So, there again it's just one of those things that we prepare ourselves for for all four phases of emergency management. Our primary duty is to save lives, to protect property, to preserve the environment, and economic base of our community. It is a proven fact, that with people not working, after a disaster situation, those EMS runs, those law enforcement runs, all those things go up, because people are not generating a paycheck, and they are not able to pay those bills. Because no matter if you've had a disaster situation or whatever within your community, come the end of the month or the first of the month, someone expects to get paid for whatever it is that you have, your home, your car, or whatever. So, there again, we are in the process, we're always in the process of trying to get economics back as soon as possible within our community. Our responsibilities are planning, training, exercise. Planning is 90% of our job, and that's coordinating with all the different emergency responders within our community and surrounding communities on how we're going to be able to plan to take care of ourselves. If it's a tornado type situation, if it's a flooding type situation, hazardous materials type situation, whatever. We have to have some type of plan. We just can't go out there and say, well, when it happens we'll respond. That was the old way that we used to do things. You know, we've got to have a plan. By federal law, for us to be able to receive the funding that we do receive from FEMA, from the Federal Emergency Management Agency, we have to present them with a plan. Training goes on constantly. We're planning training and exercise, we're planning a full scale exercise in September, September the 24th out at the Roberts Stadium. It's going to be, I have no idea what the scenario is going to be. There's only two people that know what that scenario is going to be. We're just going to be ready to respond to it, and do the best job that we can. We've had other exercises here in Evansville, that's been notable throughout the whole state of Indiana. In 1993, for '93 we had, out at the 4-H fairgrounds we brought in teams from Ft. Wayne, we brought in teams from Indianapolis, and we brought in the FEMA task force team to come down here to help us in a simulated earthquake type situation. We've also had the Task Force One team here in Evansville two or three different times just for that practice so that they know how long it's going to be before they will be able to respond here. Which it's going to be about five hours before we get any response from any of these teams. Hazards analysis, continually to do hazards analysis within our community. Things change on a day-to-day basis as it is. You know, we have a lot of things that's happening that goes on throughout our community that makes us go back and look at our hazards analysis to say whether or not we want to keep this here, or do we have to increase it. We do coordination between the locals, the state and the feds. Whenever we have a disaster situation, we have to get a state of emergency here first, and then we have to get it to the state, and then the governor has to get the state declaration, and then it goes to the President for a

Presidential declaration. Siren system, we are responsible for the maintenance and the placing of the sirens. We've got three sirens that we're wanting to place this year. Well, four of them. In fact, we want to take the one from Oak Hill and move it out to where Evansville Day School is, so that we can cover that elderly area that's back over near the residents and everything back over in that area there. We want to put one out at Kansas and 57. There's a lot of homes and everything out in that area. Jagoe's built a lot of homes and everything out in that area, which would cover about 4,000 people. Then again, we're looking at a couple different areas, one at the soccer field on Green River Road, which will help cover a lot of the area over in Keystone, the Keystone area to be able to cover up a lot of area there. I work with Area Planning whenever I place these sirens. I go to them, they give me the demographics of the area in how many homes we're covering, how many personnel that live there, how many like long care facilities, and different things like that that we have there that we'll be able to get the best bang for our buck. The siren that we're going to take from Oak Hill and Lynch, we're going to put one that will cover more of an area there, so that we'll be able to cover out to and including, you should be able to hear it at the jail, you should be able to hear it at the new school that they're building there. So, all those different areas and everything. We look at those to be able to get the best bang for our buck on that. Search and rescue, we have a search and rescue organization that we have some people, we have about 25 volunteers on that that helps us out, and K-9 search and rescue if we've got a lost person like an Alzheimer's patient or a child or something like that we're ready to go. If the law enforcement agencies or the Fire Department calls us for that assistance. Communications, communications is very vitally important in any emergency or disaster situation, because that's usually the first thing that you have a big hiccup in. You've got to be able to get the communications up and running as soon as possible. We also assist in declarations in the state of emergency, as I said, the emergency operations center...if you haven't had a chance to come out to our emergency operations center, I really invite you to come out to see it. We've probably got one of the most state of the art emergency operations center within the southern part of Indiana. I would put it up against anyone within the state of Indiana as far as our emergency operations center. We're in the process of getting some new software to be able to relay our information seamlessly to Indianapolis and surrounding counties. Our mutual aid agreements, we look at mutual aid agreements with all of the surrounding areas. There again, because if we have something happen within the Evansville area; IE: the C-130 crash, we have other agencies that come in here, and we want to make sure that we have a mutual aid agreement with them. The state of Indiana now has a state wide mutual aid agreement, so that covers us more or less. But, still we would like for the Fire Department to get a mutual aid agreement with fire departments, the Police Department with police departments and EMS services and everything, so that everything is covered as much as possible. Public information is very important. We need to get out to the public. The more we educate the public, the better educated public that we have, the better off it's going to be in a disaster and emergency situation for them to be able to help us out. We have 171,000 people within this community, we need them to be educated as much as possible. Community involvement and things that we do, we do awareness training. I do a lot of those, I go to schools....I do in-services, I go to schools, I go to businesses, I do walk throughs, I help them, give them recommendations on where maybe they want to put people in a severe weather type situation. My latest one was just over at the new library, to go through there to show them where I would recommend that they would put people if we had a situation to where they needed to get all of the people out of harms way. We're involved with First Night, Habitat Blitz, we've been doing that for a few years, safety fairs and the Freedom Festival. We run all of the

communications down at the Freedom Festival with our mobile communications vehicle that we have, and that takes away some of the burden off of Central Dispatch when we're doing that down there. Volunteers, I can't operate without volunteers. I have a lot of good volunteers that makes this organization work. There's only, as you can see, there's EMA staff, there's only three of us. Even with fuzzy math, with 171,000 people we can't figure out how we can take care of everyone. So, we have a lot of volunteers out there to be able to help us out in these types of situations. Amateur radio people, we have a lot of amateur radio people. That number is probably a little bit low right now, but we have a lot of amateur radio people that will get out there and do the weather spotting whenever we have these situations that come up. You know, you can depend upon the Doppler radar systems, of which we have great Doppler radar systems in Channel 25, Channel 7, 14, they have some great systems that tell you what the wind speed is on your block, but nothing beats the human eye when you've got someone out there that's watching this. I don't condone these tornado chasers, or these people that get out there and do that. I really don't like to hear that, but if they're out there, and they give us that information, then we can give that information to Paducah and to the other weather services so that they can get that information out to people. The Emergency Operation Center, as I said, has a vital, is the core of the community whenever we're in a disaster situation, because everything is happening there. A lot of the decision making besides the (Inaudible) commander out there, which would be the Fire Department or the law enforcement agencies that are out there right on the scene, once they are given this information back in to us then we start coordinating these things and the resources for them and start doing some of the things that they don't have to worry about out there at the time to be able to respond. The MEOC is the Mobile Emergency Operations Center, just about a month ago we went to Camp Atterberry, and we were involved in an exercise up there with the National Guard, the State Emergency Management Agency, and the State Police was supposed to be there. Marion County was supposed to be there also. We ran a three day scenario there. Marion County decided that they didn't want to play in our scenario and everything that we had up there, so, we took the place of Marion County and we had an incident that happened at the RCA Dome, and we worked that for three days, along with the National Guard. A lot of good, vital information that came out of that. Things that we know that we have to do to improve our response and things of that sort. They have a new simulation center up there now that the military has put a lot of money into, to where we can go up there and run scenarios and things like that to make it real time. With the simulation systems that they've got, you order a fire truck, you have to map the route out on it and you watch it on the screen where that fire truck takes that route to get to the place and it gives you real time in those type situations. So, it's very good. The CERT is the Community Emergency Response Team. This is an initiative that the President started right after 9/11. What we're doing is that we're training people to be able to take care of their own neighborhoods in a disaster situation. We have trained these people in first aid, we train these people in communications, we train these people in light rescue, we train these people in how to use a fire extinguisher and different things of that sort. This is an initiative that the Evansville Fire Department started some time ago by training people here in our neighborhood organizations. We have about 62 neighborhood organizations that we have to reach out to and be able to train these people to help us out in a disaster or emergency situations that we have. We've got three instructors now with the Emergency Management Agency, along with the instructors that they have at the Evansville Fire Department where we are able to get out and train as many people as possible, as many organizations as possible. We target mostly neighborhood watch groups that are already organized, and we get ten or 15 people out of those neighborhood watch groups that want to take this course. It's about a 20 hour

course. Once we train them, then we set up a scenario at the end of it and run them through that. This way, when we do have that major disaster or emergency situation, these people know how to react and then help the Fire Department out, it helps the Emergency Management out, to be able to get as much information, as accurate information as possible, in a short period of time. Then we have our staff of three people, and that's myself, my assistant director, and also the, our office manager, Mary. Grants, we've been receiving some Homeland Security grants over the last couple of years. The first year that we got grants it was 2002, was equipment. All we received was equipment for hazardous material type or bio-terrorism type incidents. One of the things that they found out once we got the equipment in is that we got the wrong type of masks. So, they had to....we got a bunch, we've got 660 masks over here that we're going to give out to other organizations, and not the first responders, that they'll be able to use, when we get the other masks in, as we hope to be getting those in pretty soon. In 2003 we got \$568,000 that was given to Evansville-Vanderburgh County. Now, how do we derive as to how we're going to spend that money? Well, we put together, when we...after 9/11 we put together a terrorism task force, and that terrorism task force wrote the elements for our terrorism plan for Evansville-Vanderburgh County. So, we just kept those guys together. I said, okay, how are we going to spend this money? There are representatives from the Sheriff's Department, representatives from the Evansville Police Department, the Emergency Management Agency, the emergency medical services, the hospitals, the Health Department, all the players are in there. Everyone is there, sitting around the table and saying, okay, I think the first mistake that I made was everybody go back and make a wish list out and come back. We had \$568,000, and we got a wish list of 1.8 million dollars. So, we had to prioritize at that time, and then be able to decide how we were going to spend that funding. We're wrapping up the 2003 grant as we are right now, as we're going through it right now to where that this equipment and training things goes to our first responders, like I said. The 2004 grant we got \$834,000 on that. We're in the process starting to spend that now. I think one of the first couple of things that we're getting is a security system for the water filtration plant, cameras and things like that for that. That is one of the priorities that we put on that. There's other things that we're getting for, other security things to tighten up our security a little bit better. So, the money is being well spent, and, like I said, it's not from Sherman Greer, it's not from the Sheriff's Department, it's not from the Evansville Police Department, it's a collaboration of this is what we need to make our community safer. We also received a law enforcement prevention grant that helped us purchase, I think you'll be seeing in the next few days of a new bomb truck that we got, and help with the bomb squad and things like that, and a robot, and different things of that sort. So, we've got things here now that we've never had before, and would have to wait for hours to get from some place else for them to come in here, and the training goes along with that. Those are those new masks, those respirators that I was talking about, they got the wrong ones, so they had to give us \$123,000 to get the newer ones. Then we have the citizens core council grant, the things that I gave you there that your, yes, the tubes, the safety tubes, you know, you're supposed to have each one of those at your desk and everything in case we do have a disaster type situation. Then also the CD that you have there, those were things that we took the citizens core council monies and then we purchased these in collaboration with the Red Cross to be able to put on, we put on a seminar or a breakfast for the Chamber here last year, or, I'm sorry, this year, January the 11th, to show them exactly what it is that we are doing with our citizen core council funding. Then we have the community emergency response team grants, as I've talked to you about. We have a state foundation grant from the license plates that they sell, there's so much funding and everything that comes back to every county, and we utilized that this year to buy another computer, laptop

computer, that we can use out in the field. Then the Homeland Security grant for 2005, we should have that mid May. When we get that, then we have to go through the process of getting that into an expenditure account and everything, and then we'll start spending money on that. Those are the things that we do in Emergency Management, and, like I said, it's an on-going thing, and the world's changed so much that we have to be ready to respond to a lot of different things here within the Evansville area. We look upon it as what could happen here? There's a lot of different things that could happen here. Here in the Evansville area alone you've got two or three corporate businesses that their headquarters is here. You've got Toyota in Gibson County. In Warrick County you've got Alcoa. In Spencer County you've got AK Steel, GE over here in Posey County, the largest coal burning plant, power plant and everything up here in Gibson County. So, you know, if I was a terrorist and everything, if I wanted to do, as they thought they were going to do at 9/11 by bringing down the towers and bringing the economics of the United States down and everything, we've got those things here, which would cause a lot of people not to have jobs. So, there again, do I have any questions of Emergency Management?

Commissioner Musgrave: What sort of coordination do you do with the surrounding counties? Do they have EMA directors as well?

Sherman Greer: Each county in the state of Indiana is required to have an EMA director. Now, most of the one's that we have within the surrounding areas are part time directors. I really admire these people, because it's a full time job for ourselves to keep our counties aware, and keep our counties trained and everything else. Now, there was some legislation, I don't think it made it through this year and everything, but there's some legislation to where they would like to have each county to have a full time director. Also, the State Emergency Management Agency is no more. SEMA is no more. It's the Department of Homeland Security. That will happen here on a local basis when you, as County Commissioners, and the Mayor decides that's what we want to go to, and then we'll have to do an ordinance and everything to get our name changed. But, the state of Indiana has went to the Department of Homeland Security, and is no longer the State Emergency Management Agency.

Commissioner Musgrave: If somebody wanted to volunteer, how would they do that?

Sherman Greer: Well, they just contact our office. We have an application form that we give them. We run a limited background check on every volunteer that we have, that comes to us. A lot of people, we have a lot of people that volunteer, and they're going to, alright, they have these, it's not like that, you know, it's a lot of planning, it's a lot of people, a lot of the people that I've got with me now, some of them have stayed with me over, you know, ten years.

Commissioner Musgrave: What number would we call to do that?

Sherman Greer: It's 435-6020. That's the number that you call and we would be more than happy to take on as many volunteers as possible. There's always something that we can do, and have a job for people in a disaster or emergency situation. But, our biggest focus is to do the planning, get all of these organizations together to where we sit around a table and give the "what ifs", then we solve those problems, or try to solve those problems before we get out there in an actual incident. But, we always look at after action reports. I look at a lot of after action reports from other disasters that happen throughout the United States, or even

throughout the world, and you look at those and you go, like, oh, wait a minute, we have this in our plan. If it didn't work for them, it may not work for us. So, we have to get back together and say, oh, what are we going to do about this?

President Crouch: Thank you, Mr. Greer.

Sherman Greer: Thank you.

President Crouch: We'll all sleep a little safer tonight.

Sherman Greer: Well, I hope so. I will too.

President Crouch: Thank you.

Sherman Greer: Thank you.

Krista Lockyear: Extension on Rezoning Petition: VC-3-2005

President Crouch: Krista Lockyear, extension on rezoning VC-3-2005.

Krista Lockyear: Good afternoon, members of the Commission. My name is Krista Lockyear, here on behalf of Pedcor Investments. If you'll recall, two weeks ago we were in front of you on a rezoning request, and there were some issues and concerns that arose during the course of our presentation that we are in the process of obtaining information to help us better address those issues and concerns. We would like to request a further continuance to continue gathering some of that information and procedures for you. The exact date that we continue to I think is somewhat up to your discretion. I talked to your office and I understand that June 7th may be an available meeting date, but we're flexible as well, and anytime after that date we think we could have all the information available for you.

President Crouch: I believe our next meeting would be May 10th, and then the 17th of May, would either of those dates work?

Krista Lockyear: Actually, they would not.

President Crouch: The 24th?

Krista Lockyear: The 24th, yes, if you have a meeting that date, that would be fine.

President Crouch: That's Drainage Board also.

Commissioner Musgrave: Well, do you want to go to the June 7th?

President Crouch: Is that too much time?

Krista Lockyear: No, that's okay with us. We understand that you've got other things going on as well.

President Crouch: Motion?

Commissioner Musgrave: Motion to delay this rezoning until June 7th.

Commissioner Nix: Second.

President Crouch: And that will be immediately following our Commission meeting?

Commissioner Musgrave: Yes.

Krista Lockyear: Alright, thank you very much.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

Krista Lockyear: Thank you.

New Business

President Crouch: New business? Is there any new business?

Commissioner Musgrave: Yes, in your packet I have put a couple of thank you letters to our state legislators. As you may have read, the final version of Senate Bill 574 was passed by the House and Senate and is now on the Governor's desk. I don't believe he's signed it just yet, but I would like to extend our gratitude as a Commission to all the local legislators for their work extending the Innkeepers Tax support for the Centre. That is what Senate Bill 574 did in part. These two thank you letters are directed specifically toward Representative Vaneta Becker and Senator Server for their authorship of the language, which eventually resided in the Senate Bill. This bill represents the cooperation of the city and the county, along with the other stakeholders, the Convention and Visitors Bureau. All of us sought to reduce the property tax burden that the Centre creates, and I would like to thank the legislature for their assistance.

President Crouch: Motion to send the letters?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other new business?

Commissioner Musgrave: I'm awaiting information from Dave Rector regarding the desk that has been donated to the Commission office. I understand he has some more. So, next week I hope to have the letter accepting those donations.

President Crouch: Alright. Any other new business?

Old Business

President Crouch: Old business?

Commissioner Musgrave: Just, today we have on our consent agenda the appraisal contract, the second appraisal contract, which is required by law for the Evansville Plating Works. There will be a meeting next week with the proposed realtors to go over all the legalities with the attorney to handle that. So, I just wanted to update you on that matter.

President Crouch: Thank you. Any other old business?

Public Comment

President Crouch: Public comment, this is the opportunity for the public to come to the Commission about Commission business. Is there anyone in the audience that cares to comment at this time? We do have a student from USI, Jayde Henry, with us, and we are hoping that she will be interning with us later this year. So, welcome.

Commissioner Musgrave: Welcome.

President Crouch: We try to keep it short.

Consent Items

President Crouch: Seeing no comment from the public, do we have a motion on the consent items?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 4:15 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (1) Health Department (1)

Travel Requests:

Commissioners (1) County Clerk (2) Health Department (1)
SWCD (1)

Department Head Reports:

Burdette Park County Engineer County Highway
Ozone Officer Supt. Of Bldgs. SWCD
Veterans Service CIO

Commissioners:

American Medical Response: First Quarter 2005 Report
Jail Construction Payment Requisition No. 57: \$888,986.11
Community Corrections Payment No. 8: \$344,876.70
David Matthews: Appraisal Agreement for Plating Works Property

Treasurer: Submit March 2005 YTD Investments Report.

Health Department:

Grant Amendment No. 3: HIV Substance Abuse Program

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Jennifer Wigginton
Sherman Greer	Krista Lockyear	John Stoll
Mike Duckworth	Phil Lawrence	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 9, 2005**

The Vanderburgh County Board of Commissioners met in special session this 9th day of May, 2005 at 2:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County special meeting of May 9, 2005. We'll start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: County Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Burdette Park: Merchant Application: Integra Bank

President Crouch: The sole purpose of this special meeting is to address the items on the agenda, and only those items. Our first item is Burdette Park merchant application. This is for the concession stand, gift shop and aquatic center.

Ted C. Ziemer, Jr.: This is an agreement, actually there are three agreements between the county and Integra Bank, for the provision of equipment to operate Visa and Master Card charges, and then the processing of those charges. I've reviewed the agreement, and it's satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Burdette Park: Addendum to Agreement with
American General Finance Management Corporation**

President Crouch: Next item on our agenda, addendum to agreement for lease with American General Finance Management Corporation.

Ted C. Ziemer, Jr.: American General entered into a lease agreement with the county for the use of Burdette Park. That agreement was entered into on June 18, 2004, and the use is for June 5, 2005. American General asked for an addendum to the agreement regarding some cancellation due to acts of God and so forth. I find that the addendum in no way adversely affects the county's interest and it's satisfactory for execution.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Building PAR LLC: Permission to Advertise Notice of Public Hearing:
for Vacation of Platted Public Right-of-Way Easement**

President Crouch: Building PAR LLC, permission to advertise notice of public hearing for vacation of platted public right-of-way easement.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Approval of Employment Changes & Travel Requests

President Crouch: Employment changes, motion?

Commissioner Musgrave: I would like to make a motion to approve the employment changes and the travel requests.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Moment of Silence for Darren A. DeBlanc

Commissioner Musgrave: Commissioner Crouch, I would like to take a moment to honor Darren A. DeBlanc of Evansville, who gave his life while on active duty in Iraq. No words can express my sorrow at his loss to his mother and his father and his family. But as Reverend Anderson said at the funeral today, he is survived by a whole nation. I thank Darren DeBlanc for the honor of his service and for the sacrifice for freedom, which he paid for all of us.

President Crouch: Let's have a moment of silence in memory of this young patriot.

(A moment of silence was observed.)

President Crouch: There being no further business.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

Approval of A/P Voucher

President Crouch: Oh, I am sorry. We do have one other item on our agenda. Approval of the A/P voucher that will allow for payment of claims.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And, motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, and there will be no meeting tomorrow, on Tuesday, but our next meeting will be the following Tuesday, which would be May 17th at 3:30 p.m. Thank you.

(The meeting was adjourned at 2:35 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (1)	Burdette Park (7)	Area Plan (2)
Commissioners (1)	Supt. Of Bldgs. (1)	Auditor (2)
Prosecutor (2)	VCCC (2)	Union Assessor (1)
Sheriff Department (2)		

Travel Requests:

County Engineer (2)	Health Department (2)	SWCD (1)
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Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer Jr.	B.J. Farrell
Madelyn Grayson	Others Unidentified	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 17, 2005**

The Vanderburgh County Board of Commissioners met in session this 17th day of May, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting of May 17th. We will start our meeting with introductions, and we will start to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of May 3 & May 9, 2005 Commission Meeting Minutes &
April 19, 2005 Rezoning Meeting Minutes**

President Crouch: First item on our agenda is the approval of prior minutes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Open Bids for VC05-03-01:
Oak Hill & St. George Road Intersection Improvements &
VC05-05-01: Concrete Repair of Various Roads**

President Crouch: Our first action item, we will make a motion to open bids.

Commissioner Musgrave: Move to open the bids of VC05-03-01, Oak Hill-St. George Road, and VC05-05-01, concrete road repair.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And the County Attorney will open those bids, we will proceed with our agenda, and he will give his report when it is his opportunity.

Contracts/Agreements/Leases:
ACS: Hewlett Packard Service Agreement
County Commissioners: Keller Schroeder & Associates, Inc.
Day Reporting Drug Court: Xerox Maintenance Agreement
Health Department: Tim Thompson, Consulting Services
Prosecutor: Federal Equitable Sharing Agreements

President Crouch: Contracts, agreements, and leases, first is ACS, Hewlett-Packard service agreement.

Commissioner Musgrave: Would it be appropriate to make a motion for all five?

President Crouch: That's fine with me.

Commissioner Musgrave: Alright, I move that we approve all of the contracts as listed on today's agenda.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

EVSC: Request for 25 Votomatic Machines

President Crouch: Next item, EVSC request for 25 Votomatic machines.

Commissioner Musgrave: Move approval of the EVSC's request for the loan of 25 Votomatic machines.

President Crouch: The loan?

Commissioner Musgrave: Are we loaning them?

President Crouch: No, these are the old machines.

Commissioner Musgrave: Oh, the old ones. They may have them.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise Surplus Property Sale

President Crouch: Next item, Superintendent of County Buildings.

B.J. Farrell: I would like to ask the Commissioners to approve the date of September the 30th to advertise that that would be the date that we would have the surplus property sale. That would be held in this room, 301, beginning at 8:00 a.m.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Set Date for County Surplus Sale

B.J. Farrell: I would like to also ask the Commissioners for permission to set the date for the county surplus sale for June 4th. That is a Saturday. It would be held at the Old Courthouse. It would begin at 8:00, and end at 1:00.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Set Rates for Cleaning and Controlling Weeds

B.J. Farrell: I would also like to ask that they set the rates for cleaning and controlling weeds. These are properties that are in the county, they have already been through the process with the Building Commission, we have several pieces that are totally, the growth is out of control, and I have submitted those dollar figures to the Commissioners, and I ask their approval.

Commissioner Musgrave: Move approval, and I have a question. These are in the county, we will charge people, after due notification to clean up their properties, if they don't clean them up first, and then that gets billed back to them on the form of a lien, and then put on their property tax bills?

B.J. Farrell: We would first bill them individually, giving them 30 days to pay.

Commissioner Musgrave: Okay.

B.J. Farrell: If they don't pay in 30 days, then I've asked Mr. Ziemer to instruct the Commissioners on the proper procedure to apply a lien to that property.

Commissioner Musgrave: Okay. I made a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jail Construction Change Orders
--

President Crouch: County Commissioners, jail construction change orders.

Commissioner Nix: Yes, we had met about a month ago out at ARC, excuse me, about two weeks ago out at the site with Mr. Paul Summers, Dave Rector, Sheriff Brad Ellsworth, and Eric Williams, Deputy Chief, and discussed the last set of change orders, and they're to the amount of about \$176,000. Just to give you a little history, we, since the project has started, through change orders through December we were at about \$405,000, it included some built-in contingencies for three prime contractors out there. Along with that, there was a change order in August, I believe, of last year for \$126,000, and since the first of January to today we've approved approximately \$71,000 in change orders, this Commission has, which gets us to a total of \$602,000. If we were to approve this today, and I'm requesting that we table this, but if we would approve the proposal request today, we would be at a cost of about \$778,000 in change orders, which is about two and three quarters percent of the total construction costs. I've got some concerns about, I guess, the amount that we're looking at, plus, I think there's some things on there that might have been overlooked in the design, and I think we need to address before we approve these. Mr. Summers is here today, maybe we could speak to a few of these issues, and then I would like to ask the Commissioners to table this until we can sit down with maybe Mr. Ziemer, Mr. Summers and his group, and go over these items. So, Mr. Summers, if you have a minute to maybe just address some of these issues.

President Crouch: I was curious what they exactly were?

Commissioner Nix: It was a lot of different things. There was one large item on there that was left off of the drawings. Understandably, this is something that happens in construction projects, but it kind of alarmed us that it's around \$55,000. There are some other things on there that appear to be left off the drawings, and we want to sit down and get this worked out before we either approve or....we want to do the right thing. So, Mr. Summers, you've got the floor.

Paul Summers: Do you want me to answer any specific questions? Or just give an overview?

Commissioner Nix: Just an overview right now, yes, would be fine. Then, we might have a few questions after that.

President Crouch: I guess, my first, my major question is how is a \$55,000, what is that for? How is that left off a drawing?

Paul Summers: The \$55,000 is for the painting of our outdoor recreation yards. It's a steel framed structure with a fence fabric. I wrote a memo claiming that to deny the, or I denied recommendation of approving it. The design team decided to put it into the change order, put it before the Commissioners. It's for the painting, we have a general painting spec for ferrous and non-ferrous metals. All items noted and otherwise unnoted are to be painted and finished. It's a general catch all note. It directs them to where or what the paint specification is. It's still my intention that it is covered in the drawings.

Commissioner Nix: Okay. There were, and there's quite a few issues here, I've got a pretty lengthy stack, but there were some other items, handrail and such as that, and these are things that we can discuss at a later date, but, you know, the idea that we're trying to, we need to bring this thing in under budget. I've got some serious concerns. We've got some contingency money left, but, as you're aware, and we've just got a concern, as Commissioners, that we've got a responsibility to the county to make sure that this project comes in under budget and on schedule. I know the weather delays have caused some problems with that, but early on, so. That's really the key thing behind what we're trying to do here.

Paul Summers: In reality, the weather delays, while it's caused the contractor extra money, they have not billed us for those amounts.

Commissioner Nix: Right.

Paul Summers: The built-in contingencies, even with those, and I know you're including those in the change orders, even with that amount we're still on budget with the estimate. Right now we're under one percent construction, for construction change orders, if you do not count the built-in contingencies.

Commissioner Nix: Right.

Paul Summers: In the future some of the, I anticipate that going to two percent for future change orders. There are also some items that the Sheriff's office is looking at that we went over for security, some extra electronics. It's not their wish list, but if they could get it, they would like to have it. You're aware of those.

Commissioner Nix: Those are the things that we spoke about in our meeting about a week and a half or so?

Paul Summers: Correct.

Commissioner Nix: Okay.

Paul Summers: There was also an item, the parking lot for community corrections, because of the construction trailers sitting on site, it was decided with the last administration that that item would be bid out separately towards the end of this project. There was a line item in the budget to pay for it. So, while it will be a change order, it's already taken care of outside of the contingency.

Commissioner Nix: Okay. One of the things I would say though, I think this \$405,000 that was spent over the last, since the start of the construction should be included.

I know from an accounting standpoint you're not looking at it that way, but it is, in fact, change orders, and I know that early on they weren't called change orders, but if these are things that are over and above the construction costs that the county would have realized otherwise. So, I think when we figure these, when we look at these numbers, we've got to make sure that we include those numbers with that. So, that's where I'm coming up with this, once again, if we were to spend the \$176,000, we're at two and three quarter percent right now. I know that's, you're looking at it a little bit different way, but, the bottom line is, it's money.

Paul Summers: It's still the county's money.

Commissioner Nix: Right, it's the county's money. That's correct.

President Crouch: Mr. Summers, and I'm a little, not understanding this, so, help me. The painting, you said for the outdoor—

Paul Summers: Outdoor recreation yard.

President Crouch: Okay, that was left off, and you said that you did a memo saying that you didn't think that that should be approved?

Paul Summers: I wrote a memo saying that I did not believe that should have been approved. That it is included in with the contract.

Commissioner Musgrave: Approved by whom?

Paul Summers: I'm sorry?

Commissioner Musgrave: You said that you wrote a memo saying that you thought it should not be approved.

Paul Summers: By the Commissioners.

Commissioner Musgrave: By the Commissioners? The Commissioners should not approve this change order?

Paul Summers: That is my intention, yes.

Commissioner Musgrave: Because the, it was in the bid specs and the—

Paul Summers: Yes, it is.

Commissioner Musgrave: Okay, and, so it should be—

Paul Summers: Included in with the cost of the contract.

Commissioner Musgrave: And, we...okay.

Paul Summers: The design team made the decision to put it in with the general change order, with all the other changes, and present it to the Commissioners.

Commissioner Musgrave: What were the elements of that decision?

Paul Summers: The elements?

Commissioner Musgrave: Why did they choose that?

Paul Summers: The contractor feels because it wasn't specifically called out to paint that structural steel, that it was not included. The painter, in his breakdown, of which they shared with us, did not include that cost in with their bid estimate. So, in reality, they have not been paid for that work, even though they should have been. They should have included it in with their bid.

Commissioner Musgrave: You're saying that the bid covers that, even if they didn't line item it out?

Paul Summers: Correct.

Commissioner Musgrave: Okay, because it had that, whether specified or not language?

Paul Summers: Whether specified or not, everything gets a finish. I would never have exposed structural steel that is not painted.

Commissioner Musgrave: So, we should not come up with another, what was it, \$55,000?

Commissioner Nix: It was \$55,000. There was a couple of different options we were looking at.

Paul Summers: There's two options. There is one, they actually gave us a second option which was a little under \$2,000 more. It's a much better paint, and it will last ten years. For \$2,000 it's a much better one to accept.

Commissioner Musgrave: Okay, so, and what you want us to do is to table this, so, that you can work with him a little bit further on this.

Commissioner Nix: That's correct. Yeah, we need to address these issues, and, then, I guess, in our meeting about a week and a half or so back, we looked at maybe doing an audit to see that how much more of this we've got coming, to give us some assurance that we're going to have some money left in the project, that we're not going to go over budget.

Paul Summers: And, Les Smith, the construction manager and myself, we're still working on that, and we'll present a report of every imaginable item that we can think of.

Commissioner Nix: Okay. I mean, it's real easy right now to say, you know, we've got some contingency, but, you know, we've still got a little ways to go to finish the project, this is, usually, a lot of times when these kinds of things come up.

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: I was wondering if you have a list of the items that you're concerned about? Let's present that list to you, and why don't you in writing—

Paul Summers: Respond to that?

Ted C. Ziemer, Jr.: –respond to that, as you have done on the paint issue today. Now, I’m not saying that I actually understand all that. But, I want to understand it, and I think if I see it in writing from you, as to exactly what happened, then we can review his responses to all of these issues, and then we’ll have that information available when we have our meeting, and probably can have a shorter meeting.

Commissioner Nix: I like that.

Paul Summers: If you wish, I could respond to the proposal request, rather than you pick and choose, I can just respond to each one of the proposal requests individually.

Commissioner Nix: And, you’ve got all the current, you can just respond to all the current proposal requests then?

Paul Summers: Yes.

Commissioner Nix: Okay, I think that would probably be just as clean to do that.

Commissioner Musgrave: Okay, would you like to make the motion?

Commissioner Nix: I make a motion that we table this. I guess, that’s–

Commissioner Musgrave: Okay, second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Paul Summers: Okay, thank you.

President Crouch: Thank you.

Ted C. Ziemer, Jr.: Excuse me. I’m sorry, Madam President, are we, what are going to do about the other?

Commissioner Nix: We’re going to set up a date with Mr. Summers, and I will get back with you on a time on that.

Ted C. Ziemer, Jr.: Okay. We’re not going to present these things to him and get a response in writing?

Commissioner Nix: He has all of this information.

Ted C. Ziemer, Jr.: Okay.

Commissioner Nix: He sent it to us. So, basically, he’s got it all. He’ll come up with explanations for all of these, and then we can sit down.

Ted C. Ziemer, Jr.: Okay, great, thanks.

County Engineer

President Crouch: Next item on our agenda, department heads. Those department heads that have action that needs to come before the Commission would appear at this time. Burdette I do not believe has anything. Engineer?

Patrick Seib: Good afternoon. Patrick Seib, Assistant County Engineer. I would like to take this opportunity to give a brief overview of the upcoming Oak Hill Road-St. George intersection project. To begin, I would like to point out that this project is a conglomerate of three distinct improvements; installing a new stoplight at the intersection, providing distinct turning movements in all directions, replacing a large culvert structure underneath Oak Hill Road, and installing larger capacity storm sewers on Oak Hill, between St. George and Rode. Because these improvements are all located on the same close stretch of Oak Hill Road, it was decided to make these three improvements all part of the same project in order to lessen the impact on traffic. Closing the road once, rather than three times. In order to minimize distractions to traffic as much as possible, the contract was written to allow for Oak Hill Road's closure only between May 25th and August 5th. As an incentive to open Oak Hill back up to traffic as soon as possible, the contract also calls for a financial bonus of \$1,000 per day, each day prior to August 5th that Oak Hill Road is open to traffic. To my knowledge, this is the first time that Vanderburgh County has used bonus pay as an incentive. Also as an incentive to be used, the contract calls for a \$1,000 per day penalty for each day that Oak Hill Road might remain closed after August 5th. In addition to the financial incentive, Vanderburgh County has already placed the order for the large pre-cast concrete box structure, in order to have it ready for the contractor to install as soon as possible. After this contract is awarded, the project schedule will be as follows; May 25th is the first day that Oak Hill Road will be allowed to be closed. August 5th is the final day for Oak Hill Road closure, but St. George may remain closed. September 16th is the day of total project completion. Are there any questions?

Commissioner Musgrave: Will the contractor work six, seven days a week? Do you know yet?

Patrick Seib: As far as I know, they'll only be working Monday through Friday. Whether or not we'll allow them to work weekends, I do not know yet at this point. That's something that can be worked out with the contractor, as soon as it's awarded.

Commissioner Musgrave: The time of day that they're allowed to work? Or encouraged to work?

Patrick Seib: We'll only be allowing them to work through the daylight hours, so that there is no work going on at night to disrupt the residents.

Commissioner Musgrave: It appears that the department has put a great deal of thought into this project.

Patrick Seib: Yes, this project's been a long time coming.

Commissioner Musgrave: Appreciate that.

President Crouch: And, it's my understanding that this is the, kind of the information regarding the road project is posted on the County Engineer's website, and is linked, or will be linked to the County Commissioner's website, is that correct?

Patrick Seib: Yes.

President Crouch: And that address is?

Patrick Seib: You can access it through www.vanderburghgov.org, and you can follow the links on there to the County Engineering Department, and we have this set up as a link on our main page.

Commissioner Musgrave: What is your main page address?

Patrick Seib: It's—

President Crouch: It's probably slash org, slash engineer.

Commissioner Nix: And there will be signage put out prior to the start of construction?

Patrick Seib: Yes.

Commissioner Nix: I think the County Highway Department is going to do that, just some preliminary signage.

Patrick Seib: I believe all the maintenance and traffic signs are part of the contract itself.

President Crouch: Thank you, Mr. Seib.

Patrick Seib: Thank you.

President Crouch: Do you have any other business?

Patrick Seib: Not at this time.

President Crouch: Alright.

County Highway

President Crouch: County Highway.

Mike Duckworth: Good afternoon, President Crouch, members of the Commission. Mike Duckworth, County Highway. I have a couple of items to go over with you. First of all, I had a question regarding the city lots, just for clarification purposes. I understand that once these weeds get to a certain degree, and after they've been notified by the County Attorney, that our department is going to be asked to go out and clear these areas. The money that's assessed to them, will that come back into County Highway funds? Because we're going to be expending our manpower and our equipment and those things.

President Crouch: That would be correct.

Mike Duckworth: Okay. Thank you. The second thing has to do with the fact that we are in the weed mowing season, we have two new mowers that were purchased last year. Within the last week both of those have gone down. They are both still under warranty. We had one repaired, so, we've got one new mower that's currently in operation, one has major transmission problems and that's at the shop. Our third and back up mower is a 1983 model that's pretty well on it's last legs. So, with that explanation, I am requesting at this time to utilize some of our street and road money to look into the purchase of a third mower. I'm asking at this time, I don't anticipate that the cost of this would exceed \$75,000. According to our policy I'm asking, making the request at this time to check on some prices on those items, and then get back with you.

President Crouch: Would that be new or a used mower?

Mike Duckworth: It would be used.

Commissioner Nix: Will you look at prices on new also, just to compare?

Mike Duckworth: I will. I have done some preliminary looking, and it appears that the size of the tractor and the mower deck that we're looking at are going to cause us, because of our budgetary concerns and trying to keep the costs down, and the fact that it is our third piece of equipment, it would probably be more advantageous to utilize a good, used piece of equipment. But, I will look at both areas of it in that regard.

Commissioner Musgrave: Move approval to check prices on new and used.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: The last thing, I would notify you that last week I did receive a \$62,000 check that was made out to the Auditor of Vanderburgh County in regards to our declaration of emergency on our snow removal. So, we've received that and I've forwarded that to the County Commissioners office and on to the Auditor's office to be placed back in our accounts for whatever the Commissioners deem that we utilize that for. I'll have to look into what the requirements are for that. I'll let you know that information. In regards to that, we had also submitted in excess of \$190,000 in a request to FEMA for the flood damage in the lower lying areas of Old Henderson Road and Union Township during the previous flooding that we had. Sherman Greer contacted me last week, and basically told me that at this point in time that reimbursement had been denied by the state, there is an appellate process. One of the reasons that I want to move forward with an appeal in this regard is they've allowed, in previous times, some of the Levee Authorities requests, and in this process now they're not allowing that. So, I would like to at least get with Sherman and go through the process of making that appeal. It could mean in excess of \$400,000 in to the county coffers. So, I would make that request at this time.

Commissioner Musgrave: Move approval to pursue the appellate process for the flooding reimbursement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: I would just update you just briefly to finalize that our paving is going very well. We have received and are utilizing our new roller, and it's, if you've been out on Harmony Way or Adler Road, or now Number Three School Road, or Baseline Road, those are areas that we already have completed. So, it's in the process and working well.

President Crouch: We did get a compliment that the job out on Harmony Way is one of the best paving jobs that they've seen. So, congratulations.

Mike Duckworth: It's always good to get those comments.

President Crouch: Yes. Thank you.

Mike Duckworth: Thank you.

Commissioner Nix: Thanks.

Superintendent of County Buildings

President Crouch: Next item on our agenda, Superintendent of County Buildings.

B.J. Farrell: I do have some items to bring to the Commissioners today. I wanted to remind everyone that the city-county health fair is tomorrow at the Centre from nine to two. Any employee that participates in six screenings may have their name put in a drawing. Some of the prizes are wonderful this year, we have pedometers, walking radios, recipe books, and we have five one hundred dollar gifts. It is a cash gift, and those were given to us by our insurance carrier, Torian Hofmann and Dillow. I would also like to bring to the Commissioners, Burdette, we have picked up some items from the facility out there that we are going to ask be declared surplus. We may put them in the county surplus sale. I would like to give that to Madelyn Grayson. We have one late travel request from the Health Department. Due to the timing we ask that it be approved today so they can travel the next two days. I would like to give that to the board for approval. The other item that I would like to mention is I did speak with Bev Behme from Area Plan, there are no county rezonings today. So, we will not have to have a rezoning meeting immediately following this meeting. So, I wanted to make everyone aware that we don't have anything on that agenda today. That is all I have. Thank you.

President Crouch: Questions?

Ted C. Ziemer, Jr.: Madam President, a comment. I did suggest to Madelyn that if this meeting finishes before 5:00, which it looks like it will, that someone from staff

be here at 5:00 in case some person does appear for that meeting, to simply tell them that there is no meeting.

President Crouch: Thank you.

**Reading of Bids: VC05-03-01:
Oak Hill-St. George Road Intersection Improvements &
VC05-05-01: Concrete Repairs of Various Roads**

President Crouch: And now the bid openings.

Ted C. Ziemer, Jr.: For the Oak Hill-St. George Road, Deig Brothers Construction, \$1,032,196.46. That's \$1,032,196.46. J.H. Rudolph and Company, \$734,717.80. JBI Construction Company, \$809,144.50.

Commissioner Nix: Mr. Ziemer, could you repeat that?

Ted C. Ziemer, Jr.: \$809,144.50.

Company Name	Amount of Bid
Deig Brothers Construction	\$1,032,196.46
J.H. Rudolph and Company	\$734,717.80
JBI Construction Company	\$809,144.50

Ted C. Ziemer, Jr.: For the concrete repair of various roads, Deig Brothers Construction, \$409,959.80. J.H. Rudolph, \$314,694.80. JBI Construction Company, \$274,454.80.

Company Name	Amount of Bid
Deig Brothers Construction	\$409,959.80
J.H. Rudolph and Company	\$314,694.80
JBI Construction Company	\$274,454.80

Commissioner Musgrave: Move to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

Commissioner Crouch: Second. And, I believe we have a special meeting tomorrow at noon, simply to award the bid on the Oak Hill-St. George Road improvements only.

Commissioner Musgrave: And that meeting will not unfortunately be able to be on television, because this room, where the cameras are located was not available, and we'll be meeting in our former location, 301?

B.J. Farrell: 307.

Commissioner Musgrave: 307.

President Crouch: Thank you.

County Attorney

President Crouch: Do you have any other business, Mr. Ziemer?

Ted C. Ziemer, Jr.: I do, Madam President. We have a, we are proposing a settlement in the case of Vanderburgh County versus the Deerfield Homeowners Association for an amount in the sum of \$39,500. The court appointed appraisers award was \$45,900. So, if the Commissioners accept this settlement proposal, \$39,500 will go to the homeowners association, and \$6,400 will be returned to the county. I'll remind the Commissioners that originally the landowners were seeking \$230,000 for this. I have a settlement agreement, which if you decide to accept this is to be signed by the Commissioners at this meeting.

President Crouch: Motion?

Commissioner Nix: I move we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Then I have delivered to Madelyn Grayson of the Auditor's Department two copies of a lease to be entered into between Vanderburgh County Commissioners on behalf of Burdette Park in the youth River City Baseball. This is for their use of the ball diamonds out there in arranging for, paying all the expenses in connection with youth baseball on the facilities at Burdette Park. We believe this agreement is satisfactory for execution, and Madelyn has the two copies of that proposed lease.

President Crouch: Is that a lease that we normally approve annually?

Ted C. Ziemer, Jr.: This was done last year and the year before.

President Crouch: Okay.

Ted C. Ziemer, Jr.: There's some differences in this, mainly in providing that the River City Baseball will assume more responsibility for the upkeep and maintenance of the ball diamonds than they have in the past. Also, that they will pay any real estate taxes, should any real estate taxes ever be assessed against this property.

President Crouch: Do we have a motion?

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I have here a grant from the Indiana Department of Corrections to the Vanderburgh County Sheriff's office for \$978,513 for the community corrections program. We find this agreement satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Finally, I have a Federal Equitable Sharing Agreement with the Sheriff of Vanderburgh County, which is almost identical, except for the agencies involved, as the one you approved under action items for the Prosecutor. We find it satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all we have.

New Business

President Crouch: New business? Do we have coffee with the Commissioners?

Commissioner Musgrave: I'm sorry, coffee with the Commissioners, our second meeting will be held this Thursday, 8:00 to 9:00 a.m., hosted by the Convention and Visitors Bureau at the Pagoda. All of our appointed officials, that this body appoints, and the county elected officials and our legislators have been invited to come to this informal atmosphere, and to discuss whatever they care to discuss with one another. But, we've also asked this time that they bring any legislative concerns, laws that need to be changed for the benefit of the citizenry or the departments to make things better, smoother, cheaper. So, we hope to accumulate some of those items, and perhaps discuss in future meetings or take them on as marching orders.

President Crouch: Thank you. Any other new business? There is one item, I don't know if it really falls under new or old business, but back in 2003 the County Commission did approve a drug free/alcohol free workplace. One of the conditions of that was pre-employment testing for new hirees, drug testing. It was based upon, or contingent upon budgetary funding. We currently have no funding for that, but if it pleases the Commission, I would ask that we go to Council and seek an additional appropriation for funding for our new hirees for that.

Commissioner Musgrave: How much are we going to ask for?

President Crouch: I recall that when this was first discussed, and we would have to go back and review, I believe that it was figured that about \$15,000 would be adequate for the time period that we're looking at.

Commissioner Musgrave: It's about \$75 per—

President Crouch: I think it's a little bit less than that, about \$40 is what I had heard.

Commissioner Nix: It's \$40 to \$45 per test.

Commissioner Musgrave: Okay, does the ordinance allow us to test only new hires?

President Crouch: It is only new hirees, and then probable cause.

Commissioner Musgrave: Okay.

President Crouch: And I would like to ask that the County Attorney look at that and see if we need to address it for random drug testing. We do have random drug testing with the Sheriff's Department and with the County Highway. It may be that we perhaps need to look at expanding that to all county employees.

Commissioner Musgrave: I make a motion that we have the County Attorney bring to us a revised ordinance for random drug testing of current employees as well as the pre-employment testing, and to file the appropriation for \$20,000?

Commissioner Nix: \$15,000.

Commissioner Musgrave: \$15,000, in order to fund this.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Will you be taking this matter to Council?

President Crouch: Certainly.

Commissioner Musgrave: Okay.

President Crouch: Mr. Ziemer, we would, you would look at perhaps providing language to amend this, if that is possible? The current ordinance.

Ted C. Ziemer, Jr.: Certainly.

President Crouch: Okay, thank you.

Old Business

President Crouch: Old business?

Commissioner Nix: Yes, I have something here. The community corrections, I sit on the board for Vanderburgh County community corrections, and in light of the tragic events, which occurred, and I apologize I don't have the date here in front of me, about a month ago where four individuals lost their lives, we as the community corrections board have formed a sub-committee to evaluate, I guess, we want to look at this whole process that occurred and everything that's happened. We will gather information and report back to the full board, or full community corrections with recommendations. They will approve or disapprove the recommendations that we make, and then at that time I will report back to the Commissioners.

Commissioner Musgrave: Okay.

President Crouch: Thank you. Any other old business. Seeing none.

Public Comment

President Crouch: Public comment. This is an opportunity for members of the public to comment to the County Commission about items that fall within the County Commission's jurisdiction. Seeing no one.

Consent Items

President Crouch: Consent items. If we could do a motion for all the consent items, and amend the consent items to add the late Health Department travel request.

Commissioner Musgrave: So amended. I move to approve the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Move to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 4:04 p.m.)

CONSENT ITEMS:

Employment Changes:

Area Plan (1)	Coroner (1)	Burdette Park (3)
Health Department (1)	Co-Op Extension (1)	County Clerk (2)
Auditor (1)	Sheriff Department (1)	Jail (3)
Public Defender (1)	VCCC (3)	

Travel Requests:

Commissioners (1)	County Engineer (1)	Health Department (1)
Weights & Measures (1)		

Auditor:

Satisfaction of Barrett Law Assessment: Tax Code 02-150-02-432-010
Approval of Covered Bridge Certification

Building Authority: Letter Concerning Work Station Donations.

Burdette Park: Day Camp Shows: Contracts & Blue Claims (3)

County Assessor: Burdette Swim and Golf Passes.

County Clerk: Monthly Report for March 2005.

Commissioners:

Jail Construction Payment #58: \$62,946.46
Community Corrections Payment Requisition #9: \$143,947
Council Call: Unemployment: \$30,000

IBAP Gatekeeper: Report of Program Specifics: 1997 to Present.

Legal Aid Society: March 2005 Report.

Purchasing: January and February Monthly Reports.

Treasurer: YTD Investment Reports.

Sheriff:

Community Corrections Grant.
Weekly Jail and Community Corrections Reports.

Superintendent of County Buildings:

New Travel Request Form.
Removal of Fixed Assets Letter.

Vision-e: Monthly Report for April 2005.

Department Head Reports:

Burdette Park	County Highway	County Engineer
Ozone Officer	SWCD	Veterans Service
CIO		

Those in Attendance:

Suzanne Crouch

Bill Fluty

Madelyn Grayson

Mike Duckworth

Cheryl Musgrave

Ted C. Ziemer, Jr.

Paul Summers

Others Unidentified

Bill Nix

B.J. Farrell

Patrick Seib

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
MAY 18, 2005**

The Vanderburgh County Board of Commissioners met in special session this 18th day of May, 2005 at 12:00 p.m. in room 307 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County special meeting of May 18th at noon.

Award of VC05-03-01: Oak Hill Road-St. George Road Intersection Improvements

President Crouch: The purpose of this meeting is to award the bid for VC05-03-01, Oak Hill Road-St. George Road intersection improvement. We have with us our Assistant County Engineer who will make the engineer's recommendation, Mr. Pat Seib.

Patrick Seib: Good afternoon. I would like to recommend awarding contract number VC05-03-01 to J.H. Rudolph. They were the low bidder on the project, in the amount of \$734,717.80.

President Crouch: And, are we....oh, I guess, we need a motion.

Commissioner Musgrave: Move to approve the low bidder as recommended by the County Engineer's deputy.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Seib. Are we going to have a meeting or a briefing?

Commissioner Nix: We are going to have a pre-job meeting with the contractor and all the utilities involved. We haven't set a date for that yet, but I'll for you or Mr. Stoll to get back with us and we'll have that before the job's started.

President Crouch: Real soon?

Commissioner Nix: Yes, real soon.

Discussion of Items Commissioner Musgrave is Working On:
(A) Letter to Judges about Access to Courts Records to
Run Certain Infractions against County Employee Database
(B) Information on Obtaining Driving Records of County Employees
Who Have Permission to Operate County Vehicles

Commissioner Musgrave: Madam President, if that's the last of the business here, I have a couple of items that I want to tell the Commissioners that I am going to be pursuing between now and our next meeting.

President Crouch: But, we won't be taking action.

Commissioner Musgrave: We will not take any action, I just want to let you know that I'm going to pursue this. I'm going to have ready for your signature, if you so desire to do that, on Tuesday, a letter to the judges and the County Clerk asking to explore the possibility of access to their records. Now, the purpose of this would be to take our list of county employees and tie it in with their database of infractions, and we would have to work out between us with infractions. For example, we might not care if anybody got a divorce, but we might care if somebody was arrested for murder, a county employee. So, this database would check that automatically, and be designed to inform the Commissioners and the Auditor if such an event happened. So, I am going to work on that letter, and I'll bring it to your attention on Tuesday. Then there is one other thing that I'm going to work on, I had contact this morning with the Deputy Sheriff, Eric Williams, what I would like for the Sheriff's Department to do, if the attorney determines that there is no legality issue here, is take all the drivers of county owned vehicles, county employee, county owned vehicles, and run that against any available database to look for driving offenses. So, that we're aware if there are any problems with any of our employees who operate our vehicles that we own. So, I'm working on those two things, I'll bring it back to you.

Commissioner Nix: I was going to say, that may help with our insurance rates over time too. You may want to talk to our carrier, because I know that that does help when companies do that, so.

President Crouch: That will be, you're talking about the Sheriff checking that against, not just our Vanderburgh County, but against other states?

Commissioner Musgrave: What he has told me is that he can check it against the entire state's registry, Indiana's registry for driving offenses. I asked if there was a national registry, and he said that the thing there is that states have to agree to cooperate and share those records, and that most states have not agreed to cooperate with Indiana. So, I'll specifically want to know from him which states are cooperating with Indiana? What can we do about the rest of the states who don't? How can we, for example, I asked him does Kentucky, Illinois, Ohio, and Michigan, do they cooperate with Indiana? He said, no. So, you know, I go to Kentucky all the time, I'll bet county employees go to Kentucky sometimes too. So, I would like to find out how do we get that information? So, there are some things to work out there, and, hopefully, I'll have some of this worked out by Tuesday, and I'll report my progress.

President Crouch: In addition to doing a letter, could you have a conversation with the courts?

Commissioner Musgrave: Who would you recommend that I talk to over there?

President Crouch: I know that with the courts technology it seems to be that Judge Knight is the person in charge. So, that might be a good place to start.

Commissioner Musgrave: Now, sometimes I'm not fully aware of the oversight given by the courts to the Clerk. Or is it the Clerk and the Judge together? The Clerk alone with the advice of the judge? Or is that something that—

President Crouch: I would just—

Commissioner Musgrave: Work it out?

Commissioner Nix: Motion to adjourn.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 12:06 p.m.)

Those in Attendance:

Suzanne Crouch

Bill Fluty

Patrick Seib

Cheryl Musgrave

Ted C. Ziemer, Jr.

Others Unidentified

Bill Nix

Madelyn Grayson

Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
MAY 24, 2005**

The Vanderburgh County Board of Commissioners met in session this 24th day of May, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, May 24, 2005. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

B.J. Farrell: Superintendent of County Buildings, B.J. Farrell.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Hannah Clark: AIC Essay Winner

President Crouch: Thank you. I believe we'll just go a little out of order on the agenda. We have a very special guest with us today, Hannah Clark, who is the AIC essay winner.

Commissioner Musgrave: Yes. We would like to have Hannah and her mother, Tammy Clark, to come to the podium, if you will. Hannah was the winner in the Association of Indiana Counties essay contest, where the contest was to write an essay recognizing a county employee or office that you consider a hero. So, Hannah's was one of three winners in the state. She won a \$50 award, and so I present to you and welcome Hannah Clark. If you'll pull the microphone down you can go ahead and read your essay.

Hannah Clark:

"My county hero. My county heroes are foster care workers. Foster care workers take care of children who's parents can't take care of them or have abandoned their children. I think foster care workers are heroes because they find good homes for children and they take the kids and make sure that their foster parents are being nice to them. The foster care workers should treat the children kindly and also provide stuff those children need. What would it be like without foster care workers? Well, it would be pretty bad. The children could get really bad foster parents who might abuse them, starve them, or make

them work a lot. I think it would be fun to be a foster care worker because you get to work with children.”

Commissioner Musgrave: Hannah, you’re a third grader at Evansville Christian School, right?

Hannah Clark: Yes.

Commissioner Musgrave: Well, you’re going to be a fourth grader now. We’ve got to keep up. Well, thank you very much for coming, and congratulations.

(Applause)

Legal Aid Board Presentation

President Crouch: Next item on our agenda, Legal Aid board. This is an opportunity for boards and commissions that the Commissioners make appointments to, to tell us a little bit about what they do, and what their goals and missions are, and to educate not only the Commission, but the public on their particular boards. So, we’re very pleased to have with us today Legal Aid.

Kelly Lonnberg: Thank you. I’m Kelly Lonnberg. I’m an attorney at Bowers Harrison, and I’m currently the president of the Legal Aid board. Legal Aid was created by the Evansville Bar Association in 1958 with community chest funding. It became a city-county agency in 1973. In 1992 the community service council of central Indiana did a state wide legal needs study and determined that only ten percent of the legal needs of the poor were being met. Legal Aid has a staff of three attorneys and three secretaries. That’s a combined experience of the attorneys of over 54 years. By comparison, the last time we checked there were 26 attorneys in the Prosecutors office and 24 attorneys in the Public Defenders office. Legal Aid has, well, Vanderburgh County has 500 attorneys listed, currently registered, and our three at Legal Aid represent less than half of one percent then of the total attorneys. In 2004 Legal Aid handled four percent of all the adoptions filed, ten percent of all divorces filed, and 22 percent of all guardianships filed. We require our clients to meet strict financial eligibility guidelines to be accepted for services. Right now those guidelines are at 125 percent of the federal poverty level. We ask for household income for everyone in the household to determine their eligibility, and the board just recently approved a modest increase in the guidelines to coincide with the 2005 federal poverty guidelines. To give you some examples, a person’s annual household income, if it were \$22,620, there would need to be at least four persons in the household for them to be eligible for Legal Aid services. With an annual income of \$53,404 in the household, everyone working, that would require 12 persons to be living in that household to be eligible for Legal Aid. So, you can see that the attorneys at Legal Aid represent only the really extremely poor, not the middle class, and, generally, not the working poor. In 1986 there were nine judicial officers to hear cases, and now there are 16. So, the numbers certainly have increased in the attorneys who handle cases, and the judges who handle cases in the legal system, however, Legal Aid’s gone from one attorney to three during that period of time. We’re governed by a board of 12, six are attorneys that are appointed by the EBA, and three are non-attorneys who are appointed by the Commissioners, three non-attorneys appointed by the Mayor. Board members serve three year terms, and they must step down after having served two terms, so that we don’t have long term board members. An inter-local operating agreement between the city, the county,

and United Way was approved by all parties in 1986 and governs us along with our bi-laws. So, it's a three way funded organization currently. The board meets the second Monday of each month at the YWCA. Each board meeting, one of the things that the attorneys appreciate hearing, well, all of the board members appreciate hearing is an element that we refer to as focus on the service. At that time one of the three staff attorneys will describe a case that they've had and the outcomes and the struggles that they went to, or the benefit that was done for the client as a result of their work. That's eye opening for the non-attorneys on the board, and certainly makes the rest of us who work in private practice appreciate the work that Legal Aid does, non-fee based basis. Often one of the questions that is asked is what's the difference between Legal Aid Society and Indiana Legal Services? Indiana Legal Services is entirely federally funded, and it was created in the 70's. Their Evansville office serves an 11 county area. They have special grants to represent the homeless and the elderly, and, otherwise, Legal Aid is really the first line of defense in Vanderburgh County. Indiana Legal Services is the first line of defense in the other ten surrounding counties who do not have a Legal Aid Society office. In addition to regular representation of the individual clients on a daily basis in court, the attorneys also participate in many collaborations in the community, including the School Community Council, Partners in Caring, Coalition of Concerned Outreach Agencies, Housing Alliance, Policy and Planning Council for Homeless Services, the Evansville Bar Association, Volunteer Lawyers Program of Southwestern Indiana, Council of United Way Agencies, William H. Miller Law Library Foundation, the Evansville-Vanderburgh Commission on Domestic and Sexual Violence Enforcement Committee, National Legal Aid and Defender Association. So, there's much committee work and collaborative community work being done by Legal Aid, as well as just their work in the courts. Our attorneys represent individuals in predominantly family law, matters of custody, because, of course, they're not doing criminal work, they're doing civil, and many of the issues that arise for low income clients are family law related. That being custody, child support, parenting time issues, guardianships, and adoptions. Legal Aid represents the bulk of the low income persons at the Albion and the YWCA Battered Women's Shelters. In conjunction with Albion Center and YWCA, Legal Aid has had the opportunity to train all new police officers on civil custody issues. Susie Hartig has been doing that for a number of years now. Last year we presented the same training to all the city police officers. We make ourselves available to social service agencies and schools, and each semester Legal Aid speaks to pregnant teens at the Henry Reis School, alternative school. We produce eight educational fliers, which we attempt to distribute widely. Those are; What is Legal Aid, Protective Orders, Child Custody Orders, Visitation Rights and Parenting Time, Evictions, Proceeding Supplemental, Small Claims Court, Defense of Information for Contempt. So, those are some subjects that the clients are likely to see come up, and these are just little pamphlets they can pick up to take home with them, to kind of help them understand what the process is. We also purchase and distribute nine educational fliers from the Association of Family and Conciliation Courts on basically family law issues. Likewise these are brochures they can pick up and take home with them on; long distance parenting, or separating and divorcing parents, legal matters that might arise. Parents ask questions about separation, divorce and child custody, a guide for stepparents, preparing for your custody evaluation, those types of things. Making a parenting plan work is another one. We also print the Indiana Parenting Time Guidelines, and have those available for low income persons. Because, obviously, that is something that regularly the courts now order in the typical custody case or child related divorce case. Many of our clients do not have access to the Internet where they can just pull it up and look at it. So, we give them little pamphlets that they can take home with them, and then they'll have a reference point if they have

a concern about how we're supposed to handle this upcoming holiday, for instance, exchange. United Way now provides about 20 percent of Legal Aid's funding, and they focus on outcome measures. So, for them we also work to provide program statistics, we do a satisfaction survey that we send out to the judges asking about the performance of the Legal Aid attorneys. I'll tell you that it always comes back very positively. Satisfaction surveys also go to the clients. Those are hard to get back, as a general rule, but we're working on that, and trying to think up some other avenues of actually getting them responded to at a higher percentage. We also calculate a value of the services that we provide on an annual basis. We just upgraded what we're calculating those values to be. What we've done is take a look at what the standard fees are in the area for these types of services to determine what the then net value would be if these clients had to pay for their services through private counsel. In 2004, Legal Aid worked on 796 cases, through three attorneys, and provided \$1,283,370 worth of services for the year. Indiana was the 50th state to address IOLTA, which is Interest on Lawyers Trust Accounts, and to use those funds to provide legal service to the indigent. When Indiana did that they created 14 districts, and the Southwest Indiana district consists of 11 counties. LAS and ILS, Indiana Legal Services do the intake for the Volunteer Lawyer Association. So, now that's another aspect of their responsibility is to do the intake and determine if those clients are eligible for their services, or if potentially, because of a conflict or other concern they can be referred out, and then the VLP will locate private counsel who's agreed to do some pro bono work. Legal Aid also works regularly with the Talk to a Lawyer Program, the first Thursday of each month from 4:30 to 7:00 p.m. There's a telephone number that people can call and ask an attorney legal questions, and one member of the Legal Aid Society attorneys is always present at those. So, they've made a commitment to volunteer for every one of those on a monthly basis. In addition, Susie Hartig has been very helpful with Judge Knight and the Evansville Bar Association in establishing what is really a premiere program in the IOLTA area. Only Indianapolis and Gary receive more funding than the Evansville area district has received. Legal Aid is also very proud of their web site. It's at www.vanderburghgov.org/LAS. It was originally developed by Bristol Meyers-Squibb, an employee there as part of the United Way Day of Caring. In 2004 the Evansville Bar Association awarded it's Spirit of Justice Award to Sue Hartig, the Director of Legal Aid, who's here with me today. They did that for the outstanding work that she has provided, providing equal access to justice for those most at need in our community. We make pro se packets for individuals who ask for paperwork, who are just asking for help. We handed out 252 such packets in 2004, and in some cases clients are just asking for advice or information about preparing documents so that they can do it themselves, but a full 66 percent of the clients who have come in to Legal Aid have cases which are handled then in court, as opposed to negotiating prior to resolving outside of court. LAS is a not-for-profit, excuse me, law firm, criminal defendants are entitled to a lawyer to represent them, but there's no such entitlement in civil law. So, if Legal Aid didn't exist, all of these numbers of cases provided for, all of these people that have come through the doors would have no representation. The offices are small, and insufficient really for the work that they do, and the meeting space that's needed in a confidential matter, but they manage well with the space that they have, and they do so, and are as efficient as they are primarily because they are as close to the courthouse as they are. They are able to utilize the computer system, and the telephone system, and they are back and forth from court to the office hoping to get some things done in between their court calendar, and being so close has made them efficient. I would say as a private practitioner, one of the biggest differences between what I do on a daily basis, and I do practice in the family law area, so, I have some experience in what they do, is what's important to the partners in my firm is whether or not I can bill for the time that

I spend. If I can bill that time, whether it's traveling to and from court, or whether it's negotiating prior to, everybody's happy from the business standpoint, and Legal Aid's goal rather than to make money is to serve the most number of clients. I think they do that very well. I'm proud to be a board member, and proud of the representation that the Legal Aid Society has for the underprivileged in this community. Does anyone have any questions?

Commissioner Musgrave: Just one question. You said that 20 percent of your funding comes from United Way. I'm looking at your website here, it says it comes also from the City of Evansville-Vanderburgh County, are those property tax dollars that fund that? Perhaps the Auditor can shed some light on that. Is that property tax dollars that goes into funding this?

Bill Fluty: To Legal Aid?

Commissioner Musgrave: Uh-huh.

Bill Fluty: No, I'm not aware of property tax dollars.

Commissioner Musgrave: Okay.

Bill Fluty: Rephrase that question.

Commissioner Musgrave: Well, she said 20 percent of her funding comes from United Way, so, the remaining 80 percent comes from?

Bill Fluty: From the County General Fund.

Commissioner Musgrave: County General Fund.

Bill Fluty: Then again, property tax dollars. I'm sorry, I didn't understand your question.

Commissioner Musgrave: Okay, so, the answer to the question when people come up to me, and they do, asking me what the county does for the poor, this is one of the answers to that question.

Kelly Lonnberg: It certainly is, yes.

Commissioner Musgrave: Okay.

Commissioner Nix: Some of that money also comes from the city?

Kelly Lonnberg: Yes, it is a city-county jointly funded.

Commissioner Musgrave: Okay.

Kelly Lonnberg: I'm sure Susie knows better than I do what the percentages are, but I know that it is jointly funded city and county.

President Crouch: Do you have other guests with you that you would like to introduce?

Kelly Lonnberg: Sure, if we have just a minute.

Wendy McCormick: My name is Wendy McCormick. I'm pastor at First Presbyterian Church, and I am as of last week an expired member of the Legal Aid Society board. I served six years as a Mayor's appointment, and, obviously, a non-attorney board member. Certainly affirm everything that Kelly says about the wonderful work that they do. It's a privilege to be on the board and to get inside and see something that the community is able to provide. The attorneys on the board tend to refer to it as a not-for-profit law firm. Those of us that deal more in human service see all those community collaborations that are being provided, as you say, on behalf of the taxpayers to the neediest people in the community. These, all these meetings that Susie Hartig just shows up at, find us collaborating with the schools, and with the other United Way agencies, and really helping people to get from one place to another. This may be their point of entry, maybe a legal need, but to help them get the other services that they need as well. So, I can't underscore enough what an opportunity it was to learn about this, and to see how far they stretch the community dollar to help people. That's all I'll say, thanks.

President Crouch: Thank you.

Commissioner Nix: Thank you.

President Crouch: Thank you all very much.

Kelly Lonnberg: Thank you for your time.

President Crouch: Thank you for yours.

**Approval of May 17, 2005 Commission Meeting Minutes &
May 18, 2005 Special Commission Meeting Minutes**

President Crouch: I overlooked the approval of the minutes. We need to backtrack a little bit for that.

Commissioner Musgrave: I move approval of the May 17th Commission meeting minutes, and the May 18th special meeting minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Girls in Bloom Update

President Crouch: Next item on our agenda, Girls in Bloom update. Mrs. Patty Avery is here to bring us up to date.

Patty Avery: I'm happy to share the agenda today with Legal Aid, because Sue Hartig as well is on Girls in Bloom, on our Girls in Bloom committee. I wanted to come share with you the most recent development in Girls in Bloom, which was very exciting for us. On May 10th, at the Leadership Evansville Award, we received the Best in Division Award for a significant project in Evansville. Leadership Evansville

recognizes collaborative efforts. As I looked over their criteria, I said, well, I guess we really are a poster child for collaborative projects. I think we're one of the few projects that has been able to access and leverage input and resources from such a wide variety, from government, from the private sector, from the public schools, from the private schools. So, we are in a very unique position, and because, in large measure, of your assistance and your commitment to Girls in Bloom, we have been able to provide what is rapidly becoming recognized as a very valuable program to the young girls in the city of Evansville. I brought with you, for the record, I brought a copy of the program and the list of the other winners in our division. Frankly, we were shocked. We'd been led to believe that there was good reason to hope that we had won, but we did not, we certainly did not expect to win for the whole division. There were 15 other projects nominated, and we were thrilled. The whole committee went up with me to receive the award. Suzanne was able to be there a good part of the evening as well. So, it was a very exciting evening for us. In the true collaborative spirit of Girls in Bloom, instantly on the spot that night, the committee said, well, the award will rotate, won't it? So, I brought the award with me for Suzanne as chair of Girls in Bloom to have in her office for a little while. But, don't worry, we will come get it. We've enjoyed it at Old National this last month, and we'll be passing it on then to another committee member and collaborator, but thank you so much. We are making progress already for next year. I've got a meeting scheduled with the Centre to begin the process of sifting through and finding a date that will work for them and a date that works for us. So, we are moving forward. So, thank you again for your support.

Commissioner Nix: Congratulations.

President Crouch: Thank you, Patty.

**Commissioners: Mc Carter & Associates Consulting Contract &
West Heights Trade School Building Lease Payment**

President Crouch: Next item on our agenda, approval of contracts, agreements, and leases. Do I have a motion?

Commissioner Musgrave: Move approval of the McCarter & Associates contract, and the receipt of the lease payment in the West Heights Trade School building.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**PAR, LLC: Vacation of Public Right-of-Way Easement:
Airport Industrial Park**

President Crouch: Next item, PAR, LLC, vacation of a public right-of-way easement. Motion?

Commissioner Nix: We've got somebody to speak.

Adam Farrar: Commissioners, my name is Adam Farrar. I'm a lawyer for Bamberger Foreman Oswald and Hahn. I represent Building PAR, LLC, the petitioner in this matter. I had hoped to come to you today to plead my case for the vacation of a public right-of-way located in the Airport Industrial Park here in Vanderburgh County. But, unfortunately, as I was putting together the file and getting ready today, we realized that we neglected to serve notice on one of the abutting property owners. So, what I'm coming here today to do is to request a continuance for the next Commissioners meeting, so that I can have time to get a certified mailing of the notice out to the other abutting property owner. Hopefully, by the next meeting I could have the green card back to show you that he's been served.

Commissioner Musgrave: Move to continue this to our June 7th meeting.

Adam Farrar: Okay.

Commissioner Musgrave: There will be no meeting next week.

Adam Farrar: Okay. And, oh, I'm sorry, go ahead.

Commissioner Nix: No, no.

Commissioner Musgrave: Second?

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Adam Farrar: And, just for the purpose of clarity, what I would like to do is provide the abutting property owner who is not served notice pursuant to Indiana Code, the other property owners that were served, and I don't know if anyone has shown up today to remonstrate or to object, but I would like to just send them a courtesy letter, first class mail, to let them know about the change, if that will be alright.

Commissioner Musgrave: As long as that meets the letter of the law that's fine.

Ted C. Ziemer, Jr.: Well, it does, because if they planned to be there today, and they were notified, they would be here. If they were here, they hear what you are saying, and what you have done. So, but, I think a courtesy letter would be nice.

Adam Farrar: Sure.

Ted C. Ziemer, Jr.: I do have one question, just since you are here. I just received this afternoon a copy of, in your packet, after you had notified Vectren and all the other parties, there was no indication of anyone having an objection.

Adam Farrar: Correct.

Ted C. Ziemer, Jr.: Now, I see another letter that's been received from Vectren indicating that they do want a reservation of right-of-way. Have you received that?

Adam Farrar: I think I know what you're talking about. Some of the utilities had concern that this public right-of-way crosses through a public utility easement. We want it to be clear that we're not trying to, nor do we want to vacate the public utility easement that crosses the public right-of-way. I'm not sure if that's the concern that they're expressing there.

Ted C. Ziemer, Jr.: Do you want to just look at this?

Adam Farrar: Sure. See, this is the first time I've seen this.

Ted C. Ziemer, Jr.: And I only got it delivered to my office this afternoon. So, I wasn't sure whether you would have seen it or not. I think, you'll certainly have that in your office. I mean, it's addressed, is it not addressed to—

Adam Farrar: It's addressed to the Commissioners.

Ted C. Ziemer, Jr.: Oh. Okay, we need to have a copy of that then made for you. We'll do that. Then, I think, after you've reviewed this, this may mean that you need to revise the ordinance—

Adam Farrar: Revise the ordinance.

Ted C. Ziemer, Jr.: —to show their reservation of this easement, if, in fact, you agree with it.

Adam Farrar: Right.

Ted C. Ziemer, Jr.: If you don't, you'll tell us about it.

Adam Farrar: Right.

Ted C. Ziemer, Jr.: The other question I had, the deferral of this to June the 7th will be for public hearing again. Is that correct? We would not plan to have that be first reading for the ordinance.

Adam Farrar: And also, to be clear, there should be no need for republication, Mr. Ziemer?

Ted C. Ziemer, Jr.: I don't think that's necessary. No.

Adam Farrar: That's our position.

Madelyn Grayson: Mr. Ziemer, may I have that letter for the record as well? I don't have that. Mr. Farrar, I'll need copy of all the letters that you send to the abutting property owners.

Adam Farrar: Okay, sure. Ms. Grayson, I also brought two green cards from property owners that I did not have when I supplied those to you.

President Crouch: Thank you.

Adam Farrar: Thank you.

Building Commission: Weed Ordinance

President Crouch: Next item on our agenda, Building Commission, the weed ordinance. I guess, it's that time of year.

Roger Lehman: Madam President, members of the Commission, Roger Lehman, Building Commissioner. We are, yeah, in the throws of another overwhelming year of dealing with weeds in the county. The suggestion has been made, right now the requirement is that until the grass or weeds get to be 12 inches tall, that we have no jurisdiction to regulate them. The process we take to get weeds cut, if owners choose not to do it themselves is relatively time consuming. It takes about 15 to 20 days between the time that we go out and look at it, to say that, no, it hasn't been, or it is a violation on the first inspection. To go back ten days later to say, no, they haven't cut it. So, it's still in violation. Then we have to arrange to have a contractor come and mow it. That whole process is pretty time consuming. The suggestion has been made that we mirror the city requirement, at least in subdivisions, within subdivisions in the county, and change the 12 inch height to nine inches in height. What that will do, it gives us a little bit more chance to get the weeds cut before they get quite so tall, is about the best that we can ask for. The regular regulation, or the regulation as it is now, works relatively satisfactory in other situations. But, inside subdivisions where people take extra care of their lawns and landscaping, to be adjacent to a house with weeds, or a lot with weeds is probably an unfair imposition on their property; mosquitos and bugs and rodents, or whatever. So, our recommendation would be that we look at changing the ordinance, simply by changing the 12 inch to nine inches in height, within platted subdivisions. I guess, that's the right terminology, recorded or platted.

President Crouch: And, the County Attorney can go ahead and make that change, and then bring that to us?

Ted C. Ziemer, Jr.: If that's what the Commissioners want me to do.

Commissioner Musgrave: I make a motion to have you do that.

Ted C. Ziemer, Jr.: I will. Then I'm going to add, in addition, a provision allowing us to bill the property owner after we, after you cut down the weeds, if they don't cut them down themselves, as a first step, before we place it on the tax duplicate as a lien. So, you do your thing, if they don't, and then we would bill the property owner to pay for this. If they don't pay for it, then we would certify it as a lien on the tax duplicate. So, that requires another change to do that as well.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Lehman.

Ron London: You all have a good day.

Commissioner Nix: Thanks.

County Highway

President Crouch: Next, department heads. Any department head that has action that requires the board to actually take action needs to come forward at this time. The County Highway Superintendent has asked to go first. He has a graduation to attend. So, if it pleases the Commission, we'll oblige him.

Mike Duckworth: Good afternoon. Thank you for letting me step up in line. Got a lot going on, and I've got several things that need some action and request your time. Madam President, members of the Commission, Mike Duckworth, County Highway Department. As Mr. Lehman said, we are into the weed cutting season, and not unlike many details that we have, equipment has a tendency to, when it's overworked and extremely old, has a tendency to break down. Unfortunately, I'm here to report on a couple of those situations which has caused us to ask for immediate action. First and foremost, not only are we in the weed cutting shoulders of the road business at this point in time, we're also in the good weather where we replace culverts and do drainage work and ditch work. Within the last day I had a hydra hammer, which is a piece that breaks up old pipe that is part of a pretty good piece of equipment break down. The problem is, unless you completely replace that equipment, which is at a cost of about \$28,000, you have to have it rebuilt, and while you have estimates on it being rebuilt, you don't want your crews sitting and not being productive. So, we do have an account that allows us to rent equipment and so on. I'm asking to proceed with a \$1,060 one week rental of this type of equipment.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: The second thing has to do with our mowing situation. It came to you at the last meeting, I requested to get pricing in an emergency method, because of the fact that we have two new mowers with side decks that simultaneously just about went down. We have one other 1983 model that two days later went down. So, at one time we had all three of the county's major mowing pieces of equipment down, and, of course, with our mechanics working and looking at things such as warranties and those kinds of things, I'm happy to report that one was a minor repair that we've gotten taken care of under warranty. The other is going to be an extended situation where the new piece of equipment is going to be down for a little while. The third piece of equipment, the 1983 Case is pretty well shot, which has caused me to come last week and ask for you to allow me to take prices on used and new equipment. I've done that for the last three or four days, trying to find a used piece of equipment that would be respective or responsive to what we need to do in our regards, and try to be as frugal about it as I can. The bottom line is, this is the worst time of the year to be purchasing anything like that, because what is new and has not been sold is being rented. So, it leaves me no other recourse than to request to you that after taking bids from these three vendors; Poseyville Farm Sales, Stone and Stemle, which is a John Deere dealership here in Evansville, and

Southeastern, which is a New Holland dealership here in Evansville, after looking at the pieces of equipment that they have readily available that I can get in the quickest amount of time to get them out there performing, those three bids, I am going to recommend that we go ahead and purchase a mower that, and a tractor, that, this is a two piece equipment purchase, one would be for a John Deere 6320 two wheel drive tractor with a 60 inch side deck mower. Stone and Stemle's price of \$61,790 is the highest bid, and I'm going to recommend that, and I'll tell you why. The other two quotes, Poseyville at \$59,035 is a John Deere 6320, but we're getting the highest government discount from Stone and Stemle, but we're also getting \$3,111 worth of extra attachments that we feel are necessary that make this piece of equipment a stronger, and, I think, a stronger piece of equipment and one that will better serve us. So, the Southeastern Equipment is a New Holland TSI 100A, also a two wheel drive at \$60,750. They're all extremely close, within a couple thousand dollars of each. The New Holland has the same type of equipment that the new equipment that was bought a year a half ago is breaking down. I don't want to take that chance again. The mechanics that the county employs, and the supervisors that oversee the shop have estimated that our best deal is to go with the John Deere 6320 with the attachments that we talked about at \$61,790. That's my request to go ahead and purchase that at this time.

Ted C. Ziemer, Jr.: Are the quotes in writing?

Mike Duckworth: Yes, they are.

Ted C. Ziemer, Jr.: Do you have those with you today?

Mike Duckworth: Yes, I do.

Ted C. Ziemer, Jr.: Will you leave copies with the—

Mike Duckworth: Yes.

Ted C. Ziemer, Jr.: Thank you.

President Crouch: So, am I understanding you correctly that even though you're recommending the higher bid, but that does include \$3,111 worth of extras that the other two bids do not include?

Mike Duckworth: That's exactly right. The reason we couldn't get the exact same quotes and bids is because this is what the company's have available. These attachments are already prefitted on these pieces of equipment, and, so, it's not like I have, you know, three or four months to get exact quotes of exact, I had to get the closest that I could get. This is as close as I could get and the best fit for what we are wanting to do with this piece of equipment.

Commissioner Nix: How does this compare, this piece of equipment, with the other two mowers that we have that are operational?

Mike Duckworth: It's much smaller, and it has a much more basic package to it. Those others were probably somewhere between a \$90,000 and \$100,000 piece of equipment. Of course, this is much smaller, it's going to be used for different types of mowing, mostly just shoulders of the road, and that kind of thing. Where the others can actually reach out with their equipment, their mowing equipment, cut the sides of hills, and embankments and those kinds of things.

President Crouch: So, if you did take off the extras it would be \$58,679 –

Mike Duckworth: That's right.

President Crouch: – is what it would be if those were stripped off, but because you have to buy it with those on–

Mike Duckworth: They're pre-fitted, that's right.

President Crouch: –because they are already in the season and the inventory is getting short, we would have to take that particular, that's what you're recommending.

Mike Duckworth: Yes, Ma'am.

President Crouch: But, in actuality it isn't, if you back out all those extras.

Mike Duckworth: That's right.

Commissioner Musgrave: Move to accept the recommendation of the Highway Supervisor.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

Mike Duckworth: That's all I have, other than I know B.J. is going to speak a little bit about surplus equipment, and our department will be involved in that, as well as cutting the county lots, and we'll be working together with them on that as well. I appreciate your time, and letting me go first.

President Crouch: Thank you.

Mike Duckworth: Thank you.

Madelyn Grayson: Mr. Duckworth, may I have those written quotes for the record?

Mike Duckworth: Yes, I sure will.

County Engineer

President Crouch: County Engineer.

John Stoll: First, I would like to recommend approval to award contract number VC05-05-01, concrete repair of various roads to JBI Construction for the amount of \$274,454.80. They were the low bidder on the project.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request approval of a supplemental agreement for transmission line relocations on the University Parkway project. This increases the total cost by \$2,234.11. Of that 80 percent will be federally reimbursed, so, our costs will be, what, \$440. I've had Ted review the agreements, and he said they were okay from the legal perspective, so, I would request approval of the supplemental agreement.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, next, I would like to request approval of the street plans for Section Two of Wynnfield Subdivision. This is approximately 36 lots located at the southeast corner of Green River Road and Kansas Road. This subdivision, these road plans also include the widening, the addition of turn lanes out on Green River Road, similar to what was done when the soccer complex was built out on Green River Road. I recommend approval of the street plans, subject to getting a note added to the plans that indicates that the contractor must contact the County Engineering Department when their backfilling the sanitary sewer crossings within the street right-of-way. That way we can, hopefully, insure that there won't be settlement problems, where we have been seeing that as of late.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, next, I would like to request approval of the plans for the upgrade of Interchange Road South. This is the road that I e-mailed you about last week. It's located off of Burkhardt Road. Right now it's a privately maintained road that the developer wants to upgrade, becoming county accepted. The plans involve patching, new curbs, widening, and I've reviewed the plans and would recommend approval of their upgrade plans. Then, ultimately, when it's done, then we can accept them for maintenance, and, hopefully, prevent a future Barrett Law project.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, next, I would like to request approval of the street plans for Blue Heron Estates Subdivision. This is an 80 lot subdivision located about 500 feet east of Green River Road off of Millersburg Road. This subdivision, I've reviewed the street plans for this subdivision, and I would recommend approval of this subdivision, the street plans, subject to the developer and contractor will need to come back to us with their final sanitary sewer plans, because, right now their sanitary, they have quite a bit off-site sanitary sewer that will extend currently along the north side of Millersburg, west to the crest of the hill on Millersburg that is located west of Green River Road. So, it's several hundred feet that they will be extending within county right-of-way. Since we have the Green River Road and Millersburg Road intersection project in the works, we want to make sure that whatever they do doesn't cause problems for that project. So, subject to them coming back with those final plans, I would request approval of the street plans for Blue Heron Estates.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The developer is also requesting a sidewalk waiver on that subdivision. I would recommend approval of the sidewalk waiver.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I have the street plans for Creekside Meadows Subdivision. This is the large 321 lot subdivision located between Petersburg Road and Green River Road north of Highway 57. It got Drainage Board approval last month. I would recommend approval of the street plans subject to the developer will have to come back to petition the Commissioners for vacations of various portions of Fischer and Hornby, as various sections of the subdivision affect those roads. Basically, those roads will be wiped out by this subdivision, but, not, they don't have to vacate all of

it initially. Depending on how they phase it will dictate when they need to come back for the vacations. So, subject to them coming back for the vacations, I would request approval of those street plans as well.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Here again, the developer's also requested a sidewalk waiver on that subdivision, and I would recommend approval of that sidewalk waiver as well.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I've got a time extension request that was submitted by Ragle, Incorporated for the Stockwell Road project. In their letter they had requested an extension of 68 calendar days, which would result in the project completion date being August 8th. One issue in regard to this project that we want to make sure that we don't do an extension that interferes with the FEMA studies that are on-going. Morley and Associates is currently working on some revised studies that they have to submit to FEMA later this year. Those studies are based on this project being completed. I contacted Morley and Associates about their deadlines, and they felt that they could get a time extension from FEMA that would not interfere with, that would not cause problems in regard to this project, but they don't have any definite answers as of yet.

Commissioner Nix: When do you think we might have an answer on that? When might they have an answer?

John Stoll: They thought roughly two to three weeks. So, on the basis of them getting a response back from FEMA, at this point I would just recommend that we only grant an extension until July 1st for Ragle in regard to the Stockwell Road project, and then take a wait and see attitude to see whether or not FEMA approves Morley's time extension for their hydraulic studies. In the meantime, we'll also find out whether or not the contractor needs the additional time.

Commissioner Musgrave: This isn't the first time extension we've had for Ragle on this project, is it?

John Stoll: No. This is the first time extension that Ragle has requested for the overall project completion date, but they had requested a time extension previously for the road closure period.

Madelyn Grayson: Excuse me, may we make a quick tape change?

Commissioner Musgrave: Certainly.

(Tape change)

Commissioner Musgrave: So Ragle is asking for an extension to August 1st and you're recommending it to July?

John Stoll: They're requesting until August 8th.

Commissioner Musgrave: August 8th, and your recommendation is?

John Stoll: July 1st.

Commissioner Musgrave: July 1st. I'll move approval of the July 1st date.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: While we are on that, Mr. Stoll, I was wondering, they've started one of the holes, that jack holes, is that correct?

John Stoll: Correct.

Commissioner Nix: Okay.

John Stoll: Its my understanding, they should, their plan was to get the first pipe bored through underneath the tracks this week.

Commissioner Nix: Okay, I was out there earlier or late last week and they have got the initial pilot holes drilled or the rails in, if you will, put in along the –

John Stoll: Right. Based on the schedules as of yesterday, I believe they were going to get the first pipe bored underneath the tracks and then come back next week and get the guide rail pipes installed and then come back after that and then get the second pipe bored underneath.

Commissioner Nix: And I guess just for the record, too, there's a chance that we may have to leave that piling in there now again. That may come back, so I think the other Commissioners need to be aware of that, that may have to happen.

John Stoll: Norfolk Southern in mandating that at this point. They sent us a letter stating that we do have to leave that in place so we don't have the opportunity to save that \$55,000 from removal of the sheet piling now. And the way it sounds, I

don't think there's any recourse. This decision to leave the steel sheeting in place was made by Norfolk Southern in Atlanta and then that was relayed through their consultants, DMJM & Harris in Philadelphia. So I don't think we have anymore recourse to appeal that anywhere.

Commissioner Musgrave: Is it realistic to expect that Ragle can complete this by July 1st?

John Stoll: Based on the discussion I had with them today, they felt that probably it would be more like the middle of July, just on the basis of how long it was going to take to continue to bore the pipes under the tracks. Once that was done, then they had to come back in and do some additional work with some head walls on the pipes and some gabion baskets.

Commissioner Musgrave: So depending on your answer from FEMA, we may entertain another extension?

John Stoll: Right, and I told Ragle that today. Then we would, that I would approach this from the perspective of recommending until July 1st right now and then pending what we found out, this could be revisited again come July 1st.

Commissioner Nix: And when you get the results from FEMA back, you will let us know within a day or so?

John Stoll: Yes. And Morley & Associates will be in touch. We had a conference call in Roger Lehman's office with FEMA and it sounded like the time extension would be granted, that would allow Morley to submit their findings at a later date, but nothing is definite until it went through their approval process. Next I have an inspection report that I emailed to you that Bernardin Lochmueller prepared for their evaluation of the Kentucky Avenue bridge over Little Pigeon Creek. This is the bridge that they were hired to do a rehab design on and I would like to request approval to sign off on the inspection report. Basically, what they came back with was recommendations to do an overlay of the bridge deck with a modified concrete overlay. We need to do some patching on the bridge piers, we needed to do some sealing of the bridge joints, we needed to replace the rail, miscellaneous items like that. Their estimated cost for the project was approximately \$190,000. We'll have more specific numbers once they get a final design done, but I need to submit this to them to get them moving ahead with the doing the design on the basis of what they found here.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And is that money in place?

John Stoll: I believe we've got \$125,000 in place, so it will take an additional appropriation. Once we know what Bernardin's final design comes back with, then we'll have a better idea of what kind of appropriation to make. At this point, I think we'd be premature to go file it since we don't have a design to base the final

budgeting numbers off of. In their recommendations too, it does recommend closure to get the project done as opposed to installing any kind of temporary signals, and I concur with that recommendation as well, because having dealt with that on St. George and Oak Hill, that consultant's estimate was \$40,000 for the temporary traffic signal and that excluded any temporary widening, any barrier wall, any other miscellaneous items that would run that cost up even further. So it didn't make sense to me to put a \$40,000 maintenance traffic item in on a \$190,000 project. So it will require a closure. I just wanted to make you aware of that. And then the last item I have is also an inspection report that Bernardin and Lochmueller did. This is on the Old State Road bridge over the CSX Railroad. This is between Mt. Pleasant and Hillsdale. Here again, they did an inspection report. The repairs that they are recommending on this aren't as extensive. Its primarily just patching and then a deck overlay. The estimated cost on this one is \$94,000 and I would request approval to proceed with signing off on this and getting it back to Bernardin so they can proceed with their design on this one as well.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: And this one will also require a road closure, so we will have to wait until after Mr. Pleasant is finished in order to do this because this is part of the detour route for Mt. Pleasant, so we probably won't be bidding this until late this year.

Commissioner Musgrave: I think everyone will appreciate that.

John Stoll: Including our secretary who won't have to answer all the phone calls. That's all I have unless you had any questions on anything else.

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thank you.

Superintendent of County Buildings

BJ Farrell: I do have some things to bring to the Commissioners today. I have some letters I am requesting signature on. Two of them are to the Building Authority board. I have a letter to Central High School regarding the Envirathon and I also have a surplus request from the Public Defender's office so can put those in the county's sale on June 4th. And today we had someone come to our office and we have a certificate of appreciation for a Miss - and I probably will say her name wrong - its Josephine Dallagiacoma. She is celebrating her 100th birthday and in light of that, her family made a donation to the Old Courthouse in her name. I did receive a letter from Dennis Beadles at the school corporation amending his original request of 25 of the old Votomatics. He actually needed 26, 16 ballot boxes and 6 additional demo inserts so that he could amply supply the high schools. I'm asking for a signature on a letter to Anthem and I'm also asking the Commissioners permission

to have Mr. Duckworth go ahead and have Fligeltaub deliver a roll dumpster to the Old Courthouse so items that are of no value can be sold for scrap rather than be put in the sale. And those are my requests for this week.

President Crouch: Would you care to amend the consent items to include those requests?

Commissioner Musgrave: Yes. Amend consent items and do we need a motion on all of her requests?

President Crouch: Just to amend the consent items to include them.

Commissioner Musgrave: Alright, so moved.

Commissioner Nix: Second.

President Crouch: All in favor.

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And I would like to express real appreciation to the family of Miss Dallagiacoma for their thoughtfulness in remembering the Old Courthouse and celebrating their mother's birthday in such a special way.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: I have two or three things. I was advised that President Crouch received a letter from Bill Jackson relative to street solicitations and various intersections in the county and you asked that I speak to this at the meeting this afternoon. What we found is, there is no ordinance in the city or the county that prohibits peddling in the intersections or holding buckets to receive contributions and the like. We did find that there is an ordinance to that effect in Marion County and I've obtained a copy of that ordinance and essentially it says you can't go out and solicit money in the middle of intersections or medians and so forth. And if you would like us to prepare a proposed ordinance to submit to you in that regard, we'd be pleased to do so.

Commissioner Musgrave: I would like to request that you prepare such an ordinance. I do know that on muscular dystrophy, Labor Day –

Ted C. Ziemer, Jr.: Labor Day weekend?

Commissioner Musgrave: – we do have firemen who collect. And I'd like to know if that can be accommodated without imperiling the goal of this, which is to prevent panhandling by one and all in intersections.

Commissioner Nix: And I'm wondering, too, if there's not more than just that Labor Day weekend thing happened during the year. I didn't know if there was any – or how that can be addressed.

Ted C. Ziemer, Jr.: I think, and I'd be glad to take a look at that further, but I believe the only way it can be addressed is if you're going to ban them, you ban them. You can't allow certain groups to do it and not others. And in Marion County they totally forbid any solicitations public ways.

President Crouch: And certainly we can look at the option of providing language in the ordinance that if groups want to do that on specific weekends that they either go to the safety board in the city or perhaps to the County Commission to seek approval so we could grant that approval, I guess, on a case by case basis.

Commissioner Musgrave: Sort of like a license or permit perhaps.

Commissioner Nix: Or just to come in front of the board and say we'd like to do this if it would be okay.

Ted C. Ziemer, Jr.: We'll take a look at that.

Commissioner Nix: Okay, because I just – you know, this Labor Day telethon thing is a big thing for the city and the firemen, and I think it's a good thing. But somehow or another we do need to restrict this, though.

Commissioner Musgrave: I think I have a motion.

President Crouch: Yes.

Commissioner Nix: Second.

President Crouch: All in favor.

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: We've been involved in negotiations for settlement of a condemnation proceeding and we are prepared to recommend to the Commissioners that they settle this condemnation proceeding by allowing the defendant to withdraw from the court which, and this amount has already been paid in, the \$13,200 that was paid in based on the court's appraisers. We recommend–

Commissioner Musgrave: Do you need a motion for that?

Ted C. Ziemer, Jr.: We would, yes.

Commissioner Musgrave: I accept the recommendation of the County Attorney on the settlement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Thank you. You've also asked me, Madam President, to comment on the ephedrine ordinance that was adopted but not published to become active in Vanderburgh County compared to a statute that was enacted near the end of the session of the General Assembly. And it is true that – well first I should say that the statute adopted by the General Assembly is not as stringent as the ordinance adopted by Vanderburgh County at least in this respect. The Vanderburgh County ordinance as well as, I may say, the Vigo County ordinance required that all retailers who were going to be selling ephedrine products needed to obtain a permit to do that. No permit is required under the state act and it instead addresses who can purchase and what kind of records have to be maintained, ID's, not photo ID's, our ordinance would have required a photo ID. So I don't think I need to carry on much more about that. The fact of the matter is that the ordinance adopted in Vanderburgh County was more stringent than the act adopted by the General Assembly, and the General Assembly says that a unit, and that's us, and other governmental entities may not adopt an ordinance after February 1, 2005 that is more stringent than this section. Our ordinance was adopted on April 26, 2005, therefore, the Vigo County ordinance will stand because even though it is more stringent, it was adopted before February 1, 2005. Ours is more stringent and we cannot have that ordinance since it was adopted after February 1, 2005. I don't think we need to take any further action. It was not advertised and so it never came into effect.

President Crouch: You know, I think that perhaps we should or consider doing a letter to the legislators and express our kind of, perhaps our displeasure that we can't do a more stringent ordinance. In most instances, local units can do more stringent measures than the state and it's odd that they would put that in effect. I'd at least like to have us convey that to our legislators.

Commissioner Musgrave: I move that we send a letter of objection regarding that portion of the adopted statute to the legislators.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I don't know, the only other matter that I could possibly have to talk to you about today would be the Family & Children's Service did –

President Crouch: Mr. Lawrence brought that up.

Ted C. Ziemer, Jr.: Did Mr. Lawrence get to talk to you about that?

President Crouch: Yes, and we'd like to defer that.

Ted C. Ziemer, Jr.: Certainly.

President Crouch: And then the random drug testing...

Ted C. Ziemer, Jr.: Oh, alright. I don't have a lot on random drug testing but I can tell you that our labor department in our office is telling me that there are some

ordinances in effect, policies in effect in various governmental entities that require random drug testing. None of them have been tested in Indiana to see whether they violate constitutional rights. Many of them have been contested in other jurisdictions and the courts are finding about 50/50. Fifty percent saying they do violate constitutional rights, the other fifty percent saying that they do not. We have a meeting scheduled next – whenever the meeting is next week.

Commissioner Musgrave: June, oh, our meeting?

Ted C. Ziemer, Jr.: Yeah, whatever date that is next week, for Chad Sullivan of our labor department to discuss – I think its this issue. Well no, this was about motor vehicle –

Commissioner Musgrave: Privacy, in general.

Ted C. Ziemer, Jr.: Yes, privacy in general and he's going to be prepared to discuss further regarding this issue but we don't necessarily recommend that we run out and enact the ordinance because it may well be struck down but we'll talk about it further.

President Crouch: But we are moving forward with that additional appropriation for money for new hire testing.

Commissioner Musgrave: When will that be heard?

President Crouch: In July.

Commissioner Musgrave: In July, okay.

New Business

Commissioner Musgrave: I have several items of new business and I'm going to take them in a slightly different order and insert one here. The first is a request to the judges and the Clerk for computer data access and I have a letter addressed to all of the judges and the County Clerk describing the concept of a computer program which would be written to compare court records against the county payroll list. And I also have a list going to the Auditor to ask for access to the county payroll list. So this payroll list, the program would run it against the court records and any time that a person on the payroll list had an entry on the court records list, and I believe that we can define which type of entries that we would want, although I am not very familiar with the courts records so we would have to explore that. But any time that would happen, an email could be sent to the department head, to the elected official who employs them and the County Commissioners. So I'm asking for their approval of the concept. I'm asking them to respond by June 7th, so I'm asking the Commissioners to sign this letter to send to the judges, the Clerk and a companion letter to the County Auditor.

President Crouch: And is that a motion?

Commissioner Musgrave: That is a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I have a letter to Sheriff Ellsworth to request the driving record status of county employees who drive county owned vehicles and a search of the records pertaining to the license of the vehicle. We understand that the Sheriff's department normally does this on their own employees and we are asking them to do that for county employees who drive county owned vehicles as well. So I ask your approval to sign this letter and send it to the Sheriff.

Commissioner Nix: And that was a motion?

Commissioner Musgrave: That is a motion.

Commissioner Nix: I second it.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I have had several conversations with the County Attorney and with our insurance carrier. And the county insurance carrier has sent a letter saying that they strongly encourage us to obtain the motor vehicle records on all of our drivers. They follow up saying its customary for businesses to do that. They recommend that we establish a procedure to review these motor vehicle records on an annual basis. They bring my attention to a national company called Choice Point that can look up these records for – if you will recall at our last meeting, I told you that the Sheriff's review of records would be limited to Indiana's and a few other states that are cooperative with Indiana. Choice Point apparently has accumulated those databases and can run against a greater number of states. Not all states, but nearly all states, so I'd like to look into this. It would cost \$6.65 for Indiana licenses, \$12.65 for Illinois licenses, \$5.15 for Kentucky licenses, and I'm not sure how many of our county employees who drive county vehicles have anything other than an Indiana driver's license, but its conceivable. So I would like to explore this. I have a sample policy here although I think the County Attorney is looking into this also. I'm sorry, I meant a form where our employees would have to give their permission to us and their information such as their driver's license number, they would have to give us permission to search these records. And let's see, I have one more document here. So all of these things would be the subject of a meeting with Sheriff Ellsworth and a member of his staff and we've got that set for Tuesday, May 31st. And to flesh out how we would go about making this a policy. There are benefits and perhaps people who had expired licenses, they could hurry up and go get those licenses going. Perhaps if we found some issues that would cause us to have this person not drive a county vehicle anymore, we could surface that before there was an accident that impacted our insurance claims. So I don't know, do I need – I think I'm going to make a motion that I pursue this and that it results in one or more memos to county employees asking for this information over the next couple of weeks.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: The last letter that I would ask the Commissioners to sign today has nothing to do with driver's licenses or any new policies of any kind. This is in regards to Eagle Village Apartments and a rezoning that this Commission approved in April 21st of 2003. This letter is going to go to Greg Moore of Moore Investment Group. He came to the Commission meeting with his attorney and made certain statements on the records essentially saying that students would not be permitted to live in the apartment complex he is building at west Lloyd Expressway and Schutte Road. It was brought to the Commission's attention this past week that there is a large billboard erected at the construction site encouraging students to apply to rent an apartment there and that there is a flyer circulating on campus encouraging students to rent an apartment at this complex. And I am inviting Mr. Moore to please come and explain to the Commission why there is a variance between his statements at the Commission hearing and what is going on at the site now.

President Crouch: Just a point of clarification, I believe that when he did seek approval, he had said that no more than ten percent would be rented to students but certainly if you've got a sign advertising that its student housing available, that would indicate you're probably going for more than ten percent.

Commissioner Musgrave: Well, he said both things actually and I'll quote: "– basically, say no students allowed." And then later on he says, " – I want to keep it kind of at 10%." So lets hear a little bit more about this is what I have to say with this. That's in the form of a motion to send this letter to Mr. Moore.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And I believe that's all I have under new business.

Old Business

President Crouch: Old business? No?

Public Comment

President Crouch: Public comment? Any individual in the audience that comes to comment to the Commissioners about business that they have authority over, now is your opportunity.

Consent Items

President Crouch: Seeing none, consent items, and do we have a motion to approve the consent items with the amendment?

Commissioner Nix: I have one other amendment, this is pay application number 59 for the new jail construction, and its in the amount of \$1,365,237.01. I'd like to add that to the consent items.

President Crouch: And you've reviewed that?

Commissioner Nix: Yes, I have.

Commissioner Musgrave: Is that in the form of a motion?

Commissioner Nix: That is a motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And have we approved all the consent items as well or just the addition of that?

President Crouch: That was with as amended.

Commissioner Nix: That was with it, yes.

Commissioner Musgrave: Okay. Move to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And we will commence Drainage Board immediately.

(Meeting adjourned at 4:37 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (1)	Circuit Court (1)	Prosecutor (2)
County Clerk (2)	Center Assessor (1)	Union Assessor (1)

Travel Requests:

Commissioners (1)	Health Department (3)	LEPC (1)
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Auditor: Submit Financial Statement.

Commissioners:

Community Corrections Payments: \$4,810.43 & \$4,799.52 (Invoice 13)
Pay Application Number 59 for the Jail: \$1,365,237.01
Council Call: Occu-Med: \$15,000
Access Indiana Lobby Registration Commission Activity Report
Department Head Minutes from 5/17/2005

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Hannah Clark	Kelly Lonnberg
Wendy McCormick	Patty Avery	Adam Farrar
Mike Duckworth	John Stoll	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 7, 2005**

The Vanderburgh County Board of Commissioners met in session this 7th day of June, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon, and welcome to the June 7th Vanderburgh County Commission meeting. Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Crouch: We'll start with introductions to my far right.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Approval of May 24, 2005 Commission Meeting Minutes

President Crouch: Our first item on our agenda is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Recognition of New Sheriff Deputies

President Crouch: We'll go to contracts, agreements...oops, wait a minute. I wanted to first of all recognize three deputies that we have here from the Sheriff's Department. If they could stand so the camera can catch them. We have Johanna Norman, and Gabriel Rexing, and Brian Bishop. Welcome.

I-69 Resolution

President Crouch: Open quotes, we have VC05....oops, I'm sorry, we're going to pass over that for now. Contracts, agreements and leases, our first one, Tri-State Transportation. I believe that that is going to be addressed by the County Attorney shortly. So, let's move to the I-69 resolution. As the Commissioners know,

Governor Mitch Daniels had indicated that INDOT was two billion short on their future road funding, and that he had asked communities and legislators to prioritize projects. I believe that we as a Commission probably feel that I-69 is one of those projects that should not be touched. That that should not even be considered as part of making up that shortfall. The EUTS policy committee endorsed and signed a resolution, it has been to Posey County, and the Commissioners have signed that, and the Mayor will sign that. It was at Gibson County this morning, and the Commissioners and the Mayor of Princeton signed that. It's here, the Mayor of Evansville has signed it. It's up to us to sign it, and then it will move over to Warrick County tomorrow. Upon getting all the signatures, we will send that off to Governor Daniels and to Commissioner Tom Sharp expressing our intent and our desire to keep that project in tact for our community.

Commissioner Musgrave: That's an impressive amount of coordination, and I hope that it gets heard in Indianapolis, and that I-69 stays on track or moves faster and that they hear us, that that road is needed, and needed now, and we need to start here and go north.

Commissioner Nix: Exactly.

Commissioner Musgrave: So, I'll move approval of your resolution.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Open Quotes: VC05-06-01: Concrete Repairs at the Old Courthouse

President Crouch: Now, open quotes VC05-06-01, concrete repairs at the Old Courthouse. If I could have a motion.

Commissioner Musgrave: So moved to open the quotes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, Mr. Ziemer, if you could open those quotes.

Change Order No. 3: Jail Project

President Crouch: Change orders, jail construction. Commissioner Nix?

Commissioner Nix: Yes, we've got change order number three for the jail project. Actually four different items on there, for a sum of \$68,412. I would recommend approval of this.

Commissioner Musgrave: If that's a motion, I'll second it.

Commissioner Nix: Yes, it is.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Nix, now when Mr. Summers was here a few weeks ago, I believe the amount that we were discussing was much larger.

Commissioner Nix: Yes, it was around \$176,000 or so, and we are reviewing those, and we're looking at some different ways of maybe doing some of that work, and just making sure that, once again, that the county is getting the most for their money for this project.

President Crouch: Is there a possibility that some of those might be denied?

Commissioner Nix: Yes, some of those could be denied, and also, once again, we're looking at maybe doing some additional engineering to eliminate or reduce the balance of those then also.

President Crouch: Okay, thank you for that update.

Commissioner Nix: Thank you.

<p>Public Hearing: PAR LLC: Vacation of Public Right-of-Way Airport Industrial Park</p>
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President Crouch: PAR LLC, vacation of a public right-of-way easement.

Adam Farrar: Commissioners, as you may remember, I'm Adam Farrar, I'm a lawyer for Bamberger, Foreman, Oswald and Hahn. I represent Building PAR LLC. I'm here on their behalf today to petition the board to vacate a public roadway located in Vanderburgh County, along Hedden Road. The roadway at issue is located in Airport Industrial Park Subdivision. I've brought along some diagrams for the board, I would like to provide, if I can, at this time. I would like to begin by stressing that the roadway that we are proposing to be vacated is improved and constructed in no way. It was platted in the early 80's with the Airport Industrial Park Subdivision plat. It has not been used by the public, nor used by the county since then. Drawing your attention to page one, you can see from the outline, the yellow outline surrounding the real estate of lots 14, 15, and 16, where my clients property is located. You can also sort of make out, this being the plat of Airport Industrial Park, the roadway to be vacated. It bisects my clients property running along the southern boundary of lot 14 and the northern boundary of lots 15 and 16, just sort of straddles that property there. You can see that it's, the western boundary of the roadway to be vacated is adjacent to and abuts Hedden Road, and the eastern boundary ends at Building PAR's eastern property line. Directing your attention to page two, this gives a little closer view of the real estate at issue. Again, my clients property is located within the yellow outlined area. You can see a little closer picture of the right-of-way running along the southern boundary of 14, the northern boundaries of 15, 16 again. You can also notice in lot 14 a rectangular area sectioned off. This is actually a

single story steel building that has been constructed. This building was constructed lawfully, and everything that needed to be approved was approved, but it only came to Building PAR's attention after it's construction that this was actually crossing the right-of-way. At no time was my client instructed that this would be a problem. It was discovered afterwards. You can also see again the boundary lines for the roadway crossing, running east-west, bisecting Building PAR's property. Directing your attention to the third page, this is a much closer view of the 60 foot proposed roadway easement as it was referred to in the plat. Again, this roadway only exists on paper. There is no concrete or stripes or anything like that across this area. In fact, well, first I also wanted to point out on the eastern boundary there is labeled a 15' PUE. This had been a source of concern for Vectren especially. They were concerned that the vacation of this roadway may, in some way, affect that PUE. But, we have spoken with Jean Ashby and she has approved an ordinance, as we have prepared it, which specifically states that this will in no way affect any existing PUE's, and specifically this 15 foot PUE along the eastern boundary. That was enough to satisfy Vectren. Now, drawing your attention to the last page, this is actually a picture that I pulled off of the Evansville Police Department's web site, which would explain the sort of odd legend. But, this shows what the property looks like at this time. You can see the building, the parking lot, and the boundary lines. You can get an idea of where that roadway would be, if it had been constructed. I want to stress that all abutting property owners have been notified. To my knowledge none of them object. We have also notified all of the public utilities that are interested, that would be interested in this roadway. None of them have objected. We have satisfied Vectren, as recently as this morning. We have an ordinance that we think that will protect all parties and accomplish what we desire to accomplish. I think it's also important to point out that the Vanderburgh County Engineering Department has also approved this vacation. So, with that, if you have any questions I would be happy to try to answer them. But, I'm, at this point, just petitioning the board to approve the vacation of this roadway.

President Crouch: Questions?

Commissioner Musgrave: Move approval.

Ted C. Ziemer, Jr.: I have a question. Did you, I thought you told me this morning that you had a copy of a letter from Vectren.

Adam Farrar: Yeah, yeah.

Ted C. Ziemer, Jr.: Have you submitted that here yet?

Adam Farrar: I provided that to Ms. Grayson earlier.

Ted C. Ziemer, Jr.: Okay, good, thank you.

Commissioner Nix: That letter takes care of this 15 feet of public utility easement then?

Adam Farrar: Yeah, I believe in the letter Ms. Ashby states that she is approving the ordinance as drafted, which actually deals with the 15 foot PUE.

Commissioner Musgrave: I'll move approval of the vacation, and express my disappointment that nowhere along the line did your client get notified that this right-

of-way existed. I hope that the agencies involved have improved their practices so that that doesn't happen again.

Adam Farrar: It was quite a surprise.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

Adam Farrar: Thank you.

Statement of Support for the Guard and Reserve

President Crouch: Next item, state of support for the Guard and Reserve. This is a kind of a statement showing our support as employers, Vanderburgh County's support of the men and women who serve in the Guard and Reserve. We are going to, hopefully, approve this, sign it, display it, and then send the information that will allow us to get updates on how we, as employers, can best address the issues that those men and women face as employees. So, if we could have a motion.

Commissioner Musgrave: Motion to approve the statement of support for the Guard and Reserve. Is there one that we should read into the record?

President Crouch: That's optional.

Commissioner Musgrave: Okay.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I would like to read it into the record.

President Crouch: Oh, I guess, it's not optional if you don't have it, huh?

Commissioner Musgrave: Well, do you have something you need to say?

Revisit PAR LLC Vacation

Ted C. Ziemer, Jr.: Well, I do. On the last item of business, the vacation of the right-of-way, this was the public hearing today. First reading would be next week, and second reading would be the following week. So, I'm not sure that I understood from your motion just exactly—

Commissioner Musgrave: Well, it was probably premature. So, we just accept it today, and go on to first reading next week.

Ted C. Ziemer, Jr.: That is correct. First reading will be next week.

Commissioner Musgrave: Thank you for pointing that out.

Reading of the Statement of Support for Guard and Reserve

Commissioner Musgrave: This should only take a second to read this, but I think it's important that everyone know that we do appreciate the guard and reserve.

"County of Vanderburgh. We recognize the National Guard and Reserve as essential to the strength of our nation and the well being of our communities. In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and to their country in time of need. They deserve the support of every segment of our society. If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in the Guard and Reserve. Therefore, we join other employers in pledging that: (1) employment will not be denied because of service in the Guard or Reserve; (2) employee job and career opportunities will not be limited or reduced because of service in the guard or reserve; (3) employees will be granted leaves of absence for military service in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and (4) this agreement and its resultant policies will be made known throughout our organization."

President Crouch: We may note that we do have Sheriff Deputies in the Guard, and we have County Highway employees, and I'm sure that we have other employees throughout the county and city.

Unification Study Committee: Waiver of Fees for the Centre

President Crouch: Next item on our agenda, Unification Study Committee waiver of fees for the Centre. This has been provided to them in the past. I would presume that if we do approve, that we will exclude the Teamster overtime as part of the waiver?

Commissioner Nix: I make a motion that we approve waiver of fees for the Centre for the Unification Study Committee.

Commissioner Musgrave: Without the waiver of the overtime?

Commissioner Nix: Yes.

Commissioner Musgrave: I'll second that motion.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Eagle Village Apartments: Moore Investments

President Crouch: Next item on our agenda, Eagle Creek Apartments. That is on our agenda because we had received e-mails from the Westside Improvement Association and from other citizens and residents regarding the marketing of that particular piece of property. Back in 2003 I sat on Area Plan Commission and the developer did appear before Area Plan Commission, and subsequently before the County Commissioners and represented that it was not going to be marketed and leased to students, and at the very most it would be 10% student leases. In fact, what precipitated the e-mails was a flyer, I guess, that appeared at USI marketing it to students, and then a billboard that appeared on the property identifying it as student housing. Certainly there were residents at the time, surrounding neighbors that were somewhat uncomfortable with the rezoning, but withdrew their opposition based upon the assumption that there would only be 10% student housing leased. So, that is what has brought us today. I would like to at this particular point in time start, perhaps, with the groups that precipitated all that, and that would be the Westside Improvement Association.

Fred Padget: I'm Fred Padget, and I represent the Westside Improvement Association. I had tried to e-mail something earlier, and I don't know if it got to you or not. It came back to me as undeliverable. If you don't mind, I would pass that out to you.

President Crouch: That would be fine. Could you give one to, yes, thank you.

Fred Padget: First of all, I would like to thank the Commissioners, the President and the rest of the Commissioners, for setting this meeting up and inviting the developer and his attorney down to explain the circumstances involving the changes in the plan for Eagle Village. The other thing, Mike Lockard specifically is the Westside Improvement Association land use chairman, and he also wanted me to pass his apologies on to the Commission for not being able to be here. What I've done is put together a little bit of a recap, primarily based off of the transcript from the April 23, 2003 Commissioners meeting. Then some additional information at the end, and with your indulgence, I'll just go through that. In the beginning what was said was that it would be a ten, there would be ten two story buildings, with eight units per building, for a total of 80, two bedroom apartments, in the upper rent category, 160 total bedrooms. What was done was 16 two story buildings, with eight units per building, for a total of 128, four bedroom apartments for student housing. That's a total of 512 bedrooms. The investment, at that time, was said to be something over \$30 million. What was done, in a recent sale indicated as being May 13, 2005 in this past Sunday's Courier indicated that it was sold for about \$17 million. I did check that with the Assessor's office, and that represents about seven acres, which is all of the property there, or at least most of the property, and the improvements on that property. So, we missed our tax assessed value by nearly 50 percent on that project. Another thing that was said, this was laid out for a top end, low turnover, long term leasing. What did we get? We get student housing that will, at best, be year long leases. Another comment was that Moore Investments, they're not in the student housing business, they don't intend to be. What did we get? Student housing. Another point that was made, we're going to basically say no students

allowed, and we got student housing. By the way, you can discriminate against students for housing purposes. Another comment, we 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. These are the type of individuals, that's why I want to keep it at ten percent. That's the ten percent that Commissioner Crouch was talking about a moment ago. Another comment, what is being proposed here is to meet the demand for high quality rental housing on the west side of Evansville. Of course, we have student housing. A question that I asked the attorney back on April 17, 2003 was whether or not the Moore Development Group would maintain ownership and management of the, or would sell the complex. The answer was no, and, in fact, the verbiage in the April 23, 2003 transcript leads you to believe that the developer would be managing this luxury complex. Recently, we noticed the sale to a California company on May 13th that I spoke of earlier. Another part of that rezoning was, there was to be some improvements and right-of-way dedicated on Schutte Road. What INDOT requested was a southbound left turn lane that runs from Lloyd to the apartment entrance, and there may be some additional right-of-way required with that. At this point in time, we've not been able to determine that anything's been done in regards to the access lane or to the dedication of the right-of-way. Some other aspects of this, we, in the beginning had met with the developer and his attorney, we tried to get a private covenant put into effect, and we were told that based on his lending institution's directions, they could not do that. Based on, this is kind of a side light, but based on the zoning requirements, we have a 512 bedroom complex here, the zoning requirements will be only for 299 parking spaces. I don't know how many parking spaces the developer intends, but the best we can request, or the best we can require is 229 for a 512 bedroom student housing complex. I've been involved in land use issues, along with Mike Lockard for several years, and there have been some that were quite contentious. I received more phone calls, some of them identified and some not, and other communications over this project than anything else I've been involved in with the Westside Improvement Association. None were in support of the project, and the amount of outrage expressed was extraordinary. It was unbelievable to me. My concerns, Westside Improvement concerns, this will become a party house for USI. Issues such as noise and traffic will clearly see an increase, all of which further erodes the quiet and peaceful way of life previously enjoyed by the neighbors, and who were misled when this originally was rezoned. Westside Improvement met with the developer, Greg Moore, just recently, and we specifically asked him what controls and safety measures would be in place to reduce the likelihood of underage residents having access to alcohol? He indicated that there were no plans in place to assure that residents of like ages would be housed together, and we think it is a dangerous policy that students under age 21 would be housed with those over 21, thereby greatly increasing their ability to have access to alcohol illegally. USI student housing has strict rules regarding alcohol in their dorms. USI policy 2.1.1, alcohol on U.S. property, states:

"The manufacture, sale, transfer, purchase, transportation, possession, or consumption of an alcoholic beverage anywhere on university owned or controlled property, including university owned or leased vehicles regardless of location is prohibited by the university."

This policy is referenced in the guidelines for student housing. However, this property will not be governed by those rules, and, therefore, the neighbors fears about it being a party house is well founded. As a student living area that is not governed and controlled by the USI security force, this student living complex will not be patrolled in a similar fashion as USI student housing. The Vanderburgh County

Sheriff will serve it, and as such we have safety concerns for the people living in the apartments. Brad, not because of the Sheriff's Department, believe me.

Brad Ellsworth: Thank you.

Fred Padget: More of an overload, I think. On the campus, security and emergency medical assistance is a quick phone call, but at this location, they will have to rely on coverage by the Sheriff and the volunteer fire department. We are also concerned that the number of nuisance calls that the Sheriff and the volunteer fire will have to handle, since, I think we can agree that there will be problems at a housing complex that has little to no rules, similar to the effective student conduct code that USI has in place. The company owning this, as I said earlier, is from California. Having a company from so far away to manage a student housing complex leaves me with little reassurance that they can be an effective manager of the property and any problems that can occur. We also have serious doubts that a company from the west coast will have similar ideas and ethics when it comes to monitoring the behavior of the young students who will live there. I think their apparent lack of alcohol policies support that fear. Long distance landlords have a history of not seeing to the needs and concerns of those who live around the properties. Finally, I did learn of a lawsuit the developer was recently involved in dealing with what I felt was disregard for easement restrictions and the One Call statute. The case was brought by BP Pipeline North America against Moore Development in our district federal court and concerned Linwood Subdivision on Outer Lincoln in Warrick County. Although I believe the case was filed in 2002, I'm not sure of that, it was heard during June 2004. The BP easement included an eight inch pipeline transporting xylene gas. This gas is flammable, it could be explosive, and is a definite environmental concern. The accusation was that the developer, who also does work as Carlton Construction, installed an irrigation system, had trees and shrubs planted, performed excavation work, and built patios on a restricted easement, as well as not complying with the One Call statute. Although the developer did prevail in this case, for reasons I won't go into here, there was no denying infringement upon the easement without BP's approval. Neither did the plot plan filed with the Warrick APC show any patios. What I saw in this case, though the developer did prevail, as I said, was disregard for following his submitted plan, disregard for legal easements, and a general willingness to do whatever he wanted to up until someone called his hand. In fact, the judge admonished both parties to work together and better at communications. Relay this to Eagle Village, the developer and his attorney said what was needed to cause us to remove our objection, and perhaps influence the Commissioners vote. He then promptly went and did what he wanted with total disregard for commitments made, and no communication to anyone involved in the approval process. To me, that represents a pattern of behavior. Illegal? Probably not. But in the long run, the more important court may be the court of public opinion. At this point, what's done is done. For Westside Improvement's part we'll be more suspect and less trusting when promises are made during the rezoning process. There will be some rezoning petitioners, or involved parties added to the bottom of our list for trust and credibility, but let me be clear, there are many, many reputable, creditable developers who do what they say, and those we'll continue to work with in good faith. For others, we'll take a different approach. Lastly, the Westside Improvement Association will work hard and in cooperation with our elected officials and others to devise a method to add credibility, accountability, and integrity into the testimony given before the various bodies involved in the rezoning process. That's my prepared remarks. I would like to say a couple of other things. Changes do happen, and I feel like probably one of the things we'll hear is that the economy changed from the time of the rezoning up

until the time that they kind of finalized their plans. We have a study, and I think the Commissioners have this study that was done by Dave Matthews, an appraiser in the area, and he indicates in 2001 that there were excessive vacancy rates; 2002 there were excessive vacancy rates; and if you would bear with me a minute I'll...in the end of 2001 vacancy rates in Vanderburgh County, these are apartment vacancy rates, vacancy rates in Vanderburgh County rose nearly two percent last year from 4.9 percent, 4.09 percent in '99, to 6.06 in 2006. This is the highest vacancy rate in the past 12 years. At the end of 2002, which would have been just prior to the rezoning of this property, Dave Matthews, his report, shows that apartment vacancy rates within Vanderburgh County continue to rise, reaching a 13 year high. He goes on, later on, the recent surge in construction has contributed significantly to the increasing vacancy, and one would think the construction would taper off to get vacancy back in line, however, this does not appear to be the case. In summary, the overall apartment market appears to be near saturation in most areas, and overly saturated on the far east side. My point is that the economy didn't change for apartments during that time. It was already an overbuilt market. What we have here is a developer that came in and told us he was going to build luxury apartments. If he did his due diligence he would have known that he was in a bad market at that time. The other thing, if you look at the houses sold during that period, 2001 there were 3,365 sold; 2005, 3,717; and in 2003, 4,001. As the homes were being sold, people were moving from apartments, and that was common knowledge, and anybody that would have done any economics would have known it. The other thing I want to mention just quickly is the area of Schutte Road and access to the Lloyd. Though the first public meeting, I think, where it indicated access to the Lloyd was going to be probably denied, or not have access to the Lloyd from Schutte was at the Reitz meeting back, I think, in late 2003, if I remember. It might have been 2004. But, there was a lot of discussion over Clark Road, Schutte Road, Eickhoff, that whole area for a long period of time, with INDOT involved, and it seems to me again a prudent, anybody doing prudent economics would have built that possibility of change into their plans. Had they done that, they would have not come forth with a rezoning for luxury apartments. With that, I conclude anything I have to say. If you have any questions, I'll gladly try to answer them.

President Crouch: Questions? Thank you, Mr. Padget. Is there anyone else with the neighborhood association that has any new information to share with us? Or does Mr. Padget express your....I guess, at this point in time, we would be happy to hear from the developer or his attorney. If you could identify yourself for the record please.

Les Shively: Thank you. My name is Les Shively, representing the developer in this particular project. With me today is Mr. Greg Moore, principal of Moore Development; his engineer, Jim Morley, Jr., Morley and Associates; and Danny Spindler, the principal, one of the principals of Given and Spindler, who will be the company managing this community. Let me first say this, back two years ago plus when this rezoning came before you, the petitioner and myself represented what we knew to be the present facts and the intentions of the parties. No one intentionally misled, misstated, or misrepresented anything. Mr. Padget and his organization having dealt with me before knows that to be the case. I think it's very, very unfortunate Mr. Padget, in the name of the Westside Improvement Association, a moment ago attempted, maybe has succeeded in slandering Mr. Moore in regards to a lawsuit in federal court brought by BP. The fact of the matter is that suit was filed in 2004; the fact of the matter is, we won; the fact of the matter is, BP ended up having to pay money, had to pay money to one of the individuals, the couples that Mr. Moore sold a lot to. The records of the Warrick County Area Plan Commission, who is a client

of mine as well, shows that this Mr. Moore has been in full compliance with all rules and regulations of the subdivision control ordinance of that county. Insinuations to the contrary are very unfortunate, and just because they are said at a Commissioners meeting does not cloak them with any privilege for liability. Moreover, the first page of this synopsis presented to you this evening is in error. I refer to the minutes of the Plan Commission meeting when this was first presented in April of 2003. The original so called luxury apartment project, as Mr. Padgett refers to it, was not represented to be \$30.7 million, but on page eight of those minutes 3.7, 3.7 million. The fact of the matter is, it was sold for \$16.4 million. Yes, Mr. Moore did well, but so did the taxpayers of Vanderburgh County, because in two years the projected approved value not doubled, not tripled, but it quadrupled. Those are the facts. The Westside Improvement Association had them wrong. Let me go through this briefly, and I'm not going to take a lot of your time, I'm not quite sure what the David Matthews study means or the significance, but let me just tell you for whatever it's worth, since that study came out I've brought before you two projects, one that is right, a stones throw from where my office is on the east side that is near completion. It's got 240 units, it's called Lake Shore. I brought before you in January Boehne Camp, 100 units, which I don't know if they've started construction or not, but it's not too far from this site. Then Arbor Eastland, I believe it's called, over there on the east side, I-164, I wasn't involved with that, but that just went on line in 2004, 2005, that's 500 units all together. I'm not Alan Greenspan, I can't explain the macro economy, the micro economy of what's going on in Evansville, but we're building commercial buildings, we're selling and building new houses, we're building apartments. Thank God it's all working, because Lord knows and as the Commissioners of this county know, we need the tax money. So, that's good. I don't know, but it's all happening. Mr. Moore, unfortunately, because he was involved with other projects, he's a young man, he had a lot of irons in the fire, I keep telling Greg, you're trying to do too many things at one time, this thing didn't come off the ground. He was approached two years after rezoning by a group that wanted to do it for student housing. You know, what occurs to me, and I've listened to the Westside Improvement Association for most of the 25 years that I've been in practice, and they do some great things, but as an advocate for the west side, one of our best assets is USI. What's one of the best assets of USI? It's students. Now, I grew up a stones throw from the University of Evansville. I could see the dormitories, the one that's been there for a number of years along Weinbach. Now, not too far from where I live on Lincoln Park is now the Greek complex, and I don't mean people from Greece, I mean the sororities and the fraternities, they're all there, and they all work very fine within that east side neighborhood. In fact, the Lincolnshire Neighborhood, just south of campus, is one of the most sought after residential sites in all of this county. Students are a wonderful thing. They're a great thing. They're something we ought to be proud of. I suspect that, and Mr. Spindler is here, he can answer your questions, but he told me a very interesting thing of how they are going to operate these apartments. If you are a student, and you are not working full time, and cannot, you're parents are going to have to co-sign on this. So, if these are traditional full time students hoping to complete their degree in four years, their parents are going to be on the hook. Last time I looked at state laws, underage drinking is against the law. If they break the law, it's in almost every lease, and all the leases I know of Given and Spindler, the properties they manage, and their reputation is well known, those people are going to get booted out and their parents are going to have some responsibility. Student housing is a good thing. USI's growth that results in this \$16.4 million, not hopeful plastic banana dream kind of investment, it's a real thing that's happened, it's gone on the tax rolls is there because of students at USI. Students are a good thing. I would hope the Westside Improvement Association would embrace that. Apparently they don't. To suggest that students are synonymous with alcohol, drugs, and bad

things, and everything evil in this world, they knew there was going to be at least 20 students that could live out there. They were willing to tolerate 20 bad students, I guess. I don't know. I don't quite understand their reasoning. Again, Given and Spindler is going to manage this property, not some outfit out of California. They're going to be on-site. Parents are going to co-sign. Moreover, this is set up for housing, not for parties. There is going to be no community building that could be leased out by any of the tenants. No community, it's not going to be conducive to that type of activity. In regards to the plans now to limit access on Lloyd Expressway, you can criticize young Mr. Moore all you want about this due diligence or lack thereof, but the first public pronouncement by the Corradino Group and INDOT that they were going to close off Schutte Road, that was the plan, according to my research, what's been provided to me appeared in the Evansville Courier, and John Martin will always attest they are the most accurate, the first on there with all the public information, was January 29, 2004. A year, better than a year after he's rezoned the property. The improvements that he committed to do, along Schutte Road and the right-of-way, the state right-of-way, he's going to do them. In fact, I believe it's in the use and development commitment, if not the improvement location permit, before any unit is occupied all this has to be built. John Stoll, your County Engineer, will attest to that fact. The fact of the matter is the use and development commitment that goes with the zoning ordinance, has not been violated, it is in place, it's been adhered to, and, again, let me go back to something, a little history, if you'll recall, and I don't know, Commissioner Crouch, if you were on the Board of Commissioners at that time, but the original approach by the then owners of the property was to make that corner commercial. That's what the folks didn't want to see out there. Jeff Hatfield, one of the members of the Plan Commission, was so, exclaimed he didn't care if it was going to be student housing, regular housing, as long as it wasn't commercial, was great for the west side and was further manifestation of the impact positively of USI. We came a long way from a commercial complex that nobody wanted out there, except the person who's trying to get it rezoned, to what we have today, a \$16.4 million investment. All those improvements are going to be done to Schutte Road and the right-of-way as they were committed to be. They must be, or they can't occupy the buildings. Pure and simple.

President Crouch: Excuse me, Mr. Shively?

Les Shively: Yes.

President Crouch: Can I interrupt one minute—

Les Shively: Sure.

President Crouch: – to change a tape?

Les Shively: Absolutely.

(Tape change)

President Crouch: Thank you.

Les Shively: Let me just summarize by saying this. I know there's been a proposal now that the Westside Improvement Association, they're suggesting that we ought to now impose covenants on developers. Well, I don't want to get into the legalese one way or the other, I don't think the zoning enabling statutes of this state allow that to happen. But, let me suggest this to you, and let's maybe take this experience and

work it for something positive, if we do believe that student housing is a different type of animal than regular multi-family, then let's amend the ordinance and require in addition to it being zoned R-3 or R-4 that they obtain a special use permit. That would be appropriate. Then, in a broader sense, I suggested this ten years ago and it never got me anywhere, but our C-4, our commercial classifications are so broad, there's like a 165 uses that can be allowed in C-4, let's break it apart and let's have more classifications so it's narrower, and so we can, we'll basically funnel, by virtue of our ordinance assurances that only certain uses will go in a certain classification. If they don't fit, they'll have to change and rezone the property. Again, I appreciate the opportunity to be here today. Again, Mr. Moore is here to answer any questions you might have about the project. Mr. Given will talk about, is here to talk about, if you want him to, about the management of the property. Then, Mr. Morley, not to cut off his level of expertise, but can certainly give you the assurances of what's going on with the road improvements and his coordination with Mr. Stoll. I would be happy to answer your questions.

President Crouch: Thank you. Questions, Commissioners?

Commissioner Nix: I have a question.

Les Shively: Yes, sir.

Commissioner Nix: I don't know who wants to answer this, but what changed from 2003 to right now to cause this? I mean, just you kind of danced around it maybe just a minute ago.

Les Shively: I didn't mean to dance, I mean, I think one thing was the fact that the possibility of loss of direct access from Schutte Road.

Commissioner Nix: So, that automatically makes it just strictly student—

Les Shively: No.

Commissioner Nix: —proposition, and not public housing?

Les Shively: I think Mr. Moore, Mr. Moore's the one with the, it's his investment, I think he can tell you better.

Commissioner Nix: Okay. Please.

Greg Moore: The short answer is yes.

Commissioner Nix: What changed? I asked you what changed?

Greg Moore: The answer to your question would be yes, the access from Schutte Road to the Expressway.

Commissioner Nix: So, that one thing made this from a—

Greg Moore: Yeah, no direct access would take it from conventional housing. Without that access—

Commissioner Nix: When did you determine that that was going to take place? I mean, at what point—

Greg Moore: After the rezoning. I mean, we started to hear from the Corradino Group that, I mean, you had the talk about it. I think their report came back in, I believe it was in the beginning of '04, was the start of it. When it was released. Then shortly after that is when INDOT signed on, or excuse me, of '04, yes. Then, April of '04 is when INDOT signed on on their list.

Commissioner Nix: Okay. So, the statements you made in front of the Commission in 2003--

Greg Moore: In 2003 we were going to keep it for a long term investment to go along with all of our development projects.

Commissioner Nix: Is there a reason why you wouldn't have come back to the Commission when you discovered this?

Greg Moore: We never realized student housing--

Commissioner Nix: Or is this just something you felt was going to--

Greg Moore: --was such an objection. We never knew that anybody had such an objection against student housing.

Commissioner Nix: If you would read the transcripts from the Commission meeting in 2003, it was pretty clear that you had no intentions of putting student housing out there.

Greg Moore: (Inaudible).

Commissioner Nix: Okay, but at some point you took it on--

Greg Moore: But, we knew--

Commissioner Nix: --your own then, at some point, to just say this is what we're going to do.

Greg Moore: Yeah.

Commissioner Nix: Okay.

Greg Moore: We elected to change it from conventional housing to student housing. We were buying the property from the Weber's. They were basically the adjoining property owners of that. After that we've got the Expressway on one side, and then we've got, we're a stones throw from the campus.

Commissioner Nix: But, the statements you made in 2003, that one decision, that road being closed that was the determining factor then? Is that correct?

Greg Moore: Exactly. After that our only choice was, if we're locked out from getting on to the Expressway, then, basically, it's our one use for that property is student housing.

Commissioner Musgrave: Are you locked out from the Expressway today?

Greg Moore: No.

Commissioner Musgrave: Will you be locked out next year?

Greg Moore: After we made that decision they gave up on, right now, the plan is that we're not going to lose access to the Expressway.

Commissioner Musgrave: When will the complex lose access to the Expressway?

Greg Moore: As of right now, my understanding is that access won't be cut off now. But, that's after we've already—

Commissioner Musgrave: When did you think it was going to be cut off?

Greg Moore: In the April of '04.

Commissioner Musgrave: You thought that they were going to cut the access off in April of '04?

Greg Moore: Yeah, that's when INDOT signed on.

Commissioner Musgrave: But, that's not when they planned to actually close?

Greg Moore: No, it was going to be in the next, I think their plan was, what, their long term was six to eight years.

Commissioner Musgrave: So, for six to eight years—

Greg Moore: Jim would have to help me out with that. It was the next, as far as the....we were just going through sub and site review, they actually wanted us to move our entrance, because they were still talking about raising Schutte Road eleven feet at our entrance, for the overpass. It wasn't until just, what, a month or two ago that they took it off.

Jim Morley, Jr. : I wasn't aware that they took it off.

Greg Moore: Oh, they haven't taken it, okay. They still haven't taken it off yet.

Commissioner Musgrave: So, you could have operated this, with no students for six to eight years, maybe longer, and fulfilled the promises that you made to the Commission when you succeeded in gaining the rezoning, but you instead decided, suddenly, to vastly increase the number of apartments at the site, and to market it almost exclusively to students?

Greg Moore: It was six to eight, a six year project isn't going to pay for itself. Then you lose conventional housing. Student housing, the way student housing is trending now, the students want their own bedroom. Not the way USI is right now, you're putting two students per bedroom right now. If you look at the way it's trending now in student housing, students get their own bedroom. That's the way everything is moving now at the universities. All students are getting, these are all four bedroom units. Each student is getting their own private bedroom. That's the way everything is trending now. So, if it's eventually go towards student housing, we needed to move those marketing, or, excuse me, those construction plans now to all four bedroom housing.

Commissioner Nix: The plans that were submitted to the Building Commission were for four bedroom apartments, and not two bedroom?

Greg Moore: Correct.

Commissioner Nix: Okay, and when did that change?

Greg Moore: June of '04.

Commissioner Nix: So, in other words, when you came to this body in 2003, they were two bedroom apartments?

Greg Moore: Exactly.

Commissioner Nix: Okay, and from then to when you took them to the Building Commission, they went from two bedroom apartments to four bedroom apartments?

Greg Moore: Yes.

Commissioner Nix: How did that happen?

Greg Moore: That was two years ago that we came to this, that we came for—

Commissioner Nix: But, I guess, what you proposed to this Commission is not what you proposed to the Building Commission. Is that correct?

Greg Moore: Right, between that time, and the time that we actually came up with the building plans, it was announced that we were going to lose access to the Lloyd Expressway.

Commissioner Musgrave: How long does it take to have building plans drawn up?

Greg Moore: We had it done in about 30 days.

Commissioner Musgrave: I did have one thing for the record, the letter that we sent to you, based on the address that you gave in the earlier Commission meeting, that letter came back. What is your current address for the record?

Greg Moore: P.O. Box 1023, Newburgh, Indiana.

Commissioner Musgrave: Okay, thank you.

Greg Moore: Did you have the Evansville P.O. box?

Commissioner Musgrave: No, we had a different address, just a second, we had 4455 Foxmoor Drive.

Greg Moore: Yeah, we've moved into our new subdivision.

Commissioner Musgrave: Okay.

Commissioner Nix: Once again, let me make sure I'm clear on this. You came to the Commission in 2003 with a two bedroom plan.

Greg Moore: Correct.

Commissioner Nix: Then you went to the Building Commission and Area Plan with a four bedroom plan?

Greg Moore: Well, a year and couple months later, yes. In that time they announced plans to shut down access to the Expressway.

Les Shively: Mr. Nix, let me give you an example of how things change. I referred to the Lake Shore Apartments which is on I-164, visible from I-164, in that northeast quadrant. That property was zoned C-4 in the late '90's early 2000. The intent of that whole area was to become commercial and light industrial. For one reason or another, it didn't happen. The plans changed, and now it's multi-family. If people could look at every project and guarantee that what they've proposed to do today, want to do today, is going to be viable a year and a half, two years later, that would change the whole dynamics of the development industry.

Commissioner Nix: But, at the same time, let me interject something in, at the same time, if you, I would think it would be just common sense if you're going to change something that you would come back to the Commission, or to the, and have that revised.

Les Shively: Well, there again, you know, Mr. Moore did contact the adjacent landowners, should a more prudent PR thing have been to contact you all, and the Westside Improvement Association? Sure. But, the thing that I want to make very, very clear is that there was no misrepresentation in 2003, and I can assure you from this individual speaking right now, had I believed for one moment that there was a misrepresentation, that information that I was being given to present to the Commissioners was not accurate, I would not....I've got plenty to do.

Commissioner Nix: Have you read the minutes of the meeting?

Les Shively: I've read the minutes of the meeting. Yes, sir.

Commissioner Nix: Okay.

Les Shively: And everything that I stated, and I think you know my reputation, Mr. Nix, I wouldn't have made those statements if I did not believe those to be true and to be the case. Now, the fact of the matter is, you know, everybody looking back could have done things a little differently in terms of the public relations aspect of it, no question about it. We're hear this evening, that's why Mr. Moore met with Mr. Padgett last week. We're here this evening, a little late in the ball game for the PR aspects, no question about it, but rest assured, there was no misrepresentation, there was no subterfuge, there was no hidden plan. You know, that would have been, well, that wouldn't have made sense to do that, and that was not the case.

Commissioner Musgrave: Mr. Shively?

Les Shively: Yes, Ma'am.

Commissioner Musgrave: You stated that your client had too many irons in the fire, and that he didn't get off, get the project off the ground. So, in other words, he came for the zoning, and then the next year he brings the building plans. What happened

during that year? What, do you see that as a long delay between the rezoning and the building plans? I mean, what—

Les Shively: Normally, yes. I mean—

Commissioner Musgrave: What happened to keep him from moving forward?

Les Shively: —to give you an example. I keep using this Lake Shore, I mean, shortly after we rezoned the Lake Shore property, or actually I should say down zoned it, I mean, they're moving and grooving. Because that was the project, that particular developer, by the way out of Indianapolis, they're focused on that particular development here. Greg has two subdivisions, single family residential subdivisions, in Warrick County that were at various stages of development. Because of where they were in the development, and, maybe you're aware of this and maybe you're not, but you have certain time lines to get your infrastructure in place, or they will call your letter of credit. Those things had to get done. He had to complete all of his work. I think that, he's kind of a one man show, he was focused on getting that done, and not involved, probably as much as he would liked to have been promoting and working with the property on the west side. You know, he had a lot of things going, and he had set time lines already running on him with regard to getting the infrastructure in place in Warrick County, or Warrick County would have to call his letter of credit and get that infrastructure, you know, in place.

Commissioner Musgrave: Well, I guess, the minutes would lead you to believe that he had the credit already established for this project.

Les Shively: Yes, he did.

Commissioner Musgrave: And that everything was going to get going, and then you say there was a year's delay in presenting the plans to the Building Commission. So, you're saying that he came with a plan to get the rezoning, get the building, but then his other work prevented him from getting the building started here on the west side?

Les Shively: That's what I've observed. I mean, you know, there's a lot of my clients that suffer some of the same situations. I've seen individuals, well, I won't mention any names, but I know of one particular developer who did a rezoning in 1998 for multi-family, and still hasn't done that project, and has moved on to other projects within the county, and that project has never come to fruition. I mean, that happens.

Commissioner Musgrave: Well, that may address the delay, but it doesn't address the testimony on the record that he was going to manage this himself. That he wasn't going to market to students. Then we find that he has, the building plans are now submitted over a year later for student housing, and then he turns around and sells the property. When did he decide that he wasn't going to be the owner/manager of this property?

Les Shively: I don't know the answer to that, other than it appears from what he's said here to you a moment ago, that that happened sometime in 2004. I mean, I think, the sale took place this year. But, the whole progression probably started sometime in 2004 when he got this additional information.

Commissioner Musgrave: So, are there 512 total bedrooms?

Les Shively: I don't know.

Greg Moore: Yes.

Commissioner Nix: How many parking spaces are you going to have? Has that changed too?

Greg Moore: No, there's 302 total parking spaces.

Commissioner Nix: And 500 and how many bedrooms?

Greg Moore: 512 bedrooms.

Commissioner Nix: If you fill this thing up, where's everybody going to park?

Greg Moore: If everybody has a car then we're going to have a parking shortage. We've acquired a lot next door to the house that we can have extra parking there. USI is going to provide their transportation.

Commissioner Musgrave: What do you mean by USI is going to?

Greg Moore: USI is going to provide transportation, their shuttle bus is going to run through there.

Commissioner Musgrave: Do you have a commitment for that?

Greg Moore: We've talked with Ron Ruble and Dr. Hoops, and then Mark Kryzowski's taken Ron Ruble's place, and he's given us the same commitment.

Commissioner Musgrave: So, at this point in time now, we have a 512 total bedroom, and Schutte Road will not be closed off. So, some of the things that you envisioned when you set out to change your plans aren't ever going to take place, and we are going to have student housing with insufficient parking?

Greg Moore: We think we'll have, well, if you go a car per bedroom, yes.

Commissioner Musgrave: I have a question for Mr. Spindler.

Dan Spindler: Yes, Commissioner. My name is Dan Spindler. I'm president of the Given and Spindler Management Company.

Commissioner Musgrave: Well, you have your work cut out for you. You will be managing 512 bedrooms, and your neighborhood association is going to be Westside Improvement, and I think you've heard their expressed displeasure with the way this has turned out. What are you going to do to reach accommodation with the neighborhood association and this new unit, new complex that's being built?

Dan Spindler: Well, our company was engaged to work for Mr. Moore, I think about six weeks, maybe two months ago, in helping look at what is actually under construction at this point in time. We were engaged to manage this property. Student housing, and, hopefully, I'll give you some background, student housing today has changed dramatically. What Mr. Moore is building on the west side of Evansville is new to Evansville. It certainly is a new concept. But, if you look around the country, and even other cities such as Ball State in Muncie, this is not a new concept. In fact, it's old hat. I'm very familiar with the housing at Ball State University, because housing, multi-family housing in general, as an industry, this is

my 35th year of being in property management, and I've watched it change dramatically. The reason I am so familiar with just the Ball State as an example, we know, and I was instrumental in working with some others, and we actually brought in a four year degreed program, it was the second of it's kind in the United States. There are people that are actually getting their degrees now in apartment management to live on site. I'm happy to say we've had that program in place for about six years now, and at Ball State we now have the first masters degree program in apartment management. These are people that are living on-site managing apartments. I've watched, for a number of years, the student housing being developed very similar to what Mr. Moore has built at Ball State, as well as many other cities that have universities all across this country. There are property developers out there, in today's world, that their primary focus is building this type of housing. Typically, you see that's it's three and four bedroom housing units. It does require different management styles for that, much like a family property is managed somewhat differently than, say, a seniors property, or all singles property, or young married property. Each of today's lifestyles that you see, based upon the resident mix of that apartment community, do require some different approaches to be able to keep it conducive. Student housing is not a bad thing. Student housing is not negative. Students must live somewhere. I see the student housing on the west side actually bringing many of the people that are students, renting from the apartment communities throughout Evansville, because of lack of finding housing suitable to their needs to be able to live close to campus. We even think that perhaps some of the U of E students may actually live on-site. One of things that Mr. Shively has already addressed is the fact that for student housing of this type, unless you can meet the threshold criteria of a debt to income ratio as a full student, making enough money to be able to justify your living and renting that apartment, your parents are required, and I don't care if your 18 or 22, or what your age is, your parents will be required to co-sign the lease.

Commissioner Musgrave: Well, I would like you to get back to my question.

Dan Spindler: Okay.

Commissioner Musgrave: What are you going to do to work with the neighborhood association to make this more acceptable to the Westside Improvement?

Dan Spindler: Well, I'm not sure what we can do to work with the Westside neighborhood association. I would be more than happy to meet with them, to listen to their concerns. I would be more than happy to explain our management style, and what we expect on the property itself, but our engagement from a management standpoint is to manage and lease this property.

Commissioner Musgrave: You had mentioned that there are masters degrees available in this apartment management, will any of these master degree holders be your employees on this site?

Dan Spindler: We actually have an RPM, it's called an RPM, we actually have an RPM student, she's a junior, going to be a junior next year that is in Evansville working this summer specifically on this property. We do expect to try to staff this property with as much as possible with students such as RPM students, or RPM graduates.

Commissioner Musgrave: So, they won't be degreed at this time, that you know of. Will more than four people be allowed to rent one of these apartments?

Dan Spindler: No.

Commissioner Musgrave: I would ask that you meet with the neighborhood association before you sign your first lease to see if there is any agreements that you can come to about language to be included.

Dan Spindler: Some leases have already been signed.

Commissioner Musgrave: I would like you to go ahead and meet with them.

Dan Spindler: We are in a marketing program, and, like I said, I would be more than happy to sit down and meet with the neighborhood association to see what, you know, what questions we can answer. I think our engagement from a management company standpoint, since we've been brought in to work, you know, specifically for Mr. Moore, is to manage the property, to market the property, and to lease it up.

Commissioner Musgrave: Mr. Moore engaged you? The property has just been sold, correct?

Dan Spindler: Yes, but we're still working for Mr. Moore.

Commissioner Musgrave: Will you be working for the new owner?

Dan Spindler: Our management engagement is strictly with Mr. Moore.

Commissioner Nix: So, at some—

Les Shively: There's been a change in the ownership, legal ownership, but Mr. Moore has to complete the project, lease it, manage it for a certain period of time.

Commissioner Musgrave: How long?

Greg Moore: Five years.

Les Shively: Five years. So, he will be involved here, on the scene, for five years. It has to get up to a certain performance level to complete the transaction. So, that's why Given and Spindler is engaged by Mr. Moore. That will be the arrangement for at least five years.

President Crouch: Thank you, Mr. Spindler. I, you know, what is is, but, I guess, we need to look at our process and whether we need to make any changes. I would like to ask three questions, one first of Mr. Mills.

Brad Mills: Brad Mills.

President Crouch: Do you, and you, I sat on the Area Plan Commission for two years, and you've been there a lot longer, do you have very many instances where developers come and represent one thing at the rezoning to the neighbors, and, you know, the neighbors withdraw their opposition or they're comfortable with what's being represented, and then it ends up that something else happens? Does that happen often?

Brad Mills: Not in a short time frame. Obviously, as was mentioned, there is a possibility that something could be presented, and then if the project does not move

forward two, three years down the road, things could change. But, typically, no, that does not happen.

President Crouch: Then, my second question is for the County Attorney. Do we currently, in our ordinances, rezoning ordinances, have any mechanism that requires or brings people back, developers back, when there has been a change in the intent that was represented?

Ted C. Ziemer, Jr.: No.

President Crouch: I guess, my third question to the Commissioners, should there be?

Commissioner Musgrave: I would like to explore that. I would also like to explore something, perhaps that he brought up, he said that his plans to the Building Commission did not represent what was said here. Perhaps we can require the Building Commission to notify us in that. That could be one change, but, yes, I would agree with you, that we need to look at that.

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: Just maybe to expand a bit on my answer, what we're dealing with is land use, and the Plan Commission, under Indiana law establishes various codes of land use that entitle the owners of that land to use it for those particular purposes. In this case, what happened was the developer was granted the land use that allows the use that he intends to make of this property. If he violates that land use, under that zoning classification, then there is appropriate action that can be taken. But, to simply change from representations, if you will, made at one meeting to something else a year and a half later that still falls within that land use is not something that is currently addressed under our ordinances or the state statute. We have the mechanism for covenants, either a use and development commitment, which is done at the time that you file your petition for rezoning, and you could, in that document, set out something like this, though it would be extremely difficult for the Plan Commission to enforce.

Brad Mills: With the use and development commitment, which we do recommend, and we tell everyone that it is available, you can limit the type of uses that you could have for the property. If they wanted to be specific, they could say that we would only build two bedroom apartments, and then we would enforce that. However, if they just request a rezoning of the property to C-4, then any use that would be allowed in the C-4 classification would be permitted.

Ted C. Ziemer, Jr.: I think, I was referring to the limitation to student use.

Brad Mills: Correct.

Ted C. Ziemer, Jr.: That would be a very hard thing for you to police.

Brad Mills: Yes, that would be.

Ted C. Ziemer, Jr.: The other kind of covenant, is a covenant that you enter into either in favor of the county or in favor of neighborhood associations or owners of property in a subdivision, and those covenants are legally enforceable. In this case that was mentioned in the various minutes, and referred to at the meetings, but it was indicated that the financing, or the entity providing the financing for the developer

would not continue there being a covenant to this effect, and, so, it was not done. What we end up with is representations made at the meeting, and we have no remedy for those changing.

President Crouch: I guess, my legal question then is, can there be?

Ted C. Ziemer, Jr.: Sure. I think there could be. It will have to fall within the enabling statutory language of the state of Indiana, but certainly that could be explored, and, yes, I think some changes could be made.

President Crouch: Commissioner Musgrave is going to explore with the Building Commission?

Commissioner Musgrave: Yes, I'll explore that. Later on on our agenda we'll come to a developer who is willing to enter into a private covenant with the Commissioners. So, you can see that we're already moving down this path, and I think we can make some progress.

President Crouch: I would like to say that the development in Vanderburgh County benefits all of us, and we have good developers. But, we need to be sure that the neighbors are protected and feel that what has been represented to them is what actually takes place. I think that's an important trust part of government that we need to ensure continues. Thank you, Mr. Mills. Any further discussion?

Les Shively: Madam President? I want to clarify something for the record, Mr. Morley can add to this, but I have also been advised that when the configuration of the buildings and the layout changed with the change in use, new drainage plans were filed and approved, is that correct? You might explain, I just want to make sure that we understand that.

Jim Morley, Jr. : We had done, at the time of rezoning, Mr. Moore employed us to do a traffic study based on an 80 unit facility. We did a traffic study for that, and had done some different layouts for an 80 unit building showing a pattern of that's where the intent was going. I'm sure he wouldn't have spent money paying me to do traffic studies if that was not the intent at the time. Once that changed, after that changed and the 128 units came on line instead of the 80, we received Drainage Board approval, based on that revised apartment complex, we received road plan approval based on that revised apartment complex. It went through site review, based on that revised apartment complex, and site review has all the reviewing agencies added. The Drainage Board and County Commissioners for road plan approval, both public meetings in which the public are invited to see what's going on. Then we also received a green space variance from the Board of Zoning Appeals also for this project with the revised plan. So, this plan, as it sits today is not something that no one saw. Every approving agency in Vanderburgh County saw it. That's the traffic study was revised, a new traffic study was done for the larger project, in which it was approved by the County Engineer. I would also like to comment, I had to check with the County Engineer to verify, the last set of plans that INDOT has provided, at least that I've seen and that John Stoll has seen, still has this project losing access at Schutte and the Lloyd. I am unaware of, I think Greg misunderstood, I am unaware of them, of INDOT, giving that access back. At the time we did improvement, or did design work for improvements on Schutte, that was a large concern of Dale Lucas with INDOT, because as Greg said, they plan on taking Schutte Road over the Lloyd. When they do that, they are going to have to fill Schutte Road near the entrance of

this project. Because of that, we took that into account in the design of our entrance so we could minimize the impact of that later on in the project.

Commissioner Musgrave: Are you saying that when you took these revised plans through all of those other boards and meetings that you were just talking about, that you made it clear to all of those bodies that the plans had changed from the Commission meeting? And you called those out for their special attention, that they now knew that these were being built for student housing?

Jim Morley, Jr. : I wouldn't say that I called it out and said these are different than what went through Area Plan Commission, and they are for student housing. We simply submitted the plans like we do on any project. We submit the plans for approval.

Commissioner Musgrave: So, maybe we need to have attached to all those plans, that as they go through all of those meetings what they represented when they got designed.

President Crouch: Through all those meetings were the neighbors notified? And the Westside Improvement Association? I mean, were they notified when changes did take place? Because, you know, what I have often found in dealing with the public is their only focused on a few public meetings. So, there's a lot of action that takes place in government that the public just isn't aware of.

Jim Morley, Jr. : I remember specifically a guy who lived significantly downstream, not an adjourner to this property, but significantly downstream, I want to say down in the Broadway area, was at the Drainage Board because he was concerned about drainage.

President Crouch: That's Kevin Flittner?

Jim Morley, Jr. : What's that?

President Crouch: Kevin Flittner?

Jim Morley, Jr. : It might have been. I don't remember his name. So, I do know, you know, that the public had to have been notified. He was there, I remember him specifically, and I even want to say that him and you were going to work on some things concerning drainage and that area downstream of him. But, I'm not for sure on that. But, yeah, the plans, all the approvals that were granted, the state, INDOT plan approval, road plans, drainage plans, sewer plans, water plans, everything were always done based off of the revised layout. But, we had done a full traffic study for the 80 unit layout at the rezoning time, because, at the time, that was the intent of what would be built.

Commissioner Nix: Why wasn't the parking picked up in all those revisions?

Jim Morley, Jr. : I'm sorry, say that again?

Commissioner Nix: Why was not the parking picked up in those revisions?

Jim Morley, Jr. : The parking is accounted for in those revisions. The parking meets the ordinance for what is required for a four bedroom unit. The issue as to whether there is or is not enough parking there really depends on how many students have

cars. I think, and I could be wrong, and Greg could speak to this, I believe he had one appraiser tell him that there was ample parking. Whether you think there is or is not ample parking, you know, that's a judgement call. When I went to college, my four bedroom apartment was allotted two spaces. We have met the ordinance for required spaces, and as Mr. Moore stated, they have acquired a nearby piece of ground, that, if need be, they could come forward for approval of an additional parking area.

Commissioner Musgrave: I have a question for Mr. Mills. I haven't looked at the ordinance for parking, but if a four bedroom unit were contemplated and you were projecting parking for that, would you project one car per bedroom, or would you have assumed that there would be underage children who didn't drive in those bedrooms perhaps?

Brad Mills: Our ordinance doesn't specifically address four bedroom units. It says two bedroom requires two spaces per unit. Three bedroom requires two spaces per unit, plus one additional visitor parking for every three units. So, based on that information is how we calculated the required parking, which, I believe, came out to 299, and they provided 301. So, based on our code as we interpret it, they had sufficient parking. Obviously, if every unit is rented out to a student, and all the bedrooms are occupied by students, and every student has a vehicle, there is going to be a shortage of parking.

Commissioner Musgrave: Is our ordinance out of date with reality then?

Brad Mills: It's something that we could revisit to address a four bedroom. As Mr. Spindler had mentioned earlier, this is a new animal to us here at Evansville. So, we have not been approached by this before. So, it's something that we can look into.

Commissioner Musgrave: Thank you.

President Crouch: Thank you. If, perhaps, Commissioner Musgrave, you have Area Plan Commission coming up, and I'm sure there will be continuing discussion about that, and perhaps about, you know, some type of a mechanism that might address these rare instances. I'm sorry.

Commissioner Nix: Mr. Jeffers.

President Crouch: Mr. Jeffers?

Bill Jeffers: It's been a long afternoon for you, and I appreciate you recognizing me. My name is Bill Jeffers, the County Surveyor. I serve on the Area Plan Commission. I'm not here to speak for the Area Plan Commission members. I'm here to speak for myself. There's been a couple of issues that have been brought up that I want to speak to, and there's been an issue that has not been raised that I would like to speak to first. For the period of time that I've been on the Area Plan Commission, and I'm sure it's the same with Commissioner Crouch and Commissioner Musgrave, when a petitioner comes before the Area Plan Commission, unlike any other of these, you know, unlike the County Commissioners, unlike the City Council, who actually does the rezonings, when a petitioner comes before the Area Plan Commission, they raise their hand and swear to tell the truth, the whole truth, and nothing but the truth. That issue has not been addressed tonight. When I sit on the Area Plan Commission, and I've worked for the county since 1981, and served in an advisory capacity to the Drainage Board since 1984, for all that time, it's a very, very, very rare

instance that a petitioner, particularly a land developer has come up, and without swearing in front of the Drainage Board, or the County Commissioners, without swearing in front of the County Surveyor in my office, it's a very rare instance that any one has ever gone back on their word. We're able to listen to a person tell us what they intend to do, and, basically, operate on an, I guess, they used to call it a gentleman's agreement, but a person's word is their bond type situation. That went on for many years, from 1984, when I first became Deputy Surveyor, until 1994, we got storm water detention based on a developer telling us he would put storm water detention in his subdivision. No code required it. No law, no Indiana state law still requires it. But, based on the person's word being their bond, when they showed us a plan, and represented it, even as a what they call a conceptual plan, which basically is a pretty picture that they bring up here to get a permit. If they showed it to you, they did it. That hasn't been addressed tonight. But, now, all of a sudden, someone's come up and said well the Drainage Board got a crack at it, and the County Commissioners got a crack at it, and implying that the County Engineer had a crack at it when he looked at the road plans. When we look at those things, that wasn't a new drainage plan. That wasn't a revised drainage plan. That was a final drainage plan that came up after a conceptual preliminary drainage plan. Mr. Flittner was not here worried about parking or traffic, he was worried about some erosion down there a mile away. I won't even go into that, because he's been referred to the appropriate agency to address his erosion concerns. But, the drainage review, if that's where it's going, if that's where this is going that the drainage review is supposed to catch an increase in housing units, or an increase in bedroom units, I should say in this case, well, then, that's what I'll do. It may take a little additional time to get a plan reviewed. I may not be able to do it in two or three days like is customary. It may take me a month or so to go back and check every thing that was sworn, with the right hand raised, to be done, in every set of minutes in front of you and the Area Plan Commission and the City Council, to make sure that the drainage plan reflects those promises. But, I don't believe that's where government should be going. I believe we shouldn't be increasing the scope of government. I don't believe anyone who spoke tonight is in favor of increasing government control, or the reach of government. The layers of government, and the layers of permitting and review. I don't think one person that stood up here tonight is in favor of that. We can avoid all that by simply when you say you're going to do something, you do it. If things do change, go back to the people you told you were going to do certain things, and explain why you've changed your mind before you go forward. Then we wouldn't need all these layers and layers of regulation. Now, I had planned on talking about, asking you, I mean, Area Plan Commission is only a recommending body. The Area Plan Commission has sat there and voted 13-0 against a rezoning, and either the Council, City Council, or the County Commissioners has approved that zoning. There is different levels of activism on the Area Plan Commission. Some people are very focused on neighborhood associations and neighbors and neighborhoods. Other people simply look at is this zoning appropriate for this parcel of land with regard to the surrounding zoning classifications? We don't look at parking. We don't look at traffic access. We don't look at anything other than is this spot zoning, or is this congruous with the other zonings around this parcel of land, because the technical people in site review and sub review are supposed to handle all those other issues. So, I guess, we're going to be asking now for guidance from the County Commissioners, in this instance, and possibly from the City Council, how much activism do you want on the Area Plan Commission? Should we, when we make our recommendation on the Area Plan Commission should we just look at the appropriateness of the zoning, or should we start looking at traffic access and all the other issues? In this case you've heard that the parking met the zoning requirement, good or bad, it did. Nine out of ten of the plans that are brought in front of us are

artist's conceptions of what this thing's going to build out to look like. They aren't the final plan. They're a pretty picture that sometimes and sometimes don't come to fruition. But, that's what we have to recommend a zoning to you based upon. So, but, I think what really goes to the heart of the matter, if a person stands up and says they're going to do something, with their hand raised, and they swear they're going to do it, that when we vote on a zoning, or when we review a plan that we can count on that's what's going to be done. I've already heard from people who work closely with those who have spoken tonight in the private sector, that the developer is now saying there is so many layers of government and so many permits we have to obtain, just get us a set of plans that will get us a permit, and let us get to building. Then, we'll go back and show them an as-built. That's what's going on now because of all these layers of control. Just get us a set of plans that we can take down there, and get us a permit, so we can start building. The as-built will show what really is. So, I guess, I'm asking for guidance both as your technical advisor to the Drainage Board, and as a member of Area Plan Commission, how much activism, and how much detailed plan review do you want out of those of us that act as your advisors?

President Crouch: I would expect that you would comply with the ordinances that are in place until they are revised or amended. This Commission, I guess, needs to, as we have talked about earlier, need to review whether there should be a mechanism in place. So, that when those people that hold up their hand and swear something, if there's been a change, that there's some mechanism by which that change can be conveyed to the rest of the community.

Commissioner Nix: And that wouldn't take another layer of government to do.

Bill Jeffers: But, I would encourage you to keep it simple, because what I've already read is just, and what I've written for your drainage code, 95 pages. For your new erosion control code, 45 pages. It's almost oppressive, you know, but that's the way it's going. It's just too oppressive.

Madelyn Grayson: Excuse me, may we make a tape change please?

Bill Jeffers: Thank you.

(Tape change)

President Crouch: We will go ahead and move on our agenda.

Reading of Quotes: VC05-06-01: Concrete Repairs at Old Courthouse
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President Crouch: Department heads, is there—

Commissioner Musgrave: Before we do that, can we do the bid opening?

President Crouch: Oh, our first department head will be County Attorney, Mr. Ted Ziemer, and he will read the quotes, and then he will also apprise us as to the Tri-State Transportation contract.

Ted C. Ziemer, Jr.: The first bid is from Deig Brothers Construction. They have a base bid of \$20,207; an optional bid of \$23,300; for a total, including the base and the optional of \$43,507. CCC of Evansville has a base bid of \$44,405.75; an optional bid of \$28,806.08; for a total of both the base and the optional bid of \$73,211.83.

Concrete Pavers, Inc. has a base bid of \$33,861; an optional bid of \$21,007; for a total, including the base and the optional bid of \$54,868.

Company Name	Base Bid Amount	Optional Bid Amount	Total Bid
Deig Brothers	\$20,207.00	\$23,300.00	\$43,507.00
CCC of Evansville	\$44,405.75	\$28,806.08	\$73,211.83
Concrete Pavers, Inc.	\$33,861.00	\$21,007.00	\$54,868.00

Commissioner Nix: Move we take the bids under advisement.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other department head that has business to come before this Commission? County Engineer?

County Engineer

John Stoll: The only item that I have this afternoon is an agreement with Bernardin Lochmueller and Associates for the design of the next phase of University Parkway. It's in the amount of \$400,100. The agreement would provide the revision of the alignment of the entire remainder of the project between Upper Mt. Vernon Road and Diamond Avenue to accommodate shifts in the alignment to make it a more permissible from an environmental standpoint. It will avoid stream relocations and other environmental issues that cause permit problems these days. In addition to the alignment shift, it will also provide us a complete set of design plans and specifications for the next construction phase, which is anticipated to be Upper Mt. Vernon Road to Marx Road. I had the County Attorney review the agreement. He was okay with it from a legal perspective, so, I would request that the agreement be approved.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: That's your briefest visit. Thank you.

Commissioner Nix: Thanks. Sorry about the delay.

President Crouch: Is there any other department head?

B.J. Farrell: Commissioner Crouch, I have a few items.

President Crouch: Oh, I'm sorry.

Superintendent of County Buildings

B.J. Farrell: That's okay, I sit up here. We did have our county surplus sale on Saturday at the Old Courthouse. I would like to thank you for being there, helping me to hold down the fort. We did collect \$1,100 for our county General Fund. I have contacted St. Vincent De Paul to see if there would be any desks or chairs that are left that they might be interested in. I also have several e-mails or letters from various different county departments that had last minute surplus requests that we did put in that sale. I would like to give those to Madelyn Grayson please. I also have a late travel request for the Health Department. They need to send someone to pick up their new vehicle for rodent control in Bloomington. I also have a late request from the County Highway Department for a gentleman who's been coordinating the resolution that the Commissioners have on their agenda today. At the last Commission meeting there were several letters that I had brought to the Commission for signature. I would like to make a report on those letters. The letter that went to the County Auditor, we have received the information. We sent two letters to the Building Authority, my conversation with Commissioner Nix today, they will be addressing those at their next board meeting, and we will be hearing from them. We did send a letter to the Sheriff requesting some information, and they are working on that, and they are doing that as they receive it. We sent a letter to the judges, and Judge Knight has told me he has had a conversation with the state court administrators office, and he will be presenting that to the judges at their next meeting that he would recommend approval that they act on our request. They will be at our meeting next week to address another issue, and will be bringing that to us as well.

Commissioner Musgrave: So, he is indicating that we will be able to run the payroll records against the court records?

B.J. Farrell: That's my understanding, yes. There will be some criteria that would be attached to that regarding what we'll be specifically requesting, but he will bring that to you next week.

Commissioner Musgrave: Okay, wonderful.

B.J. Farrell: Thank you.

President Crouch: Very good.

County Attorney

President Crouch: Mr. Ziemer, do you have a report on Tri-State Transportation, and any other items that you might have?

Ted C. Ziemer, Jr.: I have other items, and I don't exactly have a report on Tri-State Transportation, other than to tell you that their contract, which was a three year contract expired June the 2nd of this year. The contract provides, for example, that they get paid \$75,000 a year to provide the service that they provide. The contract

spells out the manner in which they are going to provide that service. We had a report in April of this year of a failure on the part of the contractor to provide vans when requested by Evansville ARC. I discussed that failure with Derrick Dillon, the co-owner of Tri-State, who indicated that they had vans in the shop, and that they had had changes of employees, and so forth. The bottom line was that they had not complied with the terms of the contract. I advised the Commissioners of all that by my e-mail of April 27, 2005, and advised the Commissioners that their contract would expire on June 2, 2005, the County Attorney would need guidance to develop the contract since it provides for a fee of \$75,000 and similar items which I am not going to decide. It is a services contract that can be entered into without bidding. Or the Commissioners could determine to see if there are others in Vanderburgh County who could provide a similar service and seek bids.

President Crouch: I think we ought to probably seek bids. Does that sound good to everybody?

Commissioner Nix: I think that would be a good idea.

President Crouch: Does that sound reasonable? Maybe a motion to work with Purchasing on that?

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, thank you. I prepared and submitted a services agreement to be entered into between the Commissioners and Jennifer Feigel to provide independent contractor services for the county, I think in the offices of the County Commissioners. I believe that Madelyn has....well, I sent that to you, B.J., do you have copies of it?

B.J. Farrell: We'll get one.

Ted C. Ziemer, Jr.: We could have the copies run. I've got this, and then it could be executed today.

Commissioner Musgrave: Alright.

Ted C. Ziemer, Jr.: If that's agreeable.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, you have a request for closure of Norwich Place between Newberry and Wilton Way in Norwich Place from 3:00 p.m. to 9:00 p.m. on June 18, 2005 for purposes of conducting a neighborhood picnic. The Commissioners, of course, can approve that by simply making a motion to do so, if that was your pleasure. I would suggest that your approval be subject to the neighborhood be responsible for erecting suitable barricades at the portions of the street that are to be blocked off, and that they're being prepared to move those barricades and monitor traffic in the event of an emergency.

President Crouch: I know we've had these in the past. Mr. Stoll, have we required—

John Stoll: I spoke with Ted about this earlier, and I couldn't recall that the county provided barricades in the past when this had been approved. I thought, whoever the petitioner was had provided the barricades, but the requests had typically been approved by the Commission. But, I couldn't remember the last one, so, I couldn't go back and check in the minutes as to what was provided.

President Crouch: I'm sure if the recommendation of the County Attorney is that they provide the barricades, I'm sure that would be acceptable to the Commission.

Commissioner Musgrave: Move to accept the recommendation of the County Attorney.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Stoll.

Ted C. Ziemer, Jr.: I submitted a weed ordinance. Do you have that, Madelyn? Well, I did this by e-mail at 3:07 today, so, maybe it didn't get looked at. In any event, I have a weed ordinance which you could consider at this meeting. The only changes made by the ordinance have to do with reducing the level of weeds to be maintained from 12 inches to nine inches. And, secondly, to provide that in the event of work is done by the county to cut the weeds, that before this is certified to the Auditor to be put on the tax bill, a bill could be sent to the property owner, allowing the property owner to pay the amount due without the necessity of going through the certification process to the Auditor.

President Crouch: So, this reflects all the changes we had talked about when we first discussed this?

Ted C. Ziemer, Jr.: It does.

President Crouch: And this would be first reading?

Commissioner Musgrave: Well—

Ted C. Ziemer, Jr.: Well, I had prepared it to be approved in one reading.

President Crouch: So, waive the second reading?

Commissioner Nix: Has Mr. Lehman had a chance to review that?

Ted C. Ziemer, Jr.: I beg your pardon?

Commissioner Nix: Has Mr. Lehman—

President Crouch: Are those changes acceptable to you, Mr. Lehman. Could you please wake up.

Roger Lehman: Oh, I'm awake. I'm trying to hide.

Ted C. Ziemer, Jr.: Do you want to just wait and do it next week?

President Crouch: Why don't we move on, and then come back? Or do you need a second?

Roger Lehman: No, it will take me two seconds.

Ted C. Ziemer, Jr.: Finally, there's an agreement that was in the material submitted to me between Cinergy and the county for the addition of, or movement of, moving 11 lines from Judge Heldt's office to the old juvenile office for a cost of \$360. The agreement is satisfactory from a legal perspective, if the County Commissioners wish to approve it.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is that all, Mr. Ziemer?

Ted C. Ziemer, Jr.: That is.

Commissioner Nix: Thank you.

President Crouch: Thank you so much. Mr. Lehman?

Roger Lehman: I just have one comment. Our discussion previously was to apply this change only in platted subdivisions. Since I don't have the ordinance in front of me, I don't know if the ordinance refers to platted subdivisions for the 12 inches that we're changing to nine, or if we need to say nine inches in a platted subdivision.

President Crouch: We're going to be a few minutes, do you want to take a moment and go—

Ted C. Ziemer, Jr.: Excuse me, you're saying, we understood that the change was to be anywhere, the weeds would be reduced from 12 to nine. We did not get that information. I don't believe the ordinance makes that distinction, the present ordinance. This is just an amendment of the ordinance. If that's the case—

Roger Lehman: Yeah, we could just amend the amendment to say in platted subdivisions.

Commissioner Musgrave: Okay.

Roger Lehman: But we couldn't just change the 12 to a nine, we would leave the 12 in and say except in platted subdivisions nine inches, or maybe it would be better if we just took it and fixed that up.

Ted C. Ziemer, Jr.: Well, I would rather be the one to fix it, I think.

Commissioner Musgrave: I was handing you the (Inaudible). I wasn't going to do it.

Roger Lehman: But, that (Inaudible) everything else appears to be in order and fine, but I think the Commissioners' intent, and I think my presentation was, and our primary problem is in platted subdivisions where people are maintaining their yards in a very normally nice level. Whereas, out in the county, in general, where it might be farm fields or whatever, the 12 inches is adequate out there.

Ted C. Ziemer, Jr.: Madam President, I would feel better taking this back to my office, and making these changes and resubmitting it for approval next week. It's not that we can't deal with weeds in the county, we have a mechanism for doing that, just not with these particular changes. I would rather have it done correctly than to sit here and try....because they are amendments, and what we change here affects the rest of the ordinance, and we were just, I was not aware that there was the subdivision limitation.

President Crouch: And, Mr. Ziemer, we want you to feel better and feel good, so, I think we will defer this for a week.

Ted C. Ziemer, Jr.: Good. Thank you very much.

Roger Lehman: I will be out of town next week. So, I guess, maybe I could give my qualified support today.

Commissioner Musgrave: I would ask that Mr. Ziemer e-mail that amended ordinance to you before the end of the week, and that it's all said and done by that time.

Ted C. Ziemer, Jr.: I'll e-mail it to him tomorrow.

Roger Lehman: And, I'll e-mail my support to the Commissioners the next day.

Commissioner Musgrave: What did we do without e-mail?

President Crouch: Was that a motion?

Commissioner Musgrave: Move, yes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Board appointments, I don't believe we have any today.

Commissioner Musgrave: Okay.

New Business

President Crouch: New business, tax abatement recommendations. As the Commissioners are well aware, there's been some discussion about providing scoring and guidelines for the tax abatements. Tax abatements are a privilege not a right, we need to ensure that the company's that are granted abatements are accountable to the taxpayers of Vanderburgh County. So, if it's the pleasure of this body, I would like to read just one little part of the letter that we would, hopefully, send to County Council expressing our recommendation regarding tax abatement guidelines.

"The Vanderburgh County Commissioners recommend that the Vanderburgh County Council, the body that grants tax abatements, adopt the guidelines currently used by the City of Evansville. These guidelines have been time tested for productivity without stifling growth. In addition, it allows the Department of Metropolitan Development to administer one set of guidelines, reducing the confusion for private industry and government alike. The benefits include providing greater accountability without stifling economic development. Having identical regulations in the city and county enhances our economic competitiveness as a region, a goal we all seek to attain."

Commissioner Musgrave: I move that we send this letter to the County Council, and urge them to adopt guidelines that promote and not restrict economic development in our county.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other new business?

Old Business

President Crouch: Old business? The ordinance regarding non-profit street solicitations. I believe that the County Attorney has been in contact with the Sheriff's office, and we are working out some details regarding the process for permitting, and this should be before us, hopefully, next meeting.

Ted C. Ziemer, Jr.: We would expect that.

President Crouch: Thank you. Any other old business?

Public Comment

President Crouch: Public comment, this is the opportunity for the public to comment to the Commissioners regarding any business that this Commission has authority over. Is there anyone in the audience? Thank you.

Consent Items

President Crouch: Consent items, I believe we need to amend them to include some late travel requests and surplus requests.

B.J. Farrell: Commissioner Crouch, I'm sorry, I was out of the room, did Mr. Ziemer have the Airspan Internet for Burdette Park under his paperwork today?

President Crouch: I don't believe so. Do you want to brief us on that, and add that to the amendment to the consent items?

B.J. Farrell: Yes, I would like to ask the Commissioners to allow this to be on the consent items today. It's for bandwidth usage at Burdette Park so they can have Internet access, I believe, at the Discovery Lodge?

Commissioner Musgrave: Yes, wireless Internet.

President Crouch: Wireless?

B.J. Farrell: Yeah. Thank you.

Commissioner Musgrave: Move to amend the consent items as you have just recommended, and as you recommended during your report.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, now, since we've amended them, do we have to approve them?

Commissioner Musgrave: Oh, let's approve all the consent items. Move to approve them.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

VC-3-2003: Pedcor Investments

President Crouch: We now will move to rezoning, VC-3-2005. Thank you for patience.

Krista Lockyear: Good afternoon, members of the Commission. Krista Lockyear, I'm here on behalf of Pedcor Investments, LLC. As I believe everyone is aware, we have been working with Commissioner Musgrave specifically in order to put together a written covenant that will address some specific concerns, and provide some accountability on behalf of our client in the future. I think it's telling that we're here after the earlier discussion about the rezoning on the west side. My client is very interested in putting in writing their commitments to the county, and standing behind the representations that they have made to you. I do have copies of the covenants as current draft. There are probably still some minor modifications that need to be made. My client would like to run these by their eviction attorney to make sure we don't have any problems with some of the language, versus the language in the leases. I would hope that in the next couple of days we could have discussions with any of the Commissioners that may have additional comments, and we could finalize this before next week, to take this rezoning to a vote.

Commissioner Musgrave: I want to thank you, and your clients for taking the time to meet with me last week to respond to the numerous e-mail messages that have come, not only from me, but from concerned members of the public, seeking to arrive at this covenant, which will put in writing some of the things that are important to the community, and that you're willing to put it on paper and stand behind it, I think that speaks very highly of your client.

Krista Lockyear: Thank you.

President Crouch: I do know that Mrs. Harp is here from Oak Hill Neighborhood Association, and I know she is here with some questions regarding this rezoning, because I did speak to her. So, if—

Krista Lockyear: Sure.

President Crouch: —you don't mind entertaining, even though we won't vote on it today.

Susan Harp: Thank you. Susan Harp, president of Oak Hill Neighborhood Association. This area out there, unfortunately, does not have any neighborhood association, and that is something that Mr. Farmer and the United Neighborhoods of Evansville and I, we're working on to try to expand more neighborhoods in the county. Keystone would probably be your first neighborhood, then you get into the Green River Estates. Some of the concerns, and this was brought up at the East Sector Neighborhood Police meeting. Officer Vantlin spoke about the Vann Park apartments, and then I had just received the e-mail regarding this information, and there are some concerns from any neighborhood when you put in housing that may attract people of lower income that may be influenced by vices such as drugs. Of course, we do have the drug house ordinance in the city that we feel is going to help alleviate some of this, and I'm hoping this covenant would address those issues. But, in fact, these apartments do kind of attract, and it's unfortunate, because everyone should be provided a place to live. My concerns were that would there be ample transportation for some of the lower income people to get to their job sites? That was

one issue that was brought up. I know it will be on the Sheriff's Department to help patrol this area. It's just kind of secluded out there, and I know they are going to widen, or do some improvements on Green River Road, so that should help, but that's, you know, down the road. Those were the concerns we really had. I did speak to a few of the people from Green River I and Green River II that they knew nothing about any of this. So, Timber Park neighborhood had concerns, but they're on further south, but they and Oak Hill are the two nearest neighborhood associations, so, we're hoping that the covenant would address the issues that protect those neighbors right there who may not know what's in store for them.

President Crouch: Thank you, Mrs. Harp. Would it be possible to provide a copy of the proposed covenant to Mrs. Harp? Then if you could just briefly address her questions. If you could also tell her where the property is, because I think I told you the wrong location.

Susan Harp: Okay, thanks.

Krista Lockyear: Again, Krista Lockyear, for the record. Mrs. Harp, after the meeting I can give you a copy, as well as my card, and we can maybe correspond about any additional comments you have. Specific concerns that we are intending to address in this covenant is that my client is willing to commit that the leases, although this property is not to be, it's not in the city limits, or I wouldn't be in front of this body, we will include the language from the city ordinance about the drug enforcement and eviction procedures into our leases, so that we...and as amendments happen in the future, we will comply, basically, with that city ordinance and lease language. We also are putting in mechanisms of background searches that we will proceed and follow. Currently, at Vann Park, and intended at this Green River Road site, we do previous landlord checks, obviously, credit report checks, and we are committing to checking the Vanderburgh County Sheriff's sex offender registry periodically, and to proceed to commit not to rent to anyone that is on that registry, as well as proceed to make sure that we don't have tenants in the complex that are registered sex offenders. The other provisions that we are having in here is that we would agree that at any point in the future, if the Sheriff's Department or the County Commissioners would request, as a result of criminal activity at the site, our client, or my client will hire on-site security at their own expense to cut down any problems that they may be having. Of course, we don't foresee problems. It's our full belief that this will be a microcosm of the neighborhood that we are locating in. I've indicated to this body before, our tenants that we are marketing to are the workers at the east side, close retail locations; Eastland Mall, the new Black Buggy development, the Schnucks development. This property is just north of Lynch Road on Green River Road, and, so, those tenants that we are looking for are the work force of that immediate area. As far as transportation goes, we are not marketing to individuals that require public transportation. Public transportation is just not really anything that our clients are interested in trying to accommodate at this point, or acquire. It's the intent that most of these tenants will have their own transportation. These tenants are working individuals, and there are percentages of income requirements, but they are individuals that either currently work or may be retired, and that these complex, apartment units will be affordable to them.

President Crouch: What percentage students?

Krista Lockyear: That creates a whole nother can of worms.

Commissioner Musgrave: At our meeting last week, you and I talked about the police reports, and you relayed to me how it took your client about six weeks, I think, to get the accompanying incident reports that went along with those that you could identify problem tenants in your Vann Park Apartments. We were discussing this in order to forestall any problems in the future development. You had mentioned that your client might want to pursue easier and better access to those records. Has anything come of that?

Krista Lockyear: Not to date. I think we are going to work, perhaps with you. I would like you to kind of take a look at what our suggestions or comments may be. I don't in any manner want to say that the Evansville Police Department didn't produce anything and everything that we asked them to do. It was the mechanism of obtaining the information. Officer Vantlin is our beat officer, I'm not sure of the exact term. He is on-site periodically. We have had communication with him, and we now have his number to include in the community newsletter that Vann Park puts out. That hadn't happened before this process. So, I think that's a positive thing. We're also going to see, in working with Officer Vantlin if there is a mechanism that we can get monthly incident reports, rather than going through a formal process through the record room to obtain these reports, and perhaps, because I think we pulled officers off of what they normally do in order to get these reports. So, if we could come up with some kind of system where any apartment complex, or any resident, for that matter, could get police reports of things that occur in their vicinity on a regular basis, that certainly would help our clients in managing the apartment complex, as well as others. We certainly would be willing to talking to the Sheriff's Department about doing that in the future.

Commissioner Musgrave: Okay. But, the ordinance isn't, I mean, the covenant isn't ready to be signed today, so, I would make a motion to defer this until next Tuesday's meeting.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mrs. Lockyear.

Brad Ellsworth: May I make a comment? Good evening, my name is Brad Ellsworth, Vanderburgh County Sheriff. It's my understanding that the property in question is out in the county solely, and would therefore be patrolled by the Sheriff's office until something changes that would preclude that. I do want to say that I'm sure you understand that the Sheriff's office is a full law enforcement agency, not just a jail, not just a civil process. That we do have detectives, and patrolmen, and crime scene investigations. One thing, my concern, and I've talked about this a couple of times, is that these were cornfields traditionally, and cornfields never call the police. But, housing developments, whether it's apartments, I think we used to refer to them as Section Eight, I don't know if that's still the case, but, even low income housing is, they call the police. But, in large subdivisions, Green River Estates, and even the costlier houses, they still call the police. We go to Green River Estates quite a bit. So, we get runs in every neighborhood in Vanderburgh County, whether it's \$500,000 houses, or whether it's a \$400 a month apartment. It's nothing new to us to patrol or to work in this kind of atmosphere. Carriage House Apartments off Green River Road south of there was in our patrol jurisdiction years ago before it was annexed, and I

think they were quite satisfied, and law enforcement was done, and patrol was made. So, any concern that we can't handle that, or we won't provide reports, I don't know if that's, maybe that's not what I'm hearing, but our reports won't be, depending on, I don't even know Officer VanZant, but it won't be dependent upon city police providing them, we'll be providing those reports, and I can tell you that our office is pretty diligent in providing the information. I think if you ask the citizens that we do patrol, that they are pretty satisfied with the service the Sheriff's Office has provided. So, it doesn't concern us. We're used to any kind of law enforcement, whether it's low income, or high income. If you have any questions from us, I would be glad to answer those.

President Crouch: Thank you.

Brad Ellsworth: Thank you.

Krista Lockyear: If I may, just for the record clarify, this is not Section Eight housing. It's housing that will utilize the federal tax program that is Section 42, and we have units that are designated for lower income, but it is not government housing. It's not subsidized housing. It's affordable housing. Again, I wanted to stress that we are marketing workers. There's a median income level that, you know, we've discussed with various Commissioners, and, you know, as we've gone through this process we have found quite a bit of information to dispel, perhaps, the myth that lower income means problems. That's certainly not the case, and to ensure that large apartment complex doesn't mean problems either, that's really the reason why my client is working with you to get this covenant in writing, and, again, to provide some accountability in the future.

Commissioner Musgrave: Would you go ahead and supply a copy of that to the Sheriff, since it does mention in it an action by his department.

Krista Lockyear: Absolutely.

Commissioner Musgrave: Okay, thanks.

Madelyn Grayson: May I have a copy for the record also? Or you can e-mail me, Krista.

Krista Lockyear: Certainly. Certainly.

President Crouch: Thank you.

Krista Lockyear: Thank you.

President Crouch: Unless there is further business—

Commissioner Musgrave: Move to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 5:28 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (2)	Circuit Court (1)	Knight Assessor (1)
Burdette Park (7)	Commissioners (1)	VCCC (4)
Sheriff Department (5)	Auditor (2)	Superior Court (1)
Prosecutor (5)	County Clerk (2)	Pigeon Assessor (1)

Travel Requests:

Health Department (4)	SWCD (1)	Treasurer (3)
Commissioners (1)		

Auditor:

Approval of Lien Release for Tax Code 03-110-03-132-030 (Mill Terrace)
Approval of Lien Release for Tax Code 02-040-02-130-039 (Old State II)
Submit Annual Report on Condition of School Funds

Commissioners:

Council Call: Disaster Resistant Community Corp: \$10,000
Cinergy Phone Lines: Judge Heldt
Department Head Minutes: 5/24/2005
Local Roads & Streets Annual Operational Report for 2004
Hillcrest-Washington Youth Home Annual Report for 2004
Wesselman Woods Nature Preserve Surplus Request
Surplus Request Letters from Various Departments

Burdette Park: Airspan Internet Agreement

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Adam Farrar	Fred Padget
Les Shively	Greg Moore	Dan Spindler
Brad Mills	Jim Morley, Jr.	Bill Jeffers
Krista Lockyear	Susan Harp	Brad Ellsworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 14, 2005**

The Vanderburgh County Board of Commissioners met in session this 14th day of June, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting of June 14th. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: Suzanne Crouch, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, Vanderburgh County Auditor

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Weights & Measures Presentation

President Crouch: The first item on our agenda is when we have a board or a commission or a department that we, is under our authority, or we make appointments to come and educate the Commission and the public as to what they do and what activities they're involved with. It is our pleasure today to have Weights and Measures with us. It's a joint department funded by the city and the county. We're honored to have Loretta Townsend here, who will be giving us an update on Weights and Measures.

Loretta Townsend: Okay, as I stated in the meeting, do I need to give my name, Suzanne or not?

President Crouch: Please.

Loretta Townsend: Loretta Townsend, Weights and Measures, okay. Okay, I think a couple of weeks ago, or at least last week, I sent to you all a copy of a list of they're not vendors but they are locations where we go, and at each one of these locations, they're really actually just one line, but there's many, many devices at each one of them. I mean, it isn't like we make one trip, we do one thing, and we leave. At some of them, I mean, like Ameriquel, we can spend a day at Ameriquel, they've got like 28 scales out there. They're in the cooking room, then they're in the freezer room, and you slip and slide all over the place. Gas stations, we do, at the very least, we may do 36 tests at a very, very small station. So, there's a lot of things that's involved in each one of those locations. Wal-Mart, the super Wal-Mart have up to 50 scales in each one of those, plus their packages. We do the taxi cabs. We do the timing devices, that's like the laundromats and the vacs and this type of

thing. The scales can range from like the grams scales in the Sheriff's Department or the drug enforcement thing, and the pharmacies, some pharmaceutical places the State Hospital they have them out there, we just went through the State Hospital and got out. We always want to tag one of them and say please return. We have that all the way up to the 60 ton one's like that are on the river, Cargill and all of those, Fliegeltaub, Trockman's. We also do the Post Office scales, which are not done everywhere. It wasn't an easy task getting in to them, but we do do them, because they are federal, but they probably are the biggest business that relies on weight for a fee, as anybody. Everything relies on a weight from them. As far as the fuel goes, well, two of you have seen a little bit of it, I think last week. We check the fuel from the terminal when it comes in, all the way down to the gas pumps, which includes the trucks, which you both saw. We also, I think last year, now this does not, I have to make an annual report to the state the 15th of June each year. I haven't done this one yet, but I did all the way up to June of this year. From 2004 June to May of 2005, we measured over 87,000 gallons of fuel. That doesn't include this month, and that's going to be a pretty good whopper. That's mostly what we've done. We also do the packages. We control the method of sale. There's a method of sale for everything that's sold out there. We make, we have to police that to make sure that's sold in the right manner. We work under what we call NIST, which is the National Institute of Standards and Technology, which is a branch of the Department of Commerce. It filters down into all the states. In Indiana we work underneath the Indiana Department of Weights and Measures, which is Larry Stump is who our director is. We also have some things in Vanderburgh County they don't have anywhere else, and that's our city and county ordinance. We found it was necessary. That's been in, oh, I think 1986, I believe is when we first started. We have other extras, we use stickers that they don't use anywhere else. We use brochures. We've had a few of the jurisdictions, the state of California called a couple of years ago and would ask our permission to use our brochure. Well, of course, we're going to let them have it because it's helpful to everybody. We use tags, we use the yellow tags, we use red tags, and we also use the padlocks. Which they don't usually use anywhere else. Of course, we've got the key. We've had people ask, because when we lock up one of them, they say, well, you're going to leave me the key. I hardly think so. I mean, they do this. Okay, now, in 1980 I was working for Curt John down in the Auditor's office. They came and asked me if I wanted that department, and this is right below where it was sitting at. I had never heard of it. I walked up there, I found that all the equipment that the fellow had had been condemned by the state. He had nothing to work with. The truck had been wrecked on a trip up to some training school, and that was still sitting somewhere. He didn't even have a list of locations where to go. I took a yellow pad, like this, sat down in the phone book and guessed as to what they were going to be. They had no office, they had no telephone. It did take a few years to get a telephone. But, now we've got what we've got. We work off of a low budget, very low budget. Last year, and I haven't come to it yet this year, I'm working on that too at the same time, it was like less than \$225,000, which is 45 percent paid by the city, 55 percent paid by the county. We've got low rent. Nobody can beat our rent, which gives us good accessibility to people who bring in their scales. There's some different other things that they bring in to us that we weigh for them, and this type of thing, where they can easily get to us. It also provides us with security for our trucks and our equipment which is very expensive. It cost \$500 if we need to replace one of those fuel test things that you saw, that was a five gallon one. Now, that was the last time we bought it. We haven't bought any in a while. So, I mean, we just can't afford to have anything happen to it. Besides the danger and the fumes that build up in the back of these trucks. If someone would try to break in to one, well, I imagine we would find out who had done it. You know, it wouldn't be any problem, because they

probably still would be there. We don't ask for any new furniture. We made a trip with Bennie in the basement and over at the Old Courthouse a couple of weeks ago. We don't need it. You know, it works fine for us. We do our own clean up. We don't have any personnel problems. Any personnel problems we've got is taken care of right over there. I mean, you've never had us, they can go back to when all the other Commissioners were here, they've never had a problem with having to call one of us in because somebody said such and such. You know, we've always handled our own personnel problems. Luckily, we've never had any bad publicity. You can't say that for a whole lot of departments. But, we've never had any bad publicity whatsoever. So, that's the Weights and Measures Department. Any questions?

Commissioner Nix: I was curious. You're spread all over the county—

Loretta Townsend: Yeah.

Commissioner Nix: —when a new business opens up, how do you find out about that? I mean, is there, is this just word of mouth?

Loretta Townsend: Well, I tell ya, the newspaper a lot times, in our ordinance it says that before a business, before anybody can put in a weighing or measuring device, they must contact the Weights and Measures Department. We have a system set up with people who do the repair and installation on the fuel pumps. We have a system set up with the one's who do the installation of the scales and this type of thing. We also have some pretty stiff fines in there if they do not tell us. So, we do find out. Of course, people will also, other businesses, like we spent yesterday morning, they will rat on one another. It didn't take long. We find them that a way too quite often.

President Crouch: Loretta, when I was out observing your department working, you had indicated that Posey County did not have a Weights and Measures. That any county over 33,000 population had to have a Weights and Measures Department.

Loretta Townsend: 30,000.

President Crouch: 30,000, excuse me.

Loretta Townsend: I think theirs is 26,000, I believe. I saw it in the paper not too long ago.

President Crouch: And, Commissioners, this came about because the efficiency study done last year had recommended that perhaps our Weights and Measures Department look at contracting with surrounding counties to provide that service. So, I did send an e-mail to the president of the County Commission in Posey County and asked if they were interested in perhaps contracting with us, and he said that they would discuss that and get back with us.

Loretta Townsend: Well, they're going to have to fork over some people. Because, I mean, we're spread about as thin as we can possibly get. Because there is like myself, and three guys and one secretary. There's a bunch of stuff out there. We work on fuel for a good nine months of the year, and we try to slide the scales in at the very first part of the year. Certain things we have to get in. We have to check the taxi cabs or they can't get licenses. So, we're going to check them if there's sleet or snow, we're going to check them. We try to get our scales, for the most part in, the first part before we start on the fuel. But, then it's just no set pattern for any

one time. We just keep, as we can, we just go...that's why we got this list that I gave you. We cannot remember where we've been, where we haven't been, unless they've really made an impression on us. But, we mark it off. We've got one in each one of the vehicles, and then one in our office. We mark them off as we get to them. So, they would have to fork over some manpower to do that though.

President Crouch: Thank you, Loretta. We appreciate your hard work, and making your presentation today.

Loretta Townsend: Okay, can I leave?

President Crouch: You may.

Loretta Townsend: Thank you.

**Permission to Advertise: VC036-2005-1:
Family and Children Services Transportation**

President Crouch: Next on our agenda, is Phil Lawrence here for emergency? Okay. He has an emergency bid that he wants the Commissioners to consider advertising.

Phil Lawrence: I would like to ask permission for advertising, to do an emergency bid for VC036-2005-1. That's the transportation for the Vanderburgh County....my mind just went blank. Vanderburgh County—

Commissioner Nix: Transportation?

Phil Lawrence: –Transportation Children's Services.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

Award VC05-06-01: Concrete Repairs at Old Courthouse

President Crouch: Next item, award VC05-06-01, concrete repairs at Old Courthouse.

John Stoll: We're recommending that you award the contract to Deig Brothers. They provided the low bid on the project. We're recommending that you proceed with the base bid, plus the alternate bid, which would be replacement of all the steps at the lower part of the Courthouse down the Court Street side. The sidewalk leading up

to the main level of steps, and then the replacement of the upper part of the steps next to the building.

Commissioner Musgrave: This is just on the one side, right?

John Stoll: Correct, the Court Street side.

Commissioner Musgrave: Is that the Fourth...okay. Fourth Street, or Court?

John Stoll: Court Street.

Commissioner Musgrave: Yes, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Stoll.

**Judge Pigman: Agreement for Professional Services: Kelly Williams
Sheriff Department: Phoenix Imaging/Canon: Contract Addendum**

President Crouch: Contracts, agreements and leases. Do you care to take them separately, or together?

Commissioner Musgrave: Move approval of the Deputy Sheriff K. Williams, and the Phoenix/Canon Amendment.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**First Reading of Ordinance CO.06-05-013:
An Ordinance Concerning Street Solicitation**

President Crouch: Ordinance for non-profit street solicitation, first reading.

Commissioner Musgrave: Move approval of the first reading of this ordinance.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Before we take roll call vote, Chief Deputy Williams? No comment? Okay. The Sheriff's Department has reviewed it. I know that everyone else has had input. So, I will take a vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. We will have second and final reading next week. Is there anyone here to speak to that issue? Excuse me. Thank you. I didn't think I recognized anyone, but thank you.

<p>First and Final Reading of Ordinance CO.06-05-012: An Ordinance Concerning Weeds or Noxious Plants</p>
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President Crouch: Next, ordinance concerning weeds or noxious plants, first reading.

Ted C. Ziemer, Jr.: This is set to be done on one reading.

President Crouch: Oh, yes. Unless, is there anyone to speak to this issue? We've had it before us a couple of times with discussion. If you all would entertain waiving second reading, we could pass it on first and final reading today.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes.

Commissioner Musgrave: Motion to approve the ordinance concerning weeds or noxious plants.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. So ordered. That passes.

<p>First Reading of Ordinance CO.V-05-05-001: Ordinance to Vacate a Platted Public Right-of-Way: Building PAR LLC: Airport Industrial Park</p>

President Crouch: Next ordinance to vacate a platted public right-of-way. This is the first reading. We did speak to this last week. Do any of the Commissioners, or does the attorney have anything to add at this point in time?

Commissioner Musgrave: Do you have anything to add?

Ted C. Ziemer, Jr.: No.

Commissioner Musgrave: Motion to approve the ordinance V-05-05-001.

Commissioner Nix: And that is first reading?

Commissioner Musgrave: First reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Lastly—

Commissioner Musgrave: Do we need to do a roll call?

Commissioner Nix: Roll call vote?

President Crouch: Oh, I'm sorry. Commissioner Musgrave? Thank you.

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes. That passes. We'll have the second reading and final reading next week.

**First Reading of Ordinance: CO.06-05-014:
An Ordinance Concerning Registration of Apprentices**

President Crouch: Our last ordinance, that is concerning registration of apprentices, first reading. Is there anyone to speak to that issue here? We have someone from the Building Commission. Mr. Fuchs?

Steve Fuchs: Steve Fuchs, Assistant Building Commissioner. The ordinance that you see before you today represents months of hard work by Mayor Jonathan Weinzapfel and City-County Building Commissioner, Roger Lehman and the Area building trade professional organizations. We present today for your approval, an ordinance that would accomplish the following; found a training committee to establish, maintain, and supervise all apprentice training programs; number two, require a set number of classroom hours for apprentices; number three, provide standards for educational materials and periodic testing; number four, create requirements for maintaining, training, and educational records; number five, facilitate the distribution of program information to minority organizations; and, number six, setting up a mechanism to enforce standards should program deficiencies occur. This ordinance would empower the Building Commission and the licensed disciplinary board to investigate reported problems with apprenticeship training programs. This ordinance exemplifies an effort to strive to ensure continued excellence in the training of future construction trade professionals in our community.

President Crouch: Just a little addition, the Commissioners also have worked hard on this. So, I just wanted to point that out. In fact, we did repeal what was passed—

Steve Fuchs: Yes.

President Crouch: —by the prior administration—

Steve Fuchs: Yes.

President Crouch: —at our first meeting in January. Because of that action, that provided the opportunity for the parties involved to sit down and try to come up—

Steve Fuchs: Yes.

President Crouch: —with something better. So, we are pleased to have been able to provide that for the community, and for those individuals that are involved. Do we have anyone from any of the building trades? Mr. Rexing?

Jim Rexing: I'm Jim Rexing with the Independent Electrical Contractors. Just, basically, would like to reiterate what Mr. Fuchs said. I would like to give a special thanks to the Commissioners, to the Mayor, to the local trades unions, to the Independent Electrical Contractors, to the Southern Indiana Builders Association, and to plumbing, heating and cooling contractors, and to the Building Commission. That was pretty much the group that made this all happen. I'm very proud to be a part of that group, and I appreciate everyone's help.

President Crouch: Well, and this ordinance allows or provides for greater accountability, without sacrificing development.

Jim Rexing: Absolutely.

President Crouch: I think we're all proud to be a part of that.

Jim Rexing: Okay, thank you. I think we, like I say, it was a long process. It was, everyone worked hard at it. I think we've come up with some excellent language to make this all happen.

Commissioner Musgrave: Well, six months ago the prior Commission meeting room was packed, it spilled out into the hallway, emotions were running pretty high. Now, six months later, with time to develop a more agreeable document, this room has virtually you and Mr. Fuchs and maybe there's someone else here to speak to it, but, I think that the Commission should be commended for giving everyone the opportunity to take a better look at this, and come up with a more acceptable document. So, I am very proud to have been a part of that process.

Jim Rexing: Absolutely. Like I say, this speaks to what we've achieved, that everybody could come in agreement on this, which is what we had hoped from the start.

President Crouch: It's interesting that when everyone agrees, very few show up. So, thank you very much.

Jim Rexing: Thank you.

President Crouch: Any other comments from the public? Seeing none, we will accept a motion.

Commissioner Nix: I make a motion we approve the ordinance concerning registration of apprentices for the first reading.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

Commissioner Crouch: And, I vote yes. That passes on first reading. We will have the second and final reading next week. Thank you, Mr. Fuchs.

Steve Fuchs: Thank you.

Burdette Park

President Crouch: Department heads, Burdette I believe had permission to go to Council call that they would like for us to approve for a transfer, and then also for an appropriation.

Commissioner Musgrave: Move approval of the transfer and appropriation as on the documents provided for Burdette Park.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: County Highway is not here. Mr. Stoll? County Engineer.

John Stoll: I've got three items that need approval. First, I e-mailed you earlier today about a change order on the University Parkway project. The change order is for \$14,610 increase. Of that, our share would be 20%. The change order resulted from a change in the pump when the sanitary sewer lift station was constructed as a part of that project, as well as changing the type of sanitary sewer pipe that was put in. I would request that that change order be approved.

Commissioner Nix: And that request was through the Evansville Water Department, was that correct?

John Stoll: Yes.

Commissioner Nix: Okay.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Madelyn has that in the signature file. The next item I have, and it's also in that signature file, is a letter to the Water and Sewer Department regarding the Jobe's Lane water main extension. We needed to submit a letter to them that stated that the value of the project was \$112,526.25; that the water main lies within platted easements or street rights-of-way; and that we would maintain any defects, we would repair any defects in the water main for a period of one year. They can then accept the water main for maintenance at one of the upcoming utility board meetings. I would request that that letter be approved by the Commissioners.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is in regard to the St. George and Oak Hill project. I had e-mailed you several letters that J.H. Rudolph had submitted regarding the project, and I would like to go through those and get approval on those. The first letter was changing the roadway pavement section. The consultant had followed one of the INDOT typical road sections, which, basically, had the main road pavement at 12 inches, and the shoulder pavement was at nine inches. So, if you could picture that, we basically had a three inch lip on either side of the roadway. That in turn could trap water, and for ease of construction, as well as keeping the project drained, would like to replace that three inch lip with rock so the drainage would be improved during construction and afterwards. That results in an estimated increase of \$6,375 due to the additional rock that would be needed to build up the shoulder. The second change would be to actually change the shoulder pavement section to a different asphalt thicknesses. This would result in a net decrease of \$1,325. The third issue was regarding conflicts with water services and water mains. J.H. Rudolph had submitted some prices for dealing with those, as far as having their crews or their subcontractors relocate any water line utility conflicts with the project. Then we would seek reimbursement upon completion of the project through the Water and Sewer Department. I don't have a specific price to put to that item, because, at this point, we don't know how many water services, and how much water main would have to be relocated. But, we have been in contact, I know Bill has been in touch with the Water Department and so have I, and so have some of our inspectors. They're agreeable to having Rudolph take care of these, and then we'll pursue the reimbursement upon completion of the project. The fourth item that I'm seeking approval on is changing the stone, changing the bedding for the box culvert to basically have a foot of stone placed underneath the box culvert. We would delete the concrete toe wall which, basically is, if you could picture the, you know, the box culvert is just a wall that sticks about a foot into the ground at both ends of the box. That change would result in an estimated net decrease of \$319.80. I would like approval to do all these, and then upon completion of the project, I'll bring a final change order in that adjusts all the prices, so that way we'll have the specific quantities once that work has been completed.

Commissioner Nix: Does Rudolph have time material rates from their subcontractor? Because they won't be performing this work, is that correct? The water work?

John Stoll: They submitted some prices for the water services, and fire hydrants. As far as the water main, I can get you that price. They have not provided that as of yet, because the water main just became an issue as of late yesterday.

Commissioner Nix: It might be a good idea that we get those rates in place before we let them proceed.

John Stoll: Okay.

Commissioner Nix: That shouldn't be a big deal to do, but I think that way we know what we're going to be paying per hour.

John Stoll: Okay.

Commissioner Musgrave: Do you want to approve it contingent upon those rates being in place?

Commissioner Nix: Yeah. That's fine. I move approval that we do that.

John Stoll: I can let Rudolph's project supervisor know, and he could get that to us before they start the work.

Commissioner Musgrave: Okay.

Commissioner Nix: That's fine.

Commissioner Musgrave: Then I make that motion contingent upon those rates being given to you.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: I'll let Rudolph know, and then we'll work up the change order later in the project. That's all I have, unless you have any questions on anything else.

Commissioner Nix: Have a good vacation.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: County Superintendent, we already voted on the Burdette.

B.J. Farrell: The County Clerk had previously had a travel request approved on May the 3rd, and she's asking for an amendment to that travel request. She's taking a different employee with her. The Secretary of State sent us a letter, and some of the highlights of that letter are that the federal and state law now requires that all polling places be accessible to voters. There was a deadline for those polling places to be compliant by January 1, 2006. There was a federal grant application that was asked to be completed by counties. Our county has completed their application. So, I wanted to update you on that. St. Vincent De Paul did go over to the Old Courthouse. I have a list of the items that they took. I would like to present those for the record. Earlier, EVSC had requested use of the Centre, and they have withdrawn that request. On the request for Burdette was that the appropriation transfer?

President Crouch: Yes.

B.J. Farrell: Okay, they did have one other item. It was the Axiom contract for advertising that their Burdette Park advisory board had approved, and I would like to submit that to the record for Commissioners signature. That's all I have. Thank you.

President Crouch: Do you want to amend the consent items to include those items right now, and then we'll vote on them later?

Commissioner Musgrave: Motion to amend the consent items to include the items listed by the Superintendent of County Buildings.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Board Appointments

President Crouch: Board appointments.

Commissioner Nix: Yes, I would like to appoint, and there's three of them here, I guess we can do all these together. Paul Sowders, Charlie Alvey, and Richard Lamb to the prevailing wage committee.

Commissioner Musgrave: Is that motion?

Commissioner Nix: That's a motion, yes.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. I believe we need to make a polling place advisory board, we need to rescind Jennifer Wigginton, and then appoint B.J. Farrell to that.

Commissioner Musgrave: Motion to rescind Jennifer Wigginton, and appoint B.J. Farrell to the polling place advisory committee.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

President Crouch: We also have the Old Courthouse Foundation. We need to rescind Brent Grafton. Marsha Abell has consented to be on that. The only requirement is that that individual have a real estate background.

Commissioner Musgrave: Motion to rescind Brent Grafton, and appoint in his stead Marsha Abell to the, is that the Old Courthouse advisory—

President Crouch: No, Foundation.

Commissioner Musgrave: Foundation.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Approval of June 7, 2005 Commission Meeting Minutes

President Crouch: And we do need to approve the minutes. I went right over that.

Commissioner Musgrave: Motion to approve the minutes of June 7, 2005.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Public Comment

President Crouch: Right now is the public comment. If there's anyone in the public that cares to comment to the Commission about any items that they have authority over, now is your opportunity. Seeing none. We'll continue with our agenda.

New Business

President Crouch: New business, we have the court technology letter. We did receive a letter about court technology, and I believe, is there a spokesperson to speak to the Commission?

Douglas Knight: Thank you. My name is Douglas Knight, I'm a judge in the Vanderburgh Superior Court. I hope you have in your packets, or have reviewed a letter that was authored by myself and 11 other people. So, it's hard to bring consensus to everyone. The people that signed the letter, it was all the judges in Vanderburgh County, the County Auditor, the Clerk, the Treasurer, and the Recorder, I think. Oh, and the Clerk of the Court. They wanted me to actually comment on that, very briefly, they are all here today, except for all the judges. They chose me to make this comment because I think I'm the only person on vacation today. So, that's why I'm here. But, what the goal, I believe, is to open a dialogue with county officials concerning information technology. We feel that with the happening of certain events technology started changing directions, and we seem to have lost some control over technology in our respective offices. Some of us would say they want ACS as their vendor of choice, period, end of story. Some of the people that signed the letter would say let's have the dialogue and figure out how

we can blend two systems, perhaps. But, I think the overriding concern that all of us have is that the accountability for us, for technology in this county, has disappeared. It used to be that there were monthly meetings in which all the projects were discussed. The technology vendor gave a good accounting for itself, and stood and answered questions that the local user community had. All the users blended their needs, discussed their needs, and capitulated among one another to establish an agreeable priority of projects. That system worked very well, everybody was in the know, and in the loop, but, of recent, there have been no...the Data Board has been disbanded, it's been replaced by an IT governance ordinance, which has at the head of this the CIO, the Chief Information Officer, who does no longer appear to have any accountability directly to the user community, or us users. There are no public meetings, we don't know what's going to happen. The stakeholders have no participation any longer to a level or a degree that's satisfactory, at least to those who signed the letter. It's not, some would say, it's a matter of trust. But, whether it's trust or not trust, the old adage, I think, serves us well, and that's trust, but verify. That's simply what we hope the dialogue will come about to be, with the natural inclination on our part to go back to that Data Board setting where the user community gets to speak up in a public meeting and find out what the directions are. You wouldn't want to wake up one morning and find yourself on the wrong side of the fire wall, for example. That's pretty much why we're here. I think, just this afternoon, I learned that there is some interest on the part of the Commission to open that dialogue, but I still wanted to underscore the importance of it. Other people that may wish to speak, I don't know whether Betty or Z. or Susie has any comment. I would like for the Sheriff, anything that they have. If you have any questions of me, I would be happy to try to answer those.

President Crouch: Questions? Thank you, Judge.

Douglas Knight: Anybody else? I knew Betty would do that.

Betty Knight-Smith: Good afternoon. I'm Betty Knight-Smith, the Recorder. I would like for us to stay with ACS. We get good service. I have Fidar. I'm the only one that's on a separate computer system, and I feel that the Data Board, there was always some place to go. But, that was eliminated, and I just don't feel that this is a good move for the Commissioners to put it all in one man's hands. We need somebody that we can talk to when we have a problem. I think all the rest of us feel the very same way. I think it's up to you three to make the decision. I don't think Ms. Musgrave will go along with you, so, it's basically left up to the two of you to please four major office holders and the whole court system. I would like for you to take a good look at it. Thank you.

President Crouch: Thank you, Mrs. Knight.

Douglas Knight: Betty's my mother, you know. Sister? Daughter?

President Crouch: Thank you all for bringing it to the Commission's attention. We appreciate the input, and we will take that under advisement. Thank you. Is there any other new business?

Old Business

President Crouch: Old business?

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Move to approve the consent items as amended.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Rezoning Petition: VC-3-2005
Petitioner: Pedcor Investments LLC
Address: 4201 N. Green River Road
Request: AG to R-4
Action: Approved 3-0

President Crouch: We will move to our rezoning. We have it deferred from last week, and that is VC-3-2005.

Krista Lockyear: Good afternoon, members of the Commission. My name, for the record, is Krista Lockyear. I'm here representing Pedcor Investments Limited Liability Company, asking for you to approve a rezoning of the property on North Green River Road to R-4 for multi-family residential development. I would, as you're all very well aware, we've had many meetings and discussions about this rezoning over the past couple of months. I do have some minor evidence to present to you. I'm just going to try and recap what we have been through. Maybe starting at the end and then moving backwards in time. I have to present to you the covenant that is signed and notarized and ready to be recorded that we have prepared in cooperation, if you will, with the County Commissioners, and particularly Commissioner Musgrave to get, as I indicated last week, some accountability in the future. That promises we've made with regard to this rezoning will be followed through, and that the county and/or it's assigns would have the ability for recourse, if something did not go as we have represented to you how it will. So, I would like to present to you the covenant, and I have one for the record as well. I do have the original, with the original notaries, we will record that in the event that this rezoning is approved. Very briefly, as your aware, we have, in this covenant, made promises to the county that we will go through a screening process of rental applicants in order to make sure that we are doing the best we can to get good tenants at this location. We indicate the screening processes that we will go through, and we will keep a record, or a checklist of those processes that are signed by a Pedcor employee that has actually done the check. You will have, you or the Sheriff's Department will have, at your request, the ability to review those to ensure that those screenings processes are still in place and being followed. In addition, I think very importantly we have agreed that in the event that the Sheriff's Department or the County Commissioners determine that the cause of criminal activity on site, an on site security officer would be advisable. Pedcor will employ, at their cost, a security officer on site to handle any problems that may arise. Other details, of course, are in the covenant. It will be part of the record. I think we've all had ample opportunity to review that. I can answer specific questions, if you would have any. By way of

recapping everything else that we have presented, and I have a packet for the record of information that we've delivered. I think each Commissioner has gotten this at various times in the past. We have gone through what I will call a Pedcor resume. Pedcor is a very, very high class developer out of Indianapolis. They have many facilities of this type, and run a tight ship. We have given you information about them, about other facilities, apartment complexes throughout several states that they own and manage. We have done a basic crime comparison of apartment complexes, and I think has shown that although the Vann Park apartment complex, maybe because of where it is located has some problems, we are not out of the ordinary. Any problems we do have, Pedcor has committed to make sure that we're on top of those issues to have a good working relationship with both the Evansville Police Department and the Sheriff's Department, so that in the future any issues that do arrive they will be prepared to address immediately. We have given you recommendation letters from the Warrick County Sheriff's Department, a Sheriff deputy from Marion County, and from the Vanderburgh County Sheriff indicating either that they have not ever had any problems to speak of with Pedcor Developments that they are currently working with, or from our Vanderburgh County Sheriff's Department, that they feel that they are fully equipped to handle the addition of these residential units in Vanderburgh County. We have also given you articles regarding valuation, how low income housing has been shown, in other areas, that it does not devalue adjoining properties. We have done a valuation study around Vann Park, and submitted to you a list of 45 properties, 41 of those did increase in value over the past five years. So, I think we've substantiated that this type of development does not cause a reduction in property values for surrounding properties. Finally, we've given you a market study that my client did develop prior to, really seeking to getting this rezoning. Wanted to make sure that their target market, their target tenants are in this area, and that they can lease this property. That market study has certainly concluded that we're looking at approximately a 90 percent occupation rate in Vanderburgh County, of these types of developments, that there is a need, as we've represented before. Clearly, the proximity to Eastland Mall, the Schnuck's Plaza there at Green River and Lynch and the other development that's going in in that area, that the tenants that we are looking at, or certainly would want to be in this, are so they would be close to their employment. If you will, I'll just hand this packet of information for the file.

Madelyn Grayson: May I make a tape change while she's doing that?

President Crouch: Certainly.

(Tape change)

Krista Lockyear: With that all having been said, I did finally, I spoke with Michael Lockard about this rezoning project, and I think that a lot will be done in the county in future rezonings to try and get the accountability, and, hopefully, there will be the cooperation. I do appreciate the Commissioners meeting with us, discussing issues and concerns with us, and allowing us to come to a place where we believe we have done everything we can to protect any issues from becoming problems in the future. With that being said, I would ask your approval for this rezoning.

President Crouch: Questions? Is there anyone here to remonstrate against this rezoning?

Commissioner Musgrave: I make a motion to approve the rezoning of VC-3-2000, I hope that's an eight. I didn't bring my glasses today, with the covenants as submitted by the attorney today.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Krista Lockyear: Thank you.

Commissioner Musgrave: Let me make one comment for the record. I received a phone call from a person in a subdivision that will be, that is near the proposed development, and she was not opposing the development, but she wanted to make sure that the Commissioners and I and the County Engineer and all the folks involved in the development process remember that the traffic on Green River Road is substantial and growing, and that she would like to see further improvements to that road.

President Crouch: Those are on the horizon, contingent upon funding.

Commissioner Musgrave: Yes.

Commissioner Nix: My hat's off to yourself, and Mrs. Lockyear and Pedcor for sitting down and getting this hammered out. I know there were some issues early on, but you guys did a great job of putting this together. Maybe this will be a model for future developments that we're looking at down the road.

Commissioner Musgrave: Thank you for those kind comments.

Commissioner Nix: So, we'll put you in charge of all those.

Commissioner Musgrave: Oh, good.

Krista Lockyear: More e-mails. Thank you.

President Crouch: Thank you. Do we need a roll call vote?

Ted C. Ziemer, Jr.: Yes.

President Crouch: Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. It passes. Thank you.

Krista Lockyear: Thank you very much.

Commissioner Musgrave: Do you want a motion to adjourn?

President Crouch: Yes.

Commissioner Musgrave: A motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 4:15 p.m.)

CONSENT ITEMS:

Employment Changes:

Knight Assessor (2)	County Highway (1)	Burdette Park (1)
VCCC (3)	Prosecutor (2)	County Clerk (1)

Travel Requests:

Health Department (1)	County Highway (2)	SWCD (1)
County Clerk (1)* amended from 5/3/05		

Auditor:

Submit A/P Vouchers.

Approval of Lien Release: Tax Code 03-110-03-132-020 (Mill Terrace)

County Clerk: Submit Monthly Report for April 2005.

Treasurer: Submit Monthly Report for April 2005.

Commissioners:

Department Head Report Meeting Minutes: 6/7/2005.

IBAP Gatekeeper May 2005 Report.

Jail Construction Payments: #60: \$7,650 & #61: \$55,000

Vision-e May 2005 Report.

St. Vincent De Paul surplus letter.

Secretary of State HAVA Letter: Polling Places

Health Department: Diabetes Prevention and Control Grant.

Burdette Park:

Axiom Marketing Agreement.

County Council Transfer & Appropriation Requests.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave
Bill Fluty	Ted C. Ziemer, Jr.
Madelyn Grayson	Phil Lawrence
Steve Fuchs	Jim Rexing
Douglas Knight	Betty Knight-Smith
Others Unidentified	Members of Media

Bill Nix
B.J. Farrell
Loretta Townsend
John Stoll
Krista Lockyear

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 21, 2005**

The Vanderburgh County Board of Commissioners met in session this 21st day of June, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting for June 21, 2005, the first day of summer. Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Crouch: We'll start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Approval of June 14, 2005 Commission Meeting Minutes

President Crouch: Our first item on the agenda is approval of prior minutes.

Commissioner Musgrave: Move approval of the June 14th Commission meeting minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Final Reading of Ordinance CO.V-05-05-001:
Vacate a Platted Public Right-of-Way Easement
Airport Industrial Park- Building PAR LLC**

President Crouch: Action items, first is ordinance vacate a platted public right-of-way easement.

Commissioner Musgrave: Move approval on second reading, if I have that protocol right.

President Crouch: Final reading.

Commissioner Musgrave: And final reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes.

**Final Reading of Ordinance: CO.06-05-013:
An Ordinance Concerning Street Solicitation**

President Crouch: Next is an ordinance for non-profit street solicitations, second and final reading.

Commissioner Musgrave: Move approval of the second and final reading.

Commissioner Nix: Second.

President Crouch: Is there anyone here to speak to this ordinance? Seeing none. All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes.

**Final Reading of Ordinance CO.06-05-014:
An Ordinance Concerning Registration of Apprentices**

President Crouch: Next, an ordinance concerning registration of apprentices. This is the second and final reading.

Commissioner Musgrave: Move approval of the amended ordinance concerning registration of apprentices.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Is there anyone here to speak to this ordinance? Seeing none.
Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. It passes.

**First Reading of Ordinance CO.04-05-011:
An Ordinance to Repeal Chapter 2.78 Concerning the
Old Courthouse Management Advisory Board**

President Crouch: Next, ordinance to repeal the Old Courthouse Management Advisory Board. This is the first reading. If the Commissioners remember, a month and a half or two months ago we spoke about perhaps the need to look at the organization of the Old Courthouse Foundation Board, and the Old Courthouse Management Advisory Board. If you recall, the foundation board was created in 2001, and replace the Conrad Baker Foundation. That's when the Conrad Baker Foundation turned back over the operation of the Old Courthouse to the County Commissioners. In 2003, the Advisory Management Board was created in order to look at the renovations and the restoration and the future use of the Old Courthouse. When we took over in January, it appeared that neither board was real active, and Dennis Au, the Historic Preservation Officer, had many conversations with me, and with the County Attorney, and it seemed that rather than have two boards doing nothing, it would be better to have one board that perhaps had a little more authority to do what really needs to be done there. As you well know, we've put seven, eight million dollars in to that fine facility. Commissioner Nix, I think, kind of guesstimated that we probably need to put—

Commissioner Nix: Another five to six, probably another five to six million dollars in renovations. But, the building's in real good shape. We've got a new roof on it now. We've got a new heating and cooling system, new electrical system. So, this would finish it off to where we could really make it a useable area then for the county.

President Crouch: And what we kind of looked at doing is trying to pattern after Allen County, because they had a foundation board that was very active in terms of looking at the future use of their courthouse, and in making recommendations to the County Commissioners. But, they also were very active in fund-raising. In fact, there was a real partnership, private-public partnership, in the renovation of their old courthouse, which we would like to see for the next leg of this project. Anyway, I will ask Mr. Ziemer to comment on the meeting that you attended with the advisory foundation board, because they had to make changes to the bi-laws and the articles, and it's your show now.

Ted C. Ziemer, Jr.: Right. Based on recommendations of various members of the Commissioners and Dennis Au, the Historic Preservation Officer, I drafted, you have to keep in mind that the Old Courthouse Foundation is a separate corporation, it is not created by statute as was the Old Courthouse Management Advisory Board. So, it was up to that board of directors to determine how they wanted their articles of incorporation and their bi-laws to be amended to provide for, essentially, the renovation, restoration, operation, maintenance and fund-raising for the Old Courthouse. I met with them on two occasions, and then finally developed a set of articles of incorporation and bi-laws, which we met about this past Monday. Prior to that, I e-mailed copies of those documents to each member of the Old Courthouse Foundation, and the board approved the articles of incorporation and the bi-laws as they were presented to them. The articles have been mailed to the Indiana Secretary of State for filing. There will be four, I think, additional appointments to that board as a result of this amendment.

President Crouch: And those will be Commissioner appointments. So, the board will grow from 11 to 15, but the requirement is, is that those appointments that we make need to be people that are very comfortable in fund-raising. So, all the old board members will continue on the committee, but we will have an opportunity to maybe introduce some new members that perhaps can assist in fund-raising, in helping with the future financing of that project.

Commissioner Musgrave: Are we going to ask for people to apply for the four positions?

President Crouch: Well, I certainly think that would be appropriate.

Commissioner Musgrave: I would love to have it. Do you need a motion to approve the ordinance?

President Crouch: On first reading.

Commissioner Musgrave: On first reading. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Is there anyone here to speak to this ordinance? Seeing none. Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes on first reading. The second and final reading will be next Tuesday.

<p>First Reading of Ordinance CO.06-05-015: An Ordinance to Amend Chapter 16.08 Procedure: Subdivision Ordinance</p>
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President Crouch: Next item on our agenda, ordinance to amend subdivision control.

Commissioner Musgrave: No. I must have an old copy of the agenda. Move to approve the ordinance to amend subdivision control ordinance, on the first reading.

Commissioner Nix: Second.

President Crouch: This is one which you had spoken to.

Commissioner Musgrave: Yes, this came through the Area Plan Commission.

President Crouch: And what does this ordinance do?

Commissioner Musgrave: There, Blaine Oliver from the Area Plan Commission is here to address that question. If we could call him forward.

Blaine Oliver: Good afternoon. Blaine Oliver, Assistant Director of Area Plan Commission.

President Crouch: Good afternoon.

Blaine Oliver: What was the question? I'm sorry.

President Crouch: What specifically does this, in a nutshell–

Blaine Oliver: In a nutshell?

President Crouch: Uh-huh.

Blaine Oliver: Sure. Basically, there were some complaints from the private sector about our subdivision ordinance, that the effective period of a subdivision, once it's approved by the Area Plan Commission, was not long enough. Our current ordinance only allows for an 18 month period for the subdivision to be effective. Basically, the ordinance in front of you extends that period for five years. There was a committee formed, that committee made recommendations to the Plan Commission. A draft of the ordinance was prepared. The Plan Commission approved the draft, and then approved the final ordinance. And the ordinance was passed by the City Council last night, the exact same ordinance that you have in front of you.

Commissioner Musgrave: I think I made a motion.

President Crouch: And, I think you–

Commissioner Nix: I will second it.

President Crouch: –seconded?

Commissioner Nix: Yes.

President Crouch: Anyone here, anyone else to speak to this ordinance? All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And, I vote yes. Thank you, Mr. Oliver.

Blaine Oliver: Thank you.

President Crouch: Second and final reading will be next week.

<p>County Assessor: Contract for Trending Services: Appraisal Research Sheriff Department: Sonitrol Contract</p>
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President Crouch: Contract, agreements and leases, we have two. One the Assessor, Appraisal Research Corporation contract, and the Sheriff's Sonitrol contract. Do you want to take those together?

Commissioner Musgrave: Well, I see several assessors in the audience. I want to make sure nobody has anything to say about it.

President Crouch: They probably don't if we approve it.

Commissioner Musgrave: Move approval of the contracts for the Assessor and for the Sheriff.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Permission to Advertise Tax Certificate Sale</p>
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President Crouch: Next item, County Commissioners, permission to advertise tax sale, or tax certificate sale.

Commissioner Musgrave: Move approval to advertise the tax certificate sale.

Commissioner Nix: Second.

President Crouch: And that date will be?

Commissioner Musgrave: It's October 14th at 10:00 a.m. in this room. We've formed a partnership with the Sheriff's office. He is assigning staff to help us conduct that sale in virtually the same way that the Sheriff's sales are conducted. We will, in our ad, have a web address, so that people interested in the property can go to this website and look up the properties, see an aerial photo, the property information that the Assessor's office has, and an additional feature, the Department of Metropolitan Development is making available their code enforcement data. So, you will be able to check and see if any of this property has outstanding code enforcement orders on it. So, we're trying to make as much information about the property available, so that the buyer can still beware when they approach purchasing some of this property. Just so that the public knows, this property, all the property on this list has gone through tax sale twice and has not sold. There are a couple of decisions that we'll be bringing to you. I believe that, Ms. Daniel, do we need to make the decision on the minimum bid today? Then, let's separate those out.

President Crouch: Alright.

Commissioner Musgrave: Permission to advertise first.

President Crouch: So, we have a first and a second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Motion to Establish Minimum Bid for Tax Certificate Sale

Commissioner Musgrave: Ms. Daniel, would you like to address the minimum bid, and tell us what the law requires in that respect.

Kathryn Daniel: I will. Kathryn Daniel from the offices of the County Attorney. Under the statutes that relate to the sale of certificates, one of the requirements in the notice is that the Commissioners establish a minimum bid for each of these properties. The minimum bid can be less than the amount for which the property was offered at sale, at the last tax sale. Which is the total of all the taxes and assessments and penalties that currently exist on the property. So, you all can establish a bid less than that amount, but establish a minimum bid for the property that will be that amount plus the cost of conducting the sale, which will be the cost of notice. That's what the buyers will have to pay to acquire these certificates.

Commissioner Musgrave: I have asked Ms. Daniel to draw up the costs that a buyer would be expected to pay. That would be the cost to advertise, attorney fees, and so forth. She has informed me that she can get some sort of order on that amount.

Kathryn Daniel: Under statute you're allowed to petition the court to establish the customary fees, in Vanderburgh County, per se. So, that will just be a petition that we'll have to present to a judge and ask them to establish what attorney's fees, and the cost would be. Then, that will be the amount that's established in purchasing these properties.

Commissioner Musgrave: So, my recommendation is that these properties need to be moved off the list of not being owned by someone responsible. They've been through two tax sales. They haven't sold at all. I would like to suggest that we put

a minimum bid of a dollar, plus the cost that Ms. Daniel will get the order from. That doesn't mean that properties will sell for a dollar. It means, you have to bid at least a dollar to get the bidding going.

President Crouch: Then you would incur the other costs?

Commissioner Musgrave: That's correct.

Commissioner Nix: How many parcels are we talking about?

Commissioner Musgrave: Well, I knew somebody was going to ask me that, but I—

Commissioner Nix: I think I read that somewhere, but I don't remember how many.

Commissioner Musgrave: We have a rather lengthy list of properties that has been shortened. So, I think we're looking, probably about 60 at this point. It's right around there. As soon as we've established the minimum bid, I have some more news to tell you. So, do you want me to go into that now?

President Crouch: No, let's go ahead and make our motion.

Commissioner Musgrave: Okay.

President Crouch: And that's a motion?

Commissioner Musgrave: Yes, it is a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Discussion of Partnership with DMD for Inner City Properties

Commissioner Musgrave: Okay, Ms. Daniel and I and several members of the Department of Metropolitan Development, including the head of the department, Mr. Greg Lamar, and Mr. Bill Fluty, the County Auditor, we've had two or three meetings now where we have gone over the list of eligible properties for the tax certificate sale. The Department of Metropolitan Development have asked us to set aside a rather large number of those properties, and consider deeding those properties, after a certain process that they would have to go through and pay for, directly to them. They, I expect the director to be delivering us a letter, for perhaps next week's agenda, asking us to do that. What they hope to do, and as a long time resident of the inner city, I'm very excited by this. Many of us are aware that properties in the inner city get bought by one slum lord after another. Sometimes the slum lords change corporation names in order to be able to turn the property over and avoid certain obligations of ownership. They cause a great deal of deterioration. From what I understand, the Department of Metropolitan Development, under the leadership of the Mayor, is looking to go ahead and take ownership of these properties, and break that cycle, and put these properties into redevelopment. What

their exact plans are for each and every property I don't know. But, I know that they are looking at properties in the focus area, which they call their Front Door Pride area, and in the industrial park that you saw in the newspaper where they're taking a whole area and redeveloping the whole area. So, they're going to ask you next week to allow them to purchase those from us. I've asked them to go ahead and pay for all the costs, and they seem to be agreeable, at this point. I'm very excited that the department has stepped up to end this cycle of abusive ownership in the inner city. I wish them all the luck in the world in that. Mr. Fluty, have I forgotten to mention any important part of our meeting?

Bill Fluty: I think you've covered it.

Commissioner Musgrave: Okay.

President Crouch: Well, thank you. I know you've been working very hard on this. It will be positive not only for the city, but for the county to get these on the tax rolls, and have them be productive properties again.

Commissioner Musgrave: Well, I'm also happy that we can form a partnership with the city to effect change in the inner city. I think that's pretty...a good deal.

President Crouch: And, did we have a—

Commissioner Musgrave: We're waiting for the letter.

President Crouch: We're waiting for next week?

Commissioner Musgrave: Yes. So, the permission to advertise today is the permission to advertise, and Ms. Daniel and I are finalizing the list of properties that will be on that list.

President Crouch: Okay. Very good. Thank you.

County Assessor: Waiver of Fees for Use of the Centre
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President Crouch: County Assessor, use of Centre, waiver of fees. In the past we have waived the fees for government entities, but not the overtime.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise: VC05-06-02: Repair/Repave Cross Pt. Blvd. And E. Virginia St.

President Crouch: County Engineer, permission to advertise.

Patrick Seib: Good afternoon. Patrick Seib, Assistant County Engineer. I would like to request approval to advertise a notice to bidders for contract VC05-06-02, repair and repaving of Cross Point Boulevard and East Virginia Street.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Patrick Seib: Thank you.

County Engineer

President Crouch: Is that all? Do you want to go ahead comment while you're up here on any other items you have?

Patrick Seib: Yeah, if you want me to go ahead and give my report now.

President Crouch: Sure.

Patrick Seib: Another item that I have is, per a memorandum that I have from Rick Bennett, he's with Bernardin Lochmueller and Associates, they're requesting an additional, up to an additional \$180 for the appraisal fee on parcel number four, and that's for the Green River Road extension right-of-way acquisition. This money would cover the location of the field bed on this parcel.

Commissioner Nix: We need that in a motion?

President Crouch: Motion?

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Patrick Seib: The next item that I have is regarding Oak Hill and St. George intersection project. We ran into some roof drains that tied into some old storm sewers. As the contractor is coming through to replace it with new storm sewer, they've submitted a quote to tie in these additional roof drains for an additional \$497.12 each. I would request approval for this price.

Commissioner Nix: And that was three? Three drains?

Patrick Seib: That's three that we know of so far.

Commissioner Nix: Okay.

Patrick Seib: This price is also good for any additional ones that we may come up with in the future.

Commissioner Nix: Move approval.

Commissioner Musgrave: Does your motion include these and any others that they find?

Commissioner Nix: No, just these three. He'll bring, when you have other one's you can bring those to us then?

Patrick Seib: No, that this price also includes additional.

Commissioner Nix: That's fine. Yeah, that's fine.

Commissioner Musgrave: Alright, second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Patrick Seib: The only other item that I had is dealing with a culvert underneath Old State Road near the Brookview Subdivision. We've had complaints from some homeowners out there about some scour that's occurring. They also have some problems in the ditch on their own property. I got with Mike Wathen from our office, and we came up with a plan for what we see that the county can do on our right-of-way. But, I'm under the impression that the homeowners are also going to be hiring a consulting engineer to study their ditch and see what they can do. This is something that we could go out right now and implement, but I would suggest that we wait until we get the results back from their consultant and try and coordinate our activities with what the consultant requests.

President Crouch: And a motion to approve moving forward?

Commissioner Nix: I would say, at this time, I don't know that need to really take any action, because we're going to go with Mr. Roth, and then whoever the homeowner, the landowner's recommend as far as their engineering. At some time we would need to do a little bit of work out there, I would think.

President Crouch: Okay, that's just an update. Thank you. Anything else?

Patrick Seib: Not unless you have any other questions.

President Crouch: Thank you very much, Mr. Seib.

Patrick Seib: Thank you.

**Permission to Advertise:
APA-013-2006: Tires and Tubes
APA-041-2006: Road Salt
VC-027-2006: Transportation for Elderly and Handicapped**

President Crouch: Next, Purchasing, permission to advertise.

Phil Lawrence: Good afternoon, Commissioners. I see Ted's up there, he's waiting on me to talk, so that we can work out what we've got to work out. Ain't that right? Thank you, sir. I would like to have permission to advertise APA-013-2006, this is the annual tire and tube bid; APA-041-2006, road salt annual salt bid; and VC-027-2006, transportation for elderly and handicapped bid. Ted and I will get together and, I've got the specs on my computer, I just need to see what you did the last time, and we'll send those out this week. I would like your approval to advertise.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second. Although, I don't want to see any salt right now.

President Crouch: I don't either.

President Crouch: Those first two are joint city-county?

Phil Lawrence: Yes.

President Crouch: Okay.

Phil Lawrence: So, I'll be at Public Works for those too, Thursday.

President Crouch: Alright. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

Purchasing

President Crouch: Then you have, well, do you have anything else for us?

Phil Lawrence: I sure do. What did I put on that agenda? You don't remember either?

B.J. Farrell: Just those three. Is there something I missed?

Phil Lawrence: I didn't think I put it on the agenda. It was permission to waive fees for a trade show that's coming in August. I think I was going to have that asked next week. So, that you could have a chance to peruse it and I've got their 501(c)3 and all that good stuff.

President Crouch: So, you'll have it–

Phil Lawrence: But, we did have a meeting last night that went very well. Commissioner Musgrave, Commissioner Crouch was there, there was 110 people there, minority and women contractors. The Mayor was there, it was very, very well attended function. The state of Indiana was here giving, Tony Kirkland from the Governor's office was there, gave us very good information. I've got nothing but praise from all sectors about how informative and wonderful, I ain't supposed to say all that, but, that it went very well. We're having another one June, July 28th for city-county department heads to meet with the minority-women business owners. I'm going to ask some of the construction companies to also involve themselves, and then again in August. So, we'll have something every month, trying to keep things rolling so we can keep the program moving and growing. That's it.

President Crouch: It was a nice event. Thank you for your hard work.

Phil Lawrence: Thank you.

Superintendent of County Buildings

President Crouch: Next item on our agenda, department heads. I don't see too many left. I do have Superintendent of County Buildings.

B.J. Farrell: I have three items for the Commissioners this week. One, I received an e-mail from the County Clerk's office, they renewed their lease with the Xerox, and in renewing that lease they were given two new printers, but in order to have those they need to give them two old printers. They have two old printers that do not work, cannot be repaired, and I'm asking that we surplus those two printers to Xerox in exchange for the two new ones.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

B.J. Farrell: The second item that I have is we did contact Hands On Discovery, they will be going to the Old Courthouse tomorrow looking at the items that we have left, selecting what they would like to have. After we get that list I will ask you to declare those surplus to them, and then anything remaining, we will make a decision as to whether we want to keep it for the next sale, or is it totally to be scraped.

Commissioner Musgrave: Would you mind a motion just allowing you to go ahead and surplus anything to them that they want?

B.J. Farrell: Yes, please.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Then, you'll submit a list for consent items detailing what they did take.

B.J. Farrell: I'll submit that next week. The last thing that I have is, I had received some information from Sherman Greer, Director of EMA, a request that some of the unspent Homeland Security dollars be returned. Since he is here in the audience today, I will let him elaborate on that, instead of myself. Thank you.

Sherman Greer: I don't always dress like this. It's that time of the year. I appreciate your support. I can see that you've got our buttons and everything. I'm here to give you some information. The state of Indiana, Department of Homeland Security, has requested that we return the funds that we haven't spent out of the '04 grant. The '04 grant performance date was November of this year. We have not spent \$476,902.12. That doesn't mean that we do not have plans to spend that money, we just haven't spent it as of yet. So, I'm here today to ask you, or give me guidelines. I'm going to Indianapolis tomorrow for our Homeland Security meeting. Give me guidelines on where and what you want us to do at this time.

Commissioner Musgrave: Why do they want us to return the money?

Sherman Greer: It's not really clear why they want us to return the money. From what I understand, it was in the newspaper, the Indianapolis Star, that Governor Daniels can't account for about \$23 million of Homeland Security funds. I think it's because of the way the money was disbursed in the last administration. He wants to try to get a handle on it himself, I guess. I don't see why, how he's going to get a better handle on it by returning it all in. But, that's my own opinion.

President Crouch: Couldn't you have the counties give them an accounting, give the state an accounting of how much they have?

Sherman Greer: I wish he would, because we had given him that. I mean, as far as our '03 grant, you know, of over \$500,000, we can account down to \$2.07 on one grant, and .72 on another. I think we've done a fantastic job of keeping account of our funds that we've received from them, and how it's been spent.

Commissioner Musgrave: So, are they suggesting that we have misspent money? Or are they suggesting something else?

Sherman Greer: No, they haven't suggested that we've misspent money. I think they're suggesting that they just feel that it wasn't properly done in the first place, the funding, the Homeland Security funding was not properly dispersed in the first place.

Commissioner Nix: And this is state-wide. It isn't just Vanderburgh County.

Sherman Greer: It's state-wide. Not just Evansville-Vanderburgh County. It's state-wide.

President Crouch: So, what happens if we don't give the money back?

Sherman Greer: I don't know. I really don't know. I won't know until tomorrow when I go up there at this meeting, because I don't think I'm going to be the only one there that's asking these questions. I think we're all, all emergency managers are going to be asking the questions. Right now, with the performance date being in November, and the way that we were on track to spend our money, we would have had this money all spent a month before that time. But, now it's going to throw us back a couple of months. By the time they get the money in, and reimburse us one way or the other, or tell us how they want us to spend it. They're going to have to at least extend our performance date on it.

President Crouch: I'm sorry, go ahead.

Commissioner Musgrave: What sorts of things do you spend this money on?

Sherman Greer: Well, we spent it, out of the '04 grant already, we've purchased the security system for the water filtration plant; we went in also on with the Evansville Fire Department to get a new fire truck for hazardous materials; we've gotten EvaPar generators, we bought generators for the fire stations, the suburban fire stations. We've bought generators for them so that they would have continuous power. The Levee Authority we've spent some money with them to get some radios that can be used down, that are water safety and everything else, you know. Those are just some of the things that we spent out of the '04 grant. The monies that we spend out of there, we have a task force that we put together after 9/11, we call the Terrorism Task Force. That's made up of the county departments and the city departments, and we decide how that funding is going to be spent.

President Crouch: What is the deadline for submitting the money back to the state?

Sherman Greer: June the 10th.

President Crouch: Well, I don't know what one more day will hurt.

Sherman Greer: Yeah, they wanted it back in by the, they gave us an extension on that to the 21st, which is today, and then the meeting is tomorrow.

Commissioner Musgrave: I would like to know more about why they want the money back, and how they plan to redisperse it, or whether they plan to redisperse it. I know you're going to go to a meeting tomorrow, and it's in Indianapolis, and I will, I'm scheduled to be in Indianapolis the next two days. If you need me to come over and have discussions with somebody, I would be happy to leave the conference to go ahead and do that. So, I would like to make a motion to defer this until at least next week while we get a little bit more information.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, and have a safe trip.

Sherman Greer: I will, and I need your cell phone number. I thought I had it.

Commissioner Musgrave: Okay, and you're dressed that way, just so the record's clear because this is Thunder week.

Sherman Greer: Thunder week.

Commissioner Musgrave: And EMA has a pretty big role down there on the riverfront?

Sherman Greer: Well, I'm the president of the Freedom Festival this year again. We also do all the communications. I have done all the communications for years down there. Yeah, we've got a pretty big role down there this year.

Commissioner Nix: Button sales I understand are up?

Sherman Greer: Buttons sales are really going good.

Commissioner Musgrave: But, we still need more people to buy them.

Sherman Greer: Oh, yeah.

Commissioner Nix: You still have plenty of buttons, right?

Sherman Greer: Yes. That's right. Thank you.

President Crouch: Good luck.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Nothing.

Board Appointments

President Crouch: I don't believe we have any board appointments today. Perhaps next week.

Commissioner Musgrave: Yes.

President Crouch: On the Old Courthouse Foundation.

Commissioner Musgrave: We're going to have some fund-raisers at the Old Courthouse.

President Crouch: Yes, we are. Absolutely.

New Business

President Crouch: New business. Minority/Women Business Enterprise letter. This kind of goes along with last night's event. There's currently, in 2002 the city and county joined together and they created the Minority/Women Business Enterprise ordinance, and what this does is those minority and women businesses that register

with the city and county through this board end up being certified to do county business. One part of the ordinance says that county department heads and offices should utilize these businesses as much as possible. So, what we would like to do, with the Commissioners approval and permission, would be to send out an e-mail to all our department heads and offices and attach the list of minority and women businesses, and ask them to please consider them for quotes and for bids on any projects, not just for advertised projects, but for any of those purchases that we make on a regular basis.

Commissioner Musgrave: Okay. Move approval of the letter.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other new business?

Commissioner Musgrave: Yes, I do have one piece of new business. I would like to ask the Commissioners approval to ask the attorney to research Indiana law and Attorney General opinion's if there are any regarding the county personnel policy. It has come to my attention that some elected officials are allowing their employees to take their birthdays off in addition to the regular, is it 11--

President Crouch: Fourteen holidays, nine sick days, four personal days.

Commissioner Musgrave: Fourteen holidays? Yeah, fourteen holidays, that's for somebody that's been here a year or two, right? And it can go up to six weeks, if you've been here for more than 20 years. So, the substantial amount of county time already off. So, that's my question to you, Mr. Ziemer, if you could research that.

Ted C. Ziemer, Jr.: I would be happy to do that.

Commissioner Musgrave: Alright, thank you. I'm particularly interested in whether doing something like that outside the personnel policy qualifies as ghost employment. That is my motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Old Business

President Crouch: Old business. District meetings.

Commissioner Nix: Finally.

President Crouch: I think we've got our--

Commissioner Nix: Yes.

President Crouch: Mr. Nix, do you want to start. You get to go first.

Commissioner Nix: Yes. I've scheduled the first district meeting for district one, August the 15th at 7:30 p.m. at the Northeast Park Baptist Church. Like I say, it's at 1215 North Boeke Road. We will have department heads there, and, basically just general discussion about anything that anybody wants to talk about in district one. If, I guess, district two and three people want to show up, that would be fine too.

President Crouch: And, district two will be August 29th, or 30th, I'm sorry. August 30th at the 4-H Center. I believe that's from 5:30 to 7:00. Again, I believe we'll have the same format probably.

Commissioner Musgrave: I chose November 29th, I believe. That's the fifth Tuesday in November, and normally we don't have Commission meetings the fifth Tuesday. Your's is also on the fifth Tuesday.

President Crouch: Correct.

Commissioner Musgrave: So, will we have the entire department head and agenda? Or will it just be for public comment? I was thinking more just for public comment on my meeting.

President Crouch: Have the department heads there available.

Commissioner Musgrave: Available to answer questions, but not have a full agenda the way we have here.

President Crouch: Oh, right.

Commissioner Musgrave: Okay.

President Crouch: It wouldn't be a meeting, it would just be a—

Commissioner Musgrave: Public comment, and, okay.

President Crouch: Right.

Commissioner Nix: And where would that meeting be?

Commissioner Musgrave: I'm sorry. It is at the O'Day Discovery Lodge at Burdette. Mine starts at the regular time at 3:30 in the afternoon. So, yours is at 7:30 at night, and, Suzanne?

President Crouch: 5:30.

Commissioner Musgrave: So, we have a variety of times available. I would welcome anybody from any of the districts to come to my meeting. You don't have to be from district three.

President Crouch: Very good. Thank you, and we'll be ready for you, Mr. Nix. Next item of old business, Evansville Plating Works. Commissioner Musgrave, or Attorney Ziemer?

Ted C. Ziemer, Jr.: Pardon me, I'm sorry to interrupt, but I did have one item that was under my agenda. I said I had no report. We had an agreement to be entered into, or suggested to be entered into between the Sheriff's office and Sonitrol, which I have e-mailed the Commissioners about, and that agreement is in your folders.

President Crouch: I think we did that on the agenda.

Ted C. Ziemer, Jr.: Oh, that one was done. Okay.

President Crouch: We did approve it.

Commissioner Nix: Yeah.

Ted C. Ziemer, Jr.: Okay, good.

Commissioner Nix: Yeah, it's already been done.

Ted C. Ziemer, Jr.: Okay, great. Thank you.

President Crouch: Okay. Evansville Plating Works.

Commissioner Musgrave: On the Plating Works there are several issues, I have Ms. Kathryn Daniel here to discuss the several matters on there, if you would like to go over them. Do you have the agenda?

Kathryn Daniel: I saw it. I think first was just the withdrawal of the rezoning petition. We had initially filed a rezoning petition on the county's behalf which requested to change zoning from M-4, which is light industrial, to C-4 which is commercial. After doing so, we met with some realtor to discuss the property. It was, they are of the opinion that there would be a better market if it were left at the light industrial zoning, as it is currently. It's not something that a purchaser couldn't change in the future, but we just decided at this point not to go through with that rezoning. So, I drafted a letter for your signatures that will be submitted to Area Plan just requesting that petition be withdrawn.

President Crouch: Motion?

Commissioner Musgrave: Motion to withdraw the application for rezoning of the Evansville Plating Works.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Let's see—

Kathryn Daniel: I think next on the agenda there are two petitions that you should have, hopefully, in front of you. But, one is to vacate an alleyway which runs through the Plating Works property, the other is to vacate the portion of Division Street that cuts across the southeast corner of the property. Utilities have been notified, and

they've sent their responses as to any easements that they want to retain in the alley or that portion of Division Street. The petition is now complete, and it's ready to be filed as soon as your signatures are obtained.

Commissioner Musgrave: This would afford us to have most of a block available for sale. So, move approval of the petitions for vacation of the street and alley.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: We need to do the permission to advertise the sale of the Plating Works as well.

Kathryn Daniel: Oh, okay. Again, in order to see this property, it's property that the county has actually taken title to, we'll have to advertise that we will begin accepting bids. We have not yet established what date that will be. Commissioner Musgrave and I are going to meet with the realtors again to get the dates established, but we will need to publish notice of the sale.

Commissioner Musgrave: We do have the appraisal on the property, and is it appropriate to say that we can accept a bid that's 90% of the appraisal if we want to, but if it's less than 90%, don't we have to readvertise at that point?

Kathryn Daniel: Yes.

Commissioner Musgrave: Would it be appropriate to say what the appraisal amount was? In case people wanted to start thinking about it?

Ted C. Ziemer, Jr.: Certainly.

Commissioner Musgrave: The appraisal came in at \$225,000, I believe, for the parcel as it exists with the vacation of the street and the alley. There is a billboard on the property that we need to discuss. It's not on the agenda, but we do need to discuss reserving an easement for that, and we'll go into that in a minute. So, if anybody out there is thinking about offering \$225,000 or more for the property, get the checkbook ready and we'll go ahead and take that.

Kathryn Daniel: I also noticed the last time that I got on the Assessor's website that the tax codes had been consolidated. So, there are only two tax codes on the property now. It still lists all the individual tax codes for the separate parcels. If you type those in though, it will come up as not found. I don't have the tax codes on there. There's one for the—

Commissioner Musgrave: Right.

Kathryn Daniel: —upper section of the block, and one for the other, but just so if anybody looks at the property, they know that they've been consolidated into two tax codes.

Commissioner Musgrave: Let's discuss the billboard. Would you describe a little of the history of the billboard?

Kathryn Daniel: There was a lease agreement that Evansville Plating Works entered into with Lamar Advertising. There's some question as to whether that lease was breached by Lamar. That's something that we're kind of looking into and discussing with them on the payment history of that. But, the lease technically expired in '94 is what the title search revealed on the property, but they are still using the billboard, and it currently has advertising on it. So, that's something that I think the Commissioners might want to address and maybe renegotiate a new contract. That being said, Commissioner Musgrave wants to retain an easement on the property where the billboard is located, retain an easement in favor of the county when the property is sold. That way the county will continue to receive income off of the billboard lease. That is if we can reach a new agreement with Lamar.

Commissioner Musgrave: That's something that I think we need a decision from you. I've been told that a lease of a billboard like this is in the neighborhood of between \$500 and \$1,500 a month. Now, we could sell the property, and allow the buyer of the property to realize that income, making the sale of the property that much more attractive. Or Ms. Daniel informs me that we could reserve an easement for the income stream of that. But, that's a decision that we should make, and it's entirely up to you.

Kathryn Daniel: You would, technically, you would be reserving an easement for Vanderburgh County, and then you would be leasing your easement or your right to that easement.

Commissioner Musgrave: Okay.

Kathryn Daniel: That's, just so you know, that's, the current lease payments are not that high.

Commissioner Musgrave: It's zero, I think.

Kathryn Daniel: Well, the lease was entered into, I think, in 1987, and it was a year to year lease for \$1,980 per year. So, there's a lot of ground, I guess, cover if we're going to reach an agreement with them. There's a lot of room there in the middle.

Commissioner Musgrave: We could always ask them to remove the sign too.

Kathryn Daniel: Yeah, and that would be your other option.

Commissioner Nix: Does the county own any other billboards that you know of? I was just curious. That's probably a question that couldn't be answered today.

Commissioner Musgrave: I don't know. This recommendation to reserve the easement came from the appraisers.

Commissioner Nix: I just don't know if we want to get in the business of billboards, the county.

Commissioner Musgrave: Okay.

Commissioner Nix: I'm just not big on that at all.

Ted C. Ziemer, Jr.: Well, and as you say, it came from the appraisers, but it would seem to me that, obviously, it's a balancing act. If you're going to retain an easement, then you're not selling as much as you intended to sell, and I don't know what you might lose in terms of the purchase price.

Commissioner Musgrave: The appraisal was for the land without the value of the billboard.

President Crouch: Excuse me, can we change the tape?

Commissioner Musgrave: Certainly.

(Tape change)

Commissioner Musgrave: So, if you want to make a decision today, we can make a decision today. Or, if not, we can make one later.

Commissioner Nix: I would like to look at it a little bit closer before we decide.

Commissioner Musgrave: Okay.

President Crouch: That's fine.

Commissioner Nix: Let's table it.

President Crouch: Do we need to advertise, or do a motion for permission to advertise? Or are we going to wait for the date?

Commissioner Musgrave: I would like to go ahead and do it, and allow Kathryn and I to fill in the date when we, if you would just make the motion for us to go ahead and reach a date.

President Crouch: Have we done that before?

Commissioner Musgrave: No?

President Crouch: No, we've always set dates. That's the only thing.

Commissioner Musgrave: Okay, we can't set a date today. We've been unable to reach the realtor, and to agree upon that.

President Crouch: Want to bring it back next week?

Commissioner Musgrave: Now, there is one thing we could do today, I think, unless you want to wrap this up with the other. The billboard is there, the owner of the billboard is using it, and there is no lease of any kind. Do you want to enter into a negotiation for a lease that could then be sold with the property? Or do you just want to let it go?

Commissioner Nix: I guess, that would depend on how long it's going to take to sell the property.

Commissioner Musgrave: To sell the property.

Commissioner Nix: Right. I mean, we could spend a lot of money with legal issues to get that resolved, when if the property's going to sell in a month or two, I don't see that we really gain anything from that. Now, if it's six months or a year, I think it might be different.

Commissioner Musgrave: I've got my crystal ball. I don't know. I really don't know.

Commissioner Nix: Why don't we, if we could maybe take a look at this—

Commissioner Musgrave: Okay.

Commissioner Nix: —you all are going to meet again in the next few days, and maybe have something for next week?

Kathryn Daniel: Our schedules are conflicting.

Commissioner Musgrave: We're going to meet electronically.

Kathryn Daniel: But, we will at some point.

Commissioner Musgrave: Okay. Alright, so we'll table, a motion to table this all until next week. We'll think about it, buying/selling billboards, and the date for the sale.

Commissioner Nix: Was that a motion?

Commissioner Musgrave: That's a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Public comment.

B.J. Farrell: Can I ask Kathryn one question, please? I have the document to sign for the vacation of the alley, but I don't have one for the vacation of the street. Was it a separate document that you had ready for signature?

Kathryn Daniel: It is. I have both of them with me. I'll give you another set.

B.J. Farrell: Great. Thank you so much.

Public Comment

President Crouch: This is the opportunity for the public to comment to Commissioners about any issue that the Commissioners have authority over. Seeing none.

Recognition of Auditor's Office for Help in Commissioner On-Line Chat

President Crouch: I just would like to thank the County Auditor for allowing his employee, the Recording Secretary, to help us with our, kind of our little live chat. I think we're getting to the place where maybe we can, you know, do it on our own, but it was nice to have her expertise there. So, I appreciate it.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Motion to approve the consent items. They weren't amended this week, were they?

Commissioner Nix: They should be as submitted.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, please note that there is no rezoning meeting. Rezoning, there were none. So, that meeting at 5:00 will not actually take place. We'll post a notice on the door, and we'll post a notice at our office, but there shouldn't be anyone here since there aren't any rezonings. Thank you.

(The meeting was adjourned at 4:17 p.m.)

CONSENT ITEMS:

Employment Changes:

Circuit Court (1)	Perry Assessor (1)	VCCC (1)
Superior Court (1)	County Clerk (2)	Burdette Park (3)
Health Department (2)	County Highway (1) * pulled from consents	

Travel Requests:

Health Department (3) County Assessor (1) County Highway (1)

Commissioners:

Jail Construction Payment Requisition No. 62: \$2,760
Energy Systems Group Application No. 12: \$89,172
Department Head Meeting Minutes: 6/21/2005

Burdette Park: Contract with Terry Tunks.

Auditor:

Approval of Lien Release for Tax Code 02-060-02-153-056 (Oak Hill Rd)

Department Head Reports:

Burdette Park	County Engineer	County Highway
Supt. Of Bldgs.	SWCD	Veterans Service
CIO	Ozone (no report filed)	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Blaine Oliver	Kathryn Daniel
Patrick Seib	Phil Lawrence	Sherman Greer
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JUNE 28, 2005**

The Vanderburgh County Board of Commissioners met in session this 28th day of June, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the June 28th Vanderburgh County Commission meeting. We will start our meeting with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 21, 2005 Commission Meeting Minutes

President Crouch: We have a number of ordinances on our agenda. We have two final readings, and then one first reading. So, if we can start with our first ordinance.

Commissioner Musgrave: Would you like me to make a motion to approve the meeting minutes of June 21?

President Crouch: Since I seem to be in the habit of forgetting those minutes, that would be appropriate.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Final Reading of Ordinance CO.04-05-011:
An Ordinance to Repeal Ch. 2.78 Concerning the Old Courthouse
Management Advisory Board**

President Crouch: Now, our ordinances.

Commissioner Musgrave: Move approval of the final reading of the ordinance to repeal the Old Courthouse Management Advisory Board.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Is there anyone here to speak to this ordinance? Seeing none. Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes.

**Final Reading of Ordinance CO.06-05-015:
An Ordinance to Amend Chapter 16.08: Subdivision Procedure**

Commissioner Musgrave: Move approval of the ordinance to amend subdivision control ordinance, final reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there anyone here to speak to that ordinance? Seeing none. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes.

**First Reading of Ordinance CO.06-05-016:
Concerning Group Health Insurance Benefits for Retired Personnel
(Sheriff Department)**

Commissioner Musgrave: Move approval of the ordinance to amend group health insurance benefits for retired personnel on the first reading.

Commissioner Nix: Second.

President Crouch: And this is for the Sheriff's department.

Commissioner Nix: Yes.

President Crouch: Okay. All in favor?

All Commissioners: Aye.

President Crouch: Is there anyone here to speak to this ordinance? Seeing none. We will take a roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes, and the second and final reading will be next week, unless, would it be beneficial for the Sheriff's department if we went ahead, or to the Auditor if we went ahead and, we could waive, make a motion to waive the—

Commissioner Musgrave: No? You want to wait until next week?

President Crouch: Wait till next week, okay. Very good. We will have our second and final reading next week.

Building Commission Contract: Ivy Tech: Testing Services (Addendum)

President Crouch: Next item, contracts, agreements and leases.

Commissioner Musgrave: Move approval of the Ivy Tech State College testing services addendum.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Superior Court: Juvenile Division: Youth Services Bureau Contract

Commissioner Musgrave: Move approval of the Vanderburgh County Superior Court's Youth Services Bureau contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Discussion of Tax Sale Certificate Sale & Legal Advertising

President Crouch: Next item is County Commissioners permission to advertise.

Commissioner Musgrave: Commissioners, last week we discussed the tax certificate sale, and we approved that ad at that time. This week I can report to you that the first ad will run on July 7th, that the web address of:

www.TaxCertificateSale.evansvillegis.com

will be in the ad when it is published. That site is not yet live. We need a few more days to make that site live. The second ad will run on July 14th. The sale is on October 14th at 10:00 a.m. in this room, 301. The Department of Metropolitan Development did send a letter, and they will, they are notifying us that they may be interested in some of the properties that are going to be in this legal ad. They hope to have a list of those properties to us by August 1st, and they will ask us to withdraw, at that time, some of those properties from the sale. You will be able to make a decision then, at that time, whether or not you want to do that. They have said that they will pay all the costs of taking, doing the title search, and taking title and deed transfers of the one's that they are interested in, if you will allow them to do that. I want to alert you that we may have to withdraw other properties from the published list. If they have been redeemed by the end of today, today is the last day for properties to be redeemed off of that list. Or if people who have the right to redeem them by today and fail to do so, if those folks come forward and ask you to allow them to redeem them, you have the right to approve or deny that. So, other properties may come off that list as well. I would like to again thank the Sheriff for the assistance of his staff in conducting the sale on that day, and we look forward to a positive working relationship there. The County Assessor has given some help from her staff, Tammy Elkins, in creating the website. The Auditor's staff, Bill Fluty's staff has given a great deal of assistance in readying the list. But, special thanks go to B.J. Farrell and her staff for going over and over and over this list trying to do the very best we could to make sure that it was accurate when we publish it. That again will be on July 7th. So, we've already had permission to advertise this tax certificate sale.

President Crouch: And that's a motion?

Commissioner Musgrave: We can do it again. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise Sale of Evansville Plating Works

President Crouch: Then permission to advertise the Evansville Plating Works.

Commissioner Musgrave: Right. Last week we had a couple of questions pending. One of those was whether or not to enter into a contract negotiation for the billboard which is already there. After I thought about it, I'm pretty inclined to go ahead and sell the property without a contract on it, and let the buyer deal with that. If that's acceptable to you.

Commissioner Nix: I think that would be an asset to the property. That should add value to the property. So, I think that's a good idea.

Commissioner Musgrave: I know that Mr. Ziemer's firm is working now with the owner of the sign, going over whether or not the county is owed any money for the potential lease for the sign that has been there for all this while, but I know that that's in progress and there's nothing to report at this time. Mr. Ziemer's staff is also preparing the documents for the street and alley vacation. I understand that those have not yet been filed pending completion of the utility notifications. My understanding is that list of utility requirements grows, and so it's a bit of a surprise when they think they're done with that and then they find a couple more utilities to notify. The sale is, I'm going to ask you for permission to advertise the sale to be on August 30th in room 301 at our regular Commission meeting at 3:30. It is appraised for \$225,000, and that's assuming that the street and alley are vacated. That value does not include the billboard. So, that's just an extra value to the property. The first ad would run on July 2nd, the second ad on August 7th. The Commissioners have previously approved hiring FC Tucker, and their agent Dannetta Hiatt as the realtor who will handle all inquiries regarding this sale, and who will be here on August 30th.

President Crouch: Now, August 30th is the fifth Tuesday, we don't have a meeting that day.

Commissioner Musgrave: Darn. Well, would you like to make it another one?

Commissioner Nix: How about the 23rd?

President Crouch: Does that give you enough time?

Commissioner Musgrave: We would have to make it on the 23rd then. We have up to 60 days, but we can't go over 60 days.

Kathryn Daniel: This is for the—

Commissioner Musgrave: Plating Works.

Kathryn Daniel: For the sale of the Plating Works, I think it just had to be at least seven days prior to the event. Sixty days, I think, was the sale of the certificates, if I recall the statutes correctly. Or am I confusing them?

Commissioner Musgrave: I think you're confusing them. I'm not sure that the Commissioners need to be in session to receive the bids, do we?

Ted C. Ziemer, Jr.: Yes.

Commissioner Musgrave: Do we? Okay. Well, then our choice is the 23rd or starting the whole advertising process later. So, do you want to do it on the 23rd?

Commissioner Nix: The 23rd is fine. There is a minimum bid too, is that correct?

Commissioner Musgrave: No.

Commissioner Nix: Did we not establish that? I wasn't for sure.

Commissioner Musgrave: That's the—

President Crouch: The tax certificate sale.

Commissioner Musgrave: That's the tax certificate.

Commissioner Nix: Okay.

Commissioner Musgrave: It does get very confusing. But, I'm glad you brought the minimum bid up. The statute's really specific about the price that the Commissioners can accept for the property. It's appraised at \$225,000. If we are given a bid that is less than 90% of the \$225,000, we have to ask County Council's permission to accept that amount. So, all sorts of additional steps are in there. So, we're going to encourage all bidders to only submit bids for 90% of the appraised value. That will make our lives much easier. So, I move approval of the ad, though, on August, I'm sorry, for the sale on August 23rd, and I think that our advertising dates are still okay for that.

Commissioner Nix: 3:30 in this room?

Commissioner Musgrave: 3:30 in this room.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Madelyn Grayson: What were those ad run dates for that bid opening?

Commissioner Musgrave: I can give that to you on this piece of paper.

Sherman Greer: Update on Homeland Security Funds

President Crouch: Sherman Greer, next item, update on Homeland Security funds.

Sherman Greer: Commissioners, I attended a meeting up at Indianapolis to get some directions on how the funding was going to be handled that we would return the state. The way it seems right now is that the state itself will put that into an account under Vanderburgh County's name, our purchasing would continue on as we've done it here by getting three quotes for our purchases that we are going to make, then the one's that we awarded it to we would send them the invoice and then they would write a check back to the county or to the city for this to be able to pay those invoices.

Commissioner Nix: Mr. Greer, did they address in this meeting late payment? If they were beyond 14 days, or how soon they could turn this around?

Sherman Greer: They guaranteed everyone in the room there that within 14 days they would turn that around.

President Crouch: And that's in writing?

Sherman Greer: I've got it in writing, yes.

President Crouch: So, you need from us a motion to release the money to be sent back to the state?

Sherman Greer: Yes, Ma'am.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Sherman Greer: Thank you.

President Crouch: Thank you, and congratulations on the Freedom Festival.

Sherman Greer: Well, thank you. Appreciate it.

Commissioner Nix: You did a fine job.

Sherman Greer: Thank you. Thank you.

Purchasing

President Crouch: Next item, department heads. Those department heads that have action to be taken by this board should appear at this time. County Engineer, oh, I'm sorry, Purchasing. Mr. Lawrence.

Phil Lawrence: I was getting ready to sit back down. Phil Lawrence, Purchasing. I would like to, last week we approved advertising for transportation services of elderly and handicapped which is VC027-2005. We were going to open that bid on July 12th. I would like to move that to July 19th so that we have a little more time. Ted and I just got together with that, and I'll have it complete today and I'll e-mail it to you and then we'll put it out.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

County Engineer

President Crouch: County Engineer.

John Stoll: The first item that I have is a sidewalk waiver request for MIB Subdivision. That subdivision is located at the northeast corner of Lynch and Oak Hill. It's, the subdivision's been out there and recorded for quite some time. There are three lots that have been developed at this point. There's a convenience store, a car wash, and a dentist's office out there. No sidewalks have been constructed on any of the lots as of yet. So, since nothing has been constructed right now, and there are no sidewalks to tie into along Oak Hill Road, I would recommend approval of the sidewalk waiver for MIB Subdivision.

Commissioner Musgrave: Before I make a motion for that, I seem to recall having a conversation, perhaps it was with you, where someone suggested that we go ahead and amend the ordinance so it stops requiring sidewalks.

John Stoll: I didn't discuss that with you.

Commissioner Musgrave: Okay. It must have been someone else.

John Stoll: I'm open for changes on it, as far as making any kind of revisions to that ordinance, because the waivers are routine these days. Until some specific inspection procedures can be dealt with that ensure that everything is constructed in accordance with ADA compliance, I'll keep recommending waivers. So, if there are changes, it sounds good to me.

Commissioner Musgrave: Well, let's get together on that.

Commissioner Nix: One of the things that, we met with the homebuilders some time back, and one of the things that we talked about was maybe widening the streets in these new subdivisions, and then having a walk/bike path.

Commissioner Musgrave: Inside?

Commissioner Nix: Yeah, within the street. You know, it seems like anymore when you walk up or drive through subdivisions more people use the streets for walking and jogging than they do sidewalks. So, that's something we're looking at maybe down the road a little bit.

John Stoll: I did check on some of the cities that some people told me and Bill about that supposedly had standards dealing with wider streets as opposed to sidewalks, and I couldn't find anything. I believe one of the cities was in Arizona, I don't remember which town, maybe Tucson. Another one was down in Florida, and they had some pretty detailed specifications on sidewalks, but nothing really dealing with widening the streets. But, we could keep researching and see what we could find.

Commissioner Musgrave: Alright, well, I would like to discuss that with you at some point soon. But, I'll make a motion to do the sidewalk waiver in the subdivision you mentioned.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, next I've got two sets of street plans that need approval. The first one is for Falcon Ridge Subdivision. This subdivision is located on the west side of Green River Road about a half a mile south of Boonville-New Harmony. It's a residential subdivision. We've reviewed the street plans, and the engineer's made all the changes we've requested. So, I would recommend approval of those street plans.

Commissioner Musgrave: Does the plan conform with what the rezoning called for? If there was a rezoning.

John Stoll: I don't know if there was a rezoning.

Commissioner Musgrave: Okay.

John Stoll: My guess is it was probably, it's either being built on Ag ground or residential ground, but I'm not 100 percent sure of that.

Commissioner Musgrave: I'm probably going to be asking you that question from here on out, just a heads up.

John Stoll: I'll make sure APC sends me whatever requirements are attached, because we don't routinely get those as of right now.

Commissioner Musgrave: Okay. Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then the next set of street plans, by the way, Madelyn has the Mylar's for your signatures on these. The second set of street plans is on Heritage Park, Section Two. This is the southeast corner of Green River and Lynch, and this road is a continuation of Davis Lant Drive, which was started in phase one of the subdivision. I would recommend approval of the street plans subject to, I would like to reserve the right to make any changes on where their storm sewers outlet into the retention pond. It doesn't affect the street grades, profiles, anything associated with the street. It's just I want to be sure that where their storm sewers dump out into the retention pond that we won't have any soil stability problems at that location. So, subject to I might need to come back with some changes to that, I would recommend approval on the street plans.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have, unless you have questions.

President Crouch: Could you just give us a brief update on the Oak Hill-St. George hearing? I know Commissioner Musgrave wasn't able to attend. Perhaps you could brief her.

John Stoll: The meeting ,basically, the main complaint we received was a dust complaint. The contractor was supposed to be taking a water truck out there to water things down to try and control the dust somewhat. The project's proceeding basically on schedule. If the weather holds, they might be able to finish ahead of schedule. It's kind of premature to estimate that at this point, but based on the progress that they've made so far, it's a distinct possibility that they could be done ahead of schedule. Their tentative plan is to pave Oak Hill, I believe it was by July 15th?

Commissioner Nix: The 8th of July.

John Stoll: Start paving the 8th, and then finish by the 15th. So, if that held out, then probably sometime the following week, if they got all the temporary striping done, it could be open. But, here again, a lot of that hinges on the weather from now until then. So far, so good. Everything's going pretty well out there.

Commissioner Musgrave: And you had some pretty satisfied folks down at the neighborhood?

John Stoll: Yeah. The main complaint was the dust. Everything else seems to be going pretty well. Several people I talked to were complimentary of the contractor,

stating that they were doing a good job, and doing fairly well at keeping the access for the residences open. So, things are going well so far.

Commissioner Musgrave: Well, thanks for the report. I'm glad to hear it.

President Crouch: I think there was even a gentleman who had a car wash that was in the vicinity of Oak Hill and Lynch that was willing to accommodate those dusty cars. Thank you, Mr. Stoll.

John Stoll: Thanks.

County Highway

President Crouch: County Highway.

Mike Duckworth: Good afternoon. Mike Duckworth, County Highway Department. I just have one action item that I need action on at this point in time. We're in the process of adding two appointments to our staff. Line item 2010-1003 for a Road Crew Foreman, and 2010-1053 for a Secretary.

Commissioner Nix: And these are to replace people that have left the county?

Mike Duckworth: Yes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: I just, also to give you a brief update, we're still battling mechanical problems with some of our tractors and mowers. We're working through that. So, we would hope that people could be patient. We are working overtime with the mowers that we do have out, cutting the county right-of-ways. We're trying to catch up with that. We're going to be working overtime, at least three of the five days, every week until we do catch up. In addition, of the 25 plus miles of paving that we have scheduled through our road hearings, we have approximately 15 miles completed at this time. So, things are progressing very well. We'll work through the weed problems.

President Crouch: I believe that you need to file for a late transfer from Cum Bridge to transfer money out for a mower. So, we will have to approve that late transfer here at that meeting. It's for, is it \$50,000?

Mike Duckworth: \$52,000. It would be moved from, let me find it here. From 2030-3930, Other Contractual, to 2030-4250, Road Equipment.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have. I do need to file this with Madelyn.

President Crouch: Thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: I don't have a lot to report this week. I do want to let the Commissioners know that the representative from Hands On Discovery has, as of yesterday, had still not made it to the Old Courthouse to review the items left from the sale. I haven't spoken with Mr. Campbell today, so, I do not know if she made it today. But, if not, we will contact her, and if she is indeed not interested, then we will proceed with securing items for the next sale and/or scraping anything that is not good enough to sell.

President Crouch: So, we should be able to wrap this up next week?

B.J. Farrell: Yes, we should.

President Crouch: Okay, good.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Thank you. We've been ordered by the Vanderburgh County Superior Court to execute a quit claim deed in favor of American General Automobile Finance, Inc. This had to do with a tax deed which was set aside. We've reviewed the court order and believe that it's appropriate. I have an execution copy of the quit claim deed, which I'm passing down to you now, should you determine to execute it.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: The other item that I have has to do with asking you to set an executive session of the Commissioners to discuss some litigation and proposed settlement.

Commissioner Musgrave: When?

President Crouch: What time? Next Tuesday at 3:00?

Ted C. Ziemer, Jr.: That would be fine with us. But, I don't know about your department head meeting.

Commissioner Musgrave: Let's see.

President Crouch: 3:15? Will it take longer than 15 minutes?

Ted C. Ziemer, Jr.: No.

Commissioner Musgrave: Okay.

Commissioner Nix: Let's do it at 3:15.

Commissioner Musgrave: Okay, move approval of the executive session at 3:15.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Thank you. That's all I have.

President Crouch: Thank you, Mr. Ziemer.

Board Appointments

President Crouch: Board appointments.

Commissioner Musgrave: I would like to make a motion for two different boards. For the Airport Authority, Mr. Steve Barber; for the Old Courthouse Foundation, Mr. Ted Ziemer, Ms. Kristen Tucker, and Rudy Montejano.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. I think that leaves us with one additional appointment on the Old Courthouse Foundation Board. These are individuals that are supposed to be somewhat adept at fund-raising.

Commissioner Musgrave: Yes, and we'll be looking at them to raise at least a million dollars, Mr. Ziemer.

Commissioner Nix: Or more.

Commissioner Musgrave: Just a small task for you to do.

President Crouch: The amount gets larger every meeting.

Ted C. Ziemer, Jr.: Good to hear.

President Crouch: Thank you.

New Business

President Crouch: New business.

Commissioner Musgrave: I do have some new business. I have in the packet for signatures, upon your approval, a letter addressed to Governor Daniels. Last week I attended the Indiana Humanities Council Leadership Summit in Indianapolis, and was privileged to hear our Governor give a speech. After the speech he took questions. One of the questioners was asking the Governor whether there were any plans to address Indiana's 150 year old system of local government. The Governor gave an answer that included some comments about being in favor of more "home rule" for Indiana. It wasn't clear to me though what exactly he meant by that. So, this letter, if you will send it, asks the Governor to clarify what he's proposing, if anything, and when he's proposing it, in order to change or expand the type of government that we have at the local level. So, I would ask your permission to sign this letter and send it to the Governor.

President Crouch: That's a motion?

Commissioner Musgrave: That's a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. I do have a piece of new business. If you recall, the end of May, Commissioner Tom Sharp, the Director of INDOT, indicated that there was a 2.1 billion dollar shortfall in the ten year funding program for INDOT. He asked local leaders to take the initiative and to rank the state projects that were currently on the books. As you all recall, we then did a resolution on I-69 that was signed not only by our board, but by the Commissioners in Posey and Warrick and in Gibson County, and then the Mayors of Mt. Vernon and of Newburgh and Evansville. That was sent off to Mr. Sharp, but we now have a resolution that is to be, with your approval, signed by the Commissioners, and signed by Mayor Weinzapfel, indicating that the three projects that are, state projects, that are currently on the books are all number one priority to us. Those three projects are the widening of U.S. Highway 41 between State Road 62, which is the Lloyd Expressway, and Diamond Avenue; the widening of State Road 62 between First Avenue and the University of Southern Indiana; and the widening of State Road 66 between U.S. 41 and I-164 in Vanderburgh County. We were asked to rank these based upon proposed safety improvements, congestion relief and economic

development. I would hope that we ,as a board, along with the Mayor, feel that all three of these projects are number one priority. Also Fulton Avenue-Lloyd Expressway interchange is also asked to be given top priority. So, with your approval we will sign a letter and send that off to Commissioner Sharp, along with Mayor Weinzapfel's signature.

Commissioner Musgrave: I move approval, and express my desire that the state get very creative with their funding and not scale these projects back, and make sure that they happen as planned.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there any other new business?

Old Business

President Crouch: Old business?

Commissioner Musgrave: Mr. Ziemer, will the report on the ghost employment, regarding additional days off by some elected office holders be ready for next week?

Ted C. Ziemer, Jr.: Yes.

Commissioner Musgrave: Okay, thank you.

President Crouch: Any other old business?

Public Comment

President Crouch: Public comment. This is an opportunity for the public to comment to the Commissioners on any business that the Commission has authority over. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Move approval of the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will convene Drainage Board immediately.

(The meeting was adjourned at 3:58 p.m.)

CONSENT ITEMS:

Employment Changes:

County Highway (2)	Pigeon Assessor (1)	Recorder (1)
Scott Assessor (1)	County Clerk (1)	Sheriff (4)
VCCC (2)		

Travel Requests: Health Department (3)

Auditor:

Bond Disclosure Statement.
June 2005 Financial Statement.

Treasurer:

Monthly Report-May 2005.
Year to Date Investments-May 2005.

Purchasing: Monthly Reports- March & April 2005.

Weights & Measures: Monthly Report- May 2005.

DADS: Surplus Equipment Letter.

Commissioners:

County Commission Departments and Joint Department Budgets.
Energy Systems Group: Pay Application No. 13: \$82,652
IBAP Gatekeeper Report
Community Corrections Payment No. 10: \$128,917.56
Jail Construction Payment: No. 63: \$800,801.79
Department Head Meeting Minutes (6/21/2005)

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Kathryn Daniel	Phil Lawrence
John Stoll	Mike Duckworth	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A. W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 5, 2005**

The Vanderburgh County Board of Commissioners met in session this 5th day of July 2005, in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon, welcome to the July 5th County Commission meeting and we will start with introductions. To my far right:

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner Cheryl Musgrave.

Commissioner Nix: Commissioner Bill Nix.

President Crouch: Commissioner Suzanne Crouch.

Teri Lukeman: Recording Secretary, Teri Lukeman.

Bill Fluty: Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of June 28, 2005 Commission Meeting Minutes

President Crouch: Thank you. Our first item is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Mayor's Education Roundtable
Mentor Evansville**

President Crouch: The first action item is an opportunity for boards or commissions to which the County Commissioner's have appointments or serve on to make presentations, not only to the County Commission, but to the public who is viewing this program. And we are pleased to have with us today representatives from the Mayor's Education Roundtable to talk to us about Mentor Evansville, which is a program that hopefully we can get county employees involved in as well as other businesses. Thank you.

Frank Howard: Thank you very much, Commissioner Crouch and Commissioner Nix and Commissioner Musgrave. We represent Big Brothers Big Sisters and Bill is very familiar with that from years and years ago. And we are here to take on a project started last year under the name of Mentor Indiana. It was a program conceived by Maggie Kernan and was promoted in 13 schools throughout the state. Harwood Middle School was the school chosen here in this area and it was more successful here than in anywhere else in the state with 50 mentors. The reason for this, I think, was the endorsement by Mayor Weinzapfel in his Education Roundtable. The Mayor was, himself, a mentor at the Harwood Middle School as were several other Commissioners and from various other institutions such as Vectren, Ivy Tech, USI, U of E, St. Mary's Medical Center, Deaconess Hospital. A lot of these have already decided to continue into a second year at the same school. The goal for this coming year is to double the number from 50 to 100 and we are prepared to make that goal happen. We do have the capacity to do so having had three years of double digit growth in our program, which covers nine counties. We're serving over 580 children a year in mentoring relations. By the same token, we have over 330 children on the waiting list, which is something that anybody familiar with Big Brothers Big Sisters anywhere in the country can attest to, that this is a dog chasing his tail and will never catch up until we reach, in this area, 15,000 matches. But we are making headway and to help us do that, our national office has given us a growth grant called a partnership development grant to help give a 15% growth again this year, this will be the smallest growth in the last three years, but still significant in terms of the fact that we will have to make 350 matches to meet that goal. So the 100 matches at Harwood Middle School is just one part of that picture and we do feel we have the capacity to do that especially with the support that we are getting from the Mayor's Roundtable as well as from members of that table, particularly Deaconess Hospital. They have already ponied up with the offer for a luncheon of up to 100 people on August the 25th. That will allow us a chance to present the program and its opportunities to employees from all over the area, whether it be from Deaconess Hospital or from the County Commissioners, from the county employees, city, whatever. By the same token, we don't want to wait until then or to restrict our presentation to that venue. We are ready to go anywhere, any place, at your invitation to present a program, and whether its one, two or fifty or one hundred people, so we are very anxious to get this program successful and rolling and to continue the great work that was done under the name of Mentor Indiana, now changed to Mentor Evansville. So we're prepared to accept any questions at this point and certainly would be available any time to come to speak to any groups that you might present to us. You do have packages that would give some of the background, some of the research results that have been done, both locally as well as nationally, with Big Brothers Big Sisters of America.

President Crouch: Questions, Commissioners? Do you know what might be good is, the County Commissioners have department head meetings and perhaps the fourth Tuesday, the next two Tuesdays we'll have abbreviated meetings, but perhaps that fourth Tuesday of the month you could come and make a presentation to our department heads and perhaps we can invite other officeholders and other people that are interested. If you could get us a little something, email or something we could forward to our department heads and our officeholders and we'll go ahead and do that and perhaps that will provide you with a forum to make your pitch and pick up some volunteers.

Frank Howard: We certainly appreciate that and we'll accept.

President Crouch: Any other comments, questions? Thank you very much for your time. And do you mind stating your name for the record, please?

Frank Howard: Frank Howard, Big Brothers Big Sisters.

President Crouch: Thank you very much and thanks for coming.

**Approval of executive session minutes
July 5, 2005**

President Crouch: If we could go back to the Executive Session minutes, we just need to reflect that the meeting started at 3:15 and ended at 3:30, and we discussed litigation. So if that would be included in your motion.

Commissioner Musgrave: Motion to record that as having been our meeting.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Ordinance to Amend Group Health Insurance
Benefits for Retired Personnel**

President Crouch: The next item, Ordinance to Amend Group Health Insurance Benefits for Retired Personnel. And this will be the final reading, but this ordinance has been amended since the first reading at our last meeting, is that not correct?

Ted C. Ziemer, Jr.: Yes.

President Crouch: And have the Commissioners had an opportunity to review those changes?

Commissioner Musgrave: I did.

Commissioner Nix: Yes.

President Crouch: Is there anyone to speak to that item? I believe they were satisfactory then with the Auditor's Office and with the Sheriff's department.

Commissioner Musgrave: Move approval of the amended group health insurance benefits for retired personnel.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. And that passes.

**Resolution Urging Continued Federal Funding of the Safe
and Drug Free Schools and Communities Program**

President Crouch: The next item is a resolution urging continued federal funding of the safe and drug free schools and communities program. And this was a resolution that was passed by City Council to encourage government to continue this funding, there's a threat that it will not be continued and so they asked that we pass a similar resolution, which you all have seen and have before you today.

Commissioner Musgrave: Is that federal funding that looks like its going to be cut?

President Crouch: Yes.

Commissioner Musgrave: Okay, and people who are very interested could get a hold of our senators and congressmen.

President Crouch: And we will go ahead and forward this resolution to them and to our state legislators also.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Purchasing

President Crouch: The next item, department heads, if there are any department heads that have business to come before the Commission? Mr. Lawrence?

Phil Lawrence: Commissioners Crouch, Nix, Musgrave, I'd like to do two things: one is, you remember a couple of weeks ago we had a situation where the transportation services for children, the person disqualified themselves and we have a new bid, it was an emergency bid and if Ted would open this one bid, its from the River City Taxi Cab Company. And then the second thing –

President Crouch: Are we accepting this late emergency bid or...

Phil Lawrence: I sent out invitations for a bid and this is the only bid we got.

President Crouch: This is the only bid.

Ted C. Ziemer, Jr.: Okay. That's right. Okay.

Commissioner Nix: Excuse me, is this on the contract that was previously held by Tri-State Transportation or is it the one –

Phil Lawrence: This is the one on Need-A-Ride.

Commissioner Nix: Okay, thank you.

Phil Lawrence: Yeah, the transportation one will be opened July 19th.

President Crouch: And this was advertised for the opening date?

Phil Lawrence: Yes.

President Crouch: Then we need a motion to give the attorney permission to open the bid.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Lawrence?

Phil Lawrence: Yes, I do. I would like to ask your permission to advertise for a 40 passenger prison bus. The advertising dates would be July 8th, July 15th and then open the bids on July 26th. It is a 42 passenger. I do have some specs and Eric Williams is in the audience as well to entertain any questions.

President Crouch: Questions?

Commissioner Musgrave: I did wonder how big the holding cell was that we are bringing these passengers by bus to stay in?

Brad Ellsworth: Good afternoon. Brad Ellsworth, Sheriff. In the plan right now, the holding cell will be, the new configuration of what is currently cell 21, 22 and 23, that back hallway that is connected to the bridge, so size, at this point we plan to leave it as is and then as they renovate those into an open group cell, we'll do that. We may have to stage on this bus until that renovation would be complete, so that's one reason for the bus. If we have to leave them on the bus, that's easier to guard than three vans or two smaller vehicles.

Commissioner Musgrave: Can you put 42 people in the cells that you're reserving for holding?

Brad Ellsworth: Yes.

Commissioner Musgrave: And if you leave them on the bus, is there a bathroom on the bus?

Brad Ellsworth: No, we'll have to take care of that either before they leave or right after we get inside the building.

Commissioner Musgrave: I know that there's specifications out there for the video arraignment, so you'll be doing most of those by video, or a lot of those?

Brad Ellsworth: That's our hope, yes.

Commissioner Musgrave: But still, the prisoners have to come to court for their actual hearings, is that the –

Brad Ellsworth: There will be some that the judges just will not let us do by video. We think that that will be – it will increase with the comfort level of the judges because this is something new. So we think it will be a minimal amount to come, that's what we're encouraging, but I'd rather go a little bit big and be surprised and only have to have 25 to 30 seats taken as opposed to buying two or three smaller vehicles and then making multiple trips or trying to guard three or four van loads of people.

Commissioner Nix: And those multiple trips, it takes at least two of your personnel to –

Brad Ellsworth: Same amount of people whether I have them all on one bus or many on – like I said, the people driving three or two vehicles or multiple trips, so...

Commissioner Musgrave: What's the size of your largest bus that you have now?

Brad Ellsworth: We only have one bus. It was bought back when Sheriff Shepherd – we bought that and that was primarily to transport prisoners to and from prison. Low mileage, but its got a few years on it, its early 80's. So it still does run. It's a 28 passenger, I believe. And we'll be using that more as a backup unit than as our main vehicle.

Commissioner Musgrave: What time of day do you expect to be transporting prisoners and what route will you take?

Brad Ellsworth: Usually – we don't want to tell everything. We're going to change that route every time for security reasons. But it will be early morning. Courts usually start about 9 o'clock and then 1 o'clock in the afternoon. So before that and after that, back and forth.

President Crouch: And this money is available in CCD, is that correct? Is that correct?

Brad Ellsworth: I think that's where it came from. I think that's where the money came from – no? General? General Fund.

President Crouch: General Fund. Okay, thank you.

Brad Ellsworth: I wasn't sure which account it came from.

Commissioner Musgrave: It's already been set aside for this, is that what you said?

Brad Ellsworth: Yes, it was in the budget.

Commissioner Musgrave: Okay, thank you.

Commissioner Nix: I move approval for permission to advertise for a bus.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, Mr. Ziemer, do you have that bid opening that you'd care to share with us now?

Ted C. Ziemer, Jr.: I do. The only bid we received was from River City Yellow Cab Company, Inc., and they bid various fares running from \$11.50 for up to four persons for a one-way trip, \$20 for a round trip, charge of \$7.50 for each en route stop to drop off or pick up additional passengers, \$1.50 per mile between Vanderburgh County line and the pickup point plus \$10, and a charge of \$5 for each trip where a vehicle is dispatched inside Vanderburgh County and the rider does not ride after scheduling. Those are the various bids for the various situations.

President Crouch: And do we have a motion to take under advisement?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And then you'll be back, Mr. Lawrence, to award the bid?

Phil Lawrence: Yes, next Tuesday.

President Crouch: Thank you.

County Engineer

President Crouch: County Engineer.

John Stoll: I have two items that need your signature this afternoon. They're both change orders on Lynch Road. The first one is for an increase of \$4,117.50 and this is for the removal of the shoulder along State Road 62. The slope of the shoulder is 4% which is in excess of what the shoulder needs to be to have a smooth transition from Lynch Road as it ties into 62. And the other change order is for a net decrease of \$7,360, and that is the elimination of a pipe, 24 inch pipe that was put in along side Highway 62 when that project was built. Basically, it was intended that this pipe be installed with the Lynch Road project, in turn it was put in with the State Road 62 project. So –

Commissioner Nix: You need to bring us more of those.

John Stoll: The bad part is, these are all credited to Warrick County's side, not ours, so we do have to bring them here, though, because we're the lead agency for INDOT's purposes, so hopefully, we'll see some on our side of the county line somewhere along the line, but I would request that both of these change orders be approved.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have. Teri has the change orders in the signature file so unless you have any questions on anything else?

President Crouch: Have you had a chance to check on Oak Hill/St. George?

John Stoll: I haven't gotten any more complaints about dust, so I'm assuming that the water trucks got out there and I have not been back out there since last week, so I'm assuming, since none of the inspectors have come back with any bad news, its still moving ahead pretty good.

Commissioner Nix: I was out Sunday and it looks real good. It looks like they're going to be on line to hopefully be paving by Friday or so.

Commissioner Musgrave: Wow.

John Stoll: Good deal.

President Crouch: Thank you, Mr. Stoll.

County Highway

President Crouch: County Highway? Nothing there?

New Business

President Crouch: New business? No new business?

Old Business

President Crouch: Old business? Nothing there? Alright.

Superintendent of County Buildings

B.J. Farrell: Can I add one item to the consent agenda, please?

President Crouch: Oh, I'm sorry, Superintendent of County Buildings.

B.J. Farrell: Well, since you passed me up, I thought I'd ask real quickly before you got there. The Evansville Museum had sent a letter to us requesting the donation of one punch card voting booth and one ballot box for their museum. I'd like permission to donate that to them, please.

Commissioner Musgrave: I would be happy to make that motion to put the old machines in the museums.

Commissioner Nix: Sure they don't want more than one?

B.J. Farrell: That's all they're requesting, sorry.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: And, Mr. Ziemer, I forgot, do you have anything to report?

Ted C. Ziemer, Jr.: I have only this. If you'll recall that the Health Department was concerned about the property at 5307 N. St. Joe near the County Garage. And my understanding from Mr. Elder is that has been cleaned up and is no longer a problem as far as they're concerned.

President Crouch: Good. Thank you. Any other old business?

Commissioner Musgrave: No.

Public Comment

President Crouch: Public comment? This is an opportunity for the public to make comments to the County Commissioners regarding any issues that we have authority or jurisdiction over. Seeing none, consent items.

Consent Items

Commissioner Musgrave: I would like to make a motion to approve the consent items as amended with the exception of the County Commissioners amendment to County Commissioners budget, in order to discuss that one item a little bit more.

President Crouch: We'll be approving everything but that and then we can vote on that separately.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>AMENDMENT TO COUNTY COMMISSIONERS BUDGET VISION-e</p>
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Commissioner Musgrave: I wanted to call that one out. From my understanding we submitted our budget to the Auditor last week with an amount for VISION-e in the amount of \$150,000 and I understand that that's been the amount that the county has contributed to this organization with the city matching that amount over a period of time. Now the group has asked for an amendment of that upwards of \$18,000 to be \$168,000 and I assume that they will be asking the city to also match that, although my information did not include that. I am in favor of economic development activities and I understand that an occasional dry spell will hamper the effort even when everybody puts their very best into economic development. However, I feel the effectiveness of this particular program is in question. Our taxpayers have contributed for the county \$150,000 every year for a number of years as has the city. I believe that that's been contributed for more than a decade. The lack of results from this expenditure, particularly over the past five years, is what's making me question this line item and the basic question I have is, are we getting any return for our investment in this organization? Is there a more coordinated effort among the various economic development engines that we have in the city or county where a different approach could be made or where our money could be better spent? And I do think that we need to have greater results from our efforts. So, in short, I just say that there's been a lack of results, no new business directly attributable to VISION-e in the past five years in Vanderburgh County, a lack of accountability for taxpayer money invested or performance incentives in this agreement. Their staff salaries are higher than for any other governmental official and I believe that includes the school corporation, no measurable results for the taxpayer of Vanderburgh County, who is footing the bill for this. Their expenses are very high, they have expensive automobiles provided for the employees at no expense to the employee. The medical insurance is covered completely for the employees, my understanding is, with no contribution by the employee, and for two people in that organization, the medical premiums total \$54,000, which I think is extremely high and I would look for some changes in that. This year, part of that increase, they're asking for a 50% increase in their domestic and foreign travel line item. They want an increase from 20,000 to 30,000. I wouldn't be opposed to an increase if we saw an increase in their activity, which, as I said, for more than five years we haven't seen any directly attributable results. And I did call Mr. Ken Robinson and I see that he is here and he may want to have some responses to my comments.

President Crouch: Just to address a couple of issues. As you recall at the first of the year meeting, we had talked about and actually did a letter to Mayor Weinzapfel requesting that, not only the County Commissioners, but we join with the Mayor to look at all of those economic development machines, as you referred to them, to see if there is a coordinated and unified effort or if we need to make some changes in order to do a better job, not only in Vanderburgh County, but regionally. There was an economic development task force formed, I sit on that task force, there is a consultant that has been employed without using city or county funds. He has already made a trip in to evaluate all the economic development organizations and efforts and to make recommendations to us. So at this point in time I am, since we

do have a mechanism in place and we are moving forward in that direction of what you are calling for, I would personally think it would be a little maybe irresponsible to withhold funding from an organization or not to approve what they're asking, when we have many other organizations asking for increases in the budget. Whether that increase will be granted by County Council remains to be seen. But, you know, I know that they have been at the \$150,000 level for ten years and certainly we don't expect most organizations that have contracts or agreements with us to not have increases occasionally. So I did want to make mention of that. But Mr. Robinson is here. I don't know if Mr. Robinson would care to make any kind of comments or –

Ken Robinson: I'll just briefly address some of the –

Commissioner Musgrave: While you are on your way to the microphone, Commissioner Crouch, when is that report that you described due?

President Crouch: They have been in for an initial assessment. The final report, I believe, is due in September. Is that correct, Mr. Robinson?

Ken Robinson: September or October is what we've contracted for that.

Commissioner Musgrave: So it would be after our budget process?

President Crouch: Correct.

Commissioner Musgrave: Okay.

Ken Robinson: Members of the Commission, my name is Ken Robinson, Executive Director of VISION-e. Joe Theby, Chairman of the Board, is with me today. In response to the issues raised by Commissioner Musgrave, all I can tell you is that we have been hard at economic development for the last 15 years. I have looked at the history of the organization, you know, and to note those projects that we've been involved in that have come to Vanderburgh County, you know, or the region, since we are a regional agency, just in particular, Azteca, Collis, which is located off of Lynch Road, Allison Engine near Garvin Park, Graham Packaging, Accuride, which is a headquarter location, United Components, another headquarter location on North 41, and just most recently, Tenneco Automotive, which is a Toyota supplier. So, you know, we've been hard at the activities of economic development with a variety of techniques that are used to make economic development work and have a great support network with our board and really work well with all the elected officials, because our job cannot be done without the support of the electorate, the elected officials to make this process work, because we're so involved in so many different techniques of use of incentive dollars or other state funding that comes through. We just try to keep the activity flowing through either direct mail or site visits or either international or domestic visits or really working with prospects as they call us and want to have information sent to them right away, that's really what our job is all about. So, you know, we've used the combined resources of the city, the county, and the over a hundred individual investors invest in VISION-e to accomplish that. I'm certainly open to providing any information that any of the Commissioners would like and any detail to the best that we can provide that so that you can see the value of the organization. The reason I asked for an increase this budget cycle was that we wanted to demonstrate that we weren't just a status quo organization, that we were looking to do other things, additional activities and that's why there was a requested increase. Now maybe that was something we should have evaluated and

just asked for the same appropriation as in the past but I wanted to show some positive movement to doing more and other things.

President Crouch: Mr. Robinson, I know you went on the trip to Nashville and I know Commissioner Musgrave took that trip and there was talk about their economic development arm, that they do bench marking where they state each year how many jobs they want to bring in and how much dollar amount. Is that something that VISION-e does or perhaps is that something we ought to look at doing?

Ken Robinson: I think that's something that we ought to – we have tried to do that in the past. You know, we've run into economic cycles and, you know, things that were beyond our control, but we've continued to, you know, to make a positive impact. I mean, if you look at the regional impact of the projects we've been involved in, you know, you have multiple billions of dollars of investment that we've touched in one way or another and been actively involved with, with probably a payroll of over \$500,000,000 annually, that's going throughout this region. But in terms of specifically answering your question, I think that's something that's very important for economic development organizations to do.

Commissioner Nix: I was wondering, have you requested the same thing from the city, this same increase?

Ken Robinson: I will be asking them for that increase.

Commissioner Nix: And some time back, we talked about possibly branching out a little bit and maybe getting some financial support from some of the other counties. Has anything been done with that yet or have you looked into that at all? Because right now the money has come from private entities within the county and Vanderburgh County and the city, right? There's no money from Gibson or Warrick or Posey or –

Ken Robinson: That comment is really being dealt with through the process that Commissioner Crouch referred to with the hiring of the consultant to look at how to create a regional organization that spreads the funding base as far and wide as acceptable, as appropriate.

Commissioner Musgrave: I looked at your financials from last year and, I think, a couple year comparison awhile back and I noticed that your private sector contribution to your overall budget had dropped. Is that still the case?

Ken Robinson: Well, we're right in the middle of finishing up our three year fund raising effort and, you know, we've had a lot of companies consolidate that were contributors, we've had them just drop out, they're no longer in business, so there is a variety of reasons for that. I think we'd have to look at each one individually, but we have seen a drop in the private sector side and I don't know if that's not uncommon in a lot of economic development groups or groups that are asking for dollars. And again, I think that's another reason for us to look at how we can consolidate economic development activities regionally as well.

President Crouch: Do you know what might be a good exercise is, to see how the Chamber has fared because they are funded solely upon private donations to see if theirs have also fallen off, that would be a pretty good comparison. So is that information you can get or does this Commission need to request that?

Commissioner Musgrave: I'd be more than happy to talk to Mr. Meadors at the Chamber and see if I can get that for you.

President Crouch: The other, and I do believe that it is always positive to go through the exercise of justifying our existence. We do that every four years and certainly we should expect the same of groups and organizations that we support. And I would like to see, along the same lines that Commissioner Musgrave has stated, at least to see some kind of bench marking established in terms of either jobs on an annual basis or economic monies or dollars brought in to the area and to Vanderburgh County. I think that would be very positive. Any further questions? So we will need a motion to approve the amendment to County Commissioner's budget for VISION-e.

Commissioner Nix: So moved.

President Crouch: Second. All in favor?

Commissioners Nix and Crouch: Aye.

President Crouch: Opposed?

Commissioner Musgrave: Aye.

President Crouch: And that passes. Thank you, Mr. Robinson.

Letter terminating lease of Old Courthouse with Artwork Unlimited
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Ted C. Ziemer, Jr.: Madam President, I just wanted to ask, for the consent items, we have, there is an item, Old Courthouse event lease agreement, is that the letter that I was asked to draft for –

President Crouch: I don't believe that was.

Ted C. Ziemer, Jr.: Okay, then I just ask you whether you want to consider whether or not you're going to approve the form of that letter so that I can send it to the –

President Crouch: Could you state on the record what that is?

Ted C. Ziemer, Jr.: Yes, we have a lease for the Old Courthouse with Artwork Unlimited for the use of the Old Courthouse for a haunted house in October, that was for a one year term which expires in November, I think, of this year. And I think the Commissioners advised me that they did not want to consider renewing that lease and so I have drafted a letter to the tenant advising Artwork Unlimited that the lease would not be renewed and telling him what he needed to know about vacating his equipment and so forth from the premises.

Commissioner Musgrave: And I have the letter in front of me and I'd like to move approval of the letter as drafted by the County Attorney.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: And I will send that letter tomorrow.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(Meeting adjourned at 4:07 p.m.)

CONSENT ITEMS:

Employment Changes:

Voter Registration (1)
Circuit Court Supplemental Adult Probation (1)
County Highway (1)
Community Corrections (2)
Surveyor (1)
Auditor (1)

Travel Requests:

Treasurer (2)
Drug & Alcohol Deferral (2)
Health Department (1)
Knight Twp. Assessor (1)
Soil & Water Conservation (1)

Auditor:

Approval of Lien Release Barrett Law
Approval of State Board of Animal Health Contracts

County Commissioners:

Amendment to Commissioner's budget
Energy Systems Group - Final Acceptance Certificate

County Engineer:

Permission to transfer 1995 Cavalier to Burdette Parl

Superintendent of County Buildings:

Event Lease Agreement
Request to donate voting machine and ballot box to Museum
Council Call

Superior Court:

Approval of renewed contract for Drug Court

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone	Supt Of Bldgs.	SWCD
Veterans Svcs.	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B. J. Farrell
Teri Lukeman	Phil Lawrence	Brad Ellsworth
John Stoll	Frank Howard	Ken Robinson
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A. W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Teri Lukeman.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 12, 2005**

The Vanderburgh County Board of Commissioners met in session this 12th day of July, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: County Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: County Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 5, 2005 Commission Meeting Minutes

President Crouch: Our first item is approval of the July 5th Commission minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Open Bids: VC05-06-02: Repair/Repave Cross Pt. & E. Virginia;
VC05-07-01: St. Joseph Avenue Culvert Removal & Replacement;
APA013-2006: Tires and Tubes;
APA041-2006: Road Salt**

President Crouch: If we could just go a little out of order. If we could go ahead and do the County Engineer and Purchasing and Building Authority bids, make motions to go ahead and start either advertising or opening those. Then the attorney could open those bids while we proceed with our other business.

Commissioner Musgrave: Motion to open the bids for the County Engineer and Purchasing. Are there any others? Just those two, or two sets?

President Crouch: It looks like those are the, for the County Engineer would you like to just state the subjects?

Commissioner Musgrave: Yes, VC05-06-02, repair/repave Cross Pointe and East Virginia, and VC05-07-01, St. Joseph Avenue culvert removal and replacement. For Purchasing, permission to open bids for APA013-2006, tires and tubes; APA041-2006, road salt; and there are some bid awards that we'll do later.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And the County Attorney will open those. Mr. Lawrence is there to assist, and we will come back to those later in the meeting.

**Award Bid: VC036-2005: Transportation Services for the
Office of Family and Children**

President Crouch: If we could take, then go ahead and stay with this, would you like to go ahead and make a motion to award the bid for the transportation services for the Office of Family and Children?

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise Jail Parking Lot Project Notice to Bidders

President Crouch: And, just staying with our subject matter, perhaps the Building Authority.

Commissioner Musgrave: Permission to advertise the jail parking lot project. Ms. Farrell, did we get the revised bid document?

B.J. Farrell: No, I'm sorry, we were not able to make contact with Mr. Summers. So, the document you have does not have the other language you had asked for.

Commissioner Musgrave: Then I'll make a motion to advertise that, as long as it is amended to include the vanderburghgov.org website.

B.J. Farrell: Okay, I'll get with Ms. Grayson on that and give her that information

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Southwestern Indiana Disaster Resistant Community Corp Presentation

President Crouch: We will now get back on our agenda. This is the time that the Commission and the public gets to hear from boards or commissions that this Commission makes appointments to. We have today with us the Southwestern Indiana Disaster Resistant Community Corporation. We will, I don't know if Mr. Lehman or Ms. Martin is going to make the presentation, but we welcome you.

Roger Lehman: Thank you. Roger Lehman, I'm the president of the board of directors of the Southwest Indiana Disaster Resistant Community Corporation. We appreciate you all giving us the opportunity to make a short presentation, but, hopefully, thorough, to help bring the Commissioners up to speed on what the Disaster Resistant Community Corporation does. Also, the Disaster Recovery Business Alliance. I'm going to have to kind of go back and forth as we do the presentation. If you would like, go ahead, where did that come from? We tried to eliminate the animation, but we didn't quite make it. So, we apologize for that.

President Crouch: Would it help if we dimmed the lights?

Roger Lehman: That would help, if we could dim the lights. I don't know how to do that. B.J. does. That works.

Ted C. Ziemer, Jr.: I can't see.

Roger Lehman: First of all, the primary purpose of the DRC, to keep things abbreviated, was to bring together public and private partnerships across the southwest region of Indiana to mitigate hazards. Part of the problem that had occurred in the past was each community has their own kind of program going on, but since we all are really part of each other's business across county lines, there was not a mechanism to really take care of dealing with hazards across county lines. So, our group got together, and you have quite a bit of paper information that you have that you can look at some more of the details of that. However, during a disaster there's a lot of problems, there's psychological problems, there's job loss because businesses are shut down, you know, in a large disaster, normally, 60 percent of the businesses never fully recover. Again, the businesses in the past have been kind of a neglected player in the government response recovery to disasters. The list of our goals was set in the late '90's and early 2000's. We want to obviously save lives, we want to make our community safer from disasters, reduce property damage and economic loss across the county lines, improve chances that businesses will survive. Again, if businesses don't survive, the community is not likely to survive after a major disaster. An example is with the time of World War II whenever the LST shipyard came in. Without that business in Evansville with the exodus of industry at that time it would have been a major problem for us to continue to operate as a city or a county. In this case, as a region. Also, part of the idea of being proactive in mitigation is that when businesses look at an area to relocate to, it's comforting for them to know that there is an organization that, there is concern, that there is plans, and there are things ready to go for them. So, that when they decide to move their business here, that they can be assured that there is a place that will withstand better, perhaps, disasters than might maybe other places. We,

of course, are subject to earthquakes and tornadoes and flooding and all those types of things. If a community does not have an active plan for those, modern business does not look favorably upon that. Having an organization like the DRC provides a mechanism where those kind of plans not only exist for this community of Evansville-Vanderburgh County, but also for the entire region. We have gotten together many times with many of our players in the past. Some of you may recognize some folks in this picture, this was taken probably in '98, I think. We have regular meetings with business and with the players, with non-profits like Red Cross, with the universities, we cut across all of the boundaries that are normally are kind of chimneys of information. We provide a cross cutting of organizations that touch in to each area of each of those businesses. I'm sure most of you are aware in 1999 Evansville-Vanderburgh County, Southwest Indiana, and I say Evansville-Vanderburgh County on purpose, because originally the award was titled that, but, in fact, the award was changed to the Southwest Indiana Disaster Resistant Community Corporation as the model community of the year. Because of the fact that we did cover the area, the region, and we did cross the city and county lines. Some things that specifically occurred from project wise, we have retrofitted eight fire stations in the five counties. We've done one, at least one in each county, in Vanderburgh County, we've done two in the city, and one in the county, German Township. This involves having an engineer do an evaluation of the structure, find out it's weaknesses, and design a retrofit, which is a strengthening to prevent extreme damage from earthquakes or high winds, and then actually obtain grants to install the retrofit. We were able to provide all these fire stations which house millions and millions of dollars of equipment that's necessary in disasters, a level of protection that was not there previously. I also taught a class to the INDOT engineers that are in the southern Indiana district, which is headquartered in Vincennes. They can now assist us in doing building evaluations following a disaster, again primarily looking at earthquakes because of the widespread nature to find enough people to look at buildings to say are they safe to go in? Do they need to be condemned? Do they need to be torn down immediately? We have done two training sessions with INDOT so that their structural engineers that work for them, about 50 of them, are now capable of assisting us in doing that investigation. Again, that's not just for Evansville, but could apply to any city or jurisdiction in southwest Indiana. We have worked with Sandia National Labs over the years, and this has actually involved into a project we are working now with Purdue on computational homeland security. It's a way of computerizing the way we look at disasters and reactions to actions that are taken. We have an exercise that we are going to up in Purdue in July, later on this month. We did have one in November here at the Centre, which was the first one that was ever done off the Purdue campus. That was done here for a couple of reasons; one, because we are a regional impact area, and the fact that the DRC provides the connection between the businesses and the emergency response people across the region. At this point I'm going to turn it over to Christine Martin, the Executive Director. I hate to talk and run, but I have another meeting I have to be at at 4:00. So, I'm going to let her finish up, and we solicit your support. Bill's been on the board, I think Cheryl's the new appointment to the board, and we certainly hope that you all feel this is a valid effort. As most of you know, we went to the County Council, and there was some comments made, maybe we should be absorbed into the local Emergency Management Agency or some such, and Christine will be able to address a few of those issues. So, thank you all very much.

Christine Martin: Thank you, Roger. Again, one of the reasons that we're here this afternoon is to explain to you in a little bit more detail the importance that DRC has in serving Vanderburgh County. Not only DRC, but also our subgroup of businesses, the Disaster Recovery Business Alliance. So, let's take a look at what

is a business alliance? It's a grouping of private and public sector participants who share the common goal of disaster prevention and mitigation. It is three simple things; it's an organization, it's a process, it's an on-going, very fluid item, and it also produces an end product. The recovery of a disaster stricken community is dependent on the economic recovery of the community. As you know, we are kind of like a mobile, you touch any one part of our community, it's going to have an impact on the rest of us. This is a listing of our DRBA members. As you can see there are quite a few that have been a part of DRBA since it's inception. You do have a listing in there, you have a DRBA brochure which we use to take out to new businesses and show them. So, what exactly does DRBA do? It helps to bridge that cultural gap that exists between businesses, public organizations, and governments and other organizations. It partners with those governments, the non-profits, the voluntary groups, and non-governmental organizations to mitigate or minimize the effects of response to and quickly recover from a major disaster. DRBA, since it collects dues from it's members, does help to support DRC. They are committed to educating their employees, because if your employees are not ready at home, they're not coming back to work. Very short and simple. None of us would be if our families are not taken care of. If our house is in ruins, we have no where to be, we're not going back to work. So, if our employees are prepared, they'll be coming back sooner, we can get the whole ball rolling again. Again, they are committed to protecting their facilities, their business, and they take an active role in protecting the community. They become leaders and role models to other smaller businesses, as well as larger businesses when they come in. We have some excerpts from some of our members, and you have, the last item that was given to you, stapled together separately, are the statements which we are showing up here. Being a part of a regional organization fits in well with our employee base, which comes from all the counties served by DRBA. We all benefit from DRBA's ability to generate grants, interest, and recognition due to it's regional scope. It's not anything that any one county could achieve on it's own. DRBA is able to qualify for considerations which the individual cities or counties and their governmental departments could not. The networking with other members and the workshops we have attended have been very beneficial to us. We have learned ways to improve preparedness, response recovery, and resumption of business quicker in the event of a natural or unnatural disaster. In my estimation, the business community would suffer much more significant losses in case of a catastrophic event if it were not for the education, information, activities and relationships developed through this organization. We will continue to support such endeavors. The projects that have been completed in the five county region would have never happened under the guidance of the EMA's. In fact, it was never intended to be a government based system. The EMA's do not have the manpower or the expertise to cover a five county area. Nor is that their charter. If the DRC/DRBA became an Evansville-Vanderburgh County operation, you will not see the support from the other five county's businesses. While also the DRC/DRBA will be a loss not only to the region, but the Evansville-Vanderburgh County area will take a bigger hit. There are a lot of business leaders who have given large sums of money, and allowed their employees to participate in the DRBA/DRC. You cannot get a better value for your dollar when you look at the benefits that the DRC/DRBA is able to create with the cross section of people and businesses that participate. So, the end product then, it works as a partner with the local public operations such as Emergency Operations Center, police, fire, and government agencies. It provides leadership, liaison for public and private sector partnership, it manages partnership mitigation initiatives, and it provides promotion and training on internal and external contingency plan. We also do provide a seat for DRBA, a representative in the Emergency Operations Center at the EMA. Now, before you had DRC and DRBA, none of these groups were connected. So, this

organization has pulled these five counties together, it's pulled in the non-profit sector, and the public sector, and the government sector. So, if you have any questions, or if you would like to go over some of the other information that I have presented to you, I would be happy to answer any questions that you have. You have some financial sheets there showing financial impact that was given to Vanderburgh County as a result of money spent from our FEMA initial grant.

President Crouch: Questions, Commissioners?

Commissioner Musgrave: No.

Commissioner Nix: None.

Christine Martin: Well, we sincerely hope that Vanderburgh County will continue to financially support DRC and DRBA so that we can continue the activities, the training, the workshops, etcetera that we do provide for this community. Thank you.

Commissioner Nix: Thank you.

President Crouch: Ms. Martin, just a question, okay, here I've got it. On the, it looks like on the 2005 budget, it's about \$104,000, is that correct? Somewhere in there?

Christine Martin: That is due to, if you see there's a normal budget and next to it is the presence of our Purdue grant. That will run out in March of 2006. It was a two year grant. So, at this time we do not know if an additional grant will be available, but once that grant is completed in March, everything reverts back to the initial budget.

President Crouch: Okay, so, with the grant it's \$104,000, but it potentially could be \$67,000, is that what you're saying?

Christine Martin: Our normal budget is \$67,000, but with the influx of cash available to us through Purdue, but, again, it's only given to us in arrears. We may not be able to obtain all of that funding. It just depends upon how, you know, the work goes.

President Crouch: And the Purdue, under the income, where is that represented? Is that the 21st century grant? Is that what that is?

Christine Martin: Yes. Yes, it's 21st century Department of Homeland Security Grant at Purdue.

President Crouch: Okay, so, out of the remainder, I'm just trying to get a sense here, out of your \$67,000 budget—

Christine Martin: Uh-huh—

President Crouch: —it looks like five, ten, \$12,500 is from local government sources, and then \$11,000 is from private?

Christine Martin: Yes, has been received so far from DRBA. What we have asked for in the past is that the City of Evansville give us \$15,000, which they have for the last three years, and we're currently working on getting that worked out with them right now. Vanderburgh County has given us \$10,000, and then \$9,000 at different times for the last three years. Then, the other counties are asked to give us \$5,000.

As you can see, Posey County this year was unable to give us the full amount, but they gave us half of what we had requested. They will seek to give us the full \$5,000 next year.

President Crouch: Okay, so, if Vanderburgh and the City of Evansville contributed as they did in the past, then that would end up being about \$37,500--

Christine Martin: Right.

President Crouch: --with \$11,000 from private sources. I just always think it's important for us to know the private-public partnership.

Christine Martin: Well, they usually will receive then the second installment of the DRBA money of the other \$11,500.

President Crouch: Okay.

Christine Martin: As you can see on there it's usually \$23,000, see the projected amount there at the bottom?

President Crouch: Okay.

Christine Martin: As you can also see then, the Purdue is just, you know, kind of roughed out of what we receive in arrears each month, depending upon salary and rent and so forth.

President Crouch: Okay, so, that 21st century grant, which is Purdue money, could did you say terminate in March?

Christine Martin: It will terminate in March.

President Crouch: It will?

Christine Martin: Yes, March 15th is the deadline of that grant.

President Crouch: Do you have any plans for how to make up for that lost revenue?

Christine Martin: We are working on those avenues right now. As Roger said, we are actually going to Purdue for their exercise next week. So, we will be talking to them to see if another grant will continue on. If not, we will simply drop back to our standard budget, and continue to seek grants to do projects. Because that is basically what the grant is for is to do projects.

President Crouch: Okay. Anything else? Thank you very much. That was very informative.

Christine Martin: Thank you. I hope the Council thinks so too.

President Crouch: Thank you.

**Return to Award of VC036-2005: Transportation of Services
for the Office of Family and Children**

President Crouch: If we could go back, Mr. Lawrence, on the bid that we awarded for the transportation services, that was, was that a sole vendor, just out of curiosity? That was, correct?

Phil Lawrence: Yes.

President Crouch: Can you, did you provide us with either a contract or a Form 96 that we can sign at the meeting?

Phil Lawrence: You will have one. I'm drawing up the contract now.

President Crouch: Okay, very good, thank you.

Indiana Business Diversity Council: Waiver of Centre Fees

President Crouch: Next item on our agenda, Indiana Business Diversity Council.

Commissioner Musgrave: Move approval of the waiver of the fees, but not any overtime fees for the Centre.

President Crouch: For the Centre.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Department heads. Any department head that has business that requires action by this Commission would come before us at this time. County Engineer?

John Stoll: First, I would like to request approval of the street plans for section three of Windham Hills Subdivision. I've reviewed the plans, and the consultant, which is Morley and Associates, has made all of the changes that we had requested. So, I would recommend approval of the street plans.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I want to make sure that the plans conform to any rezoning posture that they had.

John Stoll: As far as I know, yes. There's no, that's on Ag ground again. So, there wasn't really a rezoning, but the developer has submitted plans for all the improvements that he had to do out on Green River Road to be in compliance with what the Plan Commission conditions were. So, bit by bit it's coming in to, he's taken care of all the conditions. Madelyn has the Mylar for that as well. The second item that I have, which is also up there with the signature files is a railroad grant application for railroad pavement markings at Hogue Road and Boehne Camp Road railroad crossings. This is a grant application that was prepared by EUTS, and it's for \$922.50. Basically, INDOT will end up reimbursing the county for that \$922.50 upon completion of the work. It's 100 percent reimbursable. I would request approval of that grant agreement.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request acceptance of the streets in section two of Burkhardt Center. The streets are 546 feet of Interchange Road North, and 240 feet of Interchange Road South.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is a request to go to County Council to transfer \$500 from the Burkhardt Road Bridge #290 account. That was 2030-4408, to a Communications account, which 2030-3141. This would cover cell phone usage. We underestimated the monthly bills, and we'll need that to cover the balance of the bills for the remainder of the year.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you, Mr. Stoll.

County Highway

President Crouch: Next, County Highway.

Mike Duckworth: Good afternoon, Commissioners. Mike Duckworth, County Highway Superintendent. I'm here today to request going to the County Council for an appropriation. If you'll recall back in December we had quite a snow storm, and due to that we applied for disaster relief from FEMA. We were granted \$62,000 in that aid. We received the check sometime earlier this year, and I took it to Mr. Fluty. It's been placed in an account awaiting how we were going to disperse it. At this time I'm going to make the recommendation to the Council and to you to utilize that for Union Overtime and also the Garage and Motor account, \$30,000 to Union Overtime and \$32,000 to Garage and Motor. This account, or these monies were part of reimbursement for the overtime that we used on that snow event, as well as the wear and tear and general depreciation of the equipment. I think it's the appropriate way to utilize this money.

Commissioner Musgrave: I would like to ask the Auditor a question. When we received that check from FEMA, why was that money not put in the line items that it was spent out of?

Bill Fluty: When he brought that money in there was no request to reimburse those line items. It actually, it's in their Unappropriated. The proper procedure is to go to Council and ask for that to be appropriated on those line items.

Commissioner Musgrave: So, the next time we could, when we brought you the check, attach a memo saying which line items it should go into?

Bill Fluty: I think if you can identify the cost for each one, I think that is possible.

Commissioner Musgrave: Okay, well, I think that would save on paperwork.

Mike Duckworth: It probably would. When we received the check I had only been in this position a couple of months and I wanted to kind of gauge and see where our needs were. According to FEMA, there was a number of different slots we could have plugged this money into, and these are the ones that after being there six months or so now I think is probably in the most needful position, down the road if we have another flooding incident, or later in the year have another snow event.

Commissioner Musgrave: Move approval of the transfer request.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Well, actually appropriation.

Commissioner Musgrave: I'm sorry. Appropriation.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Duckworth?

Mike Duckworth: That's all I had. Just, other than that, just to tell you that, you know, we are keeping up with, and now catching up with our right-of-way mowing.

Commissioner Crouch: In this weather?

Mike Duckworth: Well, it's raining today, but that's a rarity.

Commissioner Nix: Keeps the dust down.

Mike Duckworth: We've, we're trying to catch up on some of the county lots that we are being asked to take care of due to the fact that some property owners are not doing it. So, it's keeping us busy. We're also rocking and maintaining shoulders, and gravel roadways, and keeping pretty busy.

Commissioner Nix: Percentage wise, where are you at on your paving right now?

Mike Duckworth: We're actually, we're not paving this week because of the rain, but we're somewhere between 15 and 17 miles of the 25 miles that has been dedicated from our road hearings. That should leave us a little bit more funds to do some extra toward the end of the season.

Commissioner Nix: Good.

President Crouch: Thank you, Mr. Duckworth.

Mike Duckworth: Thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: I do have a few items this week. I received notice from Burdette Park, they're wanting to surplus a 1990 Dodge Caravan that's no longer running and too costly to repair. So, they would like to surplus that. My question is, I'm not really sure what we do with it after we surplus it. So, I would like to go ahead and declare it surplus, and then check into what the storage opportunities would be. If we would hold it for a sale, or what the Commissioners would want to do.

Commissioner Musgrave: I'll move approval, but I want to move the vehicle as soon as possible, don't want to store it anywhere.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. You might check with Ms. Lukeman in the Auditor's office, because I'm sure through fixed assets we have had these instances before.

B.J. Farrell: Another item I have is there was a late travel request from Burdette Park. I will give that to Ms. Grayson, but it's simply to go to Holiday World and look at some of the items they have up there and how they maintain certain park attractions. All they are asking for is gas reimbursement. That would be on the 15th.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: I'm curious why the County Highway would be interested in how we—

Commissioner Nix: It's Burdette.

Commissioner Musgrave: Burdette.

President Crouch: Oh, Burdette. There you go. All in favor?

All Commissioners: Aye.

B.J. Farrell: Did I say Highway, I'm sorry?

Commissioner Musgrave: No, you didn't.

B.J. Farrell: Okay. The last item I have, I do have a listing of things that were left from the surplus sale that we had at the Old Courthouse. I have items that were left that are printers, monitors, I would like to hold those until we have the sale in the fall for any of the items. I do have a list of items we want to scrap with the County Highway taking them out to the scrap yard, and then we have a few desks and chairs that we would like to hold for the next sale, which we anticipate to be later this fall.

Commissioner Musgrave: You feel these items have value? Especially printers and monitors?

B.J. Farrell: Well, I don't know about the value, but we thought maybe we could try one more sale, and, if not, we would call Solid Waste about the proper disposal of them, having ink or oil or something in them, rather than sending them to the County Highway to put in the scrap to be taken.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: County Engineer, or County Attorney.

Ted C. Ziemer, Jr.: I don't have anything but some bids.

President Crouch: Would you like to read those into the record now?

Ted C. Ziemer, Jr.: Certainly. For repair and repaving of Cross Pointe; J.H. Rudolph, \$236,792.20; E&B Paving, Inc., \$228,279.

VC05-06-02: Repair/Repave Cross Pointe & East Virginia Streets

Company Name	Bid Amount
J.H. Rudolph	\$236,792.20
E&B Paving, Inc.	\$228,279.00

Ted C. Ziemer, Jr.: For the St. Joseph Avenue culvert; J.H. Rudolph, \$70,550; Deig Brothers, \$59,137.50.

VC05-07-01: St. Joseph Avenue Culvert Removal & Replacement

Company Name	Bid Amount
J.H. Rudolph	\$70,550.00
Deig Brothers	\$59,137.50

Ted C. Ziemer, Jr.: For rock salt; Morton International, \$42.17 per ton; North American Salt Company, \$45.92 per ton; Cargill Deicing, \$53.61 per ton.

APA041-2006: Road Salt

Company Name	Bid Amount
Morton International	\$42.17 per ton
North American Salt Company	\$45.92 per ton
Cargill Deicing	\$53.61 per ton

Ted C. Ziemer, Jr.: For tires; Southern Indiana Tire, \$209,505.97; Raben Tire, \$122,931.45; Reis Tire, \$246,486.31; and Master Tire, \$231,839.23.

APA013-2006: Tires and Tubes

Company Name	Bid Amount
Southern Indiana Tire	\$209,505.97
Raben Tire	\$122,931.45
Reis Tire	\$246,486.31
Master Tire	\$231,839.23

Commissioner Musgrave: Motion to take bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: Nothing else.

President Crouch: Thank you.

Board Appointments

President Crouch: Our board appointments, I believe we have a couple to make to the Old Courthouse Foundation Board. We need to appoint a Commissioner.

Commissioner Musgrave: I make a motion to appoint Bill Nix.

President Crouch: And I will second that. All in favor? Aye.

Commissioner Musgrave: Aye.

President Crouch: We also need to appoint the Superintendent of County Buildings, which is by ordinance.

Commissioner Musgrave: Alright, move to appoint B.J. Farrell as the occupant of the Superintendent of County Buildings.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Then our Polling Place Advisory Board, Mr. Robert Plummer has agreed to serve on that board.

Commissioner Musgrave: Well, we welcome Mr. Plummer and move to appoint him.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: Any new business?

Commissioner Musgrave: Yes, we received a letter regarding the Convention Centre properties, and I believe that the County Attorney has a conflict, and that we need to appoint another counsel for that litigation or legal matter. So, I move that we appoint Mr. Andy Ozete to that.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I sent a contract by e-mail earlier today, and I believe that's here to be signed.

President Crouch: So ordered. Any other new business?

Commissioner Musgrave: I have something to bring up under old business, but it can wait until then.

President Crouch: Okay.

Old Business

President Crouch: Old business?

Commissioner Musgrave: The Old Courthouse?

President Crouch: We have the Old Courthouse, as the Commission recalls, I believe it was last week we instructed our County Attorney to send a letter to the gentleman who operated the haunted house there at the Old Courthouse, notifying him that we would not renew his lease. He then appealed to call the Commission office and asked that we reconsider and allow him to do that haunted house for this year only, then he would vacate the premises immediately following that. I believe it was thought that he should probably go to the Old Courthouse Advisory Board and make his case and let them make a recommendation to us. That board is going to start looking at hiring a consultant for long term usage of the Old Courthouse and for what we still need to do for that final facility. It seems only reasonable that he be referred to that board, they meet this Thursday at 7:30 in the morning. They can consider the matter and then make a recommendation to us upon which we could act at next Tuesday's meeting.

Commissioner Nix: And he has been contacted and is on the agenda?

President Crouch: Yes, he has.

Commissioner Nix: Okay.

Ted C. Ziemer, Jr.: Madame President, just for the record we abolished the Old Courthouse Advisory Board by ordinance, and we now have the Old Courthouse Foundation, Inc., and that's the board that you're talking about.

President Crouch: I said, yes, well, I'm having a great day today.

Commissioner Nix: Force of habit.

President Crouch: So, if that's alright with the Commission—

Commissioner Musgrave: Yes.

President Crouch: —the Foundation Board will make a recommendation to us for our next Tuesday meeting regarding that lease. Other old business, Southwestern Indiana Regional Development Commission. They are sponsoring a Wabash Heritage Paddle Fest. I believe we had spoken about perhaps the Commission sponsoring a team to be in that, and perhaps challenging other Commissioners in the region to paddle down the river with us.

Commissioner Musgrave: This doesn't require swimwear, does it?

President Crouch: I hope not.

Commissioner Musgrave: Because I can't do that if it does. But, I would be happy to sponsor a team. I believe the admission, or the fee for that is \$20.

President Crouch: I think that's correct.

Commissioner Musgrave: Well, if we split that three ways—

Commissioner Nix: I think it's \$20 a person though.

Commissioner Musgrave: Twenty dollars a person? Well, that cuts into my paycheck some.

Commissioner Nix: No county money will be used for that either, right?

President Crouch: I think we can all ante up for that. But, if it's all right with the Commission, we will contact them and indicate that we will be sponsoring a team. Perhaps we can send a letter challenging other Commissions.

Commissioner Musgrave: That sounds terrific. Do you need a motion to that? Or, since it's private money we can just ante up.

President Crouch: I think we can probably just do that ourselves.

Commissioner Musgrave: Okay.

President Crouch: Any other old business?

Commissioner Musgrave: Yes. I had, and the Commission also voted to ask the County Attorney to look into certain matters regarding office holders giving time off to their employees that was outside of the scope of the adopted personnel policy. Mr. Ziemer and his partners have issued a couple of responses to that now. Mr. Ziemer, do you care to summarize the discussion regarding office holders or department heads who do above and beyond the county personnel policy?

Ted C. Ziemer, Jr.: Certainly. Basically, state law provides that the County Executive will determine what employees are paid, and what hours employees will work, and what holidays they will have, vacation time and so forth. It came to our attention that perhaps some either department heads or elected office holders were, on their own, on occasion giving employees under their jurisdiction perhaps a birthday off. There's no provision in the ordinance for birthdays off. Or, after so many years of employment, perhaps giving an extra week off, and, of course, there's no provision for that. Bottom line, the county ordinance determines holidays, work hours, vacation days and so forth, and the neither the department heads nor the county office holders have any right, by law, to authorize other time off than as established by the ordinance. So, to the extent that any office holder or department head is doing that, it is improper and we recommend that some sort of memorandum or other notice be sent to all of them, advising them that from this point forward those kinds of matters will be as covered in the ordinance, and not by individual decisions of individual department heads or county office holders.

Commissioner Musgrave: Well, I would like to take our attorney's advice and inform all of our employees, including the office holders that this does not conform to law, and ask them to conform to county policy from this point forward. Mr. Ziemer informs me that past actions of office holders or employees should be considered in the past. Once we inform them, however, of the policies that their adherence would be, we could uphold that under the law. Is that correct?

Ted C. Ziemer, Jr.: Yes, that's correct.

Commissioner Nix: You would like to do that in some type of a letter from the Commissioners?

Commissioner Musgrave: Yes, and I think since it's a legal matter, I would prefer that the attorney draft the letter, and I was wondering if the Auditor would be agreeable to attaching this letter to everyone's paycheck. The next one that would come after the letter was sent and approved.

Bill Fluty: Attaching it to paychecks, or just giving it to the elected officials or department heads?

Ted C. Ziemer, Jr.: Well, actually for an employee to violate this, the employee needs to know that it's not authorized. So, and, of course, I think all employees are charged with knowing what's in the personnel policy, but, to be sure of that, I think it would be better if each employee is notified that the only provisions for time off and so forth are as covered by the personnel policy and not by any other policy. Then, I would say though that it should also go to the department heads and the office holders.

Commissioner Musgrave: I make that in the form of a motion, and thank you for your assistance.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other old business?

Public Comment

President Crouch: Public comment. This is an opportunity for the public to comment to the Commission on any matters that the Commission has authority over. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Move approval of the consent items as listed.

Commissioner Nix: And, we need to add that one, is that correct?

B.J. Farrell: Yes, the Burdette Park travel, yes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will commence Drainage Board as soon as Mr. Jeffers makes up to his seat.

Commissioner Musgrave: Alright.

(The meeting was adjourned at 4:10 p.m.)

CONSENT ITEMS:

Employment Changes:

Burdette Park (5)	Health Department (1)	County Clerk (1)
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Travel Requests:

Commissioners (1)	Health Department (8)	Burdette Park (1)
SWCD (1)		

Auditor:

Submit A/P Vouchers for July 2005.
Vanderburgh County TIF Districts Memo.

Health Department: Renewal of Public Health Coordinator Grant.

Commissioners: Vision-e Monthly Report for June 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Roger Lehman	Christine Martin
Phil Lawrence	John Stoll	Mike Duckworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 19, 2005**

The Vanderburgh County Board of Commissioners met in session this 19th day of July, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. I would like to call to order the Vanderburgh County Commission meeting on July 19th. We will start our meeting with introductions, and we'll start to my far right.

Ted C. Ziemer, Jr.: I'm Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: County Commissioner, Suzanne Crouch.

Madelyn Grayson: Recording Secretary, Madelyn Grayson.

Bill Fluty: County Auditor, Bill Fluty.

B.J. Farrell: Superintendent of County Buildings, B.J. Farrell.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 12, 2005 Commission Meeting Minutes

President Crouch: Our first item is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Airport Authority: Master Plan Presentation

President Crouch: Our first action item is an opportunity for a board or a commission that this body makes appointments to, to tell us a little bit about what's going on. We had the opportunity of hearing from the Airport Board earlier this year, but they're back today to give us an overview of their master plan, which they will be presenting, I believe, next week to the general public. We have with us today Mr. Nelson Bailes. Welcome, and we look forward to your presentation.

Nelson Bailes: I would like to thank you for allowing me the time here. This is Tiffany Mangold, she's my assistant. We prepared just a brief Power Point overlay of the master plan. What the master plan is, the master plan is we're looking at the airport for the next 20 years. We basically, it takes about 18 months to do this study. This study is about \$350,000, about 90% of it's paid by the federal government, so, we're responsible for 10 percent of it. The company that's doing the project this year is the Corradino Group. They are actually an engineering firm for the airport, and Dave Ramacorti is the project manager for that. Darrell Veach works for the Corradino Group here in Evansville, and then for the forecasting Landrum and Brown is doing the forecasting for us. The master plan overview, as I said, is a 20 year plan for the airport. We just finished up the last 20 year plan here, so, we're starting on this new one here. What it does, it looks at everything overall through the airport, the facilities and everything. It looks at the existing facilities, the projected aviation demand, future facility studies, community and environmental effects, our funding sources, of course, that's an important thing. The plan needs FAA approval, actually, the plan itself, airports do not have to do a master plan, but whenever they ask for funds, the master plan helps them in getting the funds from the federal government, and it also shows the reason why we need the plans. It shows in conjunction with the different projects that we have. The study priorities; the airfield and nav aids; terminal related facilities; GA, which is general aviation; FBO, which is fixed base operations, which is Tri-State Aero at the present time. The other aviation facilities on the airport, of course we have to look at the ground transportation, that's getting in to the airport and getting out of the airport. Once people get there we have to look at the parking situation. Then, the land use, the airport has now about 1,400 acres, and we just bought 90 acres. So, we have to look at how we're going to use the land. Besides just for the airport, it's used for aviation. We have advisory committees, the advisory committees, we have a regional planning committee, we have a technical planning committee, and then we have an air commerce/roadways advisory committees. And put together they all work on the different things, how they're going to use the land, and how they're going to best get revenue from the airport. The committee's role is to provide general guidance for the master planning. It validates aviation demand for the projections that they make and the planning assumptions, identifies the current deficiencies and future aviation development needs for the airport, and also participated in alternative developments for the airport. Also, it serves as a champion to the facility industry and community support for the studies and recommendations that the committee has. Looking at the terminal building, to kind of give you an overview here of what we're looking at. The terminal building at the present time there, it's built to accommodate 350,000 people a year. The boardings right now are in the 235,000-240,000 range. It looks like for 2024, boardings may go to 330,000 with the projections. It looks like the terminal itself is going to be good for the duration of the 20 year plan. The terminal originally was built to accommodate future plans for the city. EDS, that's something that the Transportation Security Administration, the TSA, that's something they're putting in at a lot of the airports. Right now we screen bags that are being checked and put inside the cargo compartment of the aircraft. We screen those in front of the ticket counter. If you've been out there and watched them do that, they have a new system called the EDS system. The system is an in-line system which will go probably downstairs at our airport. The bags that are checked will go through an x-ray machine very similar to what they do for the carry on bags. We feel that the apron there is adequate for the airplanes that we have today, mostly regional jets. We are looking in the near future for loading bridges. The things that I'm going to show you today probably are just some things that are projected that they may do and they may not. These are just things that we're looking at on the future for improving the airport. As I said, this study is about 18 months, so, it will be a while

before we come down to the final part of this. Now, right now we have 1,088 parking spaces. We have increased that since we built the terminal building. It looks like we're going to have to increase it again in the very near future, probably 45 to 50 additional parking spaces, because at peak periods we've had to open up the short term lot because of the overrun on the long term lot. It looks like eventually we'll need 1,250, and something we may look at too is a parking garage. The terminal is situated so, the way it's set, we could easily build a parking garage there if we have a demand for that type of parking. For the rental car parking lots, we're looking at no expansion hardly. In their make up they look pretty well. But, going down to the walkway going down to their lots probably needs a cover over it eventually. I'll go into that in just a minute and show you some examples of that. Some lighting down through there and some just improvement in the signage going down to the lot down there. Hangars, looking at the general aviation, we have an immediate need for "T" hangars. We only have one set of "T" hangars out there. As you know, we just tore down the hangar that was built in 1928. We hope that we'll replace that hangar there with hangars for general aviation, probably corporate aircraft. Parking, we don't have parking, overnight parking on the apron right now, we hope to have that in the near future. Of course, that will bring maybe some additional office space and some shops in that area. The facility needs at the airport is our fire and rescue, they are well staffed right now. We probably will see some growth there, but probably it won't be a whole lot of changes in the personnel, because we are actually operating at a level above what we really need to be right now. The snow removal, we've always done a really great job there. Our maintenance people do a great job there, with maybe some additional runways and taxi ways, there's possibly some very, very small changes that we might have to make there. But, looking at the roads and land use, of course, roads again at the airport, we built William L. Brooks Drive going in there to the foreign trades zone. It looks like if we do have some expansion in that area. We may have to build some roads going down in to the area there on the east side of the airport to accommodate maybe some industry that might build in that land there. Terminal needs, airline needs, it looks like we're pretty well set with that, because we have empty counters right now. But, for shops and the gate areas, we may have to look at those in the future. That kind of gives you an overview of what the technical part of it is. To give you really an idea of what we're really talking about here, so that you can look at it from how we're going to set it up. Eventually, the runway here, this is 422, this is 57 here to give you an idea, and this is route 41. This is the existing terminal building right now, and this is the Tri-State Aero lot over here. What we may look at is sending this runway out, maybe 10,000 feet out this way. It's not that we need the extra 10,000 feet, we have plenty of runway to accommodate the flights we have operating right now, and we do have most of the RJ service. The facts are that the RJ service will probably, we'll have probably almost all RJ service here for the regional jets in the very near future. Probably by the end of this year we'll have all service with regional jets, with the exception of maybe the two flights to St. Louis. But, in any case, we planned on maybe putting some taxi ways in here to make it better for the aircraft when they land. Then we'll look at the cross runways here. This would be the expansion of like runway 422 to give you some practical idea of what might happen here. The big problem here as you can see, the runways cross here. This restricts the aircraft from taking off simultaneously. We can't have aircraft on runway 1836 and on 422. So, the safety factor there, what we would hope to do maybe in the future is to move the threshold of this runway up a little bit so that it doesn't cross over the other runway there. To do that we would have to move it out to the northeast. Looking at some of the things that we'd talked about as the bridges. When the terminal was built a few years ago, this is the opening for the second level boarding. We kind of thought that probably that would be the thing of the future because we had larger jets coming in to

Evansville at the time. But, as you know the whole picture of aviation changed, and so we've changed over to the RJ's. So, what we need now is ground level boarding. Now, they've come out with a new jetway, and this is called a dew bridge. The dew bridge can be hooked up to ground level boardings, and it will fit any of the RJ's that service the airport. So, this will provide the people with a covered walkway, getting on and off the aircraft. We hope that in the future we will have those. We talked about covered walkways, this is a picture that I took of another airport here. This is some of the things that airports offer in terms of covered walkways going down to the rental cars. Also it might be a fact that in the terminal, from a terminal out to the parking lot we may want to build something like this to keep people out of the weather when they are going back to their car. Just to give you an idea, and this is kind of the commercial part of it here of what's happening with aviation in Evansville. The facts are that non-hub airports, which Evansville is a non-hub airport, basically, we don't see a lot of expansion from the major carriers anymore. They're competing in the major cities. So, we have to be very careful about what we do and how we get new service in to Evansville. We're always needing to look at airline expansion, we always need to look at new markets. But, the big thing is here is economic development for this community. The airport needs to be a part of that, and the airport needs to look at that as an economic development anytime that we get new flights or new destinations, and I'm sure that Toyota for example would not have been here in Evansville if they had not, if we had not built a new terminal building as we had it then. The old building was so bad, but anyway, just to give you a why we need incentives here. A lot of time airports, which is Evansville, only account for about three percent of the traffic in the United States. But, they have 409 cities like Evansville. The small hubs about eight percent, but look here at the large hubs, the large hubs they account for 89 percent of the passengers in the 66 airports. So, as you can well imagine, the larger airports, the larger airlines are looking for some type of incentives to come to Evansville. So, they want us as a community to share the burden of start up costs. In this case they look at revenue support. They're not asking to supplement each passenger, they want each route to support itself. Marketing money, Evansville, not because I work for the marketing department, but they were a step ahead of most of the airports by forming a marketing department. Now, all the airports serving all the communities have marketing departments. Simply because no one markets your airport unless you have a marketing department. The big airlines they don't do that anymore. There's too much competition in the major hub cities. You never see them advertise hardly in the small markets anymore. They want waivers of airline fees, they want waivers of the rent for temporary start ups, they want upgrades like new counter space. The travel bank is something that we did with the Indianapolis service, where people bought the voucher coupons and used those. Basically, the bottom line is here, the airports want long term success when they start a route, they want to partner with the community so that the community shares part of the responsibility for serving, for the service that they start up. They want to limit their start up lists. In other words, for the first year maybe they want free rent, or they want some type of concession just so they don't have a lot of costs to start up. Bottom line is they want to mitigate their risk totally when they start new routes. We're going to have a public hearing on July the 26th, it will be at Christian Fellowship Church from 4:30 to 6:30, and I invite you to come to that, and hope that you can answer some of the questions some of the people may have about....we'll have a display there and we'll have a session with questions and answers. Thank you.

President Crouch: Questions, Commissioners?

Commissioner Nix: I've got one. Can you explain just real briefly the funding for the airport? How that funding comes in and how it goes out?

Nelson Bailes: Actually the funding of the airport, the funding of the airport, there's no tax, we're one of the few airports that do not have tax money for the operational costs. Our operational costs of the airport come from our rental. In other words when the aircraft land there, we charge a fee, a landing fee, we charge rent for the space for the rental cars for the airlines for, of course, we get revenue from the parking lot. The parking lot is a big part of our revenue there. So, we want to be sure that we always have adequate parking for the customers coming in. But, we do get, we do get money for capital funds. We get tax money for capital funds. It's about I think a half a million dollars a year. That money is used to leverage money from the federal government. In other words if we need to extend a runway, which we did, we just extended 1836. We use that money, or a portion of that money to leverage money from the federal government. As an example, the master plan, we pay ten percent, they gave us \$350,000. Now, that's what we use the capital expenditure money for for the airport. But, basically, the revenue, operating costs we generate that within the airport there.

Commissioner Musgrave: Will the public hearing touch upon the proposed industrial park?

Nelson Bailes: Yes. We have several different ideas. We feel like we have a lot of land on the northeast side of the airport there. There is a possibility, like the foreign trade zone for an example, that's developed into a business there. We feel like there's land there, and the public will take a look and see, you know, what can be done there. We're inviting industries to come and take a look at that too. To see if it's a possibility that they could relocate in that area. Now, as we go back to the roads, we have to have access roads to go into that area. The access roads have to be outside the security area, because we can't have people within a security area. So, that presents a little bit of a problem. But, nothing insurmountable. I'm sure that industry will, there's a lot of opportunity there we think.

Commissioner Musgrave: Well, as a former assessor, I just want to make sure that the industries that do come to the airport property, which is tax exempt, that they'll be subject to taxation like any other for profit entity in the county. Is that going to be the case?

Nelson Bailes: Well, you know, there is some advantages to, you know, the taxation of airports, companies that locate at the airports. There is some tax relief there for those companies. I'm not sure to be honest with you exactly how they apply for that, or how they gain that tax support. But there is some tax relief for people that locate on the airport, or in the airport area. Maybe Mr. Ziemer can help me there.

President Crouch: Any other questions? Thank you very much, Mr. Bailes. That was very informative.

Nelson Bailes: Thank you.

President Crouch: Thank you.

Award VC05-06-02: Repair/Repave Cross Point Blvd. & E. Virginia St.

President Crouch: Next item, County Engineer, permission to award bids.

John Stoll: We've got two contracts that need awarded. The first is to E&B Paving. This is on the repair and repaving of Cross Point Boulevard and East Virginia Street. This is contract number VC05-06-02. The amount was \$228,279.

Commissioner Nix: Move approval of VC05-06-02.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Award VC05-07-01: Culvert Removal/Replacement: St. Joseph Avenue

John Stoll: The other contract was to Deig Brothers, and this is for the St. Joseph Avenue culvert removal and replacement. They provided the low bid of \$59,137.50.

Commissioner Nix: Move approval of VC05-07-01.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Stoll.

John Stoll: Thanks.

Award APA041-2006: Road Salt

President Crouch: Purchasing, we have permission to award, and then a permission to open bids.

Phil Lawrence: Madame Chairman, other Commissioners, Phil Lawrence, Purchasing. I would like permission to award APA041-2006, road salt. The low bidder being Morton Salt for \$42.17 a ton.

Commissioner Musgrave: How does that compare to our prior years pricing for that?

Phil Lawrence: It is about seven percent higher.

Commissioner Musgrave: Move approval of APA041-2006.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Permission to Open: VC027-2005: Transportation Services for Elderly and Handicapped</p>

Phil Lawrence: I would like to open VC027-2005, transportation services for elderly and handicapped, but there aren't any bids here to do that. So, I would like permission to extend this opening till next week, and permission to contact the vendors who we sent the bids to. One promised us the bid would be here today at 3:30, and it's not.

Commissioner Musgrave: But, you'll contact everyone?

Phil Lawrence: Yes.

Commissioner Musgrave: Okay. Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

<p>County Engineer</p>

President Crouch: Next item, department heads. Those department heads that have business that require action of this board would appear at this time. Burdette? Oh, you're going to wait until the County Attorney? That's fine. County Engineer?

John Stoll: I've got two other items. First is some additional paperwork for the grants for the Jobe's Lane water and sewer project. I have a certificate of accessibility, which is related to ADA accessibility for the project, which basically the project's exempt, since there aren't any sidewalks or any building structures associated with it. There's also a disclosure report. Both these reports were given to us last week by the Southwest Indiana Regional....I can't remember the—

President Crouch: Development Commission?

John Stoll: Yes, that. They need, both forms need the Commissioners signatures. So, I would request approval of those forms, and Madelyn has those in the signature file. Basically, it just needs, I guess, just Suzanne's signature. It has to have the highest elected officials signature on these two forms. It's part of the paperwork that

has to be submitted to the state in conjunction with receiving the state grant of \$141,750.

President Crouch: But, we would use today's date, correct, on that?

John Stoll: Yes.

Commissioner Musgrave: Okay, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is that I would like to request approval to have the Auditor's office shift \$298,485.21 from the Lynch Road right-of-way acquisition account to the Lynch Road construction account in the TIF fund. Basically, we have sufficient money right now to cover our actual 20 percent of the remaining costs associated with the project. However, we have to pay all of the inspection invoices for Bernardin Lochmueller up front, and we also have to pay the utility relocation costs up front. So, we don't see the reimbursements from INDOT on a real quick turnaround, so, we'll have a cash flow problem. So, ultimately, this \$298,000 that I'm asking to be shifted from one account to another will just basically cover the cash flow. In the end the project, this amount will basically be left over unless there's a change order of some sort. The right-of-way acquisition account is no longer needed. All right-of-way costs have been covered. So, that money is just no longer needed in that account whatsoever.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: I have one item that I would like for the Commissioners to consider today. We have had four companies give us estimates on pest control at the Old

Courthouse. I would ask that the Commissioners approve the commercial pest control agreement as they were the lowest in providing the same service as the others.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Do you want me to do the Artwork Unlimited? Or is that the—

President Crouch: That's fine.

Ted C. Ziemer, Jr.: —it's under old business, Old Courthouse.

President Crouch: You can take it under your report.

Ted C. Ziemer, Jr.: You have in your packets for execution a document entitled, "addendum to lease". The lease with Artwork Unlimited for use of the sub-basement in the Old Courthouse expires September 30th, or excuse me, yes, September 30, 2005. The owner of that Artwork Unlimited, Phil Wolter, met with the Old Courthouse Foundation, Inc., and asked for additional time this year to have the haunted house again in October. Since it was so late, it would be almost impossible for him to make other arrangements to get this done this year. The recommendation of the Old Courthouse Foundation, Inc. was that we grant Artwork Unlimited an extension of their lease through December 31, 2005. That the fee for that extension, that is running from September 30, 2005 to December 31, 2005 be \$7,000, which was the fee for the full year last year. The rationale for that being that it's that point at Halloween that Artwork Unlimited makes it money on this project, and that is the main thrust of it's activity. We felt it was appropriate to have the entire fee charged for the extension period. Other than extending the lease and providing for that fee of \$7,000, all the other terms and provisions of the original lease would stay in full force and effect through December 31, 2005. Then just by way of information, it's the intention of the Old Courthouse Foundation, Inc. to review this matter, probably at it's next meeting, maybe hear further information from Mr. Wolter, and then make a recommendation to the Commissioners as to whether or not to continue this kind of leasing into the future. In the event that the Commissioners wish to approve this arrangement with Artwork Unlimited, Inc. you have in your folders an addendum to lease, which does the things that I have suggested.

President Crouch: Mr. Ziemer, I believe I saw some kind of e-mail that said that the current lease provides for them to be notified in November if the lease is not going to be extended. We don't need to do that?

Ted C. Ziemer, Jr.: No, there is not a provision like that in there. The provision is that the lease may be considered for renewal at the end of it's term. Mr. Wolter understands that this addendum takes the place of anything like that.

President Crouch: Okay. Secondly, is it a little premature for the board to make a recommendation back to us before they have the consultant come in and maybe look at a long term use of that building and what is still needed? I mean, I guess, I just, it seems that that might be a little—

Ted C. Ziemer, Jr.: It may be. I guess, you know, the board would have to speak to that, Madame President. But, Mr. Wolter does need to know at some definitive point in time whether he's going to be able to use these premises in the future, and if not, he needs to make other arrangements. I don't know when the consultant will be here, and I don't know when the Old Courthouse Foundation will get the consultants report. It might be too late for Mr. Wolter to make a decision. In any event, I think that's all, it's just that there's going to be another meeting, and certainly I think the board ought to be advised to take that into consideration, whether they want to make an arrangement with him before they hear what the consultants have to say. But, I'm reporting what the board did at it's meeting.

Commissioner Nix: Now, you're referencing not necessarily this year, but any year beyond now?

President Crouch: Right, because I thought that we had agreed to let the Old Courthouse Foundation board review the situation and extend it through Halloween. I didn't know we were considering future years also.

Ted C. Ziemer, Jr.: At the meeting Mr. Wolter was prepared to discuss this for perhaps another two hours. We were going to lose our quorum in about five minutes. So, it was suggested that to resolve this matter at this time that the board recommended to you that the lease be extended as I have indicated, and that at a later time they would meet with Mr. Wolter and further review his information as to whether or not this should go on in the future.

Commissioner Musgrave: So, basically, we're extending the lease from the end of September until the end of December.

Commissioner Nix: And that gives him time, one of the things he explained in the meeting was it gives him time to get, if we decide not to renew the lease, it gives him time to get everything cleaned up and get out. He's got quite a bit of props and those types of things stored beyond just the display for the Halloween.

Commissioner Musgrave: Well, if the Old Courthouse...what are we calling it now?

Ted C. Ziemer, Jr.: Foundation, Inc.

Commissioner Musgrave: Foundation, Inc. is going to entertain extending his lease, then I would ask them to do research in the community about what other similar organizations pay for rent. I was contacted by a taxpayer who says that a similar...what do you call it? What do you call what he does there?

Ted C. Ziemer, Jr.: Haunted house.

Commissioner Musgrave: Haunted house pays \$25,000 a year in rent, and they were shocked to hear the amount of rent that was being paid to the Old Courthouse. They felt that the government was perhaps charging too little. So, I would ask that the board take the amount of rent and the competitive nature of it into consideration if they're going to entertain an extension of the lease.

President Crouch: And recommend to us.

Commissioner Musgrave: Recommended to us, yes.

Commissioner Nix: Back to us.

Commissioner Musgrave: That's right. Well, I'll make a motion to extend this just to the end of the year. But, I'm hesitant to give anyone any sort of warm and fuzzy feeling about a future lease at that location.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes. We have, let's see here, I copied you and you have copies at your desk with my letter to Tri-State Transportation relative to their continuing services outside the contract, and we're paying them until a new contract is entered into. So, you have that in your files. You have also in your packet today a listing agreement which you may wish to enter into with F.C. Tucker Commercial to list the property known as the Evansville Plating Works. The listing contract has been substantially revised from the standard form utilized by F.C. Tucker Commercial. It is now informed, which in my opinion is satisfactory for execution by the Commissioners. If executed it would begin effective as of June, the effective date of it would be June 1, 2005, but it would run through September 30, 2005, and it provides for, it indicates a value for the building of \$225,000.

Commissioner Musgrave: Do you also have the purchase agreement documents ready? Or are those to come?

Ted C. Ziemer, Jr.: Yes, the purchase agreement documents are ready.

Commissioner Musgrave: Do we need to approve them as to form?

Ted C. Ziemer, Jr.: I don't think you do. You certainly may. I sent copies of those to the Commissioners. I sent a copy to F.C. Tucker Commercial. They have accepted that. That document is the document which will be used by bidders to make bids on this property, which won't start until sometime in August. You do have it, and each of the Commissioners have a copy of that.

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: I recommend that it's satisfactory as well.

Commissioner Musgrave: Move approval of the listing contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And this is, we had already approved in a former meeting going ahead and moving forward and hiring this firm.

Ted C. Ziemer, Jr.: Yes, you had done that. I think you had not actually just approved the form of the listing agreement.

President Crouch: Okay. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Then I have given to the Recording Secretary three copies of an architects, standard form of architect owner agreement to be entered into between the county and Hafer Associates for certain improvements to be made to buildings at Burdette Park. Originally Hafer had submitted simply a proposal. We required that they reduce that to an agreement. We then reviewed the agreement and made modifications, or suggested modifications which they have made. The agreement as you have it in the file today is satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Finally, I think the last thing I have, I'm sure the last thing I have is we have received an offer of settlement in a piece of litigation involving, the other party is Hartig, and it's a condemnation action, and we've received an offer of settlement. We would like to suggest that the Commissioners have an executive session at 3:15 next Tuesday, July 26th, so that we can review with the Commissioners this offer of settlement and our recommendation regarding that.

Commissioner Musgrave: Does that require a motion?

President Crouch: Yes.

Ted C. Ziemer, Jr.: Yes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all.

President Crouch: Thank you. I don't believe we have any board appointments.

New Business

President Crouch: New business?

Old Business

President Crouch: Old business? We did touch upon the Old Courthouse, is that correct? So, that's finished. Anything to add?

Commissioner Musgrave: I do. I want to thank the Highway Department, he was not able to stay today, Mike Duckworth, he worked closely with me and the Building Commissioner, Roger Lehman, and his staff Sheryl Lemmer to clean up an eyesore that has existed for several years behind the Home Depot out on the far east side. This lot became thickly overgrown with weeds, and then you could even say trees, and after much time had passed, finally this year the Highway Department went out there and made a huge effort and got all of that cut down last week. We've received a letter of appreciation from Regency Properties, and also a letter of appreciation from the staff down at the Building Commissioner's office, grateful that this is finally off their desk. So, kudos to the Highway Department.

President Crouch: Any other old business? I have just one item. I did, as you recall we challenged the Warrick, Posey and Gibson County Commissioners to a canoe race at the Paddle Fest, and I did hear from Commissioner Marginet up in Gibson County, and they gladly accepted. So, that is just an update, and I'm sure more will be coming.

Commissioner Nix: Good.

President Crouch: Any other old business?

Commissioner Nix: One thing here, I would like to maybe have Mr. Ziemer look this over and the other two Commissioners, and basically it would mimic what the city has done with the sign ordinance. I think that that's something that we might want to look at putting in place. I know a lot of people are confused with where the city ends and the county begins, and I think it would just help to do that. It would clean up a lot of areas along Burkhardt and Green River Road, those areas there. So, I would like to maybe let you take a look at this, and maybe bring this up here in a meeting in a week or so.

Ted C. Ziemer, Jr.: Certainly.

Commissioner Musgrave: If you could acquire a copy from the city of the original ordinance and the changes that were made, that will help me understand what we're going from and to. Does the county have a sign ordinance right now? Or are we without any ordinance?

Madelyn Grayson: If it does, I think it's contained within the rezoning ordinance.

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: Excuse me, are we talking, you know, there's confusion as to what the sign ordinance is. The sign ordinance in the zoning, I believe, has to do with billboards and signs and that sort of thing.

Commissioner Nix: This is yard signs, smaller signs.

Ted C. Ziemer, Jr.: Exactly, so, I think it's different, and I don't think we have, at least I've never seen anything like this in the county.

Madelyn Grayson: Not that I know of.

Ted C. Ziemer, Jr.: Commissioner Nix, what you've just handed me, is this, this is the current city ordinance, is that right? As changed?

Commissioner Nix: That's correct.

Ted C. Ziemer, Jr.: What it doesn't show is what it was in the beginning.

Commissioner Nix: That's correct.

Ted C. Ziemer, Jr.: I'll try to find that out.

Commissioner Nix: Would the (inaudible) office have that?

President Crouch: Any other old business?

Public Comment

President Crouch: Public comment. This is an opportunity for anyone in the audience to comment to the Commission on any action that we have authority over.

Rebecca Sandoval: May I ask a question?

President Crouch: Certainly.

Rebecca Sandoval: My boss asked me to deliver this by 3:30. (Inaudible. Not at mic.) still accept this?

President Crouch: Can you come to the microphone please? I'm sorry to do that to you.

Rebecca Sandoval: (Inaudible. Not at mic.) I apologize.

President Crouch: No, that's quite alright. If you could state your name.

Rebecca Sandoval: My name is Rebecca Sandoval. I'm the driver coordinator at River City Yellow Cab. My boss is Derek Dillon and he asked me to get this here by 3:30, but I was picking up a cab driver who was broke down in the heat. So, I'm late and she said that you might take it.

President Crouch: Well, I appreciate it. What we did earlier was we extended the bid opening to next Tuesday.

Rebecca Sandoval: Oh, wonderful.

President Crouch: But, we will accept it here today and hold it till next Tuesday.

Rebecca Sandoval: Thank you very much.

President Crouch: Yes.

Ted C. Ziemer, Jr.: We wouldn't open it today, just hold it.

President Crouch: No, no. We'll hold it till next Tuesday.

Rebecca Sandoval: Thank you, I appreciate it.

President Crouch: Thank you. Anyone else? Mr. Rector, I believe you have an item to bring to the Commission.

Dave Rector: That's what I was just thinking. I didn't know where we wanted to address this today. I gave you three letters today on three different subjects. One is some renovation work in the Commissioners office to make it more secure. Once again, any questions on that, and if you wanted to pursue us doing that.

President Crouch: Has everyone had an opportunity to review that?

Commissioner Musgrave: I spoke with Mr. Rector today, and I am in favor of improving the security in our office. So, I would like to move approval of that. Are you going to seek bids? Or just go ahead and do the work?

Dave Rector: It's so small and it's the ultra-wall system, and there's only three contractors in town that can work with that system. So, I had a quote from one of those.

Commissioner Musgrave: Okay, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Dave Rector: Thank you. Another issue I had was the letter on the Centre and some equipment that we need to buy over there. I have some pictures showing the rust on the kettles, and the expansion joints in the floor.

President Crouch: That, what we just approved, those improvements will come out of the bond defeasance money, is that correct?

Dave Rector: Yes. I'll just keep track of that, 2006, in January.

President Crouch: And that's supposed to be approximately in the \$6,000 range?

Dave Rector: Six to seven thousand dollars in overtime, and I feel very comfortable with that.

President Crouch: Okay.

Dave Rector: From what we talked today, but, I would like to do it on overtime or the weekend so we don't disrupt the office.

President Crouch: Thank you.

Dave Rector: As you can see, we have a kettle that is rusted and not in use now, and two steamers. I think resulting predominantly from no conditioned water to kitchen equipment that the manufacturers specifications require. So, in replacement of those, I'm also suggesting that we install a water softener system for the kitchen water only. Then you can see the hole in the floor that's developed at that one expansion joint, and several of the other expansion joints have just depressed, and as the staff pushes their kitchen carts across in and out of the dining room, they're spilling the carts and the glasses and the water off of it. So, we have a quote to repair those expansion joints also. I would suggest, as in the past we could use Food and Beverage Funds for that with your approval.

President Crouch: And the three quotes, do you have the lowest quote for these projects?

Dave Rector: Yes, the expansion joints was a small item, so we have one quote on that, the water softener also on the expensive equipment we have two quotes, and I will get one more at the request of Commissioner Musgrave. For the kettles and steamers we have quotes from C&T Design and Wabash Food service, and I get those from Curtis Vickers the Food and Beverage Manager over there. He knows about the equipment much better than I do.

President Crouch: So, upon receiving the third quote, then you will go with the lowest?

Dave Rector: Yes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Dave Rector: Thank you. The last item that I had, we need to get moving on the build out of the Centre dressing rooms that we discussed earlier in the year that you approved. Doing that, I think it's going to be over our prevailing wage amount. I need your appointment to the committee, so that we can request to the state that hearing, and then get that project bid out for early this fall.

President Crouch: I believe our, we have a legislative appointment, I believe our legislative appointment to the prevailing wage committee for the last project we did was Mr. Charley Alvey. If that would please the Commission, we could go ahead and make that appointment.

Commissioner Musgrave: I move approval.

Commissioner Nix: Second.

Dave Rector: I'm sorry, was who, Charley?

President Crouch: Mr. Charley Alvey?

Dave Rector: Oh, okay.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Dave Rector: I'll take care of it. Thank you.

Commissioner Nix: Thanks.

President Crouch: Thank you.

Commissioner Musgrave: Has the carpet been ordered?

Dave Rector: The carpet is on order. It has a lead time of about six weeks. I'm preparing the bid package per the manufacturer's installation specifications. I'm going to get it out to bid while the carpet is on order, so as soon as it comes in we'll get started. I hope to have it done by mid September at the latest.

Commissioner Musgrave: Okay.

Commissioner Nix: I understand Commissioner Musgrave picked that out, is that correct?

Commissioner Musgrave: No.

Dave Rector: I showed Commissioner Musgrave the selections of the interior designer that looked at it.

Commissioner Musgrave: And her top selection looked just fine to me. I was worried that we would have purple with green stripes, and this is nowhere near that. It looks just fine.

Dave Rector: We are doing tiles, 39 inch tiles that I think you're consultant recommended the larger one so they don't turn with vehicles in there. But, if they are damaged, we can peel it up and put a new one down without having to replace a whole row.

Commissioner Musgrave: And this is one of the recommendations, the larger tiles, that John Christison, who is doing the overall review of the Centre, that was hired by the Convention and Visitors Bureau. When he went through they discussed the need for carpeting, and we were going to order one foot square?

Dave Rector: Eighteen inch.

Commissioner Musgrave: Yeah, and he mentioned that other centers have problems with those because the forklifts curl them up. He recommended that we go with the larger size. So, we're already getting good advice, and moving on it, and he hasn't even delivered his report yet.

Dave Rector: This was a product that was used in the, I want to say Hoosier Dome, but the RCA Dome, I guess, it's convention center. So, they've had good luck with it. It was also used in Old National Bank's recent construction. They've had good luck with it so far. So, hopefully, we will too. We were able to purchase off the GAS state contract. So, we got a good price.

President Crouch: Thank you very much, Mr. Rector.

Consent Items

President Crouch: Consent items.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

(The meeting was adjourned at 4:10 p.m.)

CONSENT ITEMS:

Employment Changes:

Recorder (1)	DADS (1)	Pigeon Assessor (1)
Auditor (1)		

Travel Requests:

Coroner (1)	Health Department (4)
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Circuit Court: Adult probation- surplus letter.

Auditor: Surplus letter.

Treasurer: Monthly report for June 2005.

Commissioners:

Evansville ARC- monthly report for June 2005.
Payment Number 11 to ARC Construction for Community Corrections.
Payment Number 64 for jail project.
Department head meeting notes from July 12, 2005.

Superior Court: IN CJI Juvenile Accountability Block Grant.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Nelson Bailes	John Stoll
Phil Lawrence	Rebecca Sandoval	Dave Rector
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
JULY 26, 2005**

The Vanderburgh County Board of Commissioners met in session this 26th day of July, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting. We will start the meeting today with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 19, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of minutes.

Commissioner Musgrave: Move approval of the July 19th minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Open Bids:
VC-027-2005: Transportation Services for Elderly & Handicapped
VC-27-2005: 40 Passenger Prison Bus**

President Crouch: Our first action item, Purchasing, and I don't see Mr. Lawrence here, but I believe we can go ahead and make a motion.

Commissioner Nix: He did say that he would be here in just a minute.

Commissioner Musgrave: Well, we can make a motion to open the bids, VC027-2005.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Were there two of them?

Commissioner Musgrave: I only see one on the agenda.

Commissioner Nix: I've got VC-27-2005, 40 passenger bus.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. When Mr. Lawrence gets here he will get the bids to you, Mr. Ziemer, and then we will get a report on them later in the meeting.

American Red Cross Blood Drive: Waiver of Center Fees
--

President Crouch: American Red Cross blood drive.

Commissioner Musgrave: Make a motion for the American Red Cross blood drive to use the Centre, to waive the fees, but not any overtime that might be charged.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And that is for county employees to donate, county and city.

Commissioner Musgrave: To donate blood, yes. I guess, that's done every year.

Commissioner Nix: Yes.

President Crouch: Okay.

Bachman Group Limited: Request to Redeem Properties
--

President Crouch: Bachman Group Limited.

Commissioner Musgrave: Yes, as you know we are doing the tax certificate sale, and there was a deadline, you could redeem properties up to a certain date by going to the Auditor's office, but after that date you had to ask the permission of the

Commissioners. This owner has submitted these three codes, and is asking our permission. It appears that it's entirely appropriate, so, I make a motion to allow Bachman Group to redeem their properties as listed on the agenda today.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Jail Change Orders

President Crouch: Jail change orders, Commissioner Nix.

Commissioner Nix: Yes, actually I've got a group of them. Actually, two different groups together. The first group are architectural change orders, and they vary in sums from \$245 all the way up to \$13,549, for a total of, this would be the first group now, a total of \$48,914. The second group are mechanical and electrical change orders. They vary in amounts from \$348 up to \$17,725. The sum of the mechanical change orders is \$46,902, and I would recommend we approve these.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Department heads, if there is a department head that has business that requires action by this Commission, now is their time to appear before us. County Engineer?

John Stoll: I've got some change orders on the Lynch Road project that Madelyn has for your signatures. There are three of the change orders, the first two are basically just changing an erosion control item from square meters to meters. Basically, they had the wrong unit of measurement on the pay item. So, one change order is for a net decrease of \$7,395, while the other one turns around and corrects it and adds \$7,395. So, there is no net change on those two. Then the third change order deletes an end section on a pipe, and that's a savings of \$11,000. So, the grand total of all three change orders is a net savings of \$11,000. I would request that these change orders be approved.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then the next change order is on the St. George and Oak Hill project. The change order is for an increase of \$40,247.43. This covers all the miscellaneous items we have talked about to date. I shouldn't say all the miscellaneous items, a number of the items. Primarily the water line relocation items, and over three fourths of this \$40,000 will be invoiced to the Water Department for getting reimbursement for their water line relocations. So, I would request approval of that change order as well.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The third item that I have is I would like to request approval to hire Mounts Electric through the city-county traffic agreement for installation of traffic signal loops on the west approach of 41 and Mount Pleasant. This would be for the detector loops on the west side of the CSX railroad tracks. We had gotten a price from the contractor of \$4,620, and if we go through the city-county traffic agreement we save the mark up of 15%, which puts it down to \$4,017. I would like to request approval to proceed with having them bill us direct using the rates in the traffic agreement.

Commissioner Nix: And this work can be concurrent with the construction progress itself then?

John Stoll: Yes.

Commissioner Nix: Okay. And Blankenberger will coordinate the work with them?

John Stoll: Well, Dave Savage said that he could help oversee it as well.

Commissioner Nix: Okay.

John Stoll: American Consulting is overseeing the project. They said everybody was fine with doing it this way. Blankenberger was going to hire Mounts anyway. So, everybody knows—

Commissioner Nix: Just so we don't have a coordination issue, I guess, is my point.

John Stoll: Yeah, that shouldn't be a problem.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Last, I would like to request approval to add replacement of approximately ten feet of sidewalk in Lincoln Point Subdivision to our concrete repair contract. Cheryl got the message originally. There is a section of sidewalk that's heaved up that needs replaced, and since we have the on-going contract with JBI Construction, we got a price of \$400 from them, and I would like to add that, and then I'll bring in a final change order later to deal with that.

President Crouch: Question, Mr. Stoll, have we done this in the past, repaired sidewalks? So, this isn't anything that's new?

John Stoll: No. I discussed this matter with Ted too, and his opinion was that if the sidewalks are in the right-of-way, then they are the county's to deal with.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you.

County Highway

President Crouch: County Highway. Oh, let the record note that Mr. Lawrence has arrived from Purchasing and has submitted the bids, and they are being opened by the County Attorney.

Mike Duckworth: Good afternoon, Commissioner Crouch, members of the Commission. Mike Duckworth, County Highway Department. I'm here today to request the repeal of a previous request that I made to have an appropriation done for FEMA funds that were allocated to us through our snow removal efforts by FEMA last year. We've received a county bulletin that sets out the process for handling disaster relief funds, and the county in the budgeting process, and I think Commissioner Crouch and Mr. Fluty have discussed that, and according to the bulletin the money which is to be used for, to reimburse funds for expenditures already incurred and paid and the conditions of IC10-14-3-12 have been met, which they have been with FEMA, then the amount received may be added back to the appropriation balances from which the expenditures have been previously made. So, at this point in time I would ask that we repeal the appropriations that we've asked the County Council to complete, and ask Mr. Fluty to go ahead and put those funds back in those accounts.

President Crouch: Do you mean to withdraw the request before Council?

Mike Duckworth: Yes.

Commissioner Musgrave: I'm glad to hear that it will be done without the appropriation request. So, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: That's all I have.

President Crouch: Thank you very much, Mr. Duckworth.

Mike Duckworth: Thank you.

Superintendent of Buildings

President Crouch: Any other department heads?

B.J. Farrell: I have one item, please.

President Crouch: Oh, I'm sorry.

B.J. Farrell: That's okay. Mr. Duckworth brought me the check, as you know we did have the county surplus sale at the Old Courthouse a while back and scrapped items such as broken filing cabinets and so forth were taken. We have a check for \$50.40 that I would like to give to the county for placement in to the county General Fund.

Commissioner Musgrave: Does it need to go in the county General Fund, or a specific line item?

President Crouch: The General Fund.

Commissioner Musgrave: Okay, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

B.J. Farrell: Thank you.

County Attorney

President Crouch: And, County Attorney, are you still opening bids?

Ted C. Ziemer, Jr.: I am, I have one more to open.

Board Appointments

President Crouch: Alright, we will move on to our board appointments. Minority/Women Business Enterprises, we did have one of our appointments resign. So, we do have a replacement, a Ms. Jackie Gries has expressed willingness to serve in that capacity. She's a small business owner.

Commissioner Musgrave: Move approval of Jackie Gries for the MWBE.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business? The only new business would be the time zone hearings that had been mentioned, and I believe the Commissioners have before them, excuse me, a couple of pieces of correspondence, one dated July 15th of this year that was sent to Mitch Daniels from Mr. Mineta, the Secretary of Transportation, and in it indicates that they would be publishing in the *Federal Register* a notice that addresses the appropriate local officials in Indiana, that if they want their county to change it's current time zone, they should notify the Department of Transportation of that intent and provide them with the request containing specific dates and information by a date certain. They have not posted the notice, they have not set any dates so far, but I believe that if it would please the Commission, perhaps we should send a letter to the Department of Transportation indicating our desire to be a part of that process, and to be able to conduct public hearings here in Evansville and Vanderburgh County.

Commissioner Musgrave: I think that sounds like a good idea. I know the public will probably want to make their views known on this. So, I would like to suggest that we use the auditorium at the Centre for this, just in case the entire public wants to address the Commission.

Commissioner Nix: Is that motion?

Commissioner Musgrave: That's a motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Any other new business?

Old Business

President Crouch: Old business? The only thing I have to report is we had discussed Vision-e setting benchmarks, and the board did create a sub-committee chaired by Jim McKinney, we met this morning and have started that process. The deadline is to have something to be approved by the board at their next meeting in October. Hopefully, it won't take that long, but as we get information and as things move forward I will make that available to the Commissioners.

Commissioner Nix: Good.

President Crouch: Any other old business?

Public Comment

President Crouch: Public comment, this is an opportunity for the public to comment to the Commission on any item or issue that we have authority over. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Nix: Move approval–

President Crouch: Oh...okay.

Commissioner Nix: Move approval of consent items.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Reading of Bids:
VC-027-2005: Transportation Services for Elderly & Handicapped
VC-27-2005: 40 Passenger Prison Bus

President Crouch: We will now go to the County Attorney, Mr. Ted Ziemer.

Ted C. Ziemer, Jr.: Thank you. We have a bid from Tri-State Transportation for transportation for the elderly–

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: No, it isn't. I'm sorry. Let me start again. We have a bid from Tri-State Transportation for transportation for the elderly, the bid is \$105,684, based on \$10.50 per trip, based on 10,000 anticipated runs. So, that is that bid. Then we have three bids on a prison bus. Midwest Transit Equipment bid \$93,759; Nix Bus Sales bid \$87,595; Town and Country Ford bid \$96,329.

Commissioner Musgrave: Motion to take all the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There being no further business, oh, Mr. Ziemer, do you have anything else?

Ted C. Ziemer, Jr.: I don't. No.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you very much, and the Drainage Board will commence with Commissioner Musgrave conducting that meeting very shortly.

(The meeting was adjourned at 3:42 p.m.)

CONSENT ITEMS

Employment Changes:

Circuit Court (1)	Sheriff Department (2)	County Clerk (1)
Auditor (1)	Health Department (1)	Burdette Park (1)

Auditor:

Financial Statement for July 2005.
Statement of Salaries and Wages- From 144's.

Commissioners:

Approval of 2005 Voter Tabulation Payment.
Jail Construction Payment: \$2,643.14.
IBAP Gatekeeper Monthly Report.
Department Head Meeting Report: July 19, 2005

Health Department: GIS Computer Support Request.

County Council: Surplus letter: copier.

Treasurer: Year to date investments: June 2005.

Purchasing: Monthly report: May 2005.

Weights & Measures: Annual Report & Appropriation Request.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	John Stoll	Mike Duckworth
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, Member

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 2, 2005**

The Vanderburgh County Board of Commissioners met in session this 2nd day of August, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting of August 2, 2005. We will start our meeting with introductions, starting with my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of July 26, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of the prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Gibson County Commissioner: Sherrell Marginet: Paddle Fest

President Crouch: We're very pleased, our first action item, we're very pleased and honored to have with us Commissioner, Gibson County Commissioner, Sherrell Marginet. As you all recall, this Commission did challenge other Commissioners to participate in the Paddle Fest. I don't know if that is what Mr. Marginet is here to speak to us about, or if he has other important business.

Sherrell Marginet: At the present time there's nothing more important. President Crouch, Commissioners Musgrave and Nix, and distinguished people up there, we in Gibson County got your letter with a great amount of gusto. You challenged us

to a part in the Paddle Fest that's going to be on Saturday. We would like to gracefully accept. I would like to show something to you, this is a Paddle Fest insignia that we had drawn up, and we will be giving out t-shirts to those participants, but the big thing about it is, we live in Southwestern Indiana, and we need to be proud of that. Southwestern Indiana is what we all call home. We have a lot of natural things here that are very important to all of us, and we really haven't utilized that. This is one reason that SWIRDC had decided in their executive session to come up with something that would draw tourism to Southwestern Indiana, and they came up with the Paddle Fest. We hope it's successful. If it is, it will be the first of many. It will start at Grayville, Illinois, go to New Harmony, Indiana, that's an historic part of that Wabash River. We're bounded by two great rivers, the Ohio on the south and the Wabash on the west, and both of those have been very instrumental in shaping our history. So, we need to do our history lesson. We gracefully accept your challenge. I do hear that you two are going to work out, or three, and you're going to have a little bit of a problem, we have experience on our side, because one of our paddlers is 76 years of age, and the other one is 71. The other one is 23, but she doesn't admit it. But, we are very excited about this. We hope that if you haven't gotten your entry blank, President Crouch has some of those, and probably you could get one from her. We would love to see you on Saturday, and let's make this a successful event, not for SWIRDC, but for Southwestern Indiana, and we're all part of that. So, this is a time for us to throw our best foot forward, and hopefully we do that. Thank you very much for allowing me to be at the roster. Do you have any questions?

President Crouch: Commissioner Marginet, if someone that's watching this show wants to participate in the Paddle Fest they can either contact our County Commission office, because we have applications, could they contact Gibson County Commission office?

Sherrell Marginet: We have applications up there also, however, time is getting to be of essence. There will be an opportunity to sign up at the site at Grayville and also at New Harmony. Don't worry about your car, because they will have bus service between the two places. That will be on a regular basis. So, if you pick up at Grayville, and you leave your car there, you go to New Harmony down the historic Wabash River, you will arrive and they will have a bus there for you at the Atheneum. Also we have a certificate of participation on the historic Wabash that is signed by the Governor of the state of Indiana, so, this will be another plus to that, and along with the other things and the goodies that will be there, we hope it's a fun time and a profitable time for everyone. Historically, let's hope we start to appreciate what we've had under our nose all these years.

Commissioner Musgrave: What time does it start on Saturday?

Sherrell Marginet: We have three sessions. It will, you'll start signing at 8:00, if you want, but the sessions will be at 11:00, noon, and 1:00. Of course, if we don't get a complete fulfillment we will have it in two sessions. However, it looks like we're going to have a nice participation, and I wouldn't wait too long, because we will have canoes for rent, and we will have, if you have your own canoe bring it. We'll have plenty of safety devices there, everyone will have a belt furnished to them, and we also have dive teams for along the Wabash there that have volunteered their service. It will be under OJT, on-the-job training. We're very excited about that, and hopefully it will be a safe and happy time for everyone. Thank you for allowing me the time. I certainly appreciate it, and we'll see you on Saturday. How does that sound?

President Crouch: Alright. Thank you, Commissioner Marginet.

B.J. Farrell: Commissioner Crouch, if I could? Commissioner Marginet?

Sherrell Marginet: Yes.

B.J. Farrell: Here are the registrations for our Commissioners.

Sherrell Marginet: We always remember the national anthem, get the money. Thank you.

President Crouch: Thank you very much.

Award VC-27-2005: 40 Passenger Prison Bus
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President Crouch: Next item on our agenda is Purchasing. We have two items, one permission to award

Phil Lawrence: Thanks, President Crouch, Nix and Musgrave. Phil Lawrence, Purchasing. We would like to award VC-27-2005, that's a 40 passenger prison bus. There were three bids, and Nix Bluebird Sales was the low bidder at \$87,895.

Commissioner Musgrave: Move approval of VC-27-2005 to the low bidder.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Advertise: VC-39-2005: Jail Dental Equipment

President Crouch: And now permission to advertise.

Phil Lawrence: Yes, for VC-39-2005. This is for dental equipment for the new jail. We're advertising July 29th, August 5th, and opening here August 16th at 3:30.

Commissioner Musgrave: Motion to approve the advertising of VC-39-2005.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence. Do you have anything else?

Phil Lawrence: No.

President Crouch: Thank you.

County Assessor: Tax Management Association Contract

President Crouch: Next item on our agenda, contracts, agreements and leases. First we have County Assessor for the Tax Management Association.

Commissioner Musgrave: Is there someone here who could just briefly summarize what this contract will do? Mr. Gerard?

John Gerard: Good afternoon, John Gerard, Center Township Assessor. TMA is a management company that will audit all personal property returns in Vanderburgh County that have a value of \$50,000 or more. We don't have the time nor expertise, nor the time to travel to these places, whereas TMA has a pretty good record in Indiana of the counties that they've already done here.

Commissioner Musgrave: Will that cost anything to the county for this audit?

John Gerard: Yes, the audits do cost, but it will, it is a guaranteed return. There will be no, there is no cost to the county if we don't get the return with that. So, yes, there....I don't know what the cost is. It's explained in the contract. But, it can't lose. They can do audits, and if they don't bring in the money, they don't get paid. They only get paid for what's brought in then. But, whatever comes in over that plateau would be kept by the county.

Commissioner Musgrave: So, they will be auditing returns valued at \$50,000 and higher?

John Gerard: That's correct.

Commissioner Musgrave: And for which tax years? These are for personal property tax returns, which are self-assessments by a taxpayer.

John Gerard: That is correct. You'll have to look that up in the contract.

Commissioner Musgrave: Okay.

John Gerard: I am not sure. I think it depends on when they get started, and how many years that that takes place.

Commissioner Musgrave: Okay.

John Gerard: Because I thought there were possible some options on whether, how long it takes for the audits to actually be done.

Commissioner Musgrave: Alright, so taxpayers should be aware that they may be getting a call from somebody from Tax Management Associates.

John Gerard: I think everything is going to go out through the townships—

Commissioner Musgrave: Through the townships?

John Gerard: –with our names on them, in association with Tax Management.

Commissioner Musgrave: Well, I think it's a wonderful program. I know that the state used to audit these returns–

John Gerard: Correct.

Commissioner Musgrave: –and, I think it was three or four years ago they stopped auditing them. This private company has been given authorization by the state to do this at a no cost way for the counties to make sure that these self-assessment returns filed are all correct. So, I'll make a motion to approve the Tax Management Association contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Sheriff Department: FOP Contract

President Crouch: Next item on our agenda, the Sheriff Department, the FOP contract. We have with us today Mr. Craig Blessinger, and we had spoken about keeping your remarks and comments by your organization down to ten minutes.

Craig Blessinger: Yes, Ma'am.

President Crouch: Then that will allow time for the Commissioners to pose questions, if they have any. Thank you for being here today.

Craig Blessinger: Well, thank you for having us, I appreciate it. Good luck in your paddling endeavors. That should be interesting.

Commissioner Musgrave: Do you want to be a proxy?

Craig Blessinger: I think I'm busy that day. Thank you for allowing me to address you today. Again, my name is Craig Blessinger, I'm a deputy with the Vanderburgh County Sheriff's Office, and also sit on the executive board of the Vanderburgh County Deputies Organization. As you are aware, the merit deputies of the Vanderburgh County Sheriff's Office wish to negotiate the terms and conditions of their employment, and have the same reduced to a collective bargaining agreement. I've spoken with each of you individually, and have provided you with a copy of this agreement, which is endorsed by the Fraternal Order of Police, and fully supported by Sheriff Ellsworth and Chief Deputy Williams. Today I present to you 95 petitions signed by the merit deputies. This constitutes 90 percent of the deputies of the Vanderburgh County Sheriff's Office, and it illustrates that we are unified in our support of this collective bargaining agreement. So, if I could, Ma'am, I would like to present to you these petitions.

President Crouch: Thank you.

Craig Blessinger: Thank you. As each of you considers this collective bargaining agreement, I feel there are some points of interest that should be highlighted. Although the Sheriff's deputies have not received an actual pay raise in over 15 years, we are not asking for a pay increase. According to the Area Plan Commission, there have been over 800 new major subdivisions built in the county since 1988. Furthermore, county dispatch advised from 1996 to 2004 Sheriff's deputies were dispatched to 13,921 more calls per year. This equates to nearly a 600 percent increase in run volume. For nearly a decade the aforementioned increases in run area and volume were accompanied with no increases in personnel. Even with these statistics known, we are asking for no new deputies, but only to maintain our current levels as they stand. Finally, some issues have arisen within the past month concerning leave given to the deputies. We are asking that these leave issues remain in tact as they have for over 20 years. I believe we have presented a fair document for your review and consideration. Our goal in this endeavor is not to ask for any new deputies, but to solidify what we have been receiving for nearly two decades. More importantly, this collective bargaining agreement would have true, long term benefits for the deputies and their families, without fiscally impacting the taxpayers of Vanderburgh County. Now that this agreement has been placed on your agenda, I ask that you consider discussing with me and the Sheriff and committee members in either future business meetings or executive sessions the terms of this collective bargaining agreement. For closing, I would like to read the following endorsement from the Fraternal Order of Police President, Larry Cannon, who was unable to make it to today's meeting due to his attendance at the National Fraternal Order of Police Convention. If I could, I would like to read that. It reads:

"To the Vanderburgh County Commissioners: The Fraternal Order of Police is asking that all County Commissioners for their support in obtaining a written contract with the Vanderburgh County deputies. These officers, who risk their lives daily for the community, are only asking to maintain, in writing, their current benefits. The Vanderburgh County deputies have a profession which requires them to sometimes make life and death decisions for either themselves or someone in the county. They must undergo weeks of training for their job and continue that training throughout their career in law enforcement. The working conditions include "family fight runs", traffic stops, drunks, individuals on drugs, rape victims, murder victims, and suspects, irate victims of traffic accidents, and hazardous chemicals from entering a house which holds a working meth lab. The men and women of the Vanderburgh County Sheriff's department deserve this written contract which so many other police agencies have now. Their counterpart, the Evansville Police Department, has a contract which is a working agreement between the city and the police officers. The City of Evansville and the Fraternal Order of Police have had a contract for over 30 years, with both the city and the officers benefitting from this written contract. The Vanderburgh County Commissioners now have a great opportunity to make history and enter into negotiations for a contract with the Vanderburgh County deputies."

In closing, I want to thank you on behalf of the Fraternal Order of Police and the deputies of the Vanderburgh County Sheriff's Office. Thank you for your time and consideration of this collective bargaining agreement. I would now like to introduce Sheriff Brad Ellsworth who will say a few words on behalf of the deputies. After

Sheriff Ellsworth concludes, I'll be more than happy to entertain any questions that you have. Thank you.

Brad Ellsworth: Good afternoon, Commissioners, Brad Ellsworth, Sheriff of Vanderburgh County. It's an honor for me to stand here in front of you and in front of my colleagues in support. These are the men and women that I don't see enough of, because, quite honestly, a lot of times they are out at night patrolling our neighborhoods when we're all fast asleep. I commend them for what they do. Just historically, back in 1998 when I first put my name on the ballot to run for Sheriff, one of the venues we all went to was the F.O.P. political night. One of the questions that they asked me there in front of them was would I support a collective bargaining agreement for the deputies of Vanderburgh County? My response that night, in 1998, was that if the majority of the deputies came to me and expressed an interest, not just the Evansville Police Department or the Fraternal Order of Police, but if the deputies came to me and expressed an interest in that, I would then take it seriously and help them further their cause. Now, seven years later, that has come to pass. I think, I don't know the exact number, but 90 something deputies did provide me with a petition that they would like to enter into some kind of, this collective bargaining agreement with the F.O.P. I've reviewed the document, we've worked together over the last couple, actually probably a year on this document. One of the stipulations also in '98 was that it not hamper the management rights of the Sheriff. The document they've presented you today does not do that. I've reviewed it very closely, and it wouldn't hamper the management of the department. So, with that, I support their efforts. I would ask you to support their efforts and enter into a collective bargaining agreement of some sort similar to what they are doing. I would also ask, and I've written you all a letter that those benefits that we've enjoyed since the days of Sheriff DeGroote be reinstated, and observed again by the Commission. I don't know if there's anything that's more, I'm going to say demoralizing, than having benefits taken away, that people have enjoyed and we've actually used in our campaign to attract new deputies when we promise benefits and then they're taken away. So, I would ask you to restore that, either through this collective bargaining agreement or, you know, through a resolution. So, with that, I'll also be available for any questions that you might have. Thank you.

President Crouch: Questions, Commissioners? Motion? Seeing none. Thank you very much. We'll move on to our next item on the agenda.

Craig Blessinger: Again, thank you very much for your time. I appreciate it. We all do as well. Thank you.

President Crouch: Thank you.

County Engineer

President Crouch: Next item, department heads. Those department heads that have business before the County Commission appear right now. County Engineer?

John Stoll: The first item that I have is a request from the developer who is constructing the Carpentier Creek Pavilion out at Hogue and Rosenberger to revise his approved plans to eliminate a concrete culvert, and replace it with a corrugated metal culvert. Madelyn has some plans there that she can hand out to you that show the limits of what he's proposing to change. Basically, what he is asking for is to put in the corrugated metal pipe, which is shown in blue, and that would replace the

concrete box culvert which was originally shown on the pink line down there towards the bottom of the drawing. It was going to be a continuous pipe from the west side of Rosenberger all the way out to Carpentier Creek, but with this revision he's proposing to provide a corrugated metal pipe that would stop short of Carpentier Creek, and then would discharge into an open ditch that ultimately discharges to Carpentier Creek. I've reviewed the plans, and the designers have made the revisions I've asked for. In going through the drainage ordinance, corrugated metal pipe is allowed by the terms of the drainage ordinance, therefore, switching to the concrete, switching from a concrete box to a corrugated metal pipe is allowable. As a result of that, I would request approval of his revision subject to him making any changes that would be mandated through Drainage Board approval, Corp of Engineers approval, or DNR approval. All those approvals for this modification have not been obtained as of yet. The other condition would be that they would need to provide suitable details for the guardrail that would be installed on the west side of Rosenberger, which was on the left side of your drawing here.

Commissioner Nix: Pending all these things that are still out there for approval, has there been any discussion about a time frame to do this at all? I know it's still a little early.

John Stoll: The way I understand it from talking to one of the developers representatives today, they would like to start the middle of August, and they anticipate the road closure would be 30 days. I don't know if they'll get all of their approvals from all these other agencies in that time table, specifically Drainage Board, because Drainage Board won't meet until after August, I guess it would be 15th, would be two weeks from yesterday. So, I think it will be held off, but they are anticipating a 30 day road closure to install this culvert, raise and widen Rosenberger.

Commissioner Nix: Is there a way that we could speed that process up, John? I mean, is there anything that you know of that...I guess, the concern that I have is this is a really, really congested, high traffic area—

John Stoll: Right.

Commissioner Nix: —that I've got some concerns about 30 days on something no more than just making a crossing here.

John Stoll: They will be raising the road several feet in conjunction with this—

Commissioner Nix: Right.

John Stoll: —so, there is quite a bit of dirt work. I can get with them prior to them closing the road, and try and see if we can get (inaudible) schedule.

Commissioner Nix: I would like to see if there's some way that we could put some teeth into that to minimize this. I mean, I understand it has to be done, but we really need to look at trying to minimize the amount. Thirty days is a long time to do this. So, if we could look at that along the way.

John Stoll: Sure.

Commissioner Nix: Maybe plant the seed now.

John Stoll: I'll discuss that with them. That's no problem.

Commissioner Nix: Okay. You said how much cover on there? I should see it here somewhere.

John Stoll: It ranges in the neighborhood of two to three feet.

Commissioner Nix: Okay.

John Stoll: They plan to install the pipe in accordance with all applicable INDOT standard details. I had a number of things that I'd requested they make changes on initially. They have addressed everything except the approval of the other agencies, and the guardrail issue.

Commissioner Nix: Okay.

John Stoll: So, they've pretty well satisfied what I asked for. However, I know Bill Jeffers has not completed his review for Drainage Board, and it's my understanding that this has not been submitted back to the Corp of Engineers and DNR for final approval for this revision either.

Commissioner Nix: Okay. I guess we need a motion?

President Crouch: Motion?

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: John, just, like I said, before we proceed, I think we need to sit down with them and try to work something out to minimize the time this is down though.

John Stoll: Do you want me to give you a call and try to get a meeting set up?

Commissioner Nix: Yeah, maybe set up a meeting or something, yes.

John Stoll: Okay. I'll take care of it.

Commissioner Nix: Okay, thank you.

John Stoll: The other item I had is in the signature file there is an agreement with ESRI for our maintenance and upgrade for the GIS software. It's for \$700, and the County Attorney has reviewed the agreement, and was satisfied from a legal prospective that it was okay. So, I would request approval of that.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you.

Commissioner Nix: Thanks.

John Stoll: Thanks.

Superintendent of Buildings

President Crouch: Superintendent.

B.J. Farrell: I do have a couple of items this week. I have a late travel request from the Soil and Water District I'm asking approval on. I also have an agreement that the County Attorney has looked over and Commissioner Nix has looked over to do some preventative maintenance work on the boiler system at the Old Courthouse. I would ask that the Commissioners sign that today.

Commissioner Musgrave: Who's that with?

B.J. Farrell: J.E. Shekell.

Commissioner Musgrave: Okay.

President Crouch: Would you all like to amend the consent items to include those two items, and then we would approve them at that time when we get there?

Commissioner Nix: I'll have one other change on that too.

Commissioner Musgrave: Oh, another change. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And that was to add those two to the consent items. Anything else?

B.J. Farrell: I believe that's all. Thank you.

President Crouch: Thank you.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: I have two items, I guess. If it's the Commissioners wish, we have an agreement with SBC for connectivity for internet connection at Burdette Park, about which I have advised the Commissioners that it's satisfactory for execution from a legal perspective. If the document is here for execution, that could be approved, if you wish, and executed today. I have another one which is with ERSI, Inc., and it's a software management agreement requested by the County Engineer, and it is also satisfactory for execution from a legal perspective.

President Crouch: On the SBC, if it pleases the Commission, we would like to hold that. We're looking at perhaps exploring the tower out at Burdette, and Sherman Greer is pursuing that. Which, if we are successful, that should provide a substantial cost savings to the county. That is for internet connection to not only the Discovery Lodge, but to the chalets, etcetera. So, if we can just hold on that one, we might have good news in the future.

Commissioner Musgrave: How long will it take Mr. Greer to pursue that other tower option?

President Crouch: I would say a couple of weeks.

Commissioner Musgrave: Oh, good. Alright. Well, then you don't need a motion to table that, do you?

President Crouch: No.

Commissioner Musgrave: Okay.

President Crouch: Did we vote on that other one with John? I believe in his report, Mr. Ziemer?

Commissioner Musgrave: J.E. Shekell?

Ted C. Ziemer, Jr.: No, Shekell we did, but the ESRI agreement we did not.

President Crouch: Motion?

Commissioner Musgrave: Motion to approve the ESRI agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I just, one other, really just a question. At the Commissioners direction I am working on an ordinance regarding signs, and will be submitting that to you for your review. I just wonder at this time whether you know, because it

makes a difference in the way I draft it, whether you want that in one reading or two readings? Would you know that at this time? There's no legal reason why it could not be done in one reading.

President Crouch: Commissioner Nix, you're probably a little more familiar with that, are you anticipating a lot of public interest in that ordinance?

Commissioner Nix: No. Not necessarily, no.

President Crouch: Then I would not be opposed to doing it in one reading.

Ted C. Ziemer, Jr.: Well, I'll draft it that way then. Thank you.

President Crouch: Is that all?

Ted C. Ziemer, Jr.: That's all.

New Business

President Crouch: New business? If I may....oh.

Betty Knight-Smith: Good afternoon. Betty Knight-Smith, Recorder. But, I have a complaint, and I would like to clear it up. Last week we turned in for a drop for a copy machine to Industrial Contractors. A couple, about three weeks ago, I called Bill and he, we needed one then and he was good enough to have it done for us right away. So, we go up to the, to talk to Phil to find out why this wasn't signed, and he informed us that Mr. Arvay would have to sign anything that we ordered. I think we need to find out where your positions are, Ms. Musgrave, because I don't have to go in front of the Council, or the Commissioners to order anything. My money is not out of the General Fund. It's from copies that we make. This last month we made 10,903 copies. We've got another copy machine, and we needed a drop. So, that is not the Commissioners business. We have the money to pay for it. The only person that can question that is the State Board of Accounts. So, I think you need to take a look at where you're authority is. I'm not talking to you two, because he told me that he got the orders from Ms. Musgrave. Now, you know—

Commissioner Musgrave: I'm hearing about this situation for the first time. I didn't give anybody any orders to stand in the way of your copy drop.

Betty Knight-Smith: Well, this one was held up, and you can ask Mr. Lawrence back there, because that's what he told me. So, I have to go by him, because we go to the Purchasing agent.

President Crouch: Mrs. Smith? If I may, I believe probably some of this came about with the prior administration when they were auditing claims, etcetera.

Betty Knight-Smith: They never have questioned what the Recorder does.

President Crouch: No, the practice was started whereby the Chief Information Officer would sign off on any computer claims, etcetera. I, you know, I think you raise a good point, and, in fact, Mr. Gerard was up in the office last week, I believe it was Thursday, Wednesday or Thursday about this very same issue, and at that time we had Mr. Arvay up, and I asked him, you know, why are you specifically signing off on

all these requests? He had indicated that that had been really assigned to Joe Anslinger at that point in time. So, maybe this is kind of resolving itself.

Betty Knight-Smith: But, what about a drop for a copy machine? It has nothing to do with the internet. It has nothing to do with the GIS. It has nothing to do with anybody but our office. And we have the money to pay for it. I don't like it when they stop it when we need something. Bill, thank you very much for coming forward and getting us our drop when we needed it. Because we have documents in there, we have to process and get them done.

President Crouch: Well, I appreciate you bringing this to our attention, Mrs. Smith, and I will look into it and get back with you. I don't understand why something would need the signature of someone in Computer Services for a drop, but if I may look into that and then get back with you.

Betty Knight-Smith: Right here it is.

President Crouch: Okay.

Betty Knight-Smith: Bill can tell you that we take it to them and it's okay. The only person that can question it is the State Board of Accounts. We earn our money, and it's the only self-supporting office in this whole building. We earn our money to buy things that we need out of copies. That comes into our fund. But, I just wanted someone to clear up that it isn't any of your business where I buy my things, as long as we go through the Purchasing agent to get it. Thank you very much.

President Crouch: Thank you, Mrs. Smith.

Commissioner Nix: Thank you.

President Crouch: Any new business from the Commissioners?

Commissioner Musgrave: I've got a report from the CIO that soon, perhaps next week, or the week after, the public will be able to enjoy the video streaming of our meetings over the internet. Right now you can see them on t.v. if you have cable, and this will give you the option of looking at them on the internet, along with the audio feed that many people do enjoy. The holdup right now, it's in a testing phase, the holdup right now is sufficient bandwidth. He feels that if more than a couple people logged on, why, no one else would be able to do anything. So, he's solving that problem, and then we should be good to go after that.

Commissioner Nix: Good.

President Crouch: Great. Thank you for your efforts in that.

Commissioner Musgrave: You're welcome.

President Crouch: New business, we had talked, I believe we had, I'm not sure, about a grant writer, and that is something that I am pursuing. I hope to have something back to you all very shortly. Then also establishing performance measures standards for our departments. You know, perhaps sometime in the very near future we could form a committee to actually look at what's available out there and make recommendations to us. So, to just kind of keep you abreast of that. Any other new business?

Old Business

President Crouch: Old business?

Public Comment

President Crouch: Public comment. This is the opportunity for anyone in the public who has an issue that this Commission can take action on to come forward at this time. Seeing none.

Consent Items

President Crouch: Consent items, including those two amendments.

Commissioner Nix: Yes, and I need to change the jail change orders. The first amount for architectural is \$48,909, instead of \$48,914. The second one is mechanical/electrical, \$46,903, in lieu of \$46,902.

Commissioner Musgrave: I understand that your oversight of the jail is ensuring that the project will come in on time and under budget.

Commissioner Nix: Yes.

Commissioner Musgrave: I want to thank you very much for keeping tight reins on the fiscal part of that project.

Commissioner Nix: You're welcome.

Commissioner Musgrave: So, I'll make a motion to include your two changes into the consent items, and to approve the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And we have a Drainage Board meeting.

President Crouch: We do not.

Commissioner Musgrave: Oh?

President Crouch: That particular item was withdrawn, so, there will be no Drainage Board meeting today, being as that was the only item on the agenda.

(The meeting was adjourned at 4:06 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1)	Prosecutor (2)	Public Defender (1)
County Clerk (1)		

Travel Requests:

County Engineer (1)	Commissioners (1)	SWCD (1)
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County Clerk: Submit Monthly Report for May 2005.

County Council: Request for Renovations/Improvements to Council office.

Commissioners:

Jail Change Orders: Architectural: \$48,909; Mechanical/Electrical: \$46,903
Department Head Meeting Notes: 7/26/2005.

Prosecutor: Surplus letter: desks.

Scott Township Park: Paving Request.

Superior Court: JABG Grant Application.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service		

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Phil Lawrence	John Gerard
Craig Blessinger	Brad Ellsworth	John Stoll
Betty Knight-Smith	Sherrell Marginet	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 9, 2005**

The Vanderburgh County Board of Commissioners met in session this 9th day of August, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting on August the 9th of 2005. We will start today's meeting with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

B.J. Farrell: Superintendent of County Buildings, B.J. Farrell.

President Crouch: Please join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of August 2, 2005 Commission Meeting Minutes

President Crouch: First order of business is approval of prior minutes.

Commissioner Musgrave: Move approval of the August 2nd minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Polling Place Advisory Committee Presentation

President Crouch: Our first action, polling place advisory committee. This is a committee that the Commission made appointments to, to look at having handicap accessible precincts. Our HAVA money that we received for election machines are tied to that requirement, and that committee has been meeting over the summer. I believe Mr. Gregg Utley, who's the president of that committee, is here today to give a report to the Commissioners. Welcome.

Gregg Utley: Thank you. My name is Gregg Utley. I am president of the polling place advisory committee. We have put together packets for all of you, and there's a few things that I want to cover with you today. First of all, starting off with some of the problems that were encountered in the election of 2004. As many of you may be aware of, there was a wait in many of the precincts of up to three hours for people to vote. The polling places remained open until 8:30 at night, some of them. Of course, that in turn made the results from those various precincts and the totals coming back here downtown much, much later. Also, voters became frustrated with the process, some who were registered voters actually left the polls because they didn't want to wait in line. Some became disenfranchised and it de-legitimized the electoral process. We also feel that it limited the accessibility of the polling places, by handicap voters for them having to stand in long lines and having to wait to cast their ballot. The goals of the committee is; to eliminate the long lines on election day by the redistribution of voting machines; increase disability voter accessibility to comply with the HAVA, Help America Voters Act. By which, how do we do this? One of our goals is by moving polling places, where necessary; improving the polling places by using federal funds, which we have filed for. The procedures on how we actually did this is our attempt was to assign 130 voters per machine. We figured it took anywhere between six to eight minutes for, on the average, for voters to actually cast their ballot. So, we used that number in the redistribution of the equipment of 130 voters per machine. We used a mathematical formula and statistics to determine the number of voting machines per precinct, instead of just sending out four machines per precinct. Some are larger than others. Acquiring additional machines were necessary, even splitting the most overcrowded precincts, which we have some examples that are upcoming, and redrawing precinct boundaries only when necessary in order to maintain the existing structure as much as possible and equalizing the voting machine access. Where necessary, to free up voting machines and redistribute and only combine whole precincts, where we could do that. Of course, keeping polling places within the boundaries of that precinct, whenever it was possible. Here's some of the numbers for you that I would like to share, the range of registered voters per precinct in 2004 was 269 to 2,405. We managed to reduce this to 269 to 1,924. The range of actual voters per precinct in 2004 was 184 and 874. We managed to reduce that to 184 to 657. The range of actual voters per voting machine in 2004 was 26 and 219. We reduced this to 73 to 193. In the numbers, 30 polling places were moved allowing disabled voters access to all precincts, voting locations and accommodating precincts combination. Sixteen precincts were combined, resulting in eight new precincts. One precinct, which was very large, we actually split in two. In regards to the results, the most equitable distribution of machines, greater access to voting machines by all voters by eliminating the great bottlenecks that were created in the much larger precincts, reduced the most overcrowded polling situation resulting, and it greatly reduced lines for Vanderburgh County voters in 2006, greater access to the polling places and voting machines for disabled voters. Our recommendation as a committee is to purchase or lease 23 additional machines for distribution to polling places, breakage and/or emergency needs. Six machines out of those 23 would meet the goal that we have set for 130 per machine. Four machines for absentee voting in the Election Office, and ten machines for breakage or emergency needs, and three machines for the voter outreach program. Assign two more poll workers, one Republican and one Democrat to the polls where additional machines have been placed. Monitor, of course, the voter access during the 2006 election, and determine if the above has been successful, as far as what our recommendations are. Where necessary, fine tune this, adjust it, so it's better for the voters of Vanderburgh County, and easier and minimize them in having to wait in line to vote. The 2006, in 2006 we want to review, finalize, as soon as possible, all of the precincts and make sure that we are

using the resources that we have at Vanderburgh County, the best that we possibly can for the voters. We have a few examples, as far as what I'd mentioned, and I'm going to go into those, but there is a summary page, if you'll notice in your packet it is the third page that you have. We have the, in Ward One for instance, there were 15 precincts, we left 15 precincts. Due to the number of voters in that, and actual voters that cast a vote, we felt that there was a need for 75 pieces of equipment there. Respectively, in Ward Two there was 16 poll precincts, we reduced that to 14, which was a loss of two. We figured that there needed to be 70, or, excuse me, 57 machines there. In Ward Three there were 16 polling places, we reduced that to 12, which would be 48 pieces of equipment needed. In Ward Four there were 16 old polling places, and we reduced that to 12 also. In Ward Five, 16 polling places, we managed to reduce to 15, for a number of 73 voting machines needed. Then, of course, in the Sixth Ward there were 17 polling places, and that was reduced to 14. If you look at all of the various townships that we have, the only change there is Perry Township, and that went from 10 to nine. So, if you see our total we have 556 pieces of equipment we feel is necessary for this plan. We have 550 voting machines at present. To show you how we arrived at this mathematical and job and task that we had before us, there's a few things that we would like to show you. We used Laura with the GIS Department, and we had maps drawn, and this is what we reviewed. This is the legend that we used, we showed the streets, the proposed precincts, the original precincts, the proposed polling places, the polling locations, we took into consideration the City Council lines, we took into consideration the Indiana House lines, we also took into consideration the Senate lines, and, of course, the County Council. I have a few examples of those that I would like to show. One of these is, as far as the Help America Voter Act, which happened to be in Ward Five, which was a fire house. As you all know a firehouse is something that is used for fireman. It is not necessarily a good use for a polling place. It's better used as a firehouse. So, some of our, what we were able to do on that particular one is to keep the integrity of it, the precinct whole, and we actually moved the voting place to American Baptist Church East, which is right across the street from where the firehouse was where they did vote. It is accessible for handicap voters to get to. So, we felt that that was a good and wise move that that change be made to help voters. So, that is one example of the HAVA Act. The next one that I would like to show you on the slide is one where we split. This particular one was the proposed split of Ward Four, precinct number two into two wards. In Ward Five there were 1,280 registered voters that voted at First Presbyterian Church. Oh, excuse me, and then in Ward Eight, it's a new one that we want to create, we would have 1,125 registered voters voting at Culver School. What we had before we did this split is we had Ward Two with 2,405 registered voters and 874 actual voters. That is the largest precinct that there was out there, so, it made sense to split that particular precinct into two into the Fourth Ward, and, of course, utilize the voting facility that would be new and create it at Culver School. The next example is one that we combined. Once again this is due to trying to save the county money in the redistribution of the equipment and redrawing the lines. What we found is that the proposed combining of the two wards of Ward 4-4 and combined with the total would be 1,100 voters that voted at Bosse High School. That was the end result. What we had was in Ward 4-14 was 534 registered voters, with only 329 actual voters. Also voting at the same place, Bosse High School, in Ward 4-16 we had 584 registered voters, with 345 actual voters. So, that's a classic example of combining those two particular precincts and still maintaining the level of, the optimum level of 130 voters per piece of equipment. We would also ask that new voter registration cards be sent out to any of these ones that we have changed for the voters, so they know where they may go and vote. On behalf of the Polling Place Advisory Council the vote was unanimous on ours of the people that attended on August the 5th. Please consider

making these changes for the voters of Vanderburgh County. Does anyone have any questions? There is an awful lot of mathematical and statistical data here that is, I think, due to time is a lot to go through, but if you have any questions, I would be happy to answer those.

Commissioner Musgrave: I want to thank you for the effort that you put into this, and Laura Howell from the GIS Department. I know that they ran out of paper at least once printing the maps for you. I know that you tried to take all of the legal boundaries and rules into consideration, and we hope that that all works out well for you, but I am just deeply appreciative of the amount of time and effort and thought that you put into making voting lines shorter at the next election.

Gregg Utley: We had a very good committee to work with, and everyone worked well, and it's just based on the sheer numbers of registered voters that we have.

President Crouch: I want to commend your committee for putting all of the time and effort that you have into this project. It's pretty astounding. One thing that I note, and I only note it because I'm looking at my precinct, and it appears that the numbers have changed on all the precincts. While I believe there's probably some logic to that, there probably is also a cost tied to it—

Gregg Utley: Yes.

President Crouch: —that we would have to mail all of those people new—

Gregg Utley: Voter registration cards.

President Crouch: Right, and is that something that is that critical to this project to have all the numbers actually change?

Gregg Utley: We feel that that is critical. We used a rule of going from the west to the east, and then, of course, from north to south to make it easier for voters if it's published in the paper to actually see where they go to vote. We did change 30 of these, so, that's roughly a fourth of the voters in Vanderburgh County. We think that this would be an awareness if all voter registration cards would be sent out to all of the voters by renumbering the precincts with some sort of flow to it. So, if a person did not receive a card, then they would know that they would not be registered. It's also going to do another thing in serving the purpose of cleaning up some of the records in the Voter Registration so we do have good and accurate numbers, so we can project where the allocation of equipment should go.

Commissioner Nix: Have you projected a cost to do this?

Gregg Utley: We have not.

Commissioner Nix: Okay.

Commissioner Musgrave: Did your committee discuss sending new cards to some voters in the county and not to others?

Gregg Utley: Yes, that was discussed in regards to the ones that we did make the change, we would have to send new Voter Registration cards to. There are new ones out that are available that can be used that other counties are using. There would be roughly a third of those of the ones that we just particularly changed the

polling place or combined, they would need and have to receive new cards. So, we felt it was a good time, if you're going to do the fourth, we can do a couple of different things by cleaning up Voter Registration so that we have a true and accurate picture, so if there is more equipment that needs to be purchased I've got a better handle on what recommendation that I could bring to the committee of how many actual registered voters we do have in the county.

President Crouch: Have, just out of curiosity, is this something that you've touched bases with Council, the County Council on? Because that would require a, I'm just kind of guesstimating probably about \$30,000 to \$40,000 to mail everyone that is registered. You know, is that funding that they are going to provide for us?

Gregg Utley: Formally, I have not approached them. I have spoken with a few and just mentioned what we were doing. It seemed to be a positive response, but until, I guess, I have to go through this process and this step first before I can take it to them and go from there.

President Crouch: So, what exactly is the process? If you can explain that?

Gregg Utley: Well, the way I understand it is the Commissioners can redefine where the polling places are and move those and move boundaries within five miles of the precinct of where it is if a location is available and will take us. Then if that's approved, the way I understand it, then I would have to go to the County Council and ask for the funding in regards to the Voter Registration cards and sending those out.

President Crouch: Is there any state approval required?

Gregg Utley: I do believe state has to approve that. And they do. I would ask for permission today to send a proposed precinct boundary change to them from the State Election Committee, and let them approve it and see that it is acceptable, and notify the County Commissioners of the fact. The County Commissioners then publish the legal notice to people, and the legal notice gives voters and the county the right to object, or propose changes. If there is no objection, the State Election Commission will notify the County Commissioners to change, can be adopted in a meeting, and if there is no objection the State Election Commission will hold a meeting.

President Crouch: So, let me see if I understand this correctly. We approve it here, then it goes to the State Election Commission?

Gregg Utley: Correct.

President Crouch: Then they instruct us to have a public hearing here in Vanderburgh County?

Gregg Utley: Yes.

Commissioner Musgrave: They instruct us to publish a notice, a legal ad in the newspaper. That legal ad triggers the public's right to file an objection, if they care to, or not, but that objection would be filed with the State Election Commission. Any objections, then a hearing would be set by the State Election Commission, and they would hold the hearings.

President Crouch: Would they hold it in Indianapolis, or here in Vanderburgh County?

Commissioner Musgrave: I would, I don't know, it was silent on that part, but I would certainly hope that they would hold it here.

Gregg Utley: This is a proposal that we're talking about for them to approve, and you to approve.

President Crouch: Mr. Ziemer, have you reviewed this? Is this your understanding of how the actual law works?

Ted C. Ziemer, Jr.: I actually have not reviewed it. I got it at 12:30 this afternoon and have not had a chance to look at it.

Commissioner Nix: So, it's not just as easy as taking some machines from one area and putting them in another area.

Gregg Utley: Unfortunately it's not, because there's, you know, a process, if you combined some of the smaller precincts that are very, very small and have very low turnout, but we have precincts and we've allocated equipment to them, we want to combine, if we can that are close together and utilize, maybe they only need the four pieces of equipment, and I gained another four pieces of equipment that I could use in the larger precincts. So, it's very layered.

Ted C. Ziemer, Jr.: Where did your committee get the information they needed to develop this process? I mean, have you had an attorney look at it or dealt with an attorney at all?

Gregg Utley: No, we got this actually from the Election Office in 2004 as far as the results of the votes that were cast.

Ted C. Ziemer, Jr.: No, but, I mean, the procedure that you have followed to establish new voting places and that sort of thing.

Commissioner Musgrave: That was given to us, the state memos that were given to the Voters Registration office and to the County Clerk. Those were passed along to the committee.

Ted C. Ziemer, Jr.: Okay.

Gregg Utley: Of course, the Clerk would have to take part in this as far as the allocation of the equipment, which falls under their realm, and I have had discussion on that and they are receptive to whatever makes sense to do that's easier for people to vote in Vanderburgh County.

President Crouch: Have the party chairmen, Republican and Democrat party chairmen been consulted? Have they had any input on this process?

Gregg Utley: Yes, copies of this particular proposal have been supplied to both.

Commissioner Nix: Have you received any feedback from them, either one?

Gregg Utley: I have not to this day?

President Crouch: Any additional questions?

Ted C. Ziemer, Jr.: There someone back there.

Commissioner Nix: Somebody held up there hand.

President Crouch: Thank you, Mr. Utley. Yes, Mr. Faulkner, did you have a comment?

Rob Faulkner: Commissioner Crouch, I've been sent here to address some concerns—

President Crouch: Could you come to the podium?

Rob Faulkner: Yes, thank you, Commissioner Crouch. My name is Rob Faulkner, and I've been sent to address some concerns that the Republican, or the Democrat party rather has about these proposals. So, I would like the opportunity to be heard now or at the public comment, whatever is pleasurable to the Commission.

President Crouch: That's fine. I don't have any problem.

Rob Faulkner: We have several concerns. First of all I want to begin by complimenting Mr. Utley, he's been very conscientious, and has worked very hard on this. We have several concerns about it though, however. One of which is, as we've just heard, the county Election Board, nor the County Council, both of whom have a big stake in this, neither of whom seem to have been consulted. In addition, it appears to us that every precinct in Vanderburgh County has been at least renumbered, if it wasn't changed in any other way. That is a sure formula for confusion, and will necessitate every single voter in Vanderburgh County pretty much being sent a new Voter Registration card. We have additional concerns about it too, because the statutes that govern establishment of precincts by this body talks about active voters. An active voter is defined as anyone who has voted in any election in the last four years, but this body focused solely on 2004 voters. Intentional or no, that has to have the effect of skewing it toward more Republican inclined voters, rather than the broader spectrum of the active voters as the statute addresses. Another concern is too, they seem to be mixing apples and oranges, talking about accessibility issues versus resource allocation. That, it appears as two different issues. Obviously, we want to see that polling places are as accessible as can possibly be made. Another assumption that we don't think is valid is that this body assumes that henceforth we're going to have the same high level of turnout in subsequent elections as we did in 2004. We all know 2004 was a very high turnout, and typically off year elections, such as 2006 will be a lower turnout. So, it may well be a problem that we may not have to face again until, at least to the degree, until 2008. So, basically, to look at actual voters would be more accurate. Again, as it relates to what we can expect to see in 2006. They call for additional poll workers. Well, there's a fiscal impact again on that. Plus, as both parties experience, it's difficult to get folks in to work the polls. So, that's going to be a big issue as well. There are, it also, the proposal skews the resources allocated, albeit intentional or not, we don't know. We have no reason to think it was necessarily intentional, but, in fact, if you look at the winners and losers, you can see that it's very skewed, and made very advantageous to the Republican party. For example, the First Ward is the big winner. It goes from 60 to 75 machines, which is a 25 percent increase. A couple of precincts in the First Ward, a Democrat precinct, the former 1-14 would lose two machines, which is a 50 percent decrease, and 1-7, which is a slightly

leaning Democrat precinct would go from four to three, which is a 25 percent decrease. Center Out is another one, it shows it's a very predominantly Republican district, and it would receive a 22 percent increase in it's allocation of voting machines. Knight Out would receive a 50 percent increase. Scott is a very heavily Republican district would receive a 35 percent increase in it's allocation of voting machines. Armstrong would receive a 50 percent increase. The Fifth Ward is somewhat Republican leaning, it would receive a 14 percent increase. Perry and German would receive 7.5 and seven percent increases respectively. If you look at the losers, it's very concerning, because, of course, Union Township, there aren't very many voters there, but they would lose two of four machines which would be a 50 percent reduction. The Second Ward which tends to lean Democrat would go from 64 to 57 machines, which is an 11 percent decrease. The Sixth Ward which is even heavier Democrat yet would go from 68 to 56 machines, which would be an 18 percent decrease. The Third Ward which is quite Democrat and there are a number of economically disadvantaged and minority individuals in the Third Ward that would lose, they would go from 64 to 48 machines, which would be a 19 percent decrease. In fact, probably one of the biggest concerns is the Fourth Ward, which is, basically, higher minority percentage of population, and it's a higher percentage of population of economically disadvantaged individuals would be one of the biggest losers of all. It would go from 64 to 46 voting machines, which would be a 28 percent reduction. So, therefore, basically this would have a horribly disparate impact upon individuals of minority status. For those who are economically disadvantaged, then it would certainly inure to the benefit of individuals who live in the more affluent Republican leaning districts. Consequently, we're very concerned that it would open up the county for a Voting Rights Act lawsuit, which would require the expending of resources to defend. We also have some concerns about whether the sub-committee in it's action is subject to the Open Door Law, and as Mr. Ziemer alluded to, they didn't have legal guidance. So, they may or may not have been subject to the Open Door Law, but that's a question we have. So, basically, the obtaining of new voting machines, if the county can do it, is certainly a good thing. In fact what we would suggest is, if we do have some problem areas, get some more voting machines, allocate the new ones to the problem areas, but we don't have to have a zero sum gain where we have some losers over here and winners over there. We can collect, as the county budget allows, accumulate a few more voting machines a year, and by the time '08 rolls around and we're faced with this problem again, we could be better suited to address it. There's a right way and a wrong way to go about this. Another big concern we have too is that if you do take resources out of the lower voter turnout areas, well, that's a self propagating thing, because if people have, or if a precinct has lower voter turnout, the last thing you want to do is take away your resources and make it even more difficult or makes it even more disinclined to vote. So, basically, it doesn't have to be a zero sum gain. These problems can be addressed in an appropriate way that doesn't adversely affect groups. Quite frankly, there's the law of unattended consequences which could make the solution even worse than the problem.

President Crouch: Thank you. One comment to that, in my precinct people waited three and a half hours to vote. That's unconscionable. I mean, that is not right. When people actually left the polls because they couldn't wait the period of time it took. So, we actually turned voters away from the democratic process. So, I think that that issue has to be addressed somehow.

Rob Faulkner: Commissioner Crouch, you're correct. In fact, I live in your precinct, and I waited about two and a half hours to vote. So, I know what you're talking about. But, I'm saying that there's a right way. Rather than taking away from the have nots,

there's a right way to address it. To do so would be additional voting machines. The bottom line is we don't have enough voting machines.

Commissioner Musgrave: How much does a voting machine cost?

Rob Faulkner: Quite frankly I've not researched that, and I'm not—

Commissioner Musgrave: Ms. Farrell, do you have any information on that?

B.J. Farrell: Not specific numbers, but I believe a non-ADA is about \$3,000, and an ADA unit is about twice that much.

Commissioner Musgrave: So, voting machines cost around \$3,000. From what I understand this committee tried to take the existing voting machines that we have and move them around mathematically so that every voter had the same access to a machine no matter where they lived. So, in other words, that for every machine there were 130 voters. So, they re-allocated machines, they did the best they could, and we ended up still six machines short. I think to do the proposal that you're talking about, buying more machines for existing precincts, we would be looking at almost 70 new machines at \$3,000 per machine. If we left all the precincts in place, and gave enough machines to each precinct to achieve 130 voters per precinct. Now, that's a significant outlay of money. What is your analysis of that fiscal impact on the process?

Rob Faulkner: Well, the premise of your statement is absolutely incorrect, because as I pointed out before the statute uses the word active voters. This group, for whatever reason has decided to use as it's baseline a decidedly group of Republican voters. So, that raises the whistles there.

Commissioner Musgrave: How are you arriving at this definition of Republican voters?

Rob Faulkner: Well, just look at the results of the 2004 election. If you encompass a larger group, ie: active voters, you do not get that skewed view. So, what you're assuming, the premise is that you're assuming is that you're going to have the exact same voter turnout in every precinct that you had in 2004. But, what we're going to have is, we're going to discourage minority voter turnout by reducing the resources allocated to those precincts. So, basically, good intentions or not, we don't know what the intention was, the premise is incorrect. You cannot assume that you're going to have that exact same voter turnout at every precinct that you did in 2004.

Commissioner Nix: Let me ask a question. Do you think if there's less, and I'm just asking a question, do you think if there's less machines at a polling place, that people are less likely to show up because they know there's less machines? Or is that—

Rob Faulkner: That's a very distinct possibility. In fact—

Commissioner Nix: Because, I mean, I don't recall the last time I voted how many machines were in the room.

Rob Faulkner: I think there's been four in each precinct.

Commissioner Musgrave: So, you view four as the minimum number of machines then per precinct? So, if you do view that, then would you just change this recommendation and make sure that no poll had fewer than four?

Rob Faulkner: Well, we wouldn't reduce any existing whatever the allocation is now, which I think is four. But, if, in fact, what you can't have is, if, in fact, you have a precinct where, you know, they've looked into the crystal ball and they say, well, this precinct's had a low turnout, so, it's going to have a low turnout from here on out. So, we're just going to take those voting machines out. Then all of a sudden if you have a higher turnout than expected, well, you could have the very same problem. You have people walking out and everything else, and you've created unintended consequences that—

Commissioner Musgrave: But, if the committee came back with four machines being the minimum, your basic objection would be met?

Rob Faulkner: I think that's an oversimplification, but it would certainly go a long way.

Commissioner Nix: Let me ask a question. If this committee could go back to maybe the 2000 election and go forward to 2004, would that information be adequate enough you think, you know, to address the things we're talking about here?

Rob Faulkner: I mean—

Commissioner Nix: It would be some historical data, you know, because, you know, we're talking now maybe in looking at 2008. If we went back to 2000 and did four years, would that help the situation maybe?

Rob Faulkner: It would certainly help, but, I mean, depending on how you get from point "A" to point "B". The devil's in the details so to speak, but it would certainly help.

Commissioner Nix: No, I understand your concern. It's just one election at one time. I mean, I understand that.

Rob Faulkner: Yeah.

Commissioner Musgrave: I know that you're attempting to describe an active voter, and an active voter is a voter who has voted. Then you raised fiscal objections to sending out new cards to determine if these voters are still active, if they still live at that address. You objected to cleaning up the voter rolls. I'm having trouble reconciling those two approaches. First, not wanting to clean up the voter rolls, and then second trying to identify active voters.

Rob Faulkner: Commissioner, you're misstating what I said. What I said was, there's no problem with cleaning up the voter rolls, but what I'm saying is that if you're looking at a fiscal impact, wouldn't those dollars be better spent in acquiring additional machines, rather than....because you have precincts out there, and all they're changing is the numbers.

Commissioner Musgrave: Well, \$30,000 in postage would only buy ten machines.

Rob Faulkner: Ten machines would help.

President Crouch: Any further questions by the Commissioners? It seems to me that this committee....thank you, Mr. Faulkner.

Rob Faulkner: Okay, thank you, Commissioners.

Commissioner Nix: Thank you.

President Crouch: It seems to me that the committee not only addressed what we're required to address, which is disability, addressing disability issues in the polling places, but then they took it, they actually took it another step forward and said, you know, we've had problems in the past, how can we address those? It's possible that perhaps what we need to do is to break this into, you know, perhaps those two separate issues. Address the disability and resolve that issue. Then address the other in terms of having appropriate and adequate voting for all the voters. I don't know what the other two Commissioners feelings are. I would like to take it under advisement just to kind of look at and study, you know, what has been presented to us today.

Commissioner Musgrave: I would like to make that motion to take it under advisement, maybe for a week or so, and to give the committee a specific charge to go back and make every polling place have a minimum four machines and report back on what the number then changes from. I think you were asking for, I'm sorry, Mr. Utley, was that 19 or 20 new machines.

Gregg Utley: I was asking for 23.

Commissioner Musgrave: Twenty-three new machines. So, that number would change, perhaps, by going back through this analysis.

Gregg Utley: Right.

Commissioner Musgrave: So, I would like to make that motion with that specific charge to the committee.

President Crouch: Would you also include in your motion to look at active voters?

Commissioner Musgrave: Would you let me know what an active voter is? But, yes, I'll include that in there. Is an active voter somebody who's voted in more than one election?

President Crouch: I presume that our County Attorney would have to help us with that.

Commissioner Musgrave: Okay, then I make that motion.

Ted C. Ziemer, Jr.: I would sure love to do that.

Commissioner Musgrave: Alright, so that's my motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Utley, truly you have put an incredible amount of work in here. I think the goal is to not only make our polling places accessible to our handicapped citizens, but also to allow people to vote and not have people leave the polls without doing so. So, thank you very much for that effort.

Madelyn Grayson: May we make a quick tape change?

President Crouch: You may.

(Tape Change)

Permission to Open Bids for Jail Parking Lot Project

President Crouch: Next item on our agenda, Building Authority, permission to open jail parking lot project. Is there someone here from the Building Authority? The County Attorney—

Commissioner Musgrave: I'll make a motion to open the bids, if that's acceptable.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The County Attorney will now open the bids and he will report on the actual bid numbers during his report.

Citifinancial: Request to Redeem Property

President Crouch: Next item, Citifinancial request to redeem property.

Commissioner Musgrave: I had been apprised of this, where Citifinancial would like to redeem a piece of property, and I asked a couple of questions this morning, but I did not receive the answers back. Ms. Farrell? In that case I need to make a motion to table this until next week, while those answers are pending.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

EMA Homeland Security Agreement

President Crouch: Next item, contracts, agreements and leases, EMA Homeland Security Grant Agreement. I do believe that we have that in our packet. Mr. Greer, do you have any comment on it? Is it more money? Less money?

Sherman Greer: Sherman Greer, Emergency Management Director. It's the same as we see right now. I just wanted to make you aware, on page two there's a couple of things, competitive grants, there is a possibility of some other grants coming up through the state with their main priorities including planning, training, and exercise. If there is any additional funding there, we will apply for that for the training, the exercising that we need for our county. We've already been approved, as of right now, for '05 to do an exercise which we're going to conduct here September the 24th, 23rd and 24th. It is being funded by the state through the Homeland Security funding and grants that they have right now. The other thing, on the second paragraph on page two, the last sentence, we do have to expend all of our existing grant money, and then we submit a worksheet to the state on how we're going to spend the '05 grants. I'm sorry, the '06 grants. So, all of that is being worked on, and we're right now at about \$350,000 still yet that we have to spend for the existing grant that we're under right now. There's, \$127,000 of that is through the law enforcement, and they've got all of their quotes and everything in to be ready to be sent in. So, it should be spent down pretty quick. But, once it is, we'll bring that back to the Commissioners and let you know what our status is in that time.

President Crouch: Questions? Motion?

Commissioner Nix: Motion to approve the Homeland Security Grant Agreement.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Greer.

Sherman Greer: Thank you.

2004 CTP Agreement

President Crouch: Next item is the 2004 CTP Agreement. In speaking to the Building Commission, this is just extending the period of time that we ask FEMA to allow us to do the maps and to submit our information for that eastside kind of Stockwell Road flooding area.

Commissioner Musgrave: Is our contractor, Ragle, done with that yet?

Commissioner Nix: No, they are not.

Commissioner Musgrave: Not yet?

President Crouch: Soon, I hope.

Commissioner Musgrave: I'll make a motion to extend the agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ordinance Concerning Signs in Public Right-of-Way
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President Crouch: Next item, ordinance concerning signs in public right-of-way.

Commissioner Nix: This would be the first reading?

President Crouch: First reading for—

Commissioner Nix: The ordinance concerning signs in public right-of-way, first reading, I would like to make a motion we approve that.

Commissioner Musgrave: Second.

President Crouch: Is there anyone to speak to this item in the audience before we vote?

Bill Pedtke: Good afternoon, President Crouch, Commissioners Nix and Musgrave. How are you? My name is Bill Pedtke. I'm the representative of the Builders Association. Last week our board of directors had the opportunity to review the proposed ordinance and had a couple of concerns, and perhaps we could add to the list of exceptions, as an amendment to what's being proposed. Or, perhaps, we could stand hand in hand in saying that the county perhaps would have different language in it's ordinance than the city would, in it's previously adopted ordinance, because of some inherent differences in the way signs are used for real estate between the city and outside city limits. What I would call to your attention is, item (b) under section four where signs are prohibited, and it's a violation, where it talks about boulevards. In the city, as you may know, in neighborhoods, boulevards run for blocks and blocks and blocks and are part of a neighborhood and they're beautiful. They are great for the beauty of a neighborhood.

Commissioner Musgrave: What page did you reference?

Bill Pedtke: At the bottom of this page is three, but I'm under section four, it's item (b).

"No person shall place a sign in, on or over the grassy area of any boulevard."

In the county where mostly the construction is in the form of a subdivision, boulevards play a very important role and don't go for blocks and blocks and be part of a neighborhood, but mostly are used at the entrance of a subdivision. They add for the privacy and the safety for residents and for visitors, and they provide quick identification, if they are placed inside the boulevard. So, boulevards add to the safety for traffic for the people in, coming in, coming out, it's various signs as to which way to go.

Commissioner Musgrave: Are they more like an island at the entrance?

Bill Pedtke: Yes.

Commissioner Musgrave: Okay.

Bill Pedtke: Yes, yes. They actually add to the beauty. In the whereas' of this proposal you're talking about, not you, the ordinance is talking about a blight on the community adversely affecting the appearance of neighborhoods and/or the aesthetics of the community, distracting drivers. That's not the kind of thing that a sign in a boulevard at the subdivision entrance does. It's a beneficial thing. It adds to the clarity. It adds to the attractiveness of the subdivision. So, maybe, perhaps that would be one of the exceptions that we would have is entrances to the subdivisions for boulevards. A couple other things, under (c) and (h)--

Commissioner Musgrave: What page are you on?

Bill Pedtke: Same section, same page.

Commissioner Musgrave: Okay.

Bill Pedtke: (C) is in the same section, where it talks about between the curb and the public sidewalk. As we know, as subdivisions are being built, sidewalks are being actually discouraged, because of the liabilities that they may bring about to the county and to the owners of the property. So, perhaps, what would happen between, what would happen to this section, or how it would apply if it were not a sidewalk and the yard were actually built more environmentally friendly, because it would have more grass, so, where would a sign be at that point if we don't have that definition. Alongside that point, we have a point under (h), at the bottom of the same page where it says;

“No person shall place a sign advertising any business or sale of a product or service by a business in the public right-of-way.”

Well, the right-of-way is about 50 feet wide, and your street is about 30 feet wide, and that leaves about ten feet on the sides of that street going into the yards, if you have a sidewalk. Or, if you don't, you're still about ten feet away. Is the real intent of this ordinance to have signs that are ten feet off of the street. Signs are, in new subdivisions being built out, actually add to the safety and the convenience of people going through there. As lots are being sold, and houses are being built, even a model, it's easier to determine, for the people driving through, which ones are for sale, which ones are being lived in with signage. Signage works. It's very effective. Point number (g) is a little bit different, on the same page. We didn't know if the word “easement” should be included in the language, with right-of-ways. You're wanting, the ordinance wants not to put signs on telephone poles or trees that are in the right-of-way. Perhaps there would be one of those items within the easement. As I said earlier, a solution to all of this may be to have an exception for subdivision entrance signs and/or temporary signs that are identifying lots or new homes that are for sale, or anything that revolves around the real estate sale and transaction; model homes, and/or directional signs, such as we use for the Parade of Homes, to get people to the right place very conveniently. Thank you for hearing our comments. Do you have any questions for me?

President Crouch: Mr. Pedtke, help me out. I live in the county and drive those roads quite frequently, give me a subdivision that has a boulevard that you're talking about as you actually enter into the subdivision.

Bill Pedtke: Windemere does, on Kansas Road, but it doesn't have a sign in it. Bridlewood does, it's on Kansas Road and it has a boulevard and a sign. They're just, the style of the developers choice for that style of home that's going to be in that subdivision. Like I said, they don't go for blocks and blocks, it may be just the in and out lane, but it's a boulevard.

Commissioner Musgrave: Well, I think that your points are all well taken, and that I would be more than happy to have the attorney revise the language, unless you have some suggested language revisions.

Bill Pedtke: No, but if we come up with it, we would be happy to pursue it at the city level too, to try and make sure that the city and the county ordinances are exactly the same language.

Commissioner Musgrave: Right.

Bill Pedtke: But, if not—

Ted C. Ziemer, Jr.: The city just adopted their ordinance. Did you not get an opportunity to address these concerns when they—

Bill Pedtke: You know, I did have the opportunity, but the use of boulevard in the city was totally different than what I was thinking about in the county.

Ted C. Ziemer, Jr.: But, you're making suggestions about a number of other things other than simply boulevards, are you not?

Bill Pedtke: But, the typical use from what I'm talking about happens way more outside the city limits than it does in the city limits by this, if you drive down a street within the city, a lot of times if a house does not have a sign there, it's not for sale. It could be totally different outside in a new subdivision. It could be the model home.

Ted C. Ziemer, Jr.: Well, then, would you say there's no need to amend the city ordinance, because you're only addressing matters that are peculiar to the county. In which case, why should we try to have the city ordinance be like the county ordinance?

Bill Pedtke: Right. In the beginning I said we would be happy to stand hand in hand saying that the county would require different language, but we would be happy in pursuing it back at the city level to make sure the same, whatever the will of the Commissioners is.

Commissioner Musgrave: I think it's less confusing when the ordinances are the same.

Ted C. Ziemer, Jr.: Maybe they can't be the same, because you have different conditions.

Commissioner Musgrave: I think that....well, little parts. Although, his boulevard, we can just call it a boulevard island and define our term boulevard island. Some of those exist in the city too.

Bill Pedtke: Somebody's already approved a list of exceptions. So, exceptions are doable, that's for sure.

President Crouch: Certainly, I agree, we should always have our ordinances mirror each other whenever possible, but in development it's a lot different in the county than it is in the city. So, I do think that you have some valid points, and we will go ahead and vote on this for first reading, but then, I believe, Commissioner Musgrave, you suggested that the attorney perhaps work with Mr. Pedtke—

Bill Pedtke: I would be happy to.

President Crouch: —and I know Mr. Nix has been involved in this, and perhaps we can, before our next reading we can come to a resolution of these. So, all in favor on first reading?

All Commissioners: Aye.

President Crouch: Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. Thank you very much for your efforts.

Ted C. Ziemer, Jr.: Okay, Madame President, if I may please. I would like to have Madelyn, you're going to do next reading next week?

President Crouch: If we can get it all resolved.

Ted C. Ziemer, Jr.: So, I need to have the minutes, because everything that he said is in the minutes, and I certainly didn't take it down, I was opening bids. So, I would like to see the minutes as soon as I can, of only this portion of the meeting, Madelyn. Where is Mr. Pedtke? If you'll, what's your phone number?

Commissioner Musgrave: You may not want to read that out over here.

Ted C. Ziemer, Jr.: Okay, thank you for your card. I'll be giving you a call, and then what I would like you to do is come to my office and we'll sit down with the ordinance and address these things one at a time.

Bill Pedtke: There may be others that want to participate in that also. Are they welcome?

Ted C. Ziemer, Jr.: Certainly they're welcome, but if we get, the more committee you get, the harder it is to try to reach consensus. I'm going to be the one that's drawing it. If one of you could have, you know, what you want, that would be helpful, but if you want to bring more than one person we can do that.

Bill Pedtke: Very good. Thank you.

President Crouch: Thank you.

County Engineer

President Crouch: Department heads, County Engineer.

John Stoll: I received an e-mail from David Savage in regard to the traffic signal that's out at the Spring Valley and Green River Road intersection. That intersection is split down the middle between the city limits and the county. The request that Dave Savage had received was for pedestrian buttons to be installed on that signal because of increased pedestrian traffic going from the west side of the road to the east side of the road and vice versa. In his e-mail he said that the pedestrian buttons could be installed through the existing budgets for the Traffic Department, however, he was looking for approval from the city and/or county to install those buttons. Since it was split down the middle, we felt the best way would be to bring it to the Commissioners for your approval, and then they will also take it to the Board of Public Works and the Board of Public Safety on the city side. So, at this point, I would like to request approval for the Traffic Department to proceed with the installation of pedestrian buttons at the Spring Valley and Green River Road traffic signal.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: Before I say all in favor, is this to allow people to cross Green River? Or is it allowing them to cross—

John Stoll: Cross Green River primarily.

President Crouch: Do we have other people crossing Green River with these pedestrian buttons?

John Stoll: That would be something that I have to check with Dave Savage on. There are none at Lynch, but that's the only other intersection really that the county has where there is a signal.

Commissioner Musgrave: Right after that new low income housing unit gets built over there, you may need another one over there as well.

President Crouch: That would control the light for pedestrians, so that you, I mean, are we going to have a problem with traffic backed up? There's an incredible amount of traffic there, as you're well aware.

John Stoll: It will allow pedestrians to have enough time to cross the intersection. I believe Dave said that the minimum they would need would be 20 seconds. Right now it can time out as low as eight seconds. So, it will, potentially, draw traffic out on the approaches longer, but it also would allow the pedestrians to get across safely. If they're there already, it's probably a good idea to at least allow enough time for them to cross.

Commissioner Musgrave: We have a similar walk button in my neighborhood at the new park on the riverfront where you cross Veterans Memorial Parkway in order to get there. I worked with Mr. Savage to get that light, walk light installed. He programmed the computer so that it's a different length of time during different parts

of the day. So, that on weekends, for example, the amount of walk time is greater than on weekdays. So, he has the flexibility to work on that issue so that you don't get traffic backups. So, that it's not always the same amount of time.

President Crouch: I don't know. That's such, that's a huge road.

Commissioner Musgrave: It sure is.

President Crouch: I can't see people making it in 20 seconds. I mean, if they're in really good health, and they're, you know, professional canoers, like Mr. Nix and I, they probably could do it. But, if they, I don't know. I'm a little hesitant to vote on that. Certainly you two can vote on it. I think I will pass at this point in time. So, having said that, it passes two to one.

John Stoll: Okay.

Commissioner Musgrave: Shall we go ahead and vote?

President Crouch: All in favor?

Commissioner Musgrave: Aye.

Commissioner Nix: Aye.

President Crouch: So ordered.

John Stoll: The next item that I have is also in regard to traffic signals. The St. George and Oak Hill signal was activated last week. In reviewing the traffic, Dave Savage recommended that we operate the signal in flashing mode. Flashing red for St. George traffic, and yellow for Oak Hill traffic between the hours of 11:00 p.m. to 6:00 am. That would reduce delays for anybody, since the traffic volumes are lower at that point. So, I would recommend approval of that flashing mode.

Commissioner Musgrave: Is that typical for—

John Stoll: When there's off peak times where the signal can be operated safely, yes.

Commissioner Musgrave: I'll make the motion to do it, but if there's a problem we'll revisit it.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That can always be reevaluated and reprogrammed. So, that won't be a problem. If we hear of any issues, I'll be more than happy to get a hold of Dave Savage, and we can take another look at it. Next, I would like to request approval to go to County Council to transfer several different amounts into the Kentucky Avenue Bridge project account. This is the bridge that Bernardin Lochmueller is

currently working on the design. They've given me a cost estimate, and I need some additional funds in the account in order to cover their current estimate plus contingency. So, I would like to transfer from these accounts; Barton Road Culvert, which is account number 2030-4736, transfer \$23,000; transfer from Burkhardt Road Bridge number 290, which is account 2030-4408, transfer \$30,000; from Schaeffer Road Culvert, account number 2030-4733, transfer \$23,000; and from Oak Hill Road Culvert, 2030-4738, \$22,000. The Barton, Burkhardt and Schaeffer projects are completed, and we don't need those funds. Due to the fact that the Oak Hill project came in under the engineer's estimate, that was surplus money in the Oak Hill account as well. So, I would like to transfer all those amounts to Kentucky Avenue so that way we'll be ready to put it out for bid as soon as the plans are finalized.

Commissioner Musgrave: So, they are finalizing the engineering plans, we haven't put it out for bid, but you want to transfer these funds into that line item in order to bid it out?

John Stoll: Correct. Once it's transferred then we would be ready to put it out for bid. We would have sufficient funds in the account.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is some agreements from INDOT. These are railroad grant agreements that were submitted by EUTS. It's for pavement markings, and it's for \$922.50. Once the traffic department completes the pavement markings at several railroad crossings, then, because of this grant agreement, we can get reimbursement from INDOT for the \$922.50. So, I would—

Commissioner Nix: Is this different than what we approved a few weeks ago? It seemed like that came through.

John Stoll: This is the follow up contract with INDOT.

Commissioner Nix: Okay.

John Stoll: It's basically the same project.

Commissioner Musgrave: Where will these markings take place?

John Stoll: I would have to get the agreements from Madelyn. I know—

Commissioner Musgrave: Just generally would be fine. All over the county, or in one location?

John Stoll: There were, I believe, three different locations.

Commissioner Musgrave: Okay.

John Stoll: I just got these yesterday, forwarded them to Ted, and I forgot to get back, the County Attorney reviewed the agreement, but I forgot to take a look at them again to find out the locations.

Commissioner Musgrave: I didn't mean to put you on the spot. I was just hoping to tell the public where these markings would appear, but move approval on the markings.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: Next is Superintendent of County Buildings.

B.J. Farrell: I do have several surplus item requests. I have Burdette Park, Area Plan and the County Clerk requesting items to be surplussed. I would like to give those to Madelyn for the record please. I also would like the Commissioners to approve a letter that I wish to send to county office holders and department heads about the procedures for removing equipment from their office. I have asked each one of you to individually read these, and it's ready to be accepted. I also have one request for using the Old Courthouse for Dickens on Main Street for a progressive dinner situation. They're asking to use the Wedgewood Room free of cost. I have researched that and the county has not at any time that we can locate let someone use that room outside of tenants of the building free of charge. Based upon that, I would ask the Commissioners not approve this request, because I feel that once we open that door the requests would be more than we could possibly take on.

Commissioner Musgrave: What is the charge for using the Wedgewood Room?

B.J. Farrell: \$500.

Commissioner Musgrave: Move approval of the additions to the consent agenda.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Should we have a motion to deny the—

Commissioner Musgrave: Motion to deny the request to use the Wedgewood Room in the Old Courthouse without charge to a non-tenant.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: I have reviewed and found satisfactory for approval the engagement letter with Gaither Rutherford and Company to—

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: No, I'm sorry. I've reviewed an engagement letter prepared by Gaither Rutherford and Company to provide information regarding the contemplated increase of the number of youths that can be handled by the juvenile facility. It is satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: And that funding is in place.

Ted C. Ziemer, Jr.: Just to ask a question, I'm not sure where we are on this, last week we reviewed and provided the Commissioners with our opinion regarding an agreement for connectivity to Burdette Park with the SBC system.

President Crouch: We're ready to approve that. We resolved the issues, or had the questions answered that we had.

Ted C. Ziemer, Jr.: Okay, I submitted, or the copies of the agreement, I believe, are either in the file or—

Madelyn Grayson: They are down in my office. I didn't realize they were ready to be approved. I can get them this afternoon.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I have reviewed an agreement between Hafer and Associates and Vanderburgh County for improvements to the County Engineer's office in the Old Courthouse. I have advised the Commissioners by e-mail that, it's a \$10,000 maximum contract, and I've advised the Commissioners that it's satisfactory for execution. I believe we have signed copies of that available should the Commissioners decide to approve it.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, and I think that's, oh, the only other thing is that I just want to make a comment on the consent items. If you could look at, go down to the bullet point for community corrections payment, if you see that. Item A is correctly out of the community corrections payment. Item B should also be out of the jail construction payment. So, that that plus the \$55,000 come out of the jail construction payment. I thought you would want to note that before you approved the consent items.

Commissioner Musgrave: Thank you. I'll make that motion for correction to the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I have bids.

President Crouch: Yes, please, if you would read the bids for the record.

Ted C. Ziemer, Jr.: They're bids for the Sheriff's parking lot. J.H. Rudolph and Company, \$186,300; Lichtenberger Construction, \$171,161; Deig Brothers Construction, \$158,644; Industrial Contractors, \$157,900.

Commissioner Musgrave: Motion to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: No.

President Crouch: Thank you, Mr. Rector.

Dave Rector: Thank you.

New Business

President Crouch: New business.

Commissioner Musgrave: I would like the Commissioners to check their calendars for the next Coffee with the Commissioners. Let me know if September 8th at 8:00 would be acceptable. Then I will make the reservation. We're going to hold it, I think, in a new location, at the Centre. I've received word that the Centre would be available. There's a certain room over there and that SMG would provide us coffee and donuts for that day.

Commissioner Nix: That was September 8th at 8:00 a.m.?

Commissioner Musgrave: September 8th at 8:00.

President Crouch: What day is that?

Commissioner Musgrave: That is a Thursday morning. So, we can consider that at our next meeting. If Ms. Farrell would be sure and put that on the agenda.

President Crouch: Great. Any other new business?

Commissioner Nix: I don't know if this falls under new or old, but we have our district meeting next Monday evening at Northeast Park Baptist Church, that's at 1215 North Boeke Road at 7:30 in the evening. I would like to get some participation from, basically all the residents of Vanderburgh County, but especially district one. So, anyway, it's a district one meeting this Monday evening, or next Monday evening at 7:30 p.m. at the Northeast Park Baptist Church.

President Crouch: Thank you. Any other new business?

Old Business

President Crouch: Old business? One item, I think I had mentioned this, if it pleases the Commissioners, we currently, our personnel policy addresses short term military leave for all county employees. Saying that we will provide supplemental pay. So, if they take a two week leave for reserve training, etcetera, they get paid their reserve training fee and then the county pays whatever it takes to get them to their salary amount. We don't provide that for a long term military people who are actually called to duty. We currently have three employees, three county employees that would fall into that category. I would like the Commission to consider amending the salary ordinance to provide that supplemental pay for long term military service.

Commissioner Musgrave: Would this be retroactive as well for time already served? Or going from this point forward?

President Crouch: I hadn't really considered that. I would presume it would be from this point forward.

Ted C. Ziemer, Jr.: It certainly could be retroactive, but you'll need to find, it's going to have a financial impact to do it that way. But, it certainly can be.

Commissioner Musgrave: We could always take action on this point forward and you could consider whether you would want to do it retroactive and bring that back later. But, I would be happy to make a motion to do that. I think service in the military, particularly at this time of war is hardship, and the families of those who have given up their time and talent in order to spread freedom throughout the world deserve to be accommodated. So, I happily make that motion.

Commissioner Nix: Second.

President Crouch: And I will happily vote with you. As you remember, we did do a proclamation--

Commissioner Musgrave: Yes.

President Crouch: --for those county employees who serve in the military to support them. This would be a means of support for them. So, all in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: So, you want me to prepare an amended ordinance?

President Crouch: An amendment to our personnel ordinance.

Ted C. Ziemer, Jr.: Yes, right, to this fact. Thank you. I will.

President Crouch: Any other old business? Juvenile detention, we're, of course, the purpose today to have the engagement letter with Mr. Deisher and Gaither Rutherford is to have them actually crunch the numbers and get us some good, solid numbers so that we can look at the advantages to, look at the alternatives of either remodeling the current jail, building a facility ourselves, or contracting with the Youth Care Service, entering a partnership with them. Then looking at operating costs with the county doing operating costs versus the Youth Care Center doing it. So, I think we need that fiscal information before the county can move forward in making a decision for juvenile detention. So, hopefully, that will be available to us soon.

Commissioner Nix: Good.

President Crouch: Anything else?

Commissioner Musgrave: I don't think so.

President Crouch: Okay.

Consent Items

President Crouch: Consent items.

B.J. Farrell: Commissioner Crouch, we need to remove the CIO report from the department head section, as he was called out of town on a family emergency, and did not get that to us yet today.

Commissioner Musgrave: I would like to make a motion to approve the consent items with the change regarding the CIO report as just outlined.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Have a good evening.

(The meeting was adjourned at 4:40 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1)	Circuit Court (1)	Superior Court (2)
County Clerk (1)	VCCC (1)	Sheriff Dept. (1)
Auditor (1)		

Travel Request:

SWCD (1)	Commissioners (2)	Legal Aid (1)
Health Department (3)		

Auditor: Submit A/P Vouchers.

Commissioners:

2006 Budget Overview Book.
Community Corrections Payment: No. 12: \$20,127.29
Jail Payments No. 65 & 66: \$1,008,912.52 & \$55,000
Department Head Meeting Report: August 2, 2005
Letter Concerning Removal of Surplus Property from County Offices

Perry Township Assessor: Surplus Letter.

County Clerk: Surplus Letter.

Burdette Park: Surplus Vehicle Fixed Asset Forms.

Area Plan: Surplus Letter & Fixed Asset Forms.

Purchasing: Monthly Report-June 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD	Supt. Of Bldgs.	Ozone Officer
Veterans Services		

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Gregg Utle	Rob Faulkner
Sherman Greer	Bill Pedtke	John Stoll
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

(Recorded and transcribed by Madelyn Grayson)

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 16, 2005**

The Vanderburgh County Board of Commissioners met in session this 16th day of August, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the August 16th Vanderburgh County Commission meeting. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: Superintendent of County Buildings, B.J. Farrell.

President Crouch: Please join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the August 9, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Musgrave: Motion to approve the August 9th minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Juvenile Detention Facility Presentation: Gaither Rutherford

President Crouch: Action items, our first action item is new juvenile detention facility. I believe Council President, Lloyd Winnecke, is here, and perhaps you could start by just sharing with us what transpired at the County Council meeting. Then we will have a presentation by Ms. Becki Alcorn from Gaither Rutherford. They've been working on some numbers for us. Mr. Winnecke?

Lloyd Winnecke: Good afternoon, Council, or Commissioners. Sorry. It's strange being on this side of the podium.

Commissioner Nix: Force of habit, right?

Lloyd Winnecke: Absolutely. Lloyd Winnecke, County Council. For several months Commission President Crouch, Juvenile Court Judge Niemeier and myself have met with representatives of the Youth Care Center to discuss the future of juvenile detention in this county. I think we've made great progress. I think after years of addressing the jail issue and the issue of community corrections, I believe our community is now on the verge of making some positive action for juvenile corrections in this community. What we have discussed, and what the Council has heard, at least preliminarily through Commissioner Crouch and members of the YCC, is a proposal whereby the county would make a \$700,000 grant to the YCC, so that organization can move forward with an expansion project that would create 26 additional beds for juveniles at the site of the current Youth Care Center in downtown Evansville. Commissioner Crouch and Judge Niemeier and myself think that's a great step forward. I think eventually, if not on the front end, certainly in the near term it will be a cost savings to the county, but most importantly, I think it sends a strong signal that the problem, juvenile offenders in our community can undergo rehabilitation and face, undergo good programming within our community without being shipped off to Knox County or to the state of Indiana. So, at this time, I think the next step in the process is for your body to consider a vote to bring an appropriation before our body for the grant of \$700,000 to get the ball rolling, so that the YCC can start with it's project. I think before you, you have a number of financial scenarios. I believe this is one that probably makes the most sense financially, and certainly for the young people of our community.

President Crouch: Thank you, Mr. Winnecke. Questions? Not at this time?

Commissioner Musgrave: No, I just wanted to thank you for the efforts that you and Commissioner Crouch and Judge Niemeier have made over the past several months to bring this to fruition here today.

Lloyd Winnecke: It's been our pleasure. Thank you.

President Crouch: Thank you, Mr. Winnecke. Ms. Becki Alcorn.

Becki Alcorn: Good afternoon, Commissioners. You asked us to compile construction, renovation and operating costs for three alternatives pertaining to a juvenile facility. We have listed alternative one, renovating and operating the existing jail as a juvenile facility; alternative two, constructing and operating a new juvenile facility; and alternative three, contracting with the Youth Care Center. The first column represents renovating the existing jail, with an estimated construction cost paid by the Building Authority of \$6,960,000, and an estimated annual operating cost of \$2,152,688, to be paid by Vanderburgh County. Alternative two, which is column number two, shows estimated construction costs for a new facility of \$4,268,000, paid by the Building Authority, and an estimated annual operating cost of \$1,623,253, to be paid by Vanderburgh County. Both alternative one and two show additional up-front costs to purchase beds and furniture of \$50,000. Alternative three has an estimated construction cost of \$1,400,000 paid by the Youth Care Center, estimated up front costs for Vanderburgh County would be paid at \$700,000, as a grant to Youth Care Center. The county would also enter a contractual arrangement paying to the Youth Care Center \$1,450,000 annually. The total, including operations of each alternatives is as follows; alternative one, which would be remodeling the existing jail, would be \$9,162,688; building a new facility,

\$5,941,253; and alternative number three for the Youth Care Center, \$3,550,000. Thank you.

President Crouch: Questions? Commissioner Nix, did you have an opportunity to look at the plans that the Youth Care Center did, had drawn up, upon which these costs were based upon? Could you comment on those?

Commissioner Nix: Yes, I had a chance to look at those, I believe it was last Friday, and it's similar to the existing facility. It was a precast construction with brick, with a brick facade, and it looks like a very substantial facility. I think it basically mimics what they have there already. I think the layout that they have was more than adequate. It's not real elaborate, it's not fancy, but that's not what this is all about. It's about, you know, doing the right, building the right structure for the purpose. So, I think it would fit real well with not only what they have, but our needs for the future. So, yes.

President Crouch: Do you believe that the 1.4 million, I mean, it's rather startling that we have three construction costs, 6.9 million, 4.2 million and then 1.4 million.

Commissioner Nix: Right.

President Crouch: Do you believe that that 1.4 million is an accurate cost?

Commissioner Nix: I believe it is. There's some costs that have already been taken with the existing facility down there that we would have to incur if we would do alternates one and two. I think that that's a lot of what's taken into consideration in that.

Commissioner Musgrave: This is directly across from the new library, right?

Commissioner Nix: Yes, that's correct.

Commissioner Musgrave: And they're building it on the land that they already own right there?

Commissioner Nix: That's correct, yes.

Commissioner Musgrave: And when you say that it is not a fancy structure, it still is like the attractive brick structure that you see?

Commissioner Nix: That's correct. Yes, it's an attractive structure. When I say fancy, I mean, as far as the inside, it's real basic inside.

Commissioner Musgrave: Okay.

Commissioner Nix: That's, you know, that's the kind of atmosphere that the rest of that is. It's a nice facility.

Commissioner Musgrave: Okay. So, we'll be proud to look at it from the outside?

Commissioner Nix: Yes. And inside also.

Commissioner Musgrave: Okay.

President Crouch: I also might note that the, I did meet with Mr. Rector yesterday just to kind of run by how these costs were arrived at with rent that would be paid to them. I would envision that if we moved forward with doing it ourselves, we would contract with the Building Authority for a rent/lease arrangement like that we would have for the jail and for community corrections. So, we wanted to be sure that those numbers were accurate from their standpoint. We also have Mr. Chuck Harper from the Youth Care Center here. If you would come up, and perhaps address to this body, you know, why you all want to do this, and perhaps even touch upon the different types of treatment that are given at the facility. I know that Judge Niemeier, if we would move forward with this, expressed very strongly that he would want the contract to address levels of staffing and types of treatments. So, I think that is something that he feels very strongly about. But, if you don't mind touching upon that for us.

Chuck Harper: Absolutely. Good afternoon. The Youth Care Center wants to do this, first and foremost because we've been serving the community in this capacity for 22 years. I think the Youth Care Center, unfortunately, is a pretty well kept secret in a lot of the community, but we've been serving juvenile delinquents in this community for 22 years, and want to continue to do that and continue to meet the county's needs, or begin to better meet the county's needs. As far as treatment goes, the Youth Care Center is absolutely committed to research based and outcomes driven treatment. We want to do what works with the delinquents in this community. This community, the delinquents in this community, and females especially, we can talk about all the things about the how much we need this facility in the community, females for years have been, they have to be transported to Knox County, which brings about a plethora of issues with treatment. First and foremost that, unfortunately, many of the children in placement for these kinds of offenses come from lower socio economic backgrounds, and the families simply don't have the means to participate in simple visitation or family therapy, either way. So, that is a huge bonus for the Youth Care Center expanding and being able to better meet the needs of the county. Then, additionally, not just females, but currently I think the number is somewhere around a little over 50 percent of the juvenile offenders in Vanderburgh County, juvenile delinquents are placed in detention outside of this county. So, we want to meet that need, and we want to serve this community in the capacity that the children of this community and the families of this community are deserving of. As far as specific treatment things, as I said, it's very important for us to be research based and outcomes driven. We want to do the things that work. All the body of research that there is says that punitive measures alone do not curb juvenile delinquency. Punitive measures alone do not reduce recidivism. So, it's very important for us, we want to take a rehabilitation stance with our programs, and not just a punitive stance. That also, and the Judge says this very eloquently, that also has to be balanced with the community deserving, these juveniles having to pay retribution to the community for their offenses. So, it's very important that there be a secure environment that's not the Holiday Inn. That they know that they've done something wrong, and they know that they're being punished for that. But, in addition, we have to have treatment programs. Very specifically, the Youth Care Center focuses extremely, a lot of our efforts on family therapy, family interaction. We want to treat the root causes of these delinquent behaviors. Which most of the research tells us, and we see played out at the Youth Care Center on a daily basis, the root causes of those things are often familial in nature, or substance abuse induced, or abuse in general. The cyclical nature of abuse in these families. So, we want to address all those things through therapeutic treatment while they're in this secure detention environment. We do that through group therapy, we do it through family therapy, we do it through individual therapy with treatment plans that are

individually tailored to each individual child so that we're meeting their specific needs. Not a cookie cutter approach, but uniquely tailored treatment plans to address each juvenile's specific needs.

Commissioner Nix: Can you touch a little bit on the staff that you have, and experience and that type of thing?

Chuck Harper: I can. The Youth Care Center currently has five master degree therapists, four of those have masters degrees in social work, and the other has a masters degree in counseling. We also have, many of our direct care staff have bachelors degrees, and many of them are working towards bachelors degrees. We think it's very important for us to have a professional staff, a staff that understands child development. That's one of the things that often is lacking, that these children, they don't just have all of a sudden have these problems. These problems have occurred because of things that have happened during their developmental years, which very often are at those first stages from zero to 36 months. Many of the problems that we see when a kid is 13 or 14 happened because of things that didn't happen correctly during those times. So, our staff, we are very, with in house training projects, we train our staff, our therapists are constantly training our direct care workers on child development issues, and just a plethora of things from suicide prevention and treatment of suicide in detention to just all the things that our staff needs to know to serve these kids appropriately. So, even the staff members that we have that don't have advanced degrees, clearly benefit from the knowledge our ratio of therapists that is a great ratio to client, a great ratio with our client to therapist ratio. So, we're excited about the opportunity, our staff is excited, and we, obviously, as we expand are going to be bringing on more staff and those kind of things to serve the needs of an expanded population.

President Crouch: I might note that Judge Niemeier is not here. He regrets that he cannot be here, but he is unfortunately on vacation.

Commissioner Nix: Or fortunately, maybe.

President Crouch: But, so, I don't want to speak for him, but I would like to share with you some of the things that he has spoken of and certainly Councilmember Winnecke can jump in at any point in time. He feels very strongly that we need to keep our children here in the community. He has great confidence in Youth Care Center, and one of the things that is being proposed that is a little different than what we have done in the past, is that in the past we have signed contracts with our providers for a per diem amount. This is a different arrangement in that it is asking for a set contractual amount that would increase three percent every year for a five year period. So, he is feeling that the county needs to have a fairly substantial commitment to this process. That is why he has suggested a five year term to the contract, if we would choose to go in that direction. So, I wanted to point that out. One other thing that's significant is that last year, according to Judge Niemeier, the average number of children that were in secure detention everyday was 17.2 children. We are building a facility for 36 beds. Now, he believe that number will continue to rise as it has in the past. So, we are doing two things with building a 36 bed facility, and he felt very strongly that that was what we should do. One, we're building for the future. Hopefully, those beds will never be full, but if they are, we will be able to continue in the future to serve our young people here in the community. Then, secondly, I believe that you have had conversations with Posey County, is that not correct, Mr. Harper?

Chuck Harper: Yes.

President Crouch: They are willing to have their children be placed here also, is that not correct?

Chuck Harper: Posey County already uses our detention facility some. Obviously, because of the needs in Vanderburgh County, we're full a lot. But, Posey County with extra bed space in the talks that we've had would rather use the Youth Care Center for reasons that it's closer, it's more convenient and those kinds of things. The Youth Care Center is certainly more than willing, I don't know if you were getting ready to say this, but the Youth Care Center is certainly more than willing to credit back any other counties placements that we have to Vanderburgh County.

Commissioner Musgrave: Is that in the contract?

President Crouch: Well, that would be something that we would have to address in the contract.

Commissioner Musgrave: Okay.

President Crouch: Absolutely. What about Warrick County?

Chuck Harper: Warrick County, the judge is talking to Warrick County. I don't know exactly how those negotiations are going. I believe that Warrick County is currently under contract with Knox County, with Vincennes.

President Crouch: Okay. But, that's a possibility in the future? As well as surrounding counties?

Chuck Harper: Correct.

President Crouch: Any other questions by the Commissioners? Mr. Winnecke, any final thoughts? You know, I do believe that the thing that struck me when we did get into this whole issue was the fact that all of our females are sent out of town. That just seems grossly unfair to me. Not only the fact that all of our females, but that a number of our males are also sent out of county. I believe that while we aren't looking at this for us necessarily to save money, I do believe and I agree with Councilmember Winnecke that in the long term there will be a savings to the county. Certainly, in the initial up front costs there is a savings to the county. I just believe that we have a responsibility to provide an opportunity to our young people to become better, more productive members of society here in this community. So, if it pleases the Commission, perhaps we could go ahead and vote, or make a motion to do a \$700,000 grant, or to go before County Council for that. I might mention that this would be viewed as a grant, and that the contract would have to provide language that at the end of five years, if Vanderburgh County or Youth Care Center would choose not to continue in this arrangement, that we would receive monies back off of that.

Commissioner Nix: Was that a motion?

President Crouch: No, I need to—

Commissioner Nix: I will make that motion.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you very much. Thank you for the presentation. Everybody needs to be available the last Wednesday of this month at 3:30, correct, Mr. Winnecke?

Lloyd Winnecke: Right.

President Crouch: For the Personnel and Finance meeting of County Council. Thank you very much.

Unification Committee Presentation

President Crouch: Next item, we have a presentation by the Unification Committee. I believe we have Dr. Phil Fisher here, and Mr. John Dunn who will be giving their presentation. Welcome.

John Dunn: Thank you very much Commissioners for allowing us to stand before you today and address the subject that we've been looking at for the last two and a half years. To refresh your memories, a different elected body other than Commissioner Crouch was sitting in your place when we started in December of 2002 on a project that was to take a year. Here we are two years, seven months later finally with a program that we feel is the best thing for the city and the county. Originally, the city was formed by the City Council, and there were nine members appointed by City Council to look at the possibility of unifying the city and the county governments. Early on in our meetings it was determined by the committee, which was non-partisan, had an equal number of county residents as well as city residents that the subject matter was such that it needed to include all of the governing commissions and councils. I had placed a call to then President Mosby and he had asked each of the County Commissioners to appoint three members, as well as nine from City Council, and then President Raben at that time appointed seven people from the County Council. Then after the election of Mayor Weinzapfel, the Mayor had asked for two representatives as well. We added those two to our committee. So, it brought us to a total of 21 members of the study committee. Then we broke ourselves out into four focus groups, if you will. We were very fortunate to have Mr. Larry Sparks and Mr. Richard Cannon co-chair the health and safety committee. Mr. Fred Padget and Mr. Lyle Grainger headed up the economy and taxation committee. Mr. Marco DeLucio was government structure. Ms. Rita Eykamp and Pat Martin took on the government services committee. We adopted a vision statement, and I would like to just go over a little bit of it with you to show the seriousness with which we accepted the assignment. We said it was the goal of the committee to thoroughly explore the benefits and costs associated with the unification of Evansville and Vanderburgh County governmental bodies, and to produce a report of findings and recommendations for Evansville City Council. To the extent that the unification efforts prove beneficial to the citizenry, it will also be the charge of this committee to provide a conceptual process framework within the recommendation is taken from concept phase to a ballot referendum phase. To date we have spent about \$50,000 in our study, of which \$15,000 of that was provided by City Council. The rest of it was through private donations from Evansville citizens and businesses. I think that

the thing that we addressed most in our meetings was, you know, how do we retain the youth of our city? How do we stop the brain drain that Evansville faces today? How could we provide the opportunity for better jobs and higher wages? How can we grow our community, and provide the quality of life that we can all be proud of? How can we ensure that our children, grandchildren, and future generations have been provided with a solid foundation for economic growth to create an exciting and vibrant community? I think we've done that. We have presented before you, I think everybody got a copy of the study. We present that to you today. I have brought along with me the gentleman that probably knows more about unification now than any other single individual, Dr. Phil Fisher, who has acted as our project coordinator for the last two and a half years, who is here also to help answer questions, and myself if they're directed to me. At the end of the day, I think what we would ask of you is that you would give serious consideration, not today, but in the very near future to passing a resolution that says that you would support a referendum. You may not agree with unification, but it's our feeling that it's bigger than any one individual, and we would ask you only to support a referendum, and let the people of Evansville decide the form of government that they wish to have. With that I thank you, and ask Dr. Fisher to come forward.

Phil Fisher: Commissioners, thank you. You've all had an opportunity to look at the proposal, but for those who have not, I would like to outline some of the more salient features. The structure being proposed would dissolve the County Commission, the County Council and the City Council and the City Mayor, and replace that with a single Metropolitan Council and a single executive Metropolitan Mayor. The executive powers of the Commission, and the executive powers of the Mayor would fall to the new Mayor. The legislative powers of the Commission and the fiscal powers of the County Council, and the legislative and fiscal powers of the City Council would fall to the new Metropolitan Council. Contracts and obligations which exist for the City of Evansville would be obligations of a full service district, I'll explain a little bit about that later, as would city ordinances. County obligations would be assumed by all the citizens of the metropolitan area, and ordinances of the county would remain in force for those areas for which they were intended. This Council would be composed of 15 individuals, 12 elected from districts of approximately 14,400 citizens, and three elected at-large. It would be a partisan form of Council, and a partisan elected Mayor. The Mayor would run through the whole metropolitan area. One of the difficult issues in any unification project is fair taxation. At our public meetings, while the people who attended expressed a lot of support for change, there was also a lot of concern about fair taxation. So, we looked at what other successful unified cities had done. We looked at a couple different models out there, but we selected one that we thought would give the most flexibility for development, and that's one used at Lexington, Kentucky. Upon passage of a referendum and initiation of the new government, the current city limits would become a full service district. The rest of the county would be a general services district. Taxes would be levied based on the services provided to the citizens in each area. The new Council, with the approval of the Mayor, would be given the power to extend the full service area, a form of annexation if you will, but also, and this is something that not all of the unified cities have, but which we thought provided a lot of flexibility, also create partial service districts. That is that if areas had a need for some but not all of city services, the new Council, with the approval of the Mayor, would have the power to extend just those services to that area, and then levy taxes to cover just those services. Currently, the city of Lexington has 11 different partial service districts. So, with that, I guess, I would entertain questions.

Commissioner Nix: I was curious, I was asked this the other night, and I remembered to bring it today. Parks, how would you do the city, and, of course, the county operates Burdette Park, has there been any conversation about that at all?

Phil Fisher: Well, the, of course, the park district already encompasses the entire county. So, county residents pay taxes for the zoo and the rest of the park service. But, it is governed by a park board appointed by the city. So, county residents, although they're taxed to pay that, don't have control over it. Burdette Park is a, of course, funded by County Council, and operates under the direction of the Commission, and it has a special place. But, responsibility for the whole park system would be the responsibility of the Metropolitan Council. Whether or not they wanted to set up a separate board to administer Burdette Park, we've left up to them. I'd talked to Parks Director, Gail Riecken, and her associates and they believe that Burdette Park is a special park. One of the concerns, of course, is that resources would be diluted and that Burdette Park would suffer as a result of this. But, I think that it has a place in the hearts and minds of the people of this county. I don't think that would happen.

Commissioner Musgrave: Now, as I understand it, you're asking for support from the local government in order to ask the legislators to introduce a resolution or a bill?

Phil Fisher: Yes, let me go forward with the plan. We hope that our local legislative delegation will introduce legislation to permit a referendum in the 2006 session. If we are successful in getting legislation to enable a referendum on this proposal, or quite possibly an amended proposal, we would hope then that the referendum would be held during the general election in 2006. If the voters would vote in favor of unification, elections of the new officials would take place during the normal municipal elections in 2007. The new government would take office in January 1, 2008. That's our timetable. Of course, if it's not successful in 2006, then we're looking at a whole different timetable.

Commissioner Musgrave: So, one of the area legislators, or all of them would have to submit a bill to the legislature, and it would have to pass the legislature in order for a referendum to appear on the ballot?

Phil Fisher: That's correct.

Commissioner Musgrave: Are any local legislators committed to introducing a bill?

Phil Fisher: Yes.

Commissioner Musgrave: I understand that, I think it's Anderson, in Indiana, if I've got my towns right, is also interested in consolidation, are you aware of the status of their situation?

Phil Fisher: I'm not aware of the status of Anderson. In fact, that news to me. I'm quite aware of what's going on in Ft. Wayne, and have been in communications with the folks at Ft. Wayne, as well as Owensboro, Kentucky, for that matter.

Commissioner Musgrave: What is the status in Ft. Wayne? Do they have a legislator lined up? Are we going to introduce a joint bill?

Phil Fisher: Well, yes, and I think they suffered maybe from, their analysis is that they went too fast, too soon. It's a more complicated unification, because there's

more cities involved. But, Senator Long was the Senate majority leader from Ft. Wayne introduced legislation that would permit a referendum on unified government in Ft. Wayne at the last session. They had a study committee composed of, included the President of the County Council, the President of the City Council, and was headed by a Republican and a Democrat who had been active in politics. So, they had a much more political committee than ours here. They scared a lot of people. The Mayors particularly of the surrounding towns organized a public meeting, they got a lot of turnout, there was a lot of what I would call scare tactics that city ordinances and city building codes would apply county wide. They've got a fairly large Amish population. It was reported to me by one of the chairmen up there that one of the Amish farmers said he was so upset that he might vote. But, as a result, the rest of the legislative delegation up there persuaded Senator Long to withdraw his proposal. So, then they hired two professors at IUPUI Ft. Wayne to do a descriptive study of local government. So, they did that. Then they held meetings to describe local government to the people, and very few people came. So, I think, I'm not sure whether they're going to be coming up before this session of the legislature or not, but I have had no indication that they are.

Commissioner Nix: You probably have been asked this a hundred times, but the thing that I hear from a lot of people, especially people in the county is taxes.

Phil Fisher: Yes.

Commissioner Nix: How do you, I mean, do you take a snapshot of a person's taxes and say you're not going to pay anymore than what you're paying right now? How do you assure them that that can take place under this plan? I guess, and that's a concern that a lot of people have—

Phil Fisher: Yes.

Commissioner Nix: —especially in the county.

Phil Fisher: Well, Mr. Dunn and Mr. Henning who were the co-chairs both live in the county, and they're concerned about that too. We think we have a plan that should not raise taxes. This is a recommendation of the economy and taxation committee to try and develop a plan that would not raise taxes. Of course, once this is done, it's in the hands of the new Council. However, the philosophy that you only pay for what you get is imbedded into this thing, and I think would be enforceable. What we, however is, and what's been the experience of cities like Nashville as opposed to Indianapolis, where they have been free to manage the system on an incremental basis is that over time their taxes have become lower than other cities in Tennessee like Memphis and Chattanooga and Knoxville. The Mayor attributes this to the unified government. He also believes that it has given him a great advantage in economic development. You might say, well, it's the music industry, but they have a lot of businesses that are not related to the music industry. They've been very successful. Lexington, Kentucky also has had a very good rate of growth. You wouldn't have to go back too many years it was the same size as Evansville, and it's about twice as big now.

President Crouch: Excuse me, we're going to change the tape.

(Tape Change)

President Crouch: Thank you.

Commissioner Nix: Initially, and I know this was some time back, I guess, when this all got started, there was talk about this actually being something that could save the county and the city together money, and possibly even lower taxes. The focus now has kind of shifted away from that some to this is more of an economic thing. Is that—

Phil Fisher: I think it's fair to say that the money saved as a percentage of the total budget would probably not be huge, because you're going to have to provide, assuming you'll provide the same services that you're providing now. There will be some efficiencies, but, it's probably on the order of a few million, rather than tens of millions of dollars. Where we think the biggest advantage is, is in providing a more, a government with more unified and stronger leadership. Leadership is a kind of intangible asset, but if you look at the areas that have been successful, they're marked by individuals who've stood out as outstanding leaders. Whether they be legislators or executives. We believe that this form of government is, would allow us to continue to have that kind of leadership. We've not only had testimony to the effectiveness of this from the Mayors, even in Indianapolis. While they say it didn't save them any money, and, in fact, may have cost them money, something that Mayor Peterson is trying to correct now with his Indy Works Program, but our proposal would give the Mayor and the Council the power to do the kinds of things that he's trying to do. Even there they think that it's been a big advantage to be able to speak for the whole area.

President Crouch: First of all I would like to commend the effort and the stamina that your committee has displayed in staying with this issue. You said you started in 2002, and here we are three years later. I remember when I first got involved in government, people would tell me, in government you just hurry up and wait. I think that that is probably something you all have encountered with the whole exercise you've gone through. A couple things, when you started out there was a lot of discussion about merging, you know, the city and county fire departments, eliminating township assessors, eliminating the City Clerk, and yet in the final proposal none of that is evident. Why, what happened?

Phil Fisher: I think, I would like to take maybe an easy one first, the City Clerk. At first glance it appeared that unifying that under the constitutional office of the Auditor would be a savings. But, then we realized that while the County Commission and the County Council have a support staff, the City Council relies on the City Clerk's office to provide that staff. City Clerk Matlock estimates that that's about one and a half FTE's in her office to do that. Second, that office receives cash, and the Auditor disperses cash, so that some solution such as putting the meter police under the city police would have had to been done. I guess, we finally decided that having an elected official support the new Council would give the minority party members more, probably more support in the long run, than having staffs appointed by the majority party. So, that is that. With respect to fire departments, the cost of unifying the fire departments and having full time fire service to the whole county would more than wipe out any short run savings. It's the conclusion of the committee that we will continue to need the suburban or volunteer firefighters, they're no longer called volunteer fire departments, but they still have volunteer firefighters, that we're going to continue to need those for some time to come. What we think the Council could do, is that there are probably certain areas where there's been enough industrial and residential development that they really need full time fire protection. Either through extending the full service district, or through the mechanism of the partial service district, that could be done. You know, particularly if the residents wanted it. Or the property owners wanted it. The proposal, the committee's recommendation, internal

recommendation, the committee's feeling is that there should be centralized assessment. What we hope to do is give the Council the powers to do that. We did come to the conclusion that probably poor relief and some other functions were, that maybe administering them through an elected official wasn't a bad idea. We didn't think that this county needed eight township trustees, or eight townships, and because the townships were drawn so long ago and they were done on a sort of geographical grid they don't make any demographic sense today. I think four or five of the townships have both rural and urban constituents. One township has a population of 392. Another township has a population of 66,000. We think that's something that should be reorganized, but we don't think that the township trustees system necessarily needs to be done away with. We would like to have this legislation written so that the new Council could reorganize that. We don't, we think probably centralizing trustees would save quite a bit of money, or not trustees, but assessors would save quite a bit of money. But, probably you're not going to save a huge amount of money reorganizing the trustees.

President Crouch: So, that would, that Metro Council could, I guess, would have the power to eliminate the township trustees? Or eliminate the township assessors? Or merge the city and fire departments?

Phil Fisher: It would have the power to do that. We would hope that this is done incrementally, rather than all at once. It's just easier to manage on an incremental basis, and it will probably be more cost efficient to do it on an incremental basis. Also, if we proposed a solution, and fixed that in the law, then that, you would be stuck with that solution even if they didn't like it. This provides the flexibility, if they've done something that they would like to change, they can change it later on. There is a heavy, I think, business influence in this citizens committee. Businesses reorganize all the time to respond to changing business conditions. Local government in Indiana was set in 1851 and remains the same, and we don't want, the committee didn't want to provide a form of government which would then be fixed again for some lengthy period of time, but rather to provide a mechanism for the Council and the Mayor, who after all are elected by the people and representative of the people, represent the people to manage the system to achieve the balance of providing services at an efficient rate on an on-going basis.

President Crouch: The, as I understand the proposal, and correct me if I'm wrong, the, is it the full service area that's the city, currently the city, so, if the Metro Council would decide if they wanted to go into like Center township and they wanted to make them part of a partial or a full service area, they have the power to do that, provided they follow the process that you've outlined in your proposal?

Phil Fisher: That's correct. They would need to hold three public hearings at a meeting other than their regular meeting, separated by at least two weeks, advertised, and the advertising has to start two weeks in advance. So, there would be plenty of opportunity for citizens to know about this and to comment on it. But, yes, using those procedures they could do that.

President Crouch: Is there any mechanism that allows for the citizens or the taxpayers to object to it? For instance, I believe with annexation there's a process whereby people can oppose, and if a certain percent, you know, do oppose it, then that annexation is not successful. I know with the Barrett Law which we've done for drainage, if a majority object to moving forward with that project, then that project does not move forward. Does this, would this be viewed as taking people's, you

know, voices or their rights to have their opinions really heard and felt away from them?

Phil Fisher: Well, they'll have an opportunity, they would not have that right under this proposal, but, of course, they do have the right to provide input. The one exception to that is the city of Darmstadt, or the village of Darmstadt, there the proposal provides that that can't happen without a referendum of those citizens. But, we felt that a referendum, we discussed having this done by referendum, but decided that would be too great an impediment to providing services to the urbanized and industrialized areas of our county. So, instead, actually this procedure is more onerous than Lexington's. In other words there are more hearings, longer period of time than they have, and they've operated this successfully for many years.

President Crouch: Then lastly, the concern I get from constituents is, you know, how can you guarantee that my taxes aren't going to go up, because they view it as an opportunity for the government to get more money. You get more money by raising people's taxes. So, that is what I hear from my constituents. How would I respond to that?

Phil Fisher: Well, this provides, and it would be, if the legislation is written to reflect the intention of this proposal, people only pay for what they get, the services that they get. So, some determination would have to be made of what it costs to provide roads, Sheriff's protection. Unless something is changed the townships will still provide the fire service. I believe that would be legally enforceable. So, that if people felt that they were having to pay taxes for services that they weren't getting, they could bring action, legal action. I think that's the best we can do. I can only say that some form like this has been done in all of the unified cities that we looked at. Now, not all of them have the mechanism of the partial service district. Nashville, for example, they have to do it all or nothing. They can extend the general service district, but I think they have a little different terminology for it, or the full service district. But, I can only say that it works, in fact, we virtually copied, I virtually copied this off the Lexington, Kentucky charter, and just changed it to reflect Evansville. Then it was modified further to make the process a little longer, provide for better public input.

President Crouch: Any other questions?

Commissioner Musgrave: I don't have any questions, but I think your goals of fair taxation, which we don't have fair taxation now, so—

Phil Fisher: No.

Commissioner Musgrave: —always striving for fair taxation, and for strong, effective leadership that's responsible to the people, I think that's a goal that probably everybody would support. I don't support parts of your proposal. I don't agree with some of your conclusions, like some of your conclusions where you say that you would be able to eliminate townships, trustees, assessors, all of the above, some of the above, I don't think that your proposal could actually do that. But, what I do support is the right for the people to vote on this matter.

Phil Fisher: Yes.

Commissioner Musgrave: And I will, if a resolution is brought here, I'll vote for it. I don't think that that moment has arrived today. But, I wanted to let you know that I'm

for the people voting on this proposal. I don't think that it should be trapped in the hands of a few local officials.

Phil Fisher: If I were writing this proposal it would be somewhat different. I think that's probably true of every member of the committee, but in politics and anything like this there is compromise. This is a proposal that the committee could agree to, and I think all the members believe that it's a step forward.

Commissioner Musgrave: Thank you for coming.

President Crouch: Thank you very much for your presentation.

Phil Fisher: I would like to make one further comment, which I've made at each of the meetings. We interviewed over 60 officials, and many of them we interviewed multiple times. In every case our committee and our volunteers were received with courtesy, and were furnished with the information that we requested. I think we all came away with a greater appreciation, not only for the complexity of local government, but for the conscientious dedication of our public servants.

Commissioner Nix: Thank you.

President Crouch: Thank you for those kind comments. Thank you for your presentation.

<p>Building Commission: Open Bids: Demolition of 719 South Boehne Camp Road</p>
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President Crouch: Next item on our agenda, Building Commission, permission to open bids. Mr. Roger Lehman.

Roger Lehman: Thank you, Madam President, and members of the Commission. We did open bids previously in the Board of Public Safety. Included in those bids was a property that was located in the county, and the attorney for the Board of Public Safety requested that the county approve us contracting to have that structure removed. I have provided the bids to the attorney and also some pictures of the location. It's a house on South Boehne Camp that's been abandoned for many, many years and in bad disarray. If we could read the bid prices into the record, we would recommend that we would accept the low bid.

Commissioner Nix: This week, correct me if I'm wrong, this week is just permission to open bids, this wouldn't be approved until next week's meeting?

Roger Lehman: We normally open and approve them at the same time, but whatever.

President Crouch: If we would have a motion to open them, then, perhaps, when the County Attorney gets to his report, he can respond to that, and if we're comfortable we can award them.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Lehman, if you would assist the County Attorney. Thank you.

**Deferral of Purchasing Requests to Award Bids:
APA-013-2006: Tires and Tubes &
VC-027-2005: Transportation for Elderly and Handicapped**

President Crouch: Purchasing had a number of permissions to award, those will be deferred due to a personal emergency.

**Permission to Advertise: Public Hearing:
Vacation of Daylight Industrial Park Sewer Easement**

President Crouch: We go to County Auditor, permission to advertise. This is for a public hearing for a vacation of Daylight Industrial Park sewer easement.

Commissioner Musgrave: I'm happy to make that motion, if the Auditor will explain to me who holds the public hearing.

President Crouch: We will have it.

Commissioner Musgrave: We will have it? Thank you. Because I just couldn't understand why it was under County Auditor. So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Teamsters Collective Bargaining Agreement

President Crouch: Next item, contracts, agreements and leases. The Teamsters collective bargaining agreement. I believe that, Commissioner Nix, you can certainly report to the Commission on this, and have spent numerous hours and a lot of energy and effort in this particular area.

Commissioner Nix: I am happy to say that we have come to an agreement, and my congratulations....well, let me say this, let me make a motion that we approve the collective bargaining agreement, and then I'll make some comments afterwards then.

Commissioner Musgrave: I'll second.

President Crouch: All in favor?

All Commissioners: Aye.

Commissioner Nix: I just wanted to say that we spent quite a bit of time with this, Rick Voyles, myself, Mike Duckworth, Steve Craig, B.J. Farrell had some involvement in it, and I hope I'm not forgetting anybody, but we've got a fair contract, and I'm really happy to say that we've got some good people that work for all these different areas, and I'm just really proud of the agreement that we came up with. It is a fair agreement. I look forward to three more good years of working with these people.

President Crouch: Thank you very much for your effort in that. I believe it's a win-win for not only the employees, but for the taxpayers.

Commissioner Nix: Yes.

President Crouch: Thank you.

Sheriff Department: Equipment Lease Agreement

President Crouch: Sheriff Department, equipment lease agreement. That also has been deferred, due to some issues that still need to be resolved.

Burdette Park

President Crouch: Department heads, Burdette.

Steve Craig: Steve Craig, Manager of Burdette. I would like to request permission from the County Commissioners to have appropriations requested from Council for Other Employees and Repairs to Vehicles.

President Crouch: This is, while it's an appropriation, you do blue claim this from your—

Steve Craig: Yes, I do blue claim the money back and reimburse them.

President Crouch: So, there really is no cost to the General Fund?

Commissioner Musgrave: Do you need a motion on that now? Or do you have more to say?

Steve Craig: No, that's all I have.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Steve Craig: Thank you.

President Crouch: Thank you, Mr. Craig.

County Engineer

President Crouch: County Engineer.

John Stoll: First I would like to request approval to go to County Council to request an \$875,000 appropriation in the CCD Fund for University Parkway. This would replace the budget request that we had made originally in the Local Road and Street Fund. This would go to right-of-way engineering, right-of-way acquisition services, and right-of-way parcel purchases.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I would like to request approval to make right-of-way purchase offers on the first phase of Green River Road. The parcels are as follows; parcel two owned by Bussing, the amount of the offer is \$2,900; parcel four owned by Bender, the amount would be \$4,800; parcel five owned by Hawa, the amount is \$9,200; parcel six owned by Shrote, the amount is \$22,200; parcel nine owned by Durchholz, \$600; and parcel 11 owned by SIGECO, \$1,400. These amounts were all determined by the appraisals done through the contractor, Bernardin Lochmueller and Associates. I would request approval to go ahead and make the offers on these parcels.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is in regard to a question Commissioner Musgrave had last week in regard to the railroad grant. The crossings were on Boehne Camp Road and on Hogue Road.

Commissioner Musgrave: Okay. Thanks.

John Stoll: That's all I have, unless you have any other questions.

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thanks.

County Highway

President Crouch: County Highway.

Mike Duckworth: Good afternoon, Mike Duckworth, Superintendent of County Highway. I'm here today, and I've included in some of your packets some information regarding a, I don't know whether to call it a special purchase, or a situation where we need to take advantage of a trade for a used piece of equipment. If you'll remember, I approached this Commission several months ago in regards to a couple pieces of equipment that were recently purchased by the county, particularly New Holland mowers that the dealership that we bought the company from was sold, and to get those pieces of equipment repaired, now we have to travel some 45 or 50 miles to get them serviced. Due to that and the amount of trouble that we've had with that piece of equipment I started putting out information to these vendors that I needed certain kinds of equipment to accomplish the types of mowing and tree trimming that we needed to do. Those results ended in a local company that found a piece of used equipment that we could trade this used New Holland tractor in for, and that's Stone and Stemle. So, today I'm bringing to you a special request. I've contacted Mr. Ziemer in the County Attorney's office to make sure that I followed the procedure properly and according to the law. I not only accepted this quote from this company, but I sought three additional prices for similar types of equipment. I would tell you that there is no used equipment that I could find that met specifications for what I was looking for, other than the one that I had found. In regards to this, this is the lowest bid available on, not only the tractor, but the attachments to the tractor that we will be utilizing. So, what I'm asking for is, first of all, I have submitted to you and the Auditor copies of the three bids, in addition to the existing bid that we're going to accept. I say bid, I mean, basically, I'm talking about cost estimates. They include a difference of \$9,000, which would be in one purchase order, and a second purchase order it would be \$29,000 for the mow-trim and side deck and cycle mower attachments, as well as \$6,979 for the labor to change out the equipment. I put those on three different purchase orders because they're coming out of three different accounts that are germane to those types of expenditures that are set forth by the County Council. Again, I've checked this manner in which I'm doing this. I got the prices quoted to me, and I believe this is the best and most practical way to go in this. What this will accomplish is it will give us a piece of equipment that will allow us to do more things to attack, as school busses start back on the road now, the grown over trees over the roadways, this is a piece of equipment now that will be able to, in addition to cutting the right-of-ways will be able to attack those tree areas as well. So, we'll get more service, we will have a local vendor so that if something goes wrong we will be able to stride over across the street and get it handled, as opposed to driving 50 miles. I think it's the best case scenario that we have going for us. So, with that in mind, I request your permission to go forward with these purchase orders.

Ted C. Ziemer, Jr.: Excuse me, which is the low one and who is it?

Mike Duckworth: The low bid was for Stone and Stemle in the amount, the trade in, the amount of the tractor that we're purchasing is \$49,000. We get a \$40,000 trade in on the New Holland that we're trading in for the John Deere, which leaves a balance of \$9,000. I received quotes on the price of the tractor that we're trading in for, and all three of those exceeded the \$49,000 amount. In addition, the, because it was a used tractor, it only has 69 hours by the way, which is virtually new, the tractor that we traded in for had these attachments attached to it, but there is some

cost, and that's the \$29,000. I then quoted those attachments and they were in excess, I think all in excess of \$40,000. So, there was a minimum of \$11,000 savings as well there. So, I think I covered all the bases as to sole vendor, as well as lowest and best price that we have available.

Ted C. Ziemer, Jr.: I would agree. I discussed this with Mike prior to his going forward with this, and then he has submitted a packet of information to me, which satisfies me that this really is a combination of seeking quotes instead of bids for a purchase of equipment between \$25,000 and \$75,000. Then finding that no, none of the quotes can provide the trade in allowance that he needs, so that there is really only one source for this equipment, and that would then qualify for a special purchase, and no further bidding would be required, should you wish to award.

Commissioner Musgrave: Motion to award the bid to the low bidder.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Mike Duckworth: The other piece of information that I have is due to your passing of this, and my agreement with the sole vendor, I have on the agenda today a travel request for us, two of my crew members to go and pick this piece of equipment up in Fishers, Indiana.

Commissioner Musgrave: Is that in the consent items?

Mike Duckworth: Yes, it is.

Commissioner Musgrave: Okay, thank you.

Mike Duckworth: I just wanted to pass that on to you. In addition, one further thing, I did meet today with a vendor out of Indianapolis, and I don't think I've been approached by anything as much as beet juice has for the last, in my dissertation to the County Council, but we are moving forward with the purchase of beet juice so that we can be ready for winter snow removal.

Commissioner Nix: I think you've got a new nickname.

Mike Duckworth: Yeah, I've been called Beetlejuice a few times.

President Crouch: Now, that won't spoil will it?

Mike Duckworth: No, it will not. It will not spoil, it has a shelf life. That's right. It is a new method that road departments are using throughout, not only Indiana, but in the region, and it will fit very good and help us burn with our brine system that we've recently purchased. We will be ready with our new, hopefully, with the work that I'll do with Mr. Ziemer, our new county snow ordinance, our priority routes, our signage and our new method of clearing roadways.

President Crouch: Thank you, Mr. Duckworth.

Mike Duckworth: Thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: I only have one item to bring to the Commissioners today. With your permission, I would like to start working with Mr. Ziemer, we have several tenants at the Old Courthouse who's leases will expire shortly, and we would like to start looking at renegotiating their lease, and setting the rent prices for next year.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Thank you. ARC Construction Company had a contract to construct the Discovery Lodge at Burdette Park, a dispute developed regarding retainage and final settlement figure. Commissioner Nix and Steve Craig at Burdette Park met with representatives of ARC and worked out a settlement agreement, which would be acceptable to ARC, which in effect is a payment of \$50,000 to ARC. A final payment of \$50,000 to ARC by the county in return for a full release of the county by ARC and a full release of ARC by the county, except to preserve any warranties that the county is entitled to under that particular contract. You have in your file a settlement agreement and mutual release that we have prepared should you decide to approve it.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Thank you. For some time we've been involved in a condemnation action involving a number of individuals that I will refer to as a group as Hartig. It's been determined based on appraisals and so forth that a settlement figure with these individuals to acquire their property would be an amount in the sum of \$36,575. You have in your file a settlement agreement should you determine to approve this settlement at that level. We recommend the approval of this.

Commissioner Musgrave: Move approval of the settlement agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Last week we opened bids for the paving of the Sheriff's parking lot. After reviewing these, they were taken under advisement, I've been reviewing them this week, and the accompanying documents, and our recommendation is that Industrial Contractors is the lowest responsible and responsive bid. You have a Form 96 in the file that can be signed by the Commissioners, should you decide to accept this.

Commissioner Musgrave: Motion to approve the low and most responsible bidder.

President Crouch: I will second.

Commissioner Nix: I abstain.

President Crouch: All in favor?

Commissioner Musgrave: Aye.

President Crouch: Commissioner Musgrave and I vote in favor, Commissioner Nix abstains.

Ted C. Ziemer, Jr.: Let me just check, that's all I have. Oh, yes, that's all.

President Crouch: What about the bids you just opened?

Ted C. Ziemer, Jr.: Yes, thank you. I knew there was something else. Here are these pictures, by the way, if you want to look at those.

Commissioner Musgrave: They are pictures of?

Ted C. Ziemer, Jr.: Of the property at 719 South Boehne Camp Road, for which I have opened bids to demolish that property. The bids are all subject to an identical contract, that is each bidder will be required to sign the same contract. So, the only variable with these bids is the bid amount. Floyd Staub bid \$6,740; Naas and Sons bid \$3,840; Velpen C&D Fill Site, Inc. bid \$3,220. Since the only variable was the bid amount, the County Attorney would advise you that there's no need to take them under advisement. If you wish, then you may approve the low bid today.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: No. That's really it.

President Crouch: Would the County Commission, I should have mentioned this earlier. Quite honestly it slipped my mind. If it would be, if the County Commission would entertain instructing the County Attorney to begin contract negotiations with the Youth Care Center and to involve, you know, Judge Niemeier in those contract negotiations.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business? Any new business? A couple pieces of new business, one, this old jail is going to be vacated by the end of the year, correct, Commissioner Nix? On time and under budget?

Commissioner Nix: That is correct.

Commissioner Musgrave: They probably won't be out until right at the first of the year, but on time and under budget is a good word to use.

President Crouch: So, this Commission needs to consider the useage of that space. In anticipation of that, Mr. Rector did forward to us some kind of preliminary numbers. He estimates that it would cost between 7.8 and 9.4 million to renovate that old jail space. So, I believe that we probably need to move forward and start to explore how we can address that space, and the best use for it. I would suggest, since you've finished the Teamster contract negotiations, that, perhaps Commissioner Nix would entertain heading that project.

Commissioner Nix: I'll take that on.

President Crouch: Okay, great. Then, in conjunction with this, also it has come to our attention, he has shared with us that the Sheriff's need a holding cell sally port for housing the prisoners that they bring from the new jail while they are awaiting court. He has given us a couple of options. One ranges \$350,000 to \$500,000. The other ranges from \$500,000 to \$600,000. It's possible that that could be dovetailed into that other project of looking at renovating that space. If you would agree to assume that also, we would be happy to have you.

Commissioner Nix: I will follow up with that also.

President Crouch: Okay, great. Then, lastly, we have received some information from Fifth Third who has the, I guess, the bonds on the Azteca Milling and Burkhardt bonds, and they indicate that because of the low interest rates, it would be advantageous for us to look at refinancing those bonds, and we could save close to \$200,000 on the one, and \$300,000 on the other. So, if the Commission would entertain moving forward with that, we can have them at least start preparing the documents to look at that refinancing.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: I would like to tell the Commissioners that I'm going to begin working to renegotiate or extend the SMG contract. I would like your permission to work with the County Attorney and perhaps others on that. But, if there are others involved I will bring that back to you for future action.

Commissioner Nix: Good. There was one other thing that I forgot too on SMG, they worked with us on this contract too. The Teamsters contract. I wanted to make sure that they were mentioned also.

Commissioner Musgrave: There are five Teamsters employees who work over at the Centre. The Centre staff, provided by SMG is not Teamster employed.

Commissioner Nix: That's correct.

President Crouch: Okay, you didn't need a motion.

Commissioner Musgrave: I would like to have a motion, I make a motion.

President Crouch: Okay.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Old Business

President Crouch: Old business. Coffee with the Commissioners.

Commissioner Musgrave: Yes. SMG has confirmed that they will be happy to host us over at the Centre on September 8th at 8:00 a.m. So, I need a, I will make a motion to waive the rent but not the overtime for our useage of the Centre on September 8th.

President Crouch: And how long are you anticipating this coffee-thon going on?

Commissioner Musgrave: You get one hour.

President Crouch: Okay.

Commissioner Musgrave: One hour.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Citifinancial request to redeem property. I believe that Commissioner Musgrave had several requests. Have they been, have your requests been satisfied?

Commissioner Musgrave: Right. The City of Evansville confirmed that this was not one of the properties in which they were entertaining an interest. Citifinancial has indicated that they would bring a check for the entire amount to satisfy the back amounts due to the Auditor. So, my motion will be contingent upon that. I move that we release this property for redemption by Citifinancial only if they bring the full amount of the check by the date of our pending sale.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Lastly, district two meetings, that's scheduled for August 29th, and I don't know if the Commission would consider perhaps using that date and that meeting for a time zone hearing. It seems like we've been getting a lot of e-mails and a lot of requests. I would be more than willing to utilize that meeting for that purpose.

Commissioner Musgrave: Now, is that on the 29th, my calendar shows it being on the 30th, Tuesday the 30th.

President Crouch: It's Tuesday the 30th. Gosh, I always keep getting that confused. Tuesday the 30th. August 30th.

Commissioner Nix: That's the day we don't have a Commission meeting, because of the fifth Tuesday.

Commissioner Musgrave: Alright, so, it's going to be held at the 4-H Center?

President Crouch: That's correct.

Commissioner Musgrave: So, you want to include the time zone discussion in that meeting?

Commissioner Nix: Would it be exclusively for time zone? Or if somebody has something they would like to bring over and above that? Just, I'm curious.

President Crouch: What's your pleasure?

Commissioner Musgrave: Maybe we should set aside the specific time for time discussion, and then the balance for any other.

President Crouch: It's, we tentatively have it from 5:30 to 7:00. We could go 5:30 to 6:30--

Commissioner Musgrave: Okay.

President Crouch: Mr. Ziemer, is this something, since we're doing a hearing on it, do we need to actually advertise, have a meeting, take minutes and all that?

Commissioner Musgrave: You can get back to us if you want.

Ted C. Ziemer, Jr.: I would like to advise you on that tomorrow.

President Crouch: Okay. That would be fine. So, we will look at doing, getting people's input on the time zones for the first hour, and then we will hear from people on other issues that are pertinent to them.

Commissioner Musgrave: Now, do you want to review the information that's been provided to us about the time zones?

President Crouch: With the time zones, we learned late last week that if the county wants to change out of their current time zone, the County Commissioners have to lobby the Department of Transportation. It would appear that just from input from the general public that Central time zone, which is what we currently are on, is what people would prefer to stay with. But, we have gotten some e-mails about Eastern time, and I think in fairness, before we assume to know what the public wants, that it would probably be advantageous to actually hear from the public. So, if, in fact, it becomes evident to us after hearing from people that Central time zone is the preferred time zone for Vanderburgh County, then we do nothing. It's only if we want to change from Central to Eastern that we would petition the Department of Transportation.

Ted C. Ziemer, Jr.: Madam President, I have given it some additional thought, and I can tell you today that that would constitute a special meeting, and you will need to give the same notice that you would give for any special meeting of the Commissioners, which is 48 hours notice, not counting Saturdays and Sundays, and you have to specify the business which will be time zone hearings, and that would be the only business that you could then—

President Crouch: So, we would just literally confine it to time zone hearings from 5:30 to 6:30.

Commissioner Musgrave: Is there, do we need to record this and take minutes then?

Ted C. Ziemer, Jr.: You don't need to have the Auditor there, but you certainly need to keep a record of what transpired at the meeting. It doesn't need to be verbatim, but you do need to have a record of what transpired.

Commissioner Musgrave: I wonder if the 4-H Center has—

President Crouch: We can inquire. I'm sure they have something available.

Commissioner Musgrave: Well, are we meeting in the skating rink?

President Crouch: That was kind of my understanding, that building, but we certainly have other buildings available to us. So, let us inquire about the audio, and see what is available before we decide.

Commissioner Musgrave: You know, I'm concerned about people who want to express an opinion, but cannot attend the public hearing. Would it be alright to invite them to send you an e-mail or a fax or mail?

President Crouch: Sure.

Commissioner Musgrave: And, do we have a general e-mail at commissioners@vanderburghgov.org?

B.J. Farrell: Yes, we do.

Commissioner Musgrave: So, commissioners, with an "s" on it, at vanderburghgov.org. Send us your thoughts on daylight versus Eastern, and, of course, you can mail us at the Civic Center at 1 NW Martin Luther King Jr. Blvd., and that's 47708. But, I think I would ask that you please not call. What's our fax number, B.J.?

Bill Jeffers: 435-5963.

Commissioner Musgrave: 435-5963, fax, mail or e-mail your thoughts to us, but hold the calls.

B.J. Farrell: Thank you.

Madelyn Grayson: We need to change the tape again.

President Crouch: Okay.

(Tape Change)

President Crouch: Thank you. Any other old business? No?

Public Comment

President Crouch: Public comment. This is the opportunity where the public can comment to the Commission about any item that we have the authority to take action on.

Cathy Edrington: I'm Cathy Edrington. Just my comment is, I missed the beginning of your meeting, so, if you've discussed this already, fine. But, I just believe when the people, when the public citizens, such as the deputies come here, I believe they deserve response at the public meeting, instead of, you know, afterwards. Thank you.

President Crouch: Thank you, Ms. Edrington. Any other public comment? Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: I would like to make a motion to approve the consent items, but I would like to bring to your attention the Vision-e report this month, which

is remarkably similar to the Vision-e report for last month. They list the number of their call visits as one, the number of their in city visits as zero, the number of advertisements placed as one, trade shows attended as zero, number of new industries recruited this month is zero, year-to-date is one, number of new jobs created this month is zero, year-to-date is 35. My motion is to accept the consent items.

Commissioner Nix: Second.

B.J. Farrell: Excuse me, can we pull the CIO report? We did not receive that by meeting time.

Commissioner Musgrave: My motion includes pulling the CIO report.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Commissioner Musgrave, perhaps you can have some conversations with Mr. Robinson or Mr. Theby, the President of Vision-e, and perhaps express what it is that you're looking for. That might be helpful to them.

Commissioner Musgrave: Okay. Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will commence with rezonings in about—

Commissioner Musgrave: Ten minutes?

President Crouch: No, not ten minutes. In about two minutes.

(The meeting was adjourned at 4:56 p.m.)

CONSENT ITEMS:

Employment Changes:

Veterans Services (1)	County Clerk (1)	Prosecutor (1)
Sheriff Department (1)	Health Department (1)	VCCC (3)

Travel Requests:

Auditor (2)	County Highway (1)
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Commissioners:

American Medical Response-Quarterly Report.
Evansville ARC-Monthly Report-July 2005
Council Call- Transfer Requests (2), Appropriation Requests (2)
Vision-e: Monthly Report-July 2005.
Department Head Meeting Notes: August 9, 2005

County Clerk: Monthly Report-June 2005.

Superintendent of County Buildings:

Council Call - Transfer Requests (1), Appropriation Requests (1)

Treasurer: Year-to-Date Investments-July 2005.

Sheriff:

BCC, DUI and Operation Pull Over Grant Continuation Agreements.

Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD	Supt. Of Bldgs.	Ozone Officer
Veterans Services		

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Lloyd Winnecke	Becki Alcorn
Chuck Harper	John Dunn	Phil Fisher
Roger Lehman	Steve Craig	John Stoll
Mike Duckworth	Cathy Edrington	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
AUGUST 23, 2005**

The Vanderburgh County Board of Commissioners met in session this 23rd day of August, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the August 23rd Vanderburgh County Commission meeting. We will start our meeting with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

Marissa Nichoalds: Marissa Nichoalds filling in for B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Evansville ARC: Job Link Presentation

President Crouch: First item on our agenda is when we have boards or commissions that the Commissioners make appointments to. This is their opportunity to appear before the Commission, and the public that is watching, and tell us a little bit about their organization and share with us some of their accomplishments and goals. Today we have with us members from ARC who are here to give us an update. I believe we have Ms. Theo Boots who will open the presentation. Thank you.

Theo Boots: Thank you for having us today. I am Theo Boots, and I'm the Director of Development for Evansville ARC. We were here, I think, last quarter to talk to you about one of our programs, the adult day program, the program we are going to talk about is Community Job Link. That's where we help find individuals jobs in the community. Community Job Link was formed in 1991, and it's an important part of our mission to help people become more independent in the community. It's very difficult to become independent in the community if you cannot find employment. So, it's a real important role for us to help individuals become more community oriented. I don't want to take much time talking, we've got some people who have been helped by the program and who is using the program, so, I want to now introduce Abbie Garrett, who is our program coordinator for Community Job Link.

Abbie Garrett: Community Job Link, we offer a lot of services to employers and to clients, and they're all free, at no charge. The clients are referred to us from vocational rehabilitation. I meet with individuals to explain our services. If they choose us, then we get started on a process. The first step of that process is plan development. We do an individual plan for employment, so that we know what that individual's wants, desires and needs are for a job. Then we go into the job development stage, where we're out in the community trying to find that individual a position in the community. Once that individual gets that job, then we go into our job coaching role, where we're there on-site with the individual until they learn that job and the employer is satisfied with their performance. Many individuals are eligible for follow along services. So after VR closes their case, we can see them up to ten hours a month to help them maintain that position. Because many times when there is change over in management, the individuals might lose their jobs. If we're there to intervene or to help them learn new skills, then the chances of them keeping that job is more likely. We are continuously looking for companies that are willing to hire individuals with disabilities. Recently through our partnership with the Alcoa foundation we received a grant to start a quarterly newsletter, and with this newsletter we hope to give businesses detailed information about our services. We're sending it out to about 1,400 businesses. We want to educate them. We have copies of the newsletters that Theo will give you all later. As she said, we have an individual here today. I would like to introduce Albert Colwell, and his employer, Steve Bartholme from IFM.

President Crouch: Welcome.

Albert Colwell: Welcome. Thanks, nice being here.

Abbie Garrett: Albert, do you want to tell them how you like your job?

Albert Colwell: I like my job pretty good. It's a nice company to work with. Thanks.

Abbie Garrett: What kind of things do you do there on your job?

Albert Colwell: I take care of the paper towels, take care of the floor scrubber, and stock the shelves, and keep everything clean, and check the dock area and stuff.

Abbie Garrett: What do you like to do most at your job?

Albert Colwell: The floor scrubber.

Abbie Garrett: What are some of the things that you have done with your co-workers outside of work?

Albert Colwell: I went fishing and monster trucks with my boss, and went fishing with Carol, and the movies.

Abbie Garrett: Do you feel like there at Industrial Filter Manufacturing that you have been made a part of the team, and that everybody treats you as they treat each other?

Albert Colwell: Yes, I do.

Abbie Garrett: Okay. Steve, if you want to tell us a little bit about your experience in working with our agency and working with Albert.

Steve Bartholome: Sure. As she said, I'm Steve Bartholome, Jr. with Industrial Filter. I'm the plant manager, so, I take care of all the hiring for production. Two years ago I was in the process of trying to fill the position that Albert has now, and I was having a little bit of trouble. I had hired several different people, and they weren't really working out. I happened to go to the mall one day where I observed one of their employees, who's a developmentally challenged man, and I got to watching him and saw some of the things that he was doing, and I was like, well, that's a lot of the stuff that I need done, you know, at my shop. So, I thought to myself I need to call Evansville ARC and see what they've got going on. They got me with the Community Job Link. Once I got with them, the employee specialist helped me out. They were very professional. They were fast and efficient. They were helpful in selecting Albert. Once I picked Albert, the job coach, you know, came in, and to me that's the key to the whole program. It helped Albert, because he was with someone that he was familiar with, and he was more comfortable. It gave him more time to learn the job. It helped me, because I didn't have to spend the time in training him. Albert's been with us for two years. He's a great employee. He works hard. He takes pride in his work. He always has a positive attitude, and that rubs off on all the other employees. He is definitely a part of the team down there. He's made a noticeable impact on all the workers and the overall cleanliness and neatness of the shop. One thing I do want you to know, it's important, there is no compromise with Albert. He does the job the way it should be done. No one else could do it any better. Obviously, you know, I've recommended the Community Job Link to other businesses, and I will continue to do so. Thanks.

President Crouch: Thank you.

Theo Boots: I just wanted to add one thing that the support, the financial support that the county gives us helps us support programs like this. Since we are on the air I'm going to have a real quick commercial and leave you with two things; Community Job Link clients have an average retention rate of 83% over a 12 month period. When you compare that to the national average, the rate is 71%. The average pay rate for our clients is \$6.21 per hour, which is 20% higher than the national minimum. So, we are looking for more companies. It is a win-win situation. Thank you again for your support.

President Crouch: Thank you very much.

Theo Boots: Are there any questions? I didn't ask, I'm sorry.

President Crouch: No, you did a great job. Thank you for coming, Albert.

Albert Colwell: You're welcome.

Approval of August 16, 2005 Commission Meeting Minutes

President Crouch: Commissioners, if we could approve the minutes.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Open Bids: Evansville Plating Works Property &
VC-39-2005: ADEC Jail Dental Equipment**

President Crouch: Next item, permission to open bids. Our first item is the County Commissioners, permission to open the Evansville Plating Works bids.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, Mr. Ziemer, if you could open that bid and be assisted. We will then move to Purchasing, we are seeking permission to open VC-39-2005 for jail dental equipment.

Commissioner Nix: Move approval of Purchasing opening the bids for VC-39-2005 jail dental equipment.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. The bid was delivered to Mr. Ziemer, who will be opening it now.

Permission to Award: APA-013-2006: Tires and Tubes

President Crouch: Next item, we have permission to award bids. We have Purchasing, tires and tubes. Mr. Lawrence? You can speak from there, if you choose.

Phil Lawrence: Thank you, Commissioners. Would like your permission to award the APA-013-2006 tires and tubes, and it's a four part award. These are all the low bidders; Raben Tire won the police tires, and that's also the Sheriff tires, \$68,383.80; Master Tire won the passenger tires, that's \$28,290; Southern Indiana won the bus tires, \$51,450; Reis Tires won the truck tires, the four wheel drive, golf cart, trencher, parking meter, farm tractor, grader tires and the tubes, for a total of \$78,786.75.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Advertise:
APA-049-2005: Incinerator/Crematory for Animal Control &
VC-40-2005: Radio for New Jail**

President Crouch: Mr. Lawrence, you also are seeking permission to advertise incinerator/crematory, and then a radio for the new jail, is that correct?

Phil Lawrence: That's correct. APA-049-2005 is actually the removal and purchase and installation of incinerator/crematory Animal Control Department. So, they're going to actually get rid of the old one and put in a new crematory.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: VC-40-2005, radio for new jail facility. This is an actual new radio facility for the new jail. The ad dates are August 26th, September 2nd, and open date is September 13th here at 3:30.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Public Defender: Agreement for Professional Services:
Kurt Schnepfer**

President Crouch: Let's go ahead and do contracts, agreements and leases. Then maybe we'll be ready to come back.

Commissioner Musgrave: Move approval of Kurt Schnepfer, professional services for Public Defender.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**River City Yellow Cab: Agreement for Transportation Services:
Vanderburgh County Office of Family and Children**

Commissioner Musgrave: Move approval of the Purchasing Family Children Transportation. Is there a name of a company, or is that it?

Phil Lawrence: It's Yellow Cab.

Commissioner Musgrave: Yellow Cab.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Bids for Evansville Plating Works

President Crouch: Mr. Ziemer, are you ready? Or should we continue?

Ted C. Ziemer, Jr.: Sure, I'm ready. I'm always ready.

President Crouch: If you would like to take the jail dental equipment first.

Ted C. Ziemer, Jr.: I'm sorry, I opened the bid for the real estate.

President Crouch: Oh, then go ahead.

Ted C. Ziemer, Jr.: Then, I'll have to open these. We have one bid, via purchase agreement, from Mel and Mary Gillenwater. I don't know exactly where they're from. The bid is for \$239,000, which does exceed 90% of the appraised value, which was, I think, \$202,000.

Commissioner Musgrave: \$225,000.

Ted C. Ziemer, Jr.: In any event, it exceeds it, substantially. That is the sole bid that we have.

President Crouch: Do we have a motion to take it under advisement? Then we will hear from the public, if there's anyone here to speak to that bid.

Commissioner Musgrave: Motion to take it under advisement. We can do that, can't we?

Ted C. Ziemer, Jr.: Yes, you can, but how long are you taking it under advisement? Why not hear anybody that's here to speak to this, and, depending on what is said, you may want to just go ahead and accept the bid today. It's the only bid.

President Crouch: Alright. Is there anyone here to speak to this? Yes?

Joseph Easley: I'm Joseph Easley, pastor of Central United Methodist Church. I am president of the Jacobsville Area Community Corporation. The organization JACC is a community coalition of groups and individuals who are interested in the redevelopment of the Jacobsville area. There are positive things happening in Jacobsville. We built a coalition that includes not only churches and the community organization, but Deaconess Hospital, ECHO Housing, we have a good relationship with Berry Plastics, we have people in the community, neighborhood residents involved in our JACC group. We work hand in hand with the neighborhood association, but we're not the neighborhood association. We're also not involved directly in doing redevelopment, but encouraging positive redevelopment for our community. Things like the houses that were built a couple of years ago by ECHO Housing Corporation. A part of our work was, a little over two years ago, actually three years ago, we were able to get a grant from CDBG funds to do an update of the Jacobsville master plan. That was done in 2003. That master plan update was incorporated by the Redevelopment Commission, they adopted the plan as their own. So, there has been a redevelopment plan, a master plan for the development of that area that has been adopted by the Redevelopment Commission, and this property lies in that redevelopment area. Our group feels like this is an extremely important property, and what's done with it is very important. For many years the old plating works has been a real detriment to the Jacobsville community. We're grateful that the pollution on it has been abated, and is available now for redevelopment, but we think that it's very important what happens with it. It could become a major help, not only to the Jacobsville community, but to the county as a whole, if positive things happen there and spur positive things in the rest of the Jacobsville area. We want to remind you, and the purchaser, that it is in a redevelopment area, and that anything that's done will go through a process of being reviewed by the Redevelopment Commission. We think it's important that whatever is done there fit within the guidelines of what's developed in that master plan. So, we would ask you a couple things, one is that as you look at the bid that you would consider the importance of knowing what kind of use is going to be put to it, so that you have some sense that this is going to be a long term benefit to the whole county, but to the neighborhood in particular. I would ask you to not vote on accepting the bid today, but give us a chance to look at the bid and make input to you and ask questions, and certainly we would be glad to dialogue with you. I would hope you would consider it important enough that you would not want to immediately say we're going to sell it. It may be a fine offer. I have no idea, because, obviously, I have not seen it, but we would ask for you to give us an opportunity to look at it, and give you some input before the final decision is made.

President Crouch: I guess, legally can we do that, Mr. Ziemer?

Ted C. Ziemer, Jr.: Actually, if you looked at the bid, you wouldn't see anything but an offer to purchase real estate. There is no intended uses spelled out in the bid, nor was there required to be. So, we have a representative of F.C. Tucker here today. Is she still here?

Commissioner Musgrave: Yes.

Ted C. Ziemer, Jr.: Could you come forward, Dannetta? Is the bidder present?

Dannetta Hiatt: Yes.

Ted C. Ziemer, Jr.: Perhaps some discussion of what he intends, or yeah.

Dannetta Hiatt: First, I'm Dannetta Hiatt, I'm a commercial agent with F. C. Tucker Commercial. First, I would like to thank you for allowing me to represent the property for you. It's been a new process for me through all the years I've been in real estate. So, I've actually sort of enjoyed this process. We did only receive one bid. As we've all seen, at this point, it's very respectable. It is from Mr. Gillenwater, and I'm assuming his wife, who is very well respected in our real estate community, and I think our community. I think he probably would be prepared to at least address what issues, you know, what concerns someone may have. I don't think that they probably know exactly what it is that they want to do with it. They are real estate, you know, investors and developers. So, I think we probably couldn't ask for a better buyer.

Commissioner Musgrave: Could you describe the steps you took to market the property?

Dannetta Hiatt: Sure. After we got all the information together, and got all the environmental information and so on together, we put together our data sheets, which go on LoopNet, which is an international website. When we put that information on there it gets pushed to I don't even know how many agents. Not only in the Evansville area, but all through the United States. I pushed it up to Indianapolis and up to Chicago. We're also an affiliate with Colliers Charlie Martin Tucker, so that gives us a huge array of markets to get into. So, we pushed that to the Indianapolis, the Cincinnati, the Chicago market maybe thinking that we may even pull down somebody for a fast food restaurant, or something like that. I got a lot of inquiries. Everybody was concerned about the environmental condition of the property. I've had a lot of experience in the environmental business after running Garvin Industrial Park for so many years. So, I was able to, I think, take care of most people's concerns. But, sitting right where it is, we all know that there's value there, and it's right in the center of the city, but it just, you know, we didn't get as many bidders as we thought we would. Which was a little disappointing. We pushed it again two other times in our Internet system, we advertised it. I called the paper and spurred the article that was, took up most of the business page at one point regarding the property. I got a lot of phone calls from that. Got a lot of outside, out of town, California, Florida, New York inquiries, just people that come through and buy property. Really, I think we would all be better served to find somebody here, in our community, I think like probably we have sitting back here behind us, than to have an investor from California who's just going to let it sit there that we have to call and ask them to come forward. But, we, you know, we put it through our entire marketing system and talked to a lot of agents and a lot of clients and this is what we came up with.

Commissioner Musgrave: The result is the single bidder. I wonder if we could ask the bidder and the reverend to go into the hall and have a conversation while we continue with our meeting, and perhaps they can come to some understanding. Then we could vote on it after that.

Ted C. Ziemer, Jr.: Well, you certainly can do that. The offer to purchase is to sell the real estate to an individual who is willing to pay 90% or more of the purchase price. We have the right to reject all bids. As in any real estate transaction, the purchaser is allowed to make any use of that property that the zoning permits. In my opinion, we should, I mean, not we should, I think any other consideration is not necessarily something that you need to take cognizance of.

President Crouch: Mr. Faulkner, do you need to speak, or are you just standing?

Rob Faulkner: I want to provide some perspective on this.

President Crouch: Please.

Rob Faulkner: Yes, I'm Rob Faulkner, I have some experience with this property. One of the things that was on the agenda to get done was to down zone this property and record a use and development commitment in conjunction with the neighborhood association in order to address his concerns, so that there would be a document, a use and development commitment of record that would address the concerns of the neighborhood association. Unfortunately, due to the sale of the property going forward that was an opportunity that was lost. So, I think the counselor there is correct, that I think that you're kind of boxed in as far as that goes. Either you sell or you don't. But, again, that would be the proper procedure to have done that prior to offering it for sale.

President Crouch: Thank you.

Rob Faulkner: Thank you.

Ted C. Ziemer, Jr.: Well, I'll only say that thank you for agreeing with me. I don't think it's generally customary when you're selling real estate to require the purchaser to tell you what they intend to do with the real estate. We did have, the real estate is zoned what it is, and it can be used for any purpose that falls within that zoning. I think to ask anymore of the bidder is probably inappropriate.

Commissioner Musgrave: Well, given the advice of the attorney then, I would like to make a motion to accept the sole bid for this property, which does meet the legal requirements for a minimum bid.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, and thank you for your input.

Bids for VC-39-2005: ADEC Jail Dental Equipment
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President Crouch: Jail dental equipment, are we ready?

Ted C. Ziemer, Jr.: Yes. On the dental equipment we have a bid from Nashville Dental, Inc. in the amount of \$45,394; and a bid from Patterson Dental in the amount of \$49,360.

Commissioner Musgrave: Two bids?

Ted C. Ziemer, Jr.: Two bids.

Commissioner Musgrave: Alright, motion to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Second/Final Reading of Ordinance Concerning Signs in Public Rights-of-Way</p>
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President Crouch: If we could move then on with our agenda, we have an ordinance concerning signs in public right-of-way. I believe this is the second reading. Is there anyone, have there been any changes since the first reading?

Ted C. Ziemer, Jr.: Yes. You will be voting on it, if you do, as amended.

President Crouch: As amended. Is there anyone here to speak to that issue?

Commissioner Musgrave: Could we ask them to take their conversations out in the hallway?

President Crouch: Sure. If you all could step outside please. Thank you.

Bill Pedtke: Good afternoon, President Crouch, Commissioners Nix and Musgrave. My name is Bill Pedtke and I represent the Builders Association. A couple of weeks ago I was here to convey some of our concerns about the language in this ordinance, and since then, with your blessing, we've had a chance to meet with Ted and Kathryn and John Stoll and come to a better understanding of the intent and the language in this ordinance. With that better understanding, we certainly don't want to stand in the way of this ordinance from passing today. Hopefully, we didn't delay it too long.

Ted C. Ziemer, Jr.: No, thank you. You were very good to work with.

Commissioner Nix: Thanks, Bill.

Bill Pedtke: Thank you.

Commissioner Nix: Move approval of the ordinance, second reading, as amended.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes. That passes.

Polling Place Advisory Committee: Order Establishing Precincts

President Crouch: Next item on our agenda, Polling Place Advisory Committee. This Commission was presented with a recommendation, there were some questions on it, the group did reconvene, it is my understanding that they do have other recommendations today. I would like to just state from my standpoint, before we hear from Mr. Utley, that I do not believe that we should reallocate election machines or recommend allocation of election machines. That is a responsibility and duty of the County Clerk and the County Election Board. So, I would prefer that this board not take any action on it, since we have no legal stature to do so. In addition, it is also my understanding that we will not be voting on the handicap accessible precincts, that there are still some precincts that need to be looked at. Of course, we have till primary next year to do that. So, it is my understanding that we will not be voting on that either today. But, what I guess we're going to be hearing from you on is splitting large precincts and then combining some smaller precincts. Is that correct, Mr. Utley?

Gregg Utley: Yes.

President Crouch: And that is a vote that this Commission, if they choose to take, needs to do so by August 31st, is that not correct?

Gregg Utley: That is correct.

President Crouch: Since we are not meeting next Tuesday for a Commission, official Commission meeting, that would necessitate that this board, if they take action, they do so today, correct?

Gregg Utley: That is correct.

President Crouch: Thank you very much.

Gregg Utley: Okay. Thank you for your time. I was here before you....my name is Gregg Utley, I'm president of the Polling Place Advisory Committee. A few weeks ago I was here in front of you all and you gave us a task or two to check to see some questions that needed to be answered. Of course, one of those was in regards to the legal aspects of what we were proposing. A representative of the committee, myself met with the County Attorney, and we in turn got with the state of Indiana attorney and found out what all of those legalities were to make sure that we were in check and what we were doing. We found out there were some other additional things that we needed to do, which we have done, which is in the proposal today. Also another question that was asked of us was if we could give some sort of projection in regards to the cost of doing this. We have in turn taken that opportunity to arrive at some projected numbers that we feel will give you a better picture as far as the cost that would be involved in doing this. Everyone, in the packets that you have, in regards to what it would actually cost as far as the splitting polls, and this is the combination of combining and such. The savings for the election day workers is one of the big costs that's involved. That came to a total of \$7,040. The savings as far as not purchasing new voting equipment, which is \$99,000, which really isn't in the picture because it hasn't been purchased and they can't be allocated. Of course, the cost of the postage to notify voters was \$3,974.17. So, it came to a net

savings of \$102,065.83. On the next page in your packets there is a little bit of detail to that, if we're not discussing the HAVA, that part can be left out, but in splitting the precincts it would actually cost \$2,085.69 in postage to notify these various voters. In regards to the combination of precincts, to notify the voters, in regards to postage it would cost \$3,974.17. The savings that would be offset by not having to pay inspectors, Democrat judge, Republican judge, two clerks, the meals, and, of course, the rent for the polling place, comes to a total of \$7,000 in savings. So, that would much more offset the cost that would be involved in the postage and notifying the voters of the combination of precincts. With that being said, I will entertain, I guess, any questions. If the County Attorney has anything to add in regards to the conversation we had with the state, or whatever your wishes would be. Our committee recommendation is that you adopt the order for establishing the precincts.

President Crouch: It's my understanding that the committee is recommending that we split three precincts because they exceed 1,200 voters, is that not correct?

Gregg Utley: That is correct, and that's what we found out from the state of Indiana that that's what we needed to do. We had identified the past two weeks ago, we added two more to that list.

President Crouch: Can you share with us those precincts?

Gregg Utley: K-3 and S-1.

Commissioner Musgrave: 4-2.

Gregg Utley: And 4-2, yes, are the three.

President Crouch: Then, also, you are recommending combining precincts, which, of course, is nothing unusual for this Commission. I might remind the Commissioners that back in 2001, the former Commissioners took 167 precincts and reduced them to 142, I believe?

Commissioner Musgrave: 139.

Gregg Utley: 139, I believe.

President Crouch: 139? Anyway, so, this is nothing that is new. It certainly is something that has been done before, and you are looking at combining precincts. Can you tell us the criteria that you looked at when you looked at combining?

Gregg Utley: Well, we looked at actual voters that were registered voters, what they call an "active voter", which we got the terminology clarified exactly what that is. We looked at those—

President Crouch: And what is that? If you could share that with us.

Gregg Utley: I would have to refer to—

Ted C. Ziemer, Jr.: That's a voter who has voted in the last three years.

Commissioner Musgrave: It also includes anyone who is registered or has voted in the last four years. The computer department generated a report that was used to come up with those numbers.

Gregg Utley: Correct. That was as of the date that we did actually ran those numbers, which happened to be August the 15th.

President Crouch: How many precincts are involved there in combining?

Gregg Utley: Sixteen.

President Crouch: So, we're taking sixteen and we're going to end up with eight, is that correct?

Gregg Utley: That would be eliminating those, eliminating the 16 and combining those, yes, that's correct.

President Crouch: So, we're going to go from 16 to eight precincts?

Commissioner Nix: That is just an elimination of 16, is that correct?

Gregg Utley: Yes, that is correct. Which would take you from 139 to 126.

Commissioner Nix: Three years ago it went from...do you have that information?

Gregg Utley: I do not have that information.

President Crouch: I think it went from 136 to 142, or 139.

Commissioner Musgrave: 167 to 139.

Gregg Utley: To 139.

Commissioner Nix: So, the last time the change was, was in 2001, then?

President Crouch: Uh-huh.

Gregg Utley: Yes, and in 2004 there was 139 precincts. We're proposing to go to 126.

President Crouch: Questions?

Commissioner Musgrave: No. I've observed the committee work, and I know the tremendous amount of effort and planning that went into it by the bi-partisan committee. I congratulate the committee. I see the County Clerk here today, and I know that she worked with you through the throws of the last analysis in every step of the way. So, I thank the committee for their work. I'm impressed by the effort.

Commissioner Nix: Was this unanimous by the committee, this vote?

Gregg Utley: Yes, of the members present at the last meeting.

Commissioner Nix: Okay.

President Crouch: Was someone not present?

Gregg Utley: Yes, I believe there was one that was not present.

President Crouch: Is there anyone in the audience who cares to comment? Mr. Jeffers?

Bill Jeffers: My name is Bill Jeffers, Vanderburgh County Surveyor. I would like to commend Mr. Utley and his committee, because I know how hard the job is. In 2001, as Commissioner Crouch will remember, the County Commissioners gave the County Surveyor the job of re-precincting the entire county, which, as you say, took the precincts from approximately 167 down to 142, or 141. The three discrepancies happen to be that two of the townships in Perry are not occupied by people, but had to be declared precincts because of their being sandwiched between jurisdictional lines, and being like a single census block. One of those is also in Center. Now, the way I understand it, going from that 139 down to 126, the committee is recommending combining some of those non-habitated precincts. Mr. Utley, are you combining two in Pigeon?

Gregg Utley: Not the ones...there are some precincts that—

Madelyn Grayson: Mr. Utley, I'll need you to make your comments at the microphone please because we are recording.

Bill Jeffers: I'm asking about two in Pigeon outside the city limits are being combined, is that what I heard today?

Gregg Utley: No, unless there's some (Inaudible).

Commissioner Musgrave: The newspaper made an error—

Bill Jeffers: Oh.

Commissioner Musgrave: —when they published it.

Bill Jeffers: Okay.

Commissioner Musgrave: They put Pigeon Three instead of Perry Three.

Bill Jeffers: Okay.

Gregg Utley: There's no voters.

Commissioner Musgrave: A call was made to correct that.

Bill Jeffers: Well, that's immaterial, but it's good to know you're not doing something unnecessary.

Commissioner Musgrave: Yes.

Bill Jeffers: Also, as Commissioner Crouch will remember, in 2001 our target to achieve was 125 precincts. We were tasked with a target of 125 precincts, but we could not achieve that, and were left with recommending 139. The reason we couldn't achieve it is because we felt we really had to consider economically disadvantaged, and specifically transportation challenged voters. What I mean by that is people who either because of their economic ability to afford a car, or possibly the adults in the household share one car, and while one of them has taken that car to work, the other one is left at home and has to walk to the polls. When the other

one brings the car home, the second person takes the car to work immediately, and the first person to have driven the car to work in the morning is now going to walk to the polls. This is a reality in many precincts in Vanderburgh County. I refer to those as either specifically transportation challenged voters or economically disadvantaged voters who lack sufficient transportation to carry them to the polls. So, they walk. When we took that into account, we were not able to combine some of the precincts in certain areas of the county where these folks lived that were unable to do anything but walk to the polls. We felt that if they had to walk across a busy street or through a busy intersection or across U.S. 41, for example, or Washington Avenue, or some other four lane thoroughfare, that that was just too dangerous and too inconvenient and that it would, in fact, discourage voters from going to the polls. We also, at the same time, took into account inconveniences that we might cause in all areas of the county, whether they were affluent or not. We considered folks that might have to drive several miles to a poll, but had adequate transportation. We considered voters who when they arrived at the polls would find long lines to wait in, and it worked out pretty well until the last election when we had turnouts of 95 percent in certain areas. I think that spurred some of the interest in combining or splitting precincts, but all in all we were just unable to combine certain precincts because it would cause voters to have to travel unduly long distances or walk across dangerous intersections. We ended up with 139. I don't think that that's been considered in this order that's before you today. I think there's, I don't think it's been deliberate, but I think there's been a gross oversight of affecting economically disadvantaged, and specifically transportation challenged voters. I think it's a disservice to those voters, and I think it will result in discouraging people from going to the polls. I'm not going to point out a whole lot of precincts, but one of them is really curious to me, combining P-10 and P-4. That's Perry Ten and Perry Four, will result in a precinct that is huge for those types of neighborhoods. It will stretch from Allens Lane and St. Joe Avenue, all the way over to the Expressway and Red Bank Road. So, you'll have old K-Mart at St. Joe and Diamond in the same precinct as the old Wal-Mart that's just been vacated out in University Heights shopping center. That is one huge precinct. Not only did they, are they recommending to combine that into one huge precinct that people will have to drive several miles to get to a polling place, they've move the polling place, or are recommending to move the polling place from the centrally located previous location at the trade school on Harmony Way, they're proposing to move it all the way outside either one of their precincts at West Side Christian Church. So, you have a concentration of elderly, retired people who are living in the Westbrook, or Mr. McCullough's new development at the corner of St. Joe and Diamond and Allens Lane there, those new apartments are going to have to drive all the way out to Middle Mt. Vernon and Red Bank Road to vote.

President Crouch: Well, Mr. Jeffers, we have not accepted the recommendation to assign polling places, and certainly that is something this board wouldn't do until we got closer to the election, the primary election. So, whether the recommendation was made or not, this board's not acting upon that. But, I appreciate your input on that.

Bill Jeffers: Okay, and I appreciate the opportunity to make the input, because this is the first time the Vanderburgh County Surveyor has been left out of a re-precincting job since 1988. So, I'm not privy to all the information that your board is privy to at this time. I've only been able to accumulate some maps and some documents that were represented as being those that are on your desk at this time. So, that is what I'm speaking to, and it's encouraging to know that not all those recommendations are going to be voted on at this time.

Commissioner Musgrave: Madam President? I was privileged to have a phone conversation with Mr. Jeffers, at least two weeks ago, where I went over the recommendations of the committee at that time. Then I instructed the GIS Department worker, who was constructing the maps, to forward those to Mr. Jeffers and his employees for their review, so that he could get back to the committee with any comments or inputs or suggestions that he had at that time. So, I dispute, respectfully, the suggestion that there has been a gross oversight. For, I did make every effort to extend the information and ask for input to the committee's working process.

Bill Jeffers: In response to that, I respectfully would like to disagree with those comments. In response to those comments, the conversation that Commissioner Musgrave and I had on the telephone two or three weeks ago simply was does our office have time to participate, and she would like to run this past our office with regard to voting district lines to make sure none of the voting district lines were compromised with the new precinct lines. I told her at that time that one of my chief deputies, Linda Freeman, would be free to do that. I would be on vacation for the next week, and I was on vacation for the next week, and that's the last I heard of it. No one from GIS ever contacted anyone in my office. No one from the Commissioners office subsequently contacted anyone in my office. That was the entire extent of our conversation. What I'm saying right now, basically, is, well, I would like to point out a couple of other things, the last time this was done in 1991, I personally, on Sunday, delivered the final maps to the Republican party chairman at her home.

Madelyn Grayson: Mr. Jeffers, can I make a quick tape change please?

Bill Jeffers: Yes.

(Tape Change)

Bill Jeffers: Thank you. I don't think that was done this time. We made absolutely sure that no precinct lines crossed any existing voting district lines. I don't think that was done at this time. In fact, I think there's at least two proposed precincts which cross voting district lines, and that compromises approval by the Election Commission in Indianapolis. So, in closing, basically, I would just like to say that I don't think it's a finished order. I would suggest that it needs some revision, and, specifically, I think it should address economically disadvantaged and transportation challenged voters to make sure that we do not discourage anyone from participating in the process. Thank you for your time.

President Crouch: Thank you, Mr. Jeffers. Question, and you may not know the answer to this, this may be an attorney question, are you, is the Surveyor legally required to be involved in the redrawing of precinct lines? I just, I'm not—

Bill Jeffers: No, Ma'am.

President Crouch: Okay.

Bill Jeffers: The Commissioners can appoint anyone they wish. I was just pointing out that if the Surveyor had been involved those two voting district lines would not have been compromised by the order you have in front of you. Thank you.

President Crouch: Would you, excuse me, Mr. Jeffers, do you care to share with this Commission which precincts you believe do not comply with the—

Bill Jeffers: I can't recall those from memory, but I'm sure that the Election Commission will make you aware of those.

President Crouch: Thank you for your help.

Bill Jeffers: Yes, Ma'am.

President Crouch: Is there anyone else that cares to comment? If you have any new information, we would be happy to hear it at this point in time.

Rob Faulkner: Thank you, President Crouch. I'm Rob Faulkner, I'm here again representing the Vanderburgh County Democratic Central Committee. We had submitted a letter which contained a proposal to help address the concern about overcrowding at the polls. I'm not going to go through that, that's already part of your record. So, except to say that we understood at that time that the task was to address the problem of overcrowding with a minimal fiscal impact. I understand today that the parameter is to save money on elections. So, that's changed a little bit, but in any event the proposal is what it is, and I would point out that our understanding of the funds that are going to be coming in from the Evansville Plating Works is that those funds are not currently budgeted for any purpose, so that would certainly provide an opportunity for some potential funds for addressing this through accumulating some additional equipment, which would avoid creating the hardship in the economically disadvantaged and minority areas in our city. What I'm going to address today though is the context in which all this is being done. I mean, if you look at what's coming at us from Indianapolis, we have a new requirement that people have to show a picture I.D. to vote, but on the other side of the ledger, the same party and the same folks are closing down license branches which will have the effect of making those I.D.'s harder to come by.

President Crouch: Do you have a point to make about the actual material we have before us?

Rob Faulkner: Sure, and I want to make a parallel comparison to what's happened in Ohio. Prior to the Ohio general election in 2004, there was—

President Crouch: Can you have your remarks addressed to these precincts that we're looking at today, any comments that you have on that.

Rob Faulkner: Well, I mean, I was attempting to address that, but in the context of a larger strategy which involves suppression of voter turn out. If you don't want to hear it.

President Crouch: I think we all understand it. We've heard that before, particularly when other people have appeared and have spoken.

Rob Faulkner: But, again, we just think it's part of a larger strategy to, in fact there's a word for it, it's called precinct compression, which is to make it more difficult for folks that are economically disadvantaged, and who have less control over their schedules to vote. Basically, that was all we had to add to our earlier record that we've made. Thank you.

President Crouch: Thank you, Mr. Faulkner.

Commissioner Nix: Does Mr. Utley want to speak to any of these issues?

President Crouch: Mr. Utley, do you care to comment on anything that's been presented?

Gregg Utley: No, not at this time.

President Crouch: Alright.

Commissioner Musgrave: Motion to approve the recommendation, minus any polling place changes that has been presented to us by the committee today.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Next item on our agenda is the—

Commissioner Musgrave: Madam President? I want to make sure that you understand that my motion included the resolution that is legally required to—

Ted C. Ziemer, Jr.: Actually, Commissioner Musgrave, it's an order establishing precincts.

Commissioner Musgrave: Oh, well, why don't I go ahead and make a motion to adopt the order as well, as drawn up by the attorney for submission.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Women's Equality Day Proclamation
--

President Crouch: Next item on our agenda is Women's Equality Day proclamation. There is a breakfast at 7:30 this Thursday at the Executive Inn. It's to recognize the fact that women and men gave women the right to vote. So, if I may just kind of read the proclamation, if it pleases the Commission.

“Whereas, many decades of efforts by women and men were required to give women the right to vote—

(Interruption by someone in the audience.)

President Crouch: Excuse me?

Connie Carrier: Sorry.

President Crouch:

“Whereas, 156 years ago the first women’s rights convention took place in Seneca Falls, New York; and Whereas, the observance of August 25th not only commemorates the passage of the 19th Amendment, but also calls attention to women’s continuing efforts towards full equality for all citizens regardless of race or sex; and Whereas, the women of Vanderburgh County are to be commended for their achievements and supported in their organizations and activities, NOW, THEREFORE, BE IT RESOLVED, the Vanderburgh County Board of Commissioners does hereby proclaim August 25, 2005 WOMEN’S EQUALITY DAY, 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.”

If we may have a motion to accept that proclamation.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Again, there is a 7:30 breakfast this Thursday at the Executive Inn. It’s ten dollars per person. Anyone interested in attending should contact Lezlie Simmons at 428-8203, or slezzie@hotmail.com. We hope there is a good turn out to celebrate this event.

County Engineer

President Crouch: Department heads. At this time any department head who has any business that requires action by this board should appear at this time. County Engineer?

John Stoll: First I have some additional right-of-way offers on the Green River Road project that need to be approved. The first one is parcel one, the amount is \$2,400, and the owner is Pontones; the second is parcel eight, and the offer amount will be \$6,600, and the owner is Schnepfer; and the third one is parcel ten, the offer amount will be \$4,200, and the owner is Hames. I would like approval to proceed with making those offers.

Commissioner Nix: Move approval of those three items.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Second, I have a change order on the Lynch Road project, this would be for an increase of \$5,280. This will be to install some inlets and some pipe, storm drainage pipe along Old Boonville Highway at the Lynch Road intersection. I would like to request to make that change. Basically, that will replace what was designed originally as an open ditch.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, third, I would like to request approval to overrun the quantity of work on the concrete street repair contract in Brookview Subdivision. This is in response to some complaints that Mike Duckworth had received about the condition of the pavement out in Brookview. After looking at it, Tom Goodman in my office went back and looked at some other areas, he came up with additional work that would be in the neighborhood of \$30,000 to \$35,000. So, I would like to request approval to overrun that, and then we'll bring in a change order at the tail end of the project.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: Let me just say on that issue, I think the road hearings we had early this year addressed, and I think this is one of the very few changes, things that we've had to add to our projects. So, I think that that's a good sign that we were well prepared going in, and we've spent very little money over and above what we had planned on spending on the projects. So, I think it's worked out well.

Commissioner Musgrave: This is in, is it Buchanan Estates?

John Stoll: Brookview.

Commissioner Musgrave: Brookview? Will you be doing all the work in Brookview this year? Or some this year, some perhaps later?

John Stoll: It looks like some this year, and some again next.

Commissioner Musgrave: Okay.

John Stoll: There will be additional areas, but here again, we can do another comparable contract next year. The funding we have, I'm not going to say we're pushing the limit of what we have available this year, but until we get further into it, I would be reluctant to keep adding until we know exactly where things stand.

Commissioner Musgrave: But, you're keeping notes for the road hearings for next year?

John Stoll: Yes.

Commissioner Musgrave: Okay, thanks.

John Stoll: The last item I have is the cover sheet for the Kentucky Avenue Bridge rehab plans. It needs the Commissioners signatures. This is for the design that Bernardin Lochmueller's working on. This consists of the deck patching and concrete deck overlay of the bridge on Kentucky Avenue located south of Mill Road. I just request approval to get your signatures on that.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Hopefully, if things keep progressing as planned, we should get that project out for bid next month. Then, hopefully, get the construction completed by the end of this year. That's all I have, unless you had questions on anything else.

President Crouch: Thank you very much, Mr. Stoll.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

Marissa Nichoalds: Nothing to report.

President Crouch: Was there a lease that we were supposed to add to the consent agenda?

Marissa Nichoalds: There was a late surplus request from Area Plan to add.

President Crouch: So, we need to amend our agenda to include that.

Commissioner Musgrave: Move to amend the agenda to include the Area Plan surplus notice.

Commissioner Nix: And that was on consent items?

President Crouch: That's correct.

Commissioner Nix: Okay. Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Attorney

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: We have a contract between the county and Simplex Grinnell Fire Alarm Company for the provision of fire alarms and fire alarm service in the Old Courthouse. We've reviewed the agreement and find it satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Let me just check something here. We have an agreement that is proposed to be entered into between the county and Youth Resources. It's actually a grant, and under the terms of this they are granted \$20,000. That is paid out in quarterly amounts. Let me make sure of that.

President Crouch: I think that is correct.

Ted C. Ziemer, Jr.: Yeah, just a second. That's right. Then they provide service for the youth of Vanderburgh County and coordinate activities of a teen advisory council. We find that agreement satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: We have an SBC connectivity agreement for prime service at the jail. The agreement is for a consideration of \$490 a month during the term of the agreement, and a 36 month term was selected. In as much as there was a fairly

substantial price break by doing that instead of the one year contract that we ordinarily strive for. The agreement is satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I apologize. I was opening bids, did we do the sign ordinance?

President Crouch: Yes, we did.

Ted C. Ziemer, Jr.: Okay, good. We've done family and children?

President Crouch: Yes.

Ted C. Ziemer, Jr.: The only other thing I have is a proposed resolution regarding the adoption of another resolution by the Town of Darmstadt for the runoff drainage policy of Vanderburgh County to apply to Darmstadt. I see that Bill Jeffers has that under his agenda. So, if you want to wait for that. You could act on it.

President Crouch: Does it require the action of the Commissioners, in which case we need to do it here, since it does have to do with a resolution?

Ted C. Ziemer, Jr.: You know, actually, I apologize. That one is for and let me just check, I think it's done for the Drainage Board, but let me—

Madelyn Grayson: I have it here, Mr. Ziemer, it has Vanderburgh County Drainage Board.

Ted C. Ziemer, Jr.: Drainage Board, right. So, we have to do it at that time.

President Crouch: Alright.

Ted C. Ziemer, Jr.: Okay, that's it. Thank you.

President Crouch: Thank you.

New Business

President Crouch: New business?

Old Business

President Crouch: Old business? The only old business I have is that there will be a district meeting next Tuesday from 5:30 to 6:30 at the 4-H Center. The purpose of this meeting will be to take input and hear comment from the public regarding time

zones. So, we hope that that will be well attended, and that the public will indicate to the County Commission the time zone that they prefer to be in.

Commissioner Nix: I didn't know if you wanted to add that we will not have a Commission meeting next Tuesday.

President Crouch: That is correct. It is the fifth Tuesday of the month, so, we will not be having our regular Commission meeting.

Commissioner Musgrave: I'm sorry. Did you want to go over the time zone process? Maybe they need to know that the Commissioners would have to ask to change our current status.

President Crouch: We currently are on Central zone. If we, in fact, if an overwhelming amount of the public indicates that they want to switch to another time zone, which would be Eastern then, the County Commissioners have the authority to petition the Department of Transportation. If in fact it's determined that we are to stay on the same time zone based upon the public's input, the Commissioners do nothing. So, we hope to have a clear indication, I kind of think I know what it might be, but we hope that the public will come and share with us their thoughts on that process. That will also be at the auditorium.

Commissioner Musgrave: The auditorium?

President Crouch: At the 4-H Center, correct. Any other old business?

Public Comment

President Crouch: Public comment, this is an opportunity for members of the public to comment to the Commission about business that we have authority over. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Move to approve the consent items as earlier amended.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will commence with the Drainage Board meeting shortly.

(The meeting was adjourned at 4:32 p.m.)

CONSENT ITEMS:

Employment Changes:

Health Department (1)	Supt. Of Bldgs. (1)	Burdette Park (2)
County Clerk (2)	Recorder (2)	Prosecutor (1)
VCCC (1)	Circuit Court (1)	

Travel Requests:

Auditor (1)	Commissioners (1)	Health Department (3)
SWCD (1)		

Auditor: Surplus letter: bookcases.

Health Department: Surplus Letter: Ford Taurus station wagon.

Commissioners:

INDOT Ten Year Road Construction Letter.

Department Head meeting notes: 8/16/05 (No meeting was held.)

Recorder: Surplus letter: aperture card readers.

Treasurer: Monthly report: July 2005.

Superintendent of County Buildings: Surplus letter: computers.

Weights & Measures: Monthly report: July 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	Marissa Nichoalds
Madelyn Grayson	Theo Boots	Abbie Garrett
Albert Colwell	Steve Barthlome	Joseph Easley
Dannetta Hiatt	Rob Faulkner	Phil Lawrence
Bill Pedtke	Gregg Utley	Bill Jeffers
John Stoll	Connie Carrier	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING
August 30, 2005**

The Vanderburgh County Board of Commissioners met in special session this 30th day of August, 2005 for the purpose of hearing public opinion on time zone preference for Vanderburgh County. The meeting was held at the Vanderburgh County 4-H Center Auditorium and was called to order at 5:39 p.m. by President Suzanne Crouch.

Opening Statements:

Senator Greg Server: He gave an explanation of the process for a county to petition the U.S. Department of Transportation for a time zone change. The deadline for filing this petition is September 16, 2005.

Representative Dennis Avery: He made some comments about what the statute passed by the legislature did. Representative Avery also commented that his constituents have always been behind Southwestern Indiana remaining in Central daylight savings time from the comments he has received.

Speakers:

Name	Central Time Zone	Eastern Time Zone
Jim Edrington	X	
Cathy Edrington	X	
Elaine Rose		X
Nancy Burns	X	
Doug Petitt		X
Frank Daugul	X	
Bob Plymire		X
Frankie Niedhammer	X	
Rosemary Ritchie	X	
Russ Seiler	No preference for time zone but thinks whole state should be on the same time.	

Central time zone favored 6-3 with one speaker indicating no preference.

Closing Comments:

Commissioner Musgrave: She commented that she did not see a groundswell of support from the public for one time zone or the other at this time.

Senator Greg Server: The County Executive can hold public hearings regarding changing time zones any time it wishes, but the deadline for filing a petition for this year to the U.S. Department of Transportation is September 16, 2005.

Commissioner Nix: He encouraged the people present at the hearing to get the word out that the Commissioners are still interested in hearing from the public on how they feel on this issue.

President Crouch: She made the comment that there doesn't seem to be a lot of support for change at the present time. She agreed with Commissioner Nix that the County Commission would be receptive to additional comments from the public. She also mentioned that a local radio station conducted a poll that morning, and of the 40 listeners calling in, all were in favor of Central time.

Comments ended at 6:20 p.m. The public hearing was adjourned at 6:30 p.m.

Those in Attendance:

Suzanne Crouch

Bill Fluty

Madelyn Grayson

Elaine Rose

Frank Daugul

Frankie Niedhammer

Members of Media

Cheryl Musgrave

Greg Server

Jim Edrington

Nancy Burns

Bob Plymire

Russ Seiler

Bill Nix

Dennis Avery

Cathy Edrington

Doug Petitt

Rosemary Ritchie

Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Notes taken by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 6, 2005**

The Vanderburgh County Board of Commissioners met in session this 6th day of September, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the August, or, excuse me, to the September 7th County Commission meeting. We will start with introductions to my far right.

Keith Vonderahe: Keith Vonderahe, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of August 23, 2005 Commission Meeting Minutes & August 30, 2005 Time Zone Hearing Meeting Minutes

President Crouch: Our first item is approval of prior minutes.

Commissioner Musgrave: Move approval of the August 23rd Commission meeting minutes, and the August 30th time zone hearing minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Advertise:
VC-41-2005: Furniture for New Jail
VC-42-2005: Jail Inmate Uniforms
VC-43-2005: Lockers for New Jail
VC-03-2005: Burdette Park Chalet Construction**

President Crouch: Action items, our first has to do with Purchasing, we have a number of permission to advertise, and we have Mr. Phil Lawrence here with us.

Phil Lawrence: Chairman Crouch, Commissioner Nix, Musgrave, I would like to ask your permission to advertise VC-41-2005, furniture for the new jail; VC-42, jail inmate uniforms; VC-43, lockers for new jail; and VC-03-2005, Burdette Park chalet construction.

Commissioner Nix: Move approval for permission to advertise.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Lawrence.

Phil Lawrence: Thank you.

EMA: Homeland Security Deposit Compliance Agreement

President Crouch: Next item, contracts, agreements and leases. Our first is EMA Homeland Security direct deposit compliance agreement. I believe this is just to allow the state to deposit money here within the county.

Commissioner Musgrave: Move approval of the EMA Homeland Security direct deposit compliance agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Sheriff: 2005 STOP Grant Agreement

President Crouch: Next, Sheriff 2005 STOP grant agreement. This is just a renewal.

Commissioner Musgrave: Move approval of the STOP grant agreement.

Commissioner Nix: Second.

President Crouch: It has kind of a funny ring to it.

Commissioner Musgrave: Yeah, we don't want them to stop the grant.

Commissioner Nix: Keep them coming.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

SIGECOM Agreement for Jail and Civic Center
--

President Crouch: SIGECOM agreement for jail and Civic Center.

Commissioner Musgrave: Move approval of the SIGECOM agreement for the jail and the Civic Center.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Impact Christian: Old Courthouse Event Lease Agreement

President Crouch: Superintendent of County Buildings, Impact Christian, Old Courthouse event lease agreement. I believe this is just a standard agreement.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Evansville Plating Works Purchase Agreement Addendum

President Crouch: County Commissioners, Evansville Plating Works purchase agreement addendum.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

First and Final Reading of Ordinance Concerning Military Leave

President Crouch: Next item on our agenda, an ordinance concerning military leave. As the Commissioners realize our current personnel policy only addressed short term military leave, well, it also addressed the long term, but in short term it would make up the difference between the pay that they receive from the military or the National Guard and then we would pay, the county would pay whatever it took to get them at their county level. But, it did not provide that benefit for long term military leave. If you notice in your pink slips today, we have a pink slip from the Sheriff's Department for someone who was called up to the National Guard to work down in New Orleans. We also have one for someone who's been called up to military duty. Amending this ordinance will allow us to go ahead and supplement their military pay up to the level that they would receive if they were here working full time. I think this is a benefit that we should be doing for the families that are sacrificing as a result of their loved ones going away, but also provides for continued insurance benefits for that individual. They would pay their portion, the county would pay their portion for 18 months. It also allows them to continue accruing their time, and will allow them to accrue their longevity, so that when they return they will have no loss of benefits. So, if it's the pleasure of this Commission we could waive the second reading.

Commissioner Musgrave: Motion to waive the second reading of the ordinance concerning military leave.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, a motion for first and final reading?

Commissioner Musgrave: Do you have to do a roll call vote on that?

President Crouch: I'm sorry, you're absolutely right. Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes.

Commissioner Musgrave: And a motion to pass the ordinance concerning military leave.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Before we do roll call vote, is there anyone who cares to speak to this ordinance? We got a thumbs up from deputy, Chief Deputy Eric Williams. So, it's something that will help them I'm sure, and help the officers that have been affected. Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes on first and final reading.

<p>Public Hearing/First Reading of Ordinance for the Vacation of a Platted Sanitary Sewer Easement in Daylight Industrial Park</p>

President Crouch: Next, ordinance, a public hearing for Daylight Industrial Park, and this is a first reading. We have Mr. Ziemer with us. Boy, you've really gotten younger.

Commissioner Nix: And a lot better looking.

Ted C. Ziemer IV: I'll tell him you said that. I'm here on behalf of E.F. Transit. Basically, what's happened is Dan Buck Development owned the land on lots five and six, which had the easement right between the lots, which was for the purpose of providing sewer access to land to the southwest of the southwest corner of lot six. It was just a sewer easement just for that property owner. Dan Buck subsequently sold the land to E.F. Transit, our client, and as a condition they needed to vacate the easement. They have already granted a replacement easement, so that TSRH still has access to the sewer, rendering the original easement, basically, useless. No one is using it. We've gotten no complaints, so, if anyone has any questions.

Commissioner Musgrave: Motion for the Daylight Industrial Park first reading ordinance.

Commissioner Nix: Are we going to waive the final then?

President Crouch: No, I believe we'll have the final next week.

Commissioner Nix: Okay, second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Is there anyone who cares to speak to this ordinance? Seeing none. Roll call vote, Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes on first reading. We'll have second and final reading next week, is that correct?

Ted C. Ziemer IV: Yep. Thank you very much.

President Crouch: Thank you very much.

Health Department: Hurricane Katrina Effort Request

President Crouch: Health Department, hurricane Katrina effort. This is a request by the Health Department to allow us to, for the Commission to allow Health Department employees to be deployed to New Orleans or wherever they're needed to assist with the relief effort. There would be no cost to the county. Obviously, we would continue to pay their salary, but the travel cost would be picked up by FEMA, and the salaries could be either fully or partially reimbursed at some point in time. But, this will allow them to travel out of the county to assist in that effort.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Change Orders:
Community Corrections: \$19,684
Jail Construction: \$137,456**

President Crouch: Change orders.

Commissioner Nix: Yes, for community corrections we have change order number four, excuse me, and it amounts to quite a few different things, VCCC one, two, three, four, five and six, some additional power work, rework some base cabinets, hand railings, some signage, additional room signage in the maintenance office and some piping changes. It's, once again, for the community corrections, change order number four for \$19,684. I make a motion that we approve this.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: The second one is for jail construction, change order number five. What it amounts to is some sheet metal covers. It's a pretty extensive change order for piping covers in the eight man cells, day rooms and showers located in

Pods A and B. It's for a lump sum amount of \$137,456. I recommend approval of this.

Commissioner Musgrave: That's a motion?

Commissioner Nix: In a motion, yes.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. How are we doing with that?

Commissioner Nix: Things are going real good. I have not talked to the people from Shireman, I guess, in the last few days, but I did a site visit about a week ago, and the front area is going to be punched out, I believe, within the next couple of weeks. We're down to a lot of trim out items, the painting is progressing, our painters are working second shift. It's really coming together well. There's some more site work that's going to start soon. I talked to the paving contractor just a little while ago, and they're looking at paving late September, having all the paving complete.

President Crouch: On time?

Commissioner Nix: On time.

President Crouch: Under budget?

Commissioner Nix: Under budget.

President Crouch: Good deal.

<p>Waiver of Rental Fees for the Centre: Girls in Bloom & Southwestern Indiana Law Enforcement Academy</p>

President Crouch: Use of Centre, waiver of fees, we have two requests, one from Girls in Bloom and one from the Southwestern Indiana Law Enforcement Academy. In the past we have approved those, we have waived that, but we have required them to pay Teamster overtime.

Commissioner Musgrave: Motion to approve, leaving in tact the Teamster overtime as an obligation of these entities.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Burdette Park

President Crouch: At this point in time any department head that has business that requires action by the Commission would appear. Burdette Park? Mr. Steve Craig.

Steve Craig: Steve Craig, Manager of Burdette. At this time I would like to request going forward with the Burdette Park master planning of the aquatic center's landscaping and parking lots. I will take this, if you give me permission tonight, we'll give it to the County Attorney for his approval, and then we will proceed from there.

President Crouch: So, you'll bring back an agreement at some point in time in the future?

Steve Craig: Yes, Ma'am.

Commissioner Musgrave: Motion to approve.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Steve Craig: Thank you.

President Crouch: You're welcome.

County Engineer

President Crouch: County Engineer.

John Stoll: First I would like to request approval to advertise a notice to bidders for the rehabilitation of Kentucky Avenue Bridge number 1110. The bids would be opened on that project on September 27th. I've been in discussion with the City Engineer, and their project on Stringtown Road should be complete by then. So, we won't have any overlap between their road closure and then our closure on Kentucky Avenue.

Commissioner Nix: I guess, we've got a way to build that in, if we can work with whoever is the low bidder or the winner of the bid that we would coordinate those so that the two wouldn't conflict then?

John Stoll: Yes.

Commissioner Nix: We'll make sure that that happens? Okay.

John Stoll: We would potentially be awarding the bid on October 4th, and usually it takes a week or so to get the bond and certificate of insurance in. So, I would suspect that it would probably be the second week of October before our project would get going. It's slated for completion by the end of this year. If the city's project stays on schedule, we should be in good shape.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Second, I would like to request approval of a supplemental agreement for construction inspection on the Mt. Pleasant Road project. The agreement is for the amount of \$47,600, and it's with American Consulting. I had the County Attorney review the agreement last week, and he said the format was acceptable from a legal perspective. The primary reason for the need for the supplemental agreement is due to the fact that the project looks like it will probably be getting finished between mid to late November, as opposed to the end of October like was originally anticipated. There was also an issue where there was some extra overtime done on the inspection during the course of the contractor's work so far this year. That helped use up some of the hours, but those two things combined necessitated the supplemental agreement.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item I have is a street acceptance request for Tutor Lane. This is for 217 feet of Tutor Lane. This is north of Florida street, it's out behind the GFS grocery store off Burkhardt Road.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: Questions? Thank you.

John Stoll: Thanks.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings?

B.J. Farrell: I have nothing this week.

County Attorney

President Crouch: County Attorney?

Keith Vonderahe: It looks like the only matter I had has already been dealt with in the contracts, leases and agreements. So, I too have nothing to report.

Board Appointments

President Crouch: Board appointments, we do have some appointments to the Redevelopment Authority. This board has a meeting scheduled for September 23rd. I do have an appointment, Matt Meadors.

Commissioner Musgrave: And I would like to suggest Dan Carwile.

Commissioner Nix: I do not have an appointment at this time. I guess, I need to do that then before....when is their deadline on that?

President Crouch: September 23rd is their meeting.

Commissioner Nix: Okay.

President Crouch: Hopefully, by next week.

Commissioner Nix: I'll get somebody then. Okay.

President Crouch: Motion?

Commissioner Nix: I'll get on that.

Commissioner Musgrave: Motion to approve the two nominees.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

New Business

President Crouch: New business? The only item is we received a call today from Fox 7, they are doing a telethon to raise money for hurricane Katrina victims, in that effort, relief effort, and they would like the County Commissioners to answer phones.

They will be doing this telethon on Wednesday, Thursday and Friday of this week, and it will be televised live on their 6:00 and 9:00 news. I signed up for Wednesday, so, if you all would want to call Fox 7 and schedule a time, I'm sure that they would be happy to have you all there.

Commissioner Nix: I'm on board for Thursday from 5:30 till 7:30.

President Crouch: Okay.

Commissioner Musgrave: I just got the message before the meeting, so, I'll call.

President Crouch: You'll call and schedule, great. I'm sure that if anyone else from the public wanted to assist in this they would be more than happy to have them.

Commissioner Musgrave: Know that I am out of town on Friday. So, it will be difficult for me to do that, but I'll have to—

President Crouch: I imagine they'll allow two of us at one time.

Commissioner Musgrave: Okay.

President Crouch: Maybe, we might have to notice the media. Any other new business?

Old Business

President Crouch: Old business?

Commissioner Musgrave: Coffee with the Commissioners, this Thursday morning from 8:00 a.m. to 9:00 a.m. over at the Centre. We hope to see all the office holders, department heads, and board appointments that the Commissioners make at that meeting just to catch up on what's on everybody's plate, and see how we can help each other move forward.

President Crouch: Great.

Commissioner Nix: Good.

President Crouch: And County Commissioners department performance committee. The efficiency study had indicated that one of the things that we as a county should do is we should develop performance standards for our departments. I mentioned this a few weeks ago, and Jim McKinney from Regency Property has agreed to chair that committee. The time line is to try to get other people on board and look at what's available out there, and then make a recommendation to the Commissioners before year end. So, if the two Commissioners could consider someone that they would like to have on that committee, then Mr. McKinney was also going to suggest a couple of names, and we're looking at about five, you know, six people to be on that. Then they can go ahead and move forward. So, perhaps next week you can come back with a name, and you can come back with two names, Commissioner Nix.

Commissioner Nix: Yes. I will.

President Crouch: Okay, any other old business?

Public Comment

President Crouch: Public comment, this is an opportunity for the public to comment to the Commissioners on any issue that the Commissioners have any authority on. Is there anyone here? Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Motion to approve the consent items as listed.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Have a good day.

(The meeting was adjourned at 3:48 p.m.)

CONSENT ITEMS:

Employment Changes:

Recorder (1)	Scott Township (1)	Supt. Of Bldgs. (1)
Veterans Service (1)	Perry Assessor (1)	VCCC (8)
Center Assessor (2)	Circuit Court (4)	Pigeon Assessor (1)
Sheriff Dept. (5)	Auditor (6)	Surveyor (1)
County Clerk (1)		

Travel Requests:

Auditor (1)	Commissioners (3)	Treasurer (1)
Health Dept. (8)	SWCD (1)	

Auditor:

Financial Statement-August 2005.
Surplus Letter-Monitor & Typewriter.

County Clerk: Monthly report-July 2005.

Commissioners:

Council Call-Transfer Request.
IBAP Gatekeeper monthly report-August 2005.
Jail Construction Payments: No. (67): \$598,018.02 & No. (68): \$54,577.80
Department Head Meeting Minutes: August 23, 2005

Purchasing: Monthly report-July 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Keith Vonderahe	B.J. Farrell
Madelyn Grayson	Phil Lawrence	Ted C. Ziemer IV
Steve Craig	John Stoll	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 13, 2005**

The Vanderburgh County Board of Commissioners met in session this 13th day of September, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, September 13, 2005. We will open our meeting with introductions, and we will start to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

President Crouch: Would you please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 6, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Permission to Open Bids: VC-40-2005: Jail Radio

President Crouch: Our first action item is Purchasing, we have a permission to open bids. This is VC-40-2005 for jail radio.

Commissioner Nix: So moved.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Do you have those bids, Mr. Ziemer?

Ted C. Ziemer, Jr.: I do.

President Crouch: Alright. We will come back to you later.

Permission to Award Bids: VC-39-2005: ADEC Jail Dental Equipment

President Crouch: We also have permission to award bids, VC-39-2005 ADEC jail dental.

Commissioner Nix: Move approval to award bid VC-39-2005 ADEC jail dental.

President Crouch: Okay, and do we have a low bidder before we—

Linda Nalley: Yes. I'm Linda Nalley, I'm with the Purchasing Department. I'm filling in today for Phil Lawrence. The low bidder for VC-39-2005, ADEC dental equipment, Nashville Dental at \$45,394 is the low bidder.

Commissioner Musgrave: Second the motion to award.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Linda Nalley: Okay, thank you.

President Crouch: Thank you, Ms. Nalley.

**Superior Drug Court: Professional Services Agreement:
Brandon Harrison**

President Crouch: Next item is contracts, agreements and leases. We have just one agreement today, it's between Superior Court and Brandon Harrison, and this is for professional services, I believe provided to the drug court.

Commissioner Musgrave: I'll move approval of the Brandon Harrison professional services contract.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Second/Final Reading of Ordinance to Vacate a Platted Sanitary
Sewer Easement: Daylight Industrial Park**

President Crouch: Next item is the ordinance, public hearing for the Daylight Industrial Park, and this is our second and final reading. Are there any questions regarding this? Are there any remonstrators here to remonstrate against this particular ordinance? Seeing none.

Commissioner Musgrave: Motion to approve the Daylight Industrial Park second and final reading.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We'll have roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: I vote yes. That passes.

Levee Authority Resolution

President Crouch: Next item on our agenda, levee authority resolution. This actually is a resolution that was passed unanimously by County Council and City Council previously. Essentially this resolution removes the Levee Authority budget from the levy of Vanderburgh County government, permitting the Authority to have it's own separate levy. Now state law allows for this action and further requires that the Levee Authority budget still be reviewed at the joint budget hearing of the City and County Councils, just as it is now. The State Department of Local Government Finance will also still be involved in the review and approval process. This was the process that was recommended to us in order to allow the Department of Government Finance, Local Government Finance to consider doing this. It does not in any way ensure that it will happen, but this process will at least allow them to consider removing that, and then they look at and consider all of our other budget information. Ideally, this will also allow the Levee Authority the ability to respond in a quicker fashion should our community experience a disaster relating to the levee. So, having said that, are there any comments by the Commissioners? Mr. Ziemer, I believe you were involved initially.

Ted C. Ziemer, Jr.: Yes. I was contacted by the Department of Local Government Finance with the suggestion—

Commissioner Musgrave: You turned your mic. off.

Ted C. Ziemer, Jr.: —with the suggestion that we should obtain letters consenting to this from the City Council, County Council and the County Commissioners. Given

the fact that the Levee Authority is going to a separate levy of it's own, if this consent is granted, we felt that rather than just have a letter signed by the President, we should have resolutions adopted by the County fiscal body, and the County Commissioners, and the City fiscal body. So, I believe the City and the County Council have already adopted resolutions similar to this, and you now have the county resolution before you today.

President Crouch: Motion?

Commissioner Nix: I move approval of the levee authority resolution.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. That passes. Then, I presume, Mr. Fluty, you will be sending this on to the Department of Local Government Finance, along with all of our other budget information?

Bill Fluty: That is correct.

President Crouch: Then they will consider whether to allow that to happen or not, correct?

Bill Fluty: That is correct.

President Crouch: Okay. Thank you very much.

Board Appointments

President Crouch: Next on our agenda, board appointments. I believe we do have an appointment to the Redevelopment Authority.

Commissioner Nix: Yes, we do. I would like to make a motion we approve Mark Pettinga as a new member of the Redevelopment Authority.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. They will have a meeting, I believe on September 23rd, is that correct, Mr. Ziemer?

Ted C. Ziemer, Jr.: Actually, I'm advised that we could not get a quorum of the Redevelopment Commission on the 23rd. I learned that today. So, I'm going to contact the individuals from Indianapolis, bond counsel and Fifth Third bank to see if they are available on the 22nd. If they are, we'll have the meeting on the 22nd. If they're not, we will reset.

President Crouch: Okay, thank you.

New Business

President Crouch: Any new business?

Commissioner Musgrave: Yes. I have been working with the Superintendent of County Buildings and the County Highway garage regarding a property that the Commissioners hold the deed for at 600 Jefferson. I would like to congratulate the Highway Department for successfully clearing out the tangled growth at this property. It took I believe two days and a great deal of heavy equipment on this 37 by 120 foot lot that has a house and a garage on it as well. This property has now had the weeds and other trees taken down. The Department of Metropolitan Development sent a building inspector to the property to examine the structure for it's sound worthiness, I suppose, and they have issued a recommendation to raze the property. In fact, they put a time line of within 30 days on it. Ms. Farrell and I spoke with the Building Commissioner today, Roger Lehman, and although he does not normally assign his funds for the demolition of residential property, he has agreed to use those funds to demolish this on the county's behalf. As you know, that's a city-county department, and the funds, I believe are 50-50 for that. So, he has agreed to get that process started tomorrow, to get that property leveled and cleared. Then we can move forward with it and sell it along with a group of other properties that Ms. Farrell and I are assembling. These are again properties that the county has title to, that we have the deed to those properties.

President Crouch: Okay.

Commissioner Musgrave: So, I do need your permission to raze that structure.

Commissioner Nix: So, that's in the form of a motion?

Commissioner Musgrave: That is in the form of a motion.

Commissioner Nix: I will second that.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you for your diligence on that. Board appointments. Oh, we did that.

Old Business

President Crouch: Old Business, yeah. County Commissioners department performance committee. I believe that each of the Commissioners should have an appointment to that.

Commissioner Nix: Yes, I would like to appoint Denny Quinn as my representative, or a representative.

President Crouch: Okay.

Commissioner Musgrave: And I surfaced two names. I thought I was supposed to find two.

President Crouch: Okay.

Commissioner Musgrave: That is Brad Mills the Area Plan and EUTS director, and Roger Lehman the Building Commissioner. They have experience with the new CityView program that is being installed, and I believe this will be of some value to the performance committee.

President Crouch: Great. Then the only other name is Andy Goebel has agreed also to serve on that committee. So, is that a motion for all of those?

Commissioner Musgrave: I make that a motion for all the names who just surfaced.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: Do we need to find one more then?

President Crouch: No, I believe with Commissioner Nix getting two that does—

Commissioner Musgrave: Commissioner Musgrave.

President Crouch: Commissioner Musgrave, I'm sorry.

Commissioner Nix: That's okay.

President Crouch: Then with Mr. McKinney that provides five members.

Commissioner Nix: Gotcha.

President Crouch: Which is what was suggested.

Commissioner Nix: That was the other one, okay.

President Crouch: Correct. I believe their time line is to meet sometime in October, and then to have a recommendation to the Commission before year end. So, they've got a pretty aggressive time table.

Commissioner Nix: Thank you.

President Crouch: Any other old business?

Public Comment

President Crouch: Public comment, this is an opportunity for the public to comment to the Commission on any business that this Commission has authority over. Don't everybody rush up. Seeing none.

Superintendent of County Buildings

President Crouch: Consent items.

B.J. Farrell: Commissioner Crouch—

President Crouch: Oh.

B.J. Farrell: – if I could—

President Crouch: I am so sorry. Superintendent of County Buildings.

B.J. Farrell: I just need to add to the consent agenda. I have spoken to Commissioner Nix about both of these items. One is a request by Phil Wolter to do some electrical adjustments in the basement at the Old Courthouse for his Halloween display. He has his permit on file, and it has been inspected. So, I ask that he be allowed to do that. And here are some documents with regards to the parking lot at the new Sheriff's jail out on 41. Mr., Commissioner Nix has also reviewed these and they are agreeable and satisfactory to him. So, I would like to submit those for the record and ask that they be approved.

Commissioner Musgrave: Motion to amend the consent items to include those items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Anything else, Ms. Farrell.

B.J. Farrell: I don't believe so.

President Crouch: Okay.

Reading of Bids from VC-40-2005: Jail Radio

President Crouch: Mr. Ziemer.

Ted C. Ziemer, Jr.: These are bids for radio equipment for the new jail. There is a bid from JES—

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: It ought to have a sign that tells you which way is on.

President Crouch: You're gone one week and you have to be retrained.

Ted C. Ziemer, Jr.: There is a bid from JES and Sons, Inc. for \$76,030; the second bid from Tri-State Communications for \$73,856.98; and a bid from Vincennes Electronics for \$75,330.80.

Commissioner Musgrave: Motion to take the bids under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

County Engineer

President Crouch: Mr. Stoll, County Engineer.

John Stoll: The only item I have is that I would like to request approval from the Commissioners to get with Bernardin Lochmueller and Associates to enter into an agreement for some supplemental inspection and testing on the reconstruction of Rosenberger Avenue. It's part of the Kohl's development that will be widened and raised. I contacted Bernardin Lochmueller and I don't have a letter as of yet outlining their hourly rates, but I would like your approval to proceed with that. So, that way in the interim between now and the next meeting if we need to get started with their services that I would have the authority to do so.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: That's all I have.

President Crouch: Okay.

John Stoll: Thanks.

President Crouch: Thank you.

Commissioner Musgrave: Is Rosenberger the one that was going to close—

Commissioner Nix: We're going to see what—

President Crouch: Oh, Mr. Stoll? Mt. Pleasant, I did get a call about several of the residents on Mt. Pleasant not being able to access their driveways. Are you aware of any problems that we have?

John Stoll: I spoke to the inspector this morning, and he only made me aware of one of those incidents. Basically, they were in the process of pouring the driveway approaches, and it was my understanding that the contractor had spoken to the one property owner and let him know that the driveway approach was going to be constructed which would limit his ability to get in and out. It was my understanding that that one property owner had okayed that. But, I know you had said that there were two others, and I'm not familiar with those as of yet. But, I can check into it. I suspect it's the same thing, that they're in the process of trying to do the driveway approaches, and if the contractor hasn't talked to the property owners, he probably should just to make sure that they're aware of the situation. The only other alternative would be that they would have to pour the driveway half at a time, which would take longer for all practical purposes. But, I can check into it.

President Crouch: Thank you.

Commissioner Nix: Back on Rosenberger, I would like to say that there's a good chance that we may close Rosenberger as early as Thursday right now, and that just depends on some things that we can get worked out with the contractor out there. But, I thought maybe just to make that public, and that we will notify through the County Engineer's office if that in fact is going to be closed. That's for some drainage work and new road work on Rosenberger itself.

Commissioner Musgrave: And we're looking at 21 days worth of closure?

Commissioner Nix: That's tentative right now. We're still talking to the contractor about that.

John Stoll: They'll also assign a detour route that will send the traffic down to Red Bank while Rosenberger's closed. So, like Commissioner Nix said, we'll send out that notification to the news media as well as school corporation and all the usuals that we send road closing notifications to.

President Crouch: Thank you, Mr. Stoll.

John Stoll: Thanks.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Motion to approve the consent items.

Commissioner Nix: Excuse me, was that part of the consent items?

President Crouch: Yes.

Commissioner Musgrave: Oh, to amend the consent items to include, oh, we already did that.

President Crouch: We did amend it, but–

Commissioner Nix: Yeah, I would like to abstain from this one consent item that's on here.

Commissioner Musgrave: Oh, which one is it?

Commissioner Nix: It's the contract here.

Commissioner Musgrave: Motion to approve the consent items with the exception of the contract for–

Commissioner Nix: It's the jail parking lot.

Commissioner Musgrave: –the jail parking lot.

Commissioner Nix: Yes.

President Crouch: Second? If you second, we're approving everything but the jail parking lot.

Commissioner Nix: I second that, excuse me.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And, now–

Commissioner Musgrave: Motion to approve the item on the consent agenda for the jail parking lot.

President Crouch: And I will second that. All in favor? Aye.

Commissioner Musgrave: Aye.

President Crouch: Opposed or abstaining?

Commissioner Nix: Abstain, yes.

President Crouch: Mr. Nix, Commissioner Nix does abstain on that one. So, that does pass also.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you very much.

(The meeting was adjourned at 3:46 p.m.)

CONSENT ITEMS:

Employment Changes:

German Assessor (1) VCCC (1) Superior Court (1)

Travel Requests:

County Highway (1) Health Department (1)

Center Township Assessor: Surplus letter: monitors.

Commissioners:

Community Corrections invoice #20: United Consulting: \$1,090.86

Energy Systems Group: Final Buyout: \$20,000

Jail Construction Payment #69: \$55,408.84

Vision-e Monthly Report: August 2005

Department Head Meeting Report: September 6, 2005

Auditor:

Submit A/P Vouchers

Surplus letter: modems.

County Clerk: Surplus letter: T1880 election printer.

Perry Township Assessor: Surplus letter: printer, calculator, typewriter.

Sheriff Department: Surplus letter: various vehicles.

Veterans Service: Surplus letter: copy machine.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Linda Nalley	John Stoll
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 20, 2005**

The Vanderburgh County Board of Commissioners met in session this 20th day of September, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Board of Commissioners meeting...the date's not on here, what is today's date?

Commissioner Nix: Today's the 20th.

President Crouch: September 20, 2005. Please join, or let us start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the September 13, 2005 Commission Meeting Minutes

President Crouch: Thank you. Our first item is approval of prior minutes.

Commissioner Musgrave: Move to approve the minutes of September 13th.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Presentation by Evansville ARC: Child Life Center Program

President Crouch: Action items, our first item is an opportunity for a board or a commission to come and update this board of what is going on with their group or

organization. We are honored and pleased to have with us today ARC. I believe Ms. Deidra O'Connor, Deidra Conner will be here to start. Thank you, Deidra.

Deidra Conner: Thank you for inviting us back. Today we're going to be talking about our children's programs. You've heard a little bit about our adult programs in the last six months, and we're going to focus on our children's programs today. When Evansville ARC began in 1954, it began as a program for children. There were approximately 17 kiddos in the community who's families wanted to keep them at home. They had mental retardation or developmental disabilities, and at that time the families were encouraged to take the children to a state institution and not include them here in the community. So, the ARC began with parents, at that time, for children, and at that time it was a broad range of kiddos ages three to eight years old. In 1991 we actually moved more into a true daycare/childcare facility, an inclusive facility for children with and without disabilities. We want to tell you a little bit about that today. Our center is located at 615 West Virginia Street, next to Deaconess Hospital. I have three guests with me today; Laurie Seals and Amy Lupfer, who are co-directors of the Child Life Center, and then one of our parents, Terri Miller, who would like to share her experience with you about Evansville ARC and the Child Life Center. So, Laurie will be presenting first to tell you a little bit more about what we do.

Laurie Seals: Hello, I'm Laurie Seals, I am the director of children's programs for the Evansville ARC Child Life Center. The Child Life Center is a licensed facility through the state of Indiana. We have an excellent reputation for providing high quality care to children of all abilities. We are also NAYCE accredited, and NAYCE basically stands for the National Association for the Education of Young Children. It's a pretty prestigious honor to have that accreditation. It basically took us about a year to prepare for the accreditation, and we are actually one of eight in the Evansville area that actually possess this award, and one of only two that have the accreditation that serves children with families with and without special needs. We have a highly trained teaching staff. All of our preschool teachers are licensed teachers in the state of Indiana, and many of our assistant teachers possess degrees in early childhood, elementary education, or special ed. We are an inclusive center, which means that basically we blend children with and without disabilities together. We serve children from six weeks of age to six years. Approximately, right now, 47 percent of our children are low income, and 40 percent of the population that we serve are identified as having some sort of disability or a developmental delay. Basically, the children with and without the special needs all receive the same programming. The curriculum is designed to fit their own needs. The teachers do just a wonderful job. At this time Amy Lupfer is going to come and talk more about the program.

Amy Lupfer: Hi, I'm Amy Lupfer, and I'm the director of special education services for the Evansville ARC Child Life Center. I'm going to talk to you a little bit about our curriculum and our philosophy, and how we work with our kiddos with and without disabilities. Really, the philosophy is based on brain research, and research that we have done in terms of what is best practices in early childhood education and special education. Basically, our philosophy is that children work through play. That's their work. Just like we go to work, that's their work. They learn through their play. We can imagine when a child is playing, everything is hands on. They're learning through their senses, the things they see, the things they hear, they things they touch. They use all of their senses. We really tap into that, and we use that as a tool for learning. We use a lot of repetition, and lots of experiences in our environment in order to stimulate learning and cognition, communication,

social/emotional growth, motor skills, self help skills. We just run the gamut of all developmental skills. Whenever we develop lesson plans, the lesson plans are extremely individualized. We look at each child's abilities, not their disabilities, but we look at their abilities as to what they can do, and we formulate those plans based on what their abilities are. So, from any given year, from any given day, the plans can look a little bit different. You can't just go by a cookie cutter year-to-year this is what we're going to do today. So, you have to mold that to each individual child. I wanted to talk a little bit about the hands on experiences and what you might see when you walk into our center. When you walk into like a two year classroom, for example, you might see a bunch of two year olds finger painting. You may say, oh, well they're just playing. Well, think what they're doing when they're finger painting. They're doing lots of things. They're feeling what it feels like, and think of the language that's involved with that, it's slimy, it's sticky, it's cold, it's wet. So, there's a lot of language ability in there. Think in terms of finger isolation, so you're working on fine motor skills. You can work on pre-writing skills with finger painting. So, there's lots of things you can do. In terms of whenever you're working with a child with a special need we make an accommodation so that child can be included. No matter what the need may be, that child will be included in every single activity. So, you will see, you'll see standers for children with some physical disabilities; you will see, when we're cutting you'll see modified scissors; you'll see a lot of one-on-one instruction. So, there's lots of adaptations that we use so that every child is included in every single activity. One other part of our program that makes us unique from any other program is that we have a contract with the Evansville Vanderburgh School Corporation for children three to five years of age with special needs. Those children come to us, they are bussed in, typically, to us, and our teachers are licensed teachers in the state of Indiana and are able to meet the needs of those children. So, it's a unique contract. It's a long standing contract that we've had with EVSC that we're very proud of. I am going to turn it over to Terri Miller now. She will be talking about Carson. Carson actually is a little one that is in our EVSC program and our child care program both. So, she'll be able to talk on that. Thank you.

Terri Miller: Good afternoon. Thanks for having me. My son Carson is four and a half years old, and after a perfectly normal pregnancy, two days after he was born we found out that he had had strokes before he was ever born. Basically, this caused, obviously, brain damage. The doctor told us that if it was a full grown adult that had this much damage they would lay looking at the ceiling for the rest of their life. So, we didn't know what to expect. It did cause hydrocephalus, which is basically retention of the spinal fluid on the brain. He's got a shunt that controls this. He obviously has cerebral palsy, and we kept him at home with my niece, she was 20 years old at the time, she stayed at home with him until he was 17 months old. His therapist and his pediatrician wanted him to get into a social setting with kids his own age and traditionally developing children, so that he could maybe do more. Pretty much, well when we took him to the Child Life Center he was laying on his back rolling, I mean, he would roll from side to side, he would laugh, he had emotions, laughing, crying, things such as that. Child Life Center is one of two day cares in the Evansville area that include their special needs children with their traditionally developing children. We toured both of them. Child Life Center was the second one we toured, but as soon as we walked in the door we knew that's where we wanted Carson to be. I mean, when you walk in, I mean, it's just bright and lively, I mean, you can see how any child would be happy there. We couldn't just take Carson to any baby sitter or in-home daycare or anything like that, because not only do they need the staff that can take care of him, we also needed someone that could, that had the room for his therapists, because at the time he had five

therapists, he was seeing them all at least two to three times a week. He's been at the Child Life Center for a little bit over three years now. My son, basically, I mean, he crawls now. He will walk with a walker. He's able to sit alone. His favorite game is peek-a-boo. If he starts playing peek-a-boo with you, you know he likes you. I just, I can't say enough about how great it is. I mean, I would hate to think that if I would have left him at home, just with adults and everything, I mean, these kids at the daycare, I look at it as, I mean, not only is my son benefitting from this, from the Child Life Center, the kids there, I mean, they've been with Carson most of their lives, or over most of their life, and they know he's different, but they don't treat him any different. I mean, they come in, they hug him, they kiss him, and it's just wonderful. I hate to think about the day that we have to leave there. So, I do have a picture of Carson. We were unable to bring him. He just loves the daycare so much that we didn't want to drag him out to boring adult stuff. So, I would like to pass this around to you guys.

Commissioner Musgrave: Thank you.

Deidra Conner: Not that we think this is boring adult stuff. I wanted to qualify that.

Commissioner Nix: Not at all.

Deidra Conner: Thank you for letting us come and visit you today. I know you have a busy agenda, but we're very proud of the services that we're able to offer for children and families. Thanks to the support from the County Commissioners we are able to do the services through the Child Life Center. One thought that I would like to leave with you, we have many success stories at the Child Life Center, Carson is definitely a success story, but we talk a lot about early intervention and working with children early, hopefully to help prepare them for school. Through our EVSC program we help approximately 40 children prepare for kindergarten each year through our therapeutic preschool program. Each year as we graduate children, close to half, or more than half of those children either need no services through special ed, or significantly reduced services due to the early intervention services at Evansville ARC. So, it does work. It is successful, and you guys play a critical part in that by providing funding to our agency. So, we thank you very much. You're welcome to come see the center any time, or schedule a time to come read to the kids before nap time.

Commissioner Nix: I need to do that again.

Deidra Conner: Which I think I have a commitment for that from Bill. So, please come by and see us, and thank you again.

President Crouch: So, do you have any openings, or is there a waiting list?

Deidra Conner: We have one opening today, and I'm not sure what age that is, but call, you know, children graduate all the time, and situations change, so if anyone is interested in learning more about the center—

President Crouch: And they should call?

Deidra Conner: They should call 428-4500 and we will transfer them to the Child Life Center.

Commissioner Musgrave: Can you tell me a little bit about the fee structure?

Deidra Conner: The fees are pretty competitive with other daycare centers. Amy and Laurie could tell you the specifics, if you want the specific rates, but we do work closely with the voucher program. So, through the voucher program, lower income families pay more of a co-payment type structure, a five or ten dollar payment per week, and the state or the voucher program provides the rest. Are there any other questions?

President Crouch: Thank you very much.

Deidra Conner: Thank you.

Commissioner Nix: Thanks, Deidra.

**Permission to Advertise Notices of Public Hearings:
Vacation of Crowley Drive & Vacation of Fisher Road**

President Crouch: Next item on our agenda, on our boring adult agenda, is County Auditor permission to advertise. We have two, one is the notice of public hearing for the vacation of Crowley Drive. I believe this is just a standard advertisement.

Commissioner Musgrave: Would you like a motion for both of them at the same time?

President Crouch: The second one is vacation of a portion of Fisher Road. A motion for both would be sufficient.

Commissioner Musgrave: Motion to do the public hearing for Crowley Drive and Fisher Road vacations.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: And for the children listening, we are not actually sending these roads on a vacation somewhere.

Permission to Advertise Sale of Surplus County Vehicles

President Crouch: Next item is permission to advertise sale of surplus vehicles.

Commissioner Nix: Move approval of the sale of surplus vehicles.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

B.J. Farrell: If I could, I have, excuse me, a list of the vehicles and I am told that I will need Teri Lukeman in the Auditor's office to pull the titles for those so that the Commissioners can sign those and I can send them to Wolfe's for the auction.

Commissioner Musgrave: What date is that auction?

B.J. Farrell: I think it's the 20th.

Commissioner Musgrave: So, interested members of the public can go to the auction and buy them there.

B.J. Farrell: It's the 20th of October. Thank you, Madelyn.

President Crouch: Alright.

<p style="text-align: center;">Agreement with Kohl's Department Stores: Improvement and Reconstruction of Rosenberger Avenue</p>

President Crouch: Next item is contracts, agreements and leases. Our first is County Commissioners with TD&O for reconstruction of Rosenberger. Mr. Stoll, the County Engineer, is here to address this issue.

John Stoll: Actually, that's been changed now. I've been working with the County Attorney and representatives of Kohl's Department Stores, and they have taken over the responsibility of getting the road work done on Rosenberger. So, I gave Madelyn a revised agreement that is between Vanderburgh County and Kohl's Department Stores, Incorporated. Basically, the agreement states that the county will allow them to close Rosenberger for a period of up to 21 days. This is between University Drive and Hogue Road. There's a provision in there that if it's not finished, the road work is not finished within that 21 day period there would be a \$2,500 a day fine. All the approved plans that the County Commission, the county Drainage Board, the Corp of Engineers, IDEM, any regulatory agency has approved, those plans must be followed. That, it also states that there were amended plans submitted to IDEM and the Corp that have not received written approval as of yet. By signing this agreement now, despite the fact that we don't have that written approval, doesn't relieve them from any obligations to complete the project in accordance with the final written approvals once those are ultimately received from the Corp and from IDEM. There's also a provision in the agreement that states that the contractor, the contractor being Kohl's Department Stores, Incorporated, if they fail to complete the work and the county has to complete the work, then the county will pursue whatever legal means necessary to recoup the costs that the county might incur in conjunction with rebuilding the section of the road. Since then the County Attorney has been in discussion with representatives of Kohl's. They have provided a certificate of insurance and an indemnification agreement. I think everything, unless Mr. Ziemer has something else that I've missed, I think everything is there to allow the Commissioners to sign the agreement between Vanderburgh County and Kohl's, rather than TD&O.

President Crouch: Mr. Ziemer, and you've had an opportunity to review the agreement?

Ted C. Ziemer, Jr.: I have. I'm going to just reiterate a bit of what John said, and then maybe expand on it a little bit. Originally, as of last Wednesday, the agreement

was to be between TD&O, which is a limited liability company of Dennis Owens. We prepared the agreement with that in mind. Subsequently we were contacted by Kohl's to say that under the terms of the site development agreement entered into between Kohl's and Dennis Owens, Kohl's was going to take over the project, and they would be acting as the contractor to complete the construction of Rosenberger Road. I was concerned that the county should be sort of placed in the middle between TD&O and Kohl's, so we continued to talk about this to see if we couldn't get the parties to reach agreement. We have not been successful in doing that. We had a conference call this morning with all parties, about ten of us I think, and during the course of that call I was persuaded that, and reviewing the documents that Kohl's has provided me, I'm persuaded that Kohl's does have the right to take over this project under the terms of the site development agreement. I don't express any other opinion regarding any rights or obligations that may exist between Kohl's and TD&O or Dennis Owens, but I'm satisfied, nor do I express any opinion on whether or not this is going to be affected by not yet having received the permits from IDEM and the U.S. Corp of Engineers. I am satisfied, however, that an indemnity agreement, which was worked on between Kohl's and myself will fully protect the county from any liability whatsoever, whether resulting from a claim of TD&O, or a claim of the U.S. Corp of Engineers, or a claim of IDEM, or any other party for that matter, or failure to comply with the plans and specifications developed by the county. In all of those cases Kohl's will defend and indemnify the county 100 percent. It seemed to me that the only way to have the project go forward, if it was going to go forward at all, was to work with Kohl's under the terms of the indemnity agreement and then a certificate of liability insurance, which they provided me that fully meets the county's requirements. So, based on all that, again, without expressing any opinion as to the obligations or rights between Kohl's and Dennis Owens, it's my recommendation as County Attorney that we proceed to execute the contract that John Stoll has given Madelyn today.

President Crouch: Thank you. Anything else, Mr. Stoll?

John Stoll: In conjunction with that, based on the meeting that was held this morning, it's my understanding that if the agreement's approved then the contractor does plan to close Rosenberger this afternoon at approximately 5:00, and then they will work until the project gets finished.

Commissioner Nix: Do you know their work schedule right now, John? I wasn't for sure. We talked in the last couple of days about round the clock, are we in a position right now to say what the schedule is going to be?

John Stoll: That was mentioned at this morning's meeting. However, I don't know specifically if it's going to be around the clock constantly, or what phases of work might be around the clock. There are some representatives here.

Ted C. Ziemer, Jr.: I think we do know that the planned grand opening for Kohl's is quite a bit earlier than the 21 day period we've established for the road closing time. So, I would anticipate that whether it required day and night or whatever, Kohl's will get the job done in a much shorter period of time.

John Stoll: Extended hours will be worked. I don't know if it's going to be around the clock constantly.

Commissioner Musgrave: What's the detour route for traffic and the business access on Rosenberger?

John Stoll: The detour would be Red Bank, Lloyd and Hogue. University Drive was not set up as a detour because that's a private road. It will be open and available, it's just that we didn't want to send traffic down a privately maintained road.

Commissioner Nix: Then if they're going east it would Hogue to Tekoppel or Upper Mt. Vernon or whatever that one is.

John Stoll: Yes.

Commissioner Musgrave: But, access to the gas station and to Bob's Gym and the other shops back there will not be restricted?

John Stoll: Correct. The project limits don't go to the gas station. It's just north of there is where the project starts. There will be some construction that occurs in front of Bob's Gym, but the contractor's will just have to work to provide the access.

President Crouch: Any further questions of Mr. Stoll? Is there anyone that cares to make comment regarding this road closing? Seeing none. Motion?

Commissioner Musgrave: Motion to approve the contract between the county and Kohl's and for the road closing and other documents related to them.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you.

Superior Court: Contract with Southwestern Indiana Mental Health Center

President Crouch: The next item on our agenda, Superior Court, SWIMHC drug court participant evaluation. Mr. Ziemer, have you reviewed this?

Ted C. Ziemer, Jr.: I have reviewed both of these agreements. One is for evaluation of the drug court, the other is for evaluation and treatment of drug court participants. I find that they are both satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Superior Court: Contract with USI: Drug Court Participant Evaluation

President Crouch: Then that next item I think you also just spoke to approving it. So, if we also could approve the one between USI and the drug court participant evaluation.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Jail Change Orders: Peyronnin Construction: #1: \$11,493.47 Williams Brothers: #6: \$15,548.00</p>
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President Crouch: Next item on our agenda, community corrections change orders.
Commissioner Nix?

Commissioner Nix: Yes, this is, actually there is actually a change on the agenda here, it is the jail complex instead of community corrections. The first one is to Peyronnin Construction for some additional fire dampers, and some exhaust work, and it's for \$11,493.47. I recommend approval, I would like to make a motion that we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: The second one is to Williams Brothers Construction, it's their change order number six. It's for quite a few different items; concrete pads, some additional glazing, some additional sealings, gates, and some re-work some pre-cast, and it's for \$15,548, and I would like to make a motion we approve that.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>Family Day Proclamation: A Day to Eat Dinner with Your Children</p>

Commissioner Crouch: Next item on our agenda, family day proclamation, a day to eat dinner with your children.

Commissioner Nix: I have the proclamation here, Commissioner Musgrave, do you want to read this? Or would you like for me to read it?

Commissioner Musgrave: I would be happy to take over, but I understood that you were chomping at the bit to read it.

Commissioner Nix: I will read it.

Commissioner Musgrave: Okay.

Commissioner Nix: This is family day, a day to eat dinner with your children:

“Whereas the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children; Whereas surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; Whereas teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; Whereas teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; Whereas the correlation between family dinners and reduced risk for teen substance abuse are well documented; Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; Whereas family dinners have long constituted a substantial pillar of family life in America: Now, therefore, we the Commissioners of Vanderburgh County, do hereby proclaim the fourth Monday in September as Family Day-A Day to Eat Dinner With Your Children and urge all citizens to recognize and participate in this observance.”

And it’s signed by the three Commissioners.

Commissioner Musgrave: Motion to approve the proclamation.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. And will we all join together with our children?

Commissioner Musgrave: Of course we will. I’m just glad that they didn’t say anything about the quality of the cooking.

Commissioner Nix: It may be a bologna sandwich, but it’s dinner.

Ted C. Ziemer, Jr.: My children say I get home too late on Tuesday evenings.

Commissioner Nix: Not tonight.

County Engineer

President Crouch: Alright, department heads, any department head that has business to come before this Commission would appear at this time. County Engineer?

John Stoll: Another item I have is a request to go to County Council to transfer \$30,000 from the Oak Hill Road Culvert Account to the Repair to Buildings and Grounds Account. This would be for the renovations of room 305 in the Old Courthouse. It's gotten some preliminary plans from the architect, and based on his preliminary estimates we need some additional money in the account. So, I would like to request approval to go to Council to make that transfer.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next in the signature file there's a letter from the Commissioners to the state in regard to their final review of the close-out of the grants on the Jobe's Lane project. They had three items that they sited on their close-out review that the county needed to respond to. One was that the contract had omitted some of the language that was required on that type of grant, and then the other was some missing attachments to the final grant paperwork, excuse me, the letter states that we were never made aware of the fact that the contract had the omitted language in there. Our contract form was reviewed at the start, and we were told it was acceptable. As a result we didn't know it needed to be in there. So, that is in the letter, and then we'll provide all the other attachments that they had requested. So, I request the Commissioners approve that letter that's in the signature file.

Commissioner Musgrave: So moved.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Then, next, I would like to request approval to hire Bernardin Lochmueller and Associates for some survey work on Bromm Road. The, here again, the letter I've e-mailed to each of you, and it's also in Madelyn's files. The amount, the dollar figure for the work would be \$3,240, and this would be to try to resolve some discrepancies in what we found on some legal descriptions on a culvert replacement project on Bromm Road. There were gaps and overlaps on the property descriptions, and we had some preliminary discussions with the adjacent property owners, they indicated they wouldn't donate or sell the right-of-way, which leads us

to believe we might have to condemn. I spoke with the County Attorney about this and, basically, we need to resolve the legal description problems before we could put together a valid legal on what right-of-way we needed before we could ever pursue any condemnation. So, I would like to request approval to hire Bernardin Lochmueller, and the provisions in the letter that they submitted would be items number one, two, three, five and seven. Again, that total dollar figure was \$3,240.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Stoll, what is the time table for that?

John Stoll: I didn't talk specifics with Matt Wannemuehler at Bernardin Lochmueller, but I'll get that for you. There wasn't anything in the letter I believe that specifically addressed how long it would take, but I'll find out and definitely let you know.

President Crouch: I understand it's in disrepair, and my question is would this be replaced before bad weather hits?

John Stoll: If we have to go to condemnation, no. If we get the legal descriptions resolved, then maybe, depending on how the property lines plot out, maybe the right-of-way won't be needed from the people who indicated they weren't going to cooperate. Then again, we might need it from them, and we might have to go to condemnation. If so, then it will be definitely next year.

Commissioner Musgrave: Be sure and give any corrected legal description, land line work to the assessors and to Area Plan for inclusion in the GIS.

John Stoll: Sure. We had a design on the culvert preliminarily done. It's just we ran into this problem. The original game plan was to get this culvert work done in conjunction with or before the County Highway Department's pavement of Bromm late last year, but because of these problems it didn't happen. So, we'll pursue it and see what we can get worked out now. Next, I've got a change order. This would be the final change order on the Oak Hill Road-St. George Road intersection project. I forgot to write down the total. It was for \$55,000 I think 817 dollars.

Madelyn Grayson: That's pretty close, and eighty three cents.

Commissioner Nix: He's good, isn't he?

John Stoll: It's the same paperwork that I e-mailed to each of you several days ago, and I would request approval of that change order.

Commissioner Nix: Before that, we do have quite a bit of money that's going to be reimbursed through that, is that correct?

John Stoll: Yes. I believe it was \$53,000 from the Water Department.

Commissioner Nix: Yeah, the bulk of it, so.

John Stoll: Our final over run was in the neighborhood of five percent, if I remember right. So, it stayed fairly well within the budget.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: The last item that I have is I received a phone call from a representative of Elite Fitness out on Kansas Road and Seib Road. They wanted to close the dead end portion of Seib Road, this is where Seib Road was realigned a few years ago, they wanted to close that dead end portion of old Seib Road for the purpose of having a strong man competition on the county road. I discussed this matter with the County Attorney and we felt that it was probably best that the county not get in the position where we approve road closures for commercial businesses. As a result, I would request that the Commissioners deny this request, and I'll get back with the owners of Elite Fitness and let them know.

President Crouch: Did they request that the Commissioners participate?

John Stoll: They didn't give me a list of participants.

Commissioner Nix: You remember the canoes, don't you, Commissioner?

Commissioner Musgrave: You're going to let them know that the Veterans Coliseum would be the perfect place to hold their strongman competition, won't you?

John Stoll: Sure.

Commissioner Nix: Or the Centre.

Commissioner Musgrave: Well, yeah. Move to approve your suggestion to deny the closing of Seib Road.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

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

President Crouch: Thank you.

Commissioner Nix: Thanks.

County Highway

President Crouch: County Highway Superintendent, Mr. Duckworth.

Mike Duckworth: Good afternoon, Commissioners. Mike Duckworth, County Highway Superintendent. I had several things that I wanted to give you an update on. First, I had talked to a couple of you about this, but I wanted to publicly notify you that we are having some problems with bank erosion along Henderson, Old Henderson Road. This was pointed out by one of the residents. After an inspection of this area, which is about two miles south of the railroad trestle, it seemed apparent that this is a problem that's not going to go away. I've contacted the Corp of Engineers, their going to come in October 5th and there may be some federal funding available, but we are going to have to do something to shore up that bank, or we have a possibility of losing part of that roadway. So, it's a pretty serious situation, and there's some trees and vegetation that's kind of holding things together right now. But, we're within I'm going to say several feet of the depreciation reaching the roadway. So, we're keeping an eye on it, and October 5th we'll meet with the Corp and I think a representative from Senator Lugar's office, I've invited John Stoll and others to view it to see what our plan of action is going to be. The gentleman from the Corp of Engineers had indicated that there may be some funding available, some type of a matching fund type situation, so, I'll get back with you on that. The second thing that I wanted to do today was update you on our paving progress. We've paved to this point in excess of 26 miles of county roadway. We still have funding to do probably another three to four miles worth of work, and we have completed everything within the complaints that we had received in the county road hearings from the constituents, and we're now working through complaints. We're still wedging and patching certain areas, understanding that we're going to pay special attention to some of those areas that we have identified this year for next year. The third thing that I want to mention is that we have received a grant from the Solid Waste division for curb street cleaning in the county. I have provided that information to Mr. Ziemer. It's basically an attachment type of a contract with the city that they have with what used to be BFI, but now Allied Waste, and Mr. Ziemer is reviewing that and is going to be meeting with their personnel regarding that contract. Hopefully, by next Tuesday I'll be able to bring that to you for ratification. The last thing, I'll just tell you that these recent storms, we have had some challenges with trees being down in the middle of the night, which, of course, means overtime hours and our crews being out in the middle of the night. We are concentrating now on culvert work and on right-of-way cutting. We still have some challenges with our mowers getting the equipment put on them. I'm going to be meeting Friday in Indianapolis with our supplier, because they've not been able to get some things in and I want to move them along a little bit. We have done a lot of tree trimming with some of our new equipment, our mow/trim to allow school busses not to be hit by limbs. So, we're keeping quite busy out there, and, unfortunately, with the weather it's probably not going to get any better. But, I wanted to give those updates and answer any questions that you might have.

President Crouch: Thank you, Mr. Duckworth.

Commissioner Nix: Thank you.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: I have nothing else this week.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Thank you. I've got two or three items. We have reviewed a contract for architectural services for Burdette Park master planning for the aquatic area parking lot goals. I have reviewed the contract with the architect and the certificate of liability insurance, which they've presented to us, and find that that agreement is satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: On September 6th the Commissioners approved a STOP grant for the Vanderburgh County Sheriff Department. Since that time the Criminal Justice Institute has, or is requiring certain affirmative statements by all grant recipients as to how the grant funds will be used, and how their responsibilities will be met. I met with Lieutenant Strange at the Sheriff's office to review this. I've prepared a memorandum of understanding to be entered into between the Commissioners on behalf of the Sheriff and the Criminal Justice Institute, which will satisfy the Criminal Justice Institute. It has attached to that a budget, which was also attached to the STOP grant that you approved on September 6th. We find this satisfactory for execution from a legal perspective.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: I had delivered to me minutes of a meeting of April 28, 2003 wherein the Commissioners formalized, subsequent to appropriate documentation the conveyance of a parcel of real estate to the, just one second, it's 105 Madison Avenue, and it's to the Evansville Black Coalition. The transfer provided that it was conditional upon certain activities taking place, boarding up the structure, commencing the rehabilitation within 90 days, and having the structure up to code, on that property up to code within one year, and then it provided that the title to this property shall revert to the grantor if these conditions are not satisfied. The conditions are not satisfied, and Bobby Ogburn, a representative of the Evansville Black Coalition, has requested that the county take back the title to this property. I

would like to suggest that we have probably someone from the Engineer's office take a look at the property, maybe also from the Building Commissioner's office, to report back to us exactly what the condition of the property is, and whether or not the conditions were met. But, what I'm relating to you is what Bobby Ogburn related to me. Then, if the conditions have not been met, the deed says that it will revert to the county, and what we would do in that case would be to have the Evansville Black Coalition quit claim the property back to Vanderburgh County.

Commissioner Musgrave: Is the suggestion that this structure is in very bad repair?

Ted C. Ziemer, Jr.: It was. I don't know what the condition of it is today.

Commissioner Musgrave: If it's a residential structure, it is DMD which would take a look at it.

Ted C. Ziemer, Jr.: Okay, that's fine.

Commissioner Musgrave: Motion to request DMD to go observe the structure, and the County Engineer, if he's listening, to go observe this structure and give us a report on it, so that we can take it through the legal process.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We need to change the tape.

(Tape Change)

President Crouch: Thank you. Anything else, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes, just one other thing. The county has had an agreement with the Board of Public Works to provide METS transportation to areas out toward USI. That agreement is about to expire, and a copy of it was sent to me, and I'm just asking whether the county wishing to continue with that kind of agreement, in which case I will—

Commissioner Musgrave: Bus service from the City of Evansville out to USI and back?

Ted C. Ziemer, Jr.: Yes.

Commissioner Musgrave: Definitely I'm interested in pursuing that.

Ted C. Ziemer, Jr.: Okay, I just wanted instruction.

President Crouch: Instruction to go ahead and pursue drawing it up?

Ted C. Ziemer, Jr.: Yes.

President Crouch: Could you also request how many trips they do? I'm curious.

Ted C. Ziemer, Jr.: Yeah, I have no idea, but I'll certainly check that.

Commissioner Nix: Frequency and time, I guess, was the other thing.

Commissioner Musgrave: Cost. Motion to direct the County Attorney to look into the METS service agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

President Crouch: Thank you.

New Business

President Crouch: New business?

Old Business

President Crouch: Old business?

Public Comment

President Crouch: Public comment. This is the opportunity for anyone who has business to come before this board that we have authority over to comment at this time. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Motion to approve the consent items as listed.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. There will be no rezoning meeting, there were no rezonings. We did notice the media of that, and we will post a notice outside this room and the County Commission room. So, good evening.

(The meeting was adjourned at 4:11 p.m.)

CONSENT ITEMS:

Employment Changes:

County Clerk (1)	Sheriff Department (3)	Prosecutor (1)
Superior Court (1)	VCCC (1)	

Travel Requests:

County Highway (1)	Treasurer (3)	Health Dept. (1)
Voters Registration (2)		

Commissioners:

Building Authority letter: Centre roof repair invoice.

Council Call: Request for Appropriation (2).

Evansville ARC monthly report-August 2005.

Community Correction Pay Requisition #13: ARC- \$15,143.04

Department Head Meeting Notes: September 13, 2005

Treasurer: Year-to-date Investments: August 2005

Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD	Supt. Of Bldgs.	Ozone Officer
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Deidra Conner	Laurie Seals
Amy Lupfer	Terri Miller	John Stoll
Mike Duckworth	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
SEPTEMBER 27, 2005**

The Vanderburgh County Board of Commissioners met in session this 27th day of September, 2005 at 3:30 p.m. in room 301 of the Civic Center with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon and welcome to the Vanderburgh County Commission meeting, September 27, 2005. Although my agenda says 2007. So, I guess we'll fast forward. We'll start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Musgrave: Commissioner, Cheryl Musgrave.

Commissioner Nix: Commissioner, Bill Nix.

President Crouch: Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of September 20, 2005 Commission Meeting Minutes &
August 23, 2005 Drainage Board Meeting Minutes**

President Crouch: First item on our agenda is approval of minutes.

Commissioner Musgrave: Move approval of the September 20th Commission meeting minutes and the August 23rd Drainage Board minutes.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Open Bids: VC05-10-01:
Rehabilitation of Kentucky Avenue Bridge #1110**

President Crouch: Our first action item is when we have a board or a commission give a report to us on what they are in the process of doing in their course of business. We do have Human Relations down, but I do not see anyone here from the Human Relation Commission. So, we will proceed with our agenda, and we can always come back. Next item, permission to open bids.

Commissioner Nix: Move approval to open bids for the County Engineer VC05-10-01, Kentucky Avenue Bridge.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Mr. Ziemer will open the bids for that.

**Permission to Open Requests for Proposal:
VC-2005-05: Bumper Boat/Concession Demolition (Burdette)
VC-2005-06: Renovate Burdette Park Pavilion
VC-2005-07: Resurfacing of Tennis Court (Burdette)**

President Crouch: Let's go ahead with permission to open requests for proposals.

Commissioner Nix: Move approval for Burdette Park, VC-2005-05, bumper boat/concession demolition. Do we want to go ahead and just put these together?

President Crouch: Sure.

Commissioner Nix: Burdette Park, VC-2005-06, renovate Burdette Park pavilion; and Burdette Park, VC-2005-07, resurfacing of tennis court.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will hear those bids and proposals with the County Attorney's report.

Human Relations Commission Presentation

President Crouch: At this time we will have an update by the Human Relations Commission. We have Ms. Diane Clements here to speak to us on the business at hand. I know they have a very important event coming up. So, hopefully, we'll hear about that. Welcome.

Diane Clements: Thank you. Good afternoon. I've been asked to come and just give a presentation on what we do. If you have any questions, feel free to ask them. But, the Human Relation Commission enforces the local ordinance which prohibits discrimination in employment, housing, public accommodations, credit and education on the basis of race, national origin, color, sex, disability, age and religion. The commission has three full time investigators, one full time bookkeeper/office manager, and, of course, myself, the director, and a part time attorney. We also have a part time AARP employee, which she has just really been great. So, in 2004 we processed 173 complaints. We transferred 87 of those complaints, leaving 89 in our office. We consider ourselves a moving and shaking office. Our goal is to process cases in the most expedient manner as possible without compromising the

investigation in any way. Some of our accomplishments have been the annual dinner, which we have revived in the last year. This year, which will be Thursday at 7:00, and you all are invited, we will have the Reverend Dr. Joseph E. Lowery, who is one of the pillars of the Civil Rights Movement, here with us to give his presentation on the state of where we are with our civil rights. So, we are so pleased to have him. He was involved with Dr. Martin Luther King on several issues, very key issues in the south, and we are just so pleased and hope that you can be with us. One of the other accomplishments has been that we have applied for substantial equivalency with HUD. That would allow us more resources in the enforcement of our housing cases. We would have the opportunity to attend the new housing institute that HUD has established in Washington, D.C. So, we're really hopeful that our application will be approved in the next month, coming months. We also have applied with a contract with EEOC. That would also give us more enforcement power in the area of employment, more resources for us to serve the community in a much more efficient manner. We are also responsible for providing administrative support for the Commission on the Social Status of African American Males, which is a commission that was established by ordinance, I believe in 1992, to study the problems that impact African American males. Last year this commission took 33 high school students to a state conference in Indianapolis. We did seek support for that project through various agencies and businesses, and we were very successful, partnering with EVSC, Community Action, and also Carver Community Organization. We were able to allow these young men to go to the conference, and also a lot of them this was the first time they ever stayed in a hotel. Having that experience was really life changing for them. We were really surprised at the impact that it actually had. One of the things that we required them to do is to provide us with a report of what they learned in the workshops and, you know, what they learned attending this event. They were very, very emotional. It was a very emotional presentation, but they were quite, quite eloquent in their presentation, and we just had not expected that it would be that type of an impact for their lives. So, we are very, very pleased with what we're doing with the commission. We are also seeking to take another group of young men this year, which will be in October of this year. We have 11 commissioners that are appointed, of course, by yourselves and some of the other governing bodies here. We are just really grateful to the work that the commissioners are doing. They're very involved, hands-on, and that's what makes our commission really a good one, because we have dedicated commissioners. Some of the activities that we do in addition to enforcement, we do education on predatory lending, this is part of our fair housing education project. We go to schools, we go to organizations to help them to prevent cases of discrimination. So, we see that as an important component of our agency is to inform agencies on what they can do to prevent cases. Some of the things to look for from us, we are, as I said, applying for substantial equivalency with HUD and with EEOC. They may require that we make changes to our ordinance. Of course, we will be coming to you with those changes and asking your consideration, and we will be doing that, because we have to be equivalent to the federal laws. So, those are some of the things to look for, but we just thank you for your support, and if you have any questions of me.

President Crouch: Questions?

Commissioner Musgrave: You mentioned a dinner this week, what time, where, how much?

Diane Clements: At 7:00 at the Executive Inn. Tickets are \$25.

Commissioner Musgrave: Show up at the door and buy one if you'd like?

Diane Clements: Well, if you could let us know in advance that would help us a great deal.

Commissioner Musgrave: Your number?

Diane Clements: But, sure, you can feel free to call, to pay at the door. 436-4927.

Commissioner Musgrave: Okay.

Diane Clements: 436-4927. I do have some brochures, and also some dinner information that I can leave with you.

President Crouch: Thank you, Diane. We'll see you Thursday.

Diane Clements: Okay. Thank you.

President Crouch: Thank you.

<p>Permission to Award Bid: VC-40-2005: Jail Radio Equipment</p>

President Crouch: Next item on our agenda, permission to award bids. This is Purchasing, Mr. Lawrence.

Phil Lawrence: Philip Lawrence, Purchasing. Chairman Crouch, Bill Nix, Commissioner Musgrave, I would like to award the radio equipment for the jail, VC....my glasses are not on, sorry. VC-40-2005, there were three bidders, JES and Sons, Tri-State Communications, and Vincennes Electronics. Tri-State Communications was the low bidder. I do have the bid tabulation.

Commissioner Musgrave: Thank you. Do you need one?

Phil Lawrence: Tri-State Communications is bid two, which is the apparent low bidder for this bid at \$73,856.98.

Commissioner Musgrave: Move approval of awarding the bid to the low bidder, Tri-State Communications.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Phil Lawrence: Thank you.

President Crouch: Thank you, Mr. Lawrence.

Third Amendment to Safe House Lease Agreement

President Crouch: Next, contracts, agreements and leases. First item is County Commissioners, Safe House lease. Mr. Ziemer?

Commissioner Musgrave: Are you in a position to talk about the Safe House lease?

Ted C. Ziemer, Jr.: Sure. The Safe House lease, we've extended the term for—

Madelyn Grayson: I don't think you're mic's on.

Ted C. Ziemer, Jr.: I mean, I've got it turned on. Oh, I go to the right. We've extended the, it's a third amendment to the lease which will extend the term of the lease from month-to-month terminable by either party on giving 30 days notice, with rent for the first month being \$3,500 a month, and then starting October 1st being \$4,500 a month. It has been signed by the landlord and is available for signing by the Commissioners should they desire to do that.

President Crouch: Motion?

Commissioner Nix: I was just curious, Mr. Ziemer, we had met last week, anything on the sprinkler system yet? Or is that still—

Ted C. Ziemer, Jr.: No.

Commissioner Nix: We're going to handle that as another whole issue?

Ted C. Ziemer, Jr.: Just to report that we are waiting for a bid—

Commissioner Nix: Okay.

Ted C. Ziemer, Jr.: —which the landlord is going to provide for that, but it has still not been finally determined whether or not that's to be done or not.

Commissioner Nix: Okay, thank you.

Commissioner Musgrave: How long do we expect to remain on a month-to-month basis?

Ted C. Ziemer, Jr.: As long as the Sheriff needs the space, until the new jail opens, I assume.

Commissioner Musgrave: Okay.

Commissioner Nix: Or community corrections.

Commissioner Musgrave: Community corrections.

President Crouch: And that will be December?

Eric Williams: That will be December.

President Crouch: December, okay.

Commissioner Musgrave: The end of December? So, we'll be paying rent through the end of December. Who will notify the landlord 30 days in advance? Would that be the Sheriff's Department?

Eric Williams: Eric Williams, Sheriff's Office, probably what we'll do as our transition starts to take effect, we'll have a schedule at that time. We can notify Mary, but if you'd prefer, we can notify you so the Commission can formally notify them that we're going to terminate the lease at the end of the—

President Crouch: That would be fine. If you could notify us.

Ted C. Ziemer, Jr.: That does require written notice, so, we'll have to—

Commissioner Nix: And 30 days, is that correct?

Ted C. Ziemer, Jr.: 30 days. The idea is, the lease is going to run from month-to-month, starting on the first day of the month. So, if we want to, for example, terminate December 31st, we have to give notice before December 1st.

Eric Williams: Provided everything continues as is going with the construction process, we should know that by the end of November that we could make that notification. Theoretically, worst case scenario is that we're stuck paying for another month in January, if we can't get that done then. I'm confident that we'll be there.

Commissioner Musgrave: And your funds are in place for this?

Eric Williams: Yeah.

Commissioner Musgrave: Okay, move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you, Mr. Williams.

<p>Addendum to Agreement: Allied Waste Services: County Highway: Sweeping of Certain County Roads</p>
--

President Crouch: Next item, County Highway, Allied Waste Services agreement.

Ted C. Ziemer, Jr.: This is an agreement to have Allied Waste Services provide for street sweeping on certain county roads described in the agreement. The cost of that is set, I don't recall that, it's set forth in the agreement. Then there is a tonnage cost for all waste that is picked up during the course of the sweeping. It is for a term of one year.

President Crouch: And that money is place. It was a grant by Solid Waste Board.

Commissioner Musgrave: So, this will provide for street sweeping of certain county roads?

Commissioner Nix: As long as they have curbs.

Commissioner Musgrave: As long as they have curbs. So, anybody in a subdivision that does not have curbs should not call and complain that their streets haven't been swept, right?

Commissioner Nix: Exactly.

Commissioner Musgrave: Okay.

Ted C. Ziemer, Jr.: But, the roads are named.

Commissioner Musgrave: Oh.

Ted C. Ziemer, Jr.: So, it's not all county roads, by any means.

Commissioner Nix: Oh, no, no, that's correct.

Commissioner Musgrave: Okay. Move approval of the Allied Waste Services agreement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

<p>First Reading of Ordinance CO.09-05-019: Concerning Inspection of Storm Sewer Installation</p>
--

President Crouch: Next item, ordinance concerning sewer system inspection, first reading.

Ted C. Ziemer, Jr.: This was an ordinance that was recommended by the County Surveyor to the County Drainage Board, and we were instructed to prepare an ordinance which would add provisions regarding plastic pipe, and we've done that.

President Crouch: Mr. Jeffers, do you care to speak to this ordinance?

Bill Jeffers: I've read what Mr. Ziemer has prepared for you. It accurately reflects the intent of the original language, and it would incorporate it into the proper place in the code. There are representatives from the Homebuilders here, if you want any response from them, but I haven't got any negative response from anyone.

President Crouch: Thank you. Is there anyone that cares to speak to this ordinance? Seeing none.

Commissioner Musgrave: Move approval of the first reading of the ordinance concerning sewer system inspection.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: Roll call vote. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That passes on first reading. We will have the second and final reading next week.

Area Plan Commission: Community Rating System Recertification

President Crouch: Next item on our agenda, Area Plan Commission, Community Rating System recertification. Is there anyone here from Area Plan?

Ted C. Ziemer, Jr.: No, but I have reviewed that, and that's all it is is a certification of the findings of the Area Plan Commission, which appear to be correct. So, I believe it's safe to proceed with that.

Commissioner Musgrave: Move approval of the Community Rating System recertification.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Chief Information Officer

President Crouch: Next item on our agenda is department heads. Those department heads that have business before this Commission would appear at this particular point in time. Burdette Park? No. Chief Information Officer?

Matt Arvay: Matt Arvay, CIO. I worked with Ted and want to seek your permission which would allow me to obtain quotes on three upcoming IT projects. The first one is for a phone system for the new jail. This is separate than the City-County phone system that we're going to write an RFP. We're still working on that, hopefully, we'll get that done in the next couple of weeks. The second project is for network equipment for the jail, and the third is the AVL vehicle locator for the County Highway.

President Crouch: And funding's in place for all of these?

Matt Arvay: Yes.

President Crouch: Okay.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Matt Arvay: Thanks.

President Crouch: Thank you, Mr. Arvay.

Ted C. Ziemer, Jr.: Matt? Excuse me. Matt, you know the one has to get out today, if we're going to make our, yeah.

County Engineer

President Crouch: County Engineer?

John Stoll: The first request I have is for a change submitted by Morley and Associates for Section Two of St. Charles Cove Subdivision. They have requested that the street plans be revised from 29 foot streets to 24 foot wide streets. This would just effect the western most cul-de-sac in the subdivision, and based on the county's road standards this change would be allowable. So, I would request approval of the amended street plan for Section Two of St. Charles Cove.

Commissioner Musgrave: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Second, I would like to request approval to have a four way stop installed at the intersection of Virginia Street and Cross Pointe Boulevard. The Evansville Urban Transportation Study did a traffic study out at that intersection that indicated that a four way stop was warranted. Since the county has a contract right now with a paving contractor to resurface both streets, it would be an opportune time to get the stop bars installed once the new asphalt's in place. So, I would like to request approval to proceed with a four way stop.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Third, I have a letter that I gave to Madelyn that's in regard to the use of some dirt on some surplus properties that the county acquired in conjunction with phase three of the Lynch Road project. That dirt is basically on a land locked parcel of ground, and the contractor could use that dirt rather than hauling in dirt from off-site. We've got almost a \$12 per cubic meter difference between the price for using on-site dirt versus bringing in the dirt from off-site. We would save \$12 a cubic, almost \$12 a cubic meter. So, I would request approval for the Commissioners to sign that letter, so that way we can notify the contractor that he would be able to use the dirt off those surplus properties owned by Vanderburgh County.

Commissioner Nix: And, I guess, then that cost that they would also re-shape or seed and straw the areas that they borrow from?

John Stoll: Yes.

Commissioner Nix: Included in that price, then, is that correct?

John Stoll: Yes, the way the letter was written, they need to provide us with a cross section of how they intend to leave the land, so that way we don't end up with excessively steep slopes, and make sure that it is in a stable condition when it's all said and done.

Commissioner Nix: Then, they'll monitor the yardage? Who will actually do that, John?

John Stoll: Bernardin Lochmueller.

Commissioner Nix: Okay, so, they'll give us the yardage to back charge or to invoice or deduct off of the construction?

John Stoll: Right, they'll end up cross sectioning it, I'm assuming, and then verify the quantities in that way.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

John Stoll: Next, I received a request from the city regarding directional signs for the LST dock. I gave Madelyn a copy of the letter that was submitted to me where four directional signs have been requested for placement on Waterworks Road to direct tourists out to the LST site. Also, I just spoke to Mr. Ed Ziemer in the Board of Public Works and he was also requesting approval of a street name sign where a private drive currently intersects Waterworks Road. Basically, it will be the access drive that leads back to the dock. Mr. Ziemer indicated that the name of that street will be LST

Drive, and he would like to add that in as well as the request for the four directional signs.

Commissioner Nix: Move approval.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Are you taking Mr. Ziemer's word for all of that?

John Stoll: Most of it's in writing.

Ed Ziemer: I represent that.

John Stoll: Next, I've got a request from Elite Fitness again in regard to a proposal they had asked me to present last week. It's in regard to the use of the dead end portion of Seib Road. They would like to, the county to reconsider the denial of the request to use that dead end portion of the road for their strong man competition on October 1st. Once I received the request for asking the county to reconsider, I contacted the County Attorney, and he said that if they were to do such a thing we would need a certificate of insurance covering the county for the limits specified by the County Attorney. I have since talked to the owner of Elite Fitness and he said he can provide the insurance in the amounts specified. So, he was asking for approval to close the road for his strongman competition again, subject to him providing the certificate of insurance. In this case it is a dead end road, so through traffic won't be an issue.

Commissioner Musgrave: I'll make the motion to close Seib Road, on which day?

John Stoll: October 1st.

Commissioner Musgrave: October 1st, from what hours?

John Stoll: I didn't get specific hours, but--

Commissioner Musgrave: So, all day? Or during the hours of this event, which will be determined later?

John Stoll: Yes. I can let you know the specifics.

Commissioner Musgrave: Okay, subject to receipt of the insurance certificate, a copy of it before the event takes place.

President Crouch: I will go ahead and second that. It is my understanding that this is a function, that this is being done for not-for-profit and to benefit the hurricane victims. That's what I was informed. Also, while we are not in the habit of closing county roads, this is a dead end road, and we have closed them for neighborhood associations and not-for-profits in the future. So, I will second that motion. All in favor?

Commissioner Musgrave: Aye.

President Crouch: Aye. Opposed?

Commissioner Nix: Aye.

President Crouch: That motion carries. Thank you.

John Stoll: The last item is also a request for a road closure. This is for a neighborhood block party in Melody Hills Subdivision. It would be on Ridgecrest Drive which runs between Twickingham and O'Hara, and the block party would be on October 1st and it would run from 4:00 to 6:00 p.m. I sent you all an e-mail describing this. We have approved these neighborhood block party events before. The last one was most recently done in June, and it was done with the condition that the neighborhood group would provide suitable barricades to block the traffic. They also would need to provide emergency access, if warranted.

Commissioner Nix: Motion to approve.

Commissioner Musgrave: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. That will be with barricades, correct? They will provide the barricades?

John Stoll: Yes.

President Crouch: Okay.

John Stoll: I was going to say, the last time we had asked the neighborhood to barricade the road. That's all I have, unless you have questions on anything else.

Ted C. Ziemer, Jr.: Madam President, if I could, while John's here. Last meeting we talked about this property at 105 Madison Avenue, which is maybe going to revert back to the county, because the rehabilitation didn't take place. We discussed that John should take a look at that, but you feel like, and I think I agree that that's not something really within the purview of the County Engineer, and we should have somebody else I think go out and inspect that property.

Commissioner Musgrave: We have sent e-mail to June Maples, Ms. Farrell did that—

B.J. Farrell: That's correct.

Commissioner Musgrave: Do you want to report on when you sent that e-mail and what has happened?

B.J. Farrell: I did send that e-mail yesterday, and as of today I had not received a response yet.

Commissioner Musgrave: So, we're looking for response from June Maples who handles the review of residential property and it's condition.

John Stoll: Okay.

Commissioner Musgrave: So, do you want a motion to relieve John Stoll of this duty?

Ted C. Ziemer, Jr.: No. I just wanted to be sure somebody appropriate would be doing it.

Commissioner Musgrave: Somebody, yeah, we're working on it.

John Stoll: I did contact, I left a voice mail message with June Maples as well. So, if I need to go, I will, but like the County Attorney said, I'm not up on all the building codes.

President Crouch: Thank you.

County Highway

President Crouch: Next item, County Highway Superintendent. Nothing to report.

Superintendent of County Buildings

President Crouch: Superintendent of County Buildings.

B.J. Farrell: My issue was discussed, so I have nothing further, thank you.

SMG: The Centre

Commissioner Musgrave: SMG would like to give a report on the opening of their Broadway season.

President Crouch: Is SMG here, the Centre to speak to the opening of the Broadway series?

Kathy Embry: Good afternoon. I'm Kathy Embry. I'm the Director of Marketing for SMG and the Centre. This Sunday we will open the 2005-2006 Broadway season with Thoroughly Modern Millie. That will be at 7:00 p.m., with doors opening at 6:00. That is the first of four Broadway shows this season. We will follow on January 17th with 42nd Street, and then Oklahoma on March 6th, and then Cirque Dreams on March 23rd. So, that will be series. I do believe we might have a few add on shows that we haven't announced yet. So, they'll be forthcoming. Tickets are on sale now for Thoroughly Modern Millie, individually, because we do sell season packages as well. They are at the Centre box office. If you want any further information on those shows, they can get that there.

Commissioner Nix: Can those tickets be purchased on line also?

Kathy Embry: They can. At all Ticketmaster outlets or at ticketmaster.com.

Commissioner Musgrave: And the phone number for the box office if they want to call?

Kathy Embry: It's 435-5770.

Commissioner Musgrave: Okay.

Kathy Embry: Thank you.

President Crouch: Thank you.

County Attorney

President Crouch: County Attorney. County Attorney. County Attorney.

Ted C. Ziemer, Jr.: We have an agreement with the Minolta Corporation for a copier, it will be for a cost of \$99 a month. The agreement is for 48 months, which under their provisions is required if we're going to have a fair market value, a right to purchase it at the end for fair market value, which Matt Arvay thinks is appropriate. So, contrary to our usually having a one year agreement, this one is going to go for 48 months should you decide to approve it. Copies for execution are in Madelyn's file.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: The next item is a new lease for Nino Cocchiarella in the Old Courthouse, leasing the space that he presently has. It is in a form satisfactory for execution.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: The last item I have is a sworn statement and proof of loss regarding damages to the Safe House during the event in September, September 14th of 2003. If that's approved by you, I will then forward it to the adjuster, and we could expect payment of that within two or three weeks.

Commissioner Musgrave: Move approval.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Madelyn, I'll need to have both signed copies of that. That's all I have.

President Crouch: Would you like to go ahead and read the bids and proposals?

Ted C. Ziemer, Jr.: Sure I would be happy to do that. I just have to find them. They're on the back of Madison Avenue. Okay, the Kentucky Avenue Bridge; Gohman Asphalt and Construction, Inc.'s bid is \$211,934.70. Ragle, R-a-g-l-e, Inc.'s bid is \$237,312.05. If I didn't say that, that's for the Kentucky Avenue Bridge improvements.

VC05-10-01: Rehabilitation of Kentucky Avenue Bridge #1110	
Company Name	Bid Amount
Gohmann Asphalt & Construction, Inc.	\$211,934.70
Ragle, Inc.	\$237,312.50

Commissioner Musgrave: Motion to take the bid under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: The next bid is for demolition of the bumper boat concession at Burdette Park. We have a bid from Floyd Staub, Inc. for \$8,500. We have a second bid from Deig Brothers for \$45,000.

VC-2005-05: Bumper Boat/Concession Demolition (Burdette Park)	
Company Name	Bid Amount
Floyd Staub, Inc.	\$5,000.00
Deig Brothers	\$45,000.00

Commissioner Musgrave: Motion to take the bid under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Then we have a bid for repaving the tennis court at Burdette Park. We have a bid from Pave Tech which is in two parts, it's \$12,800 for all work except for removal of three net posts, for which the bid \$1,200. So, that would be a total bid of \$14,000. Then we have a bid from Pavement Sealine, S-e-a-l-i-n-e Company for \$14,522 for the entire project.

VC-2005-07: Resurfacing of Tennis Court (Burdette Park)

Company Name	Amount of Bid
Pave Tech	\$14,000.00
Pavement Sealine Company	\$14,522.00

Commissioner Musgrave: Motion to take the bid under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Then we have a bid to renovate the pavilion at Burdette Park. The bid of Deig Brothers is \$23,985. The bid of Simms Painting is \$37,760. The bid of Robinson Painting is \$19,120.

VC-2005-06: Renovate Burdette Park Pavilion

Company Name	Amount of Bid
Deig Brothers	\$23,985.00
Simms Painting	\$37,760.00
Robinson Painting	\$19,120.00

Commissioner Musgrave: Motion to take that bid under advisement.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

President Crouch: Thank you.

New Business

President Crouch: New business? Is there any new business to come before the board?

Old Business

President Crouch: Old business?

Commissioner Musgrave: I do have some old business. As you will recall the Tax Certificate Sale is set for October 14, 2005 here in this room. Right now we have about 130 properties listed for sale. These properties have been twice listed on tax sale and have failed to sell. The law now allows the Commissioners to sell these tax certificates, or to take title to the properties. I've been working with the Department of Metropolitan Development over the past several months toward two separate goals; first to assist the city in it's development of the Center City Industrial Park, this will expand and revitalize an inner city industrial area. Several of the properties on our Tax Certificate Sale list are located within the boundaries of this proposed expansion of the industrial park. Second, a significant number of the Tax Certificate Sale's properties are within the Front Door Pride area. A major problem in this area is property that's not maintained up to code. Property is frequently purchased at Tax Sale, or like this sale, and they are used, the properties are then used to generate maximum rent revenue for the owner with a minimum investment. The city is proposing intervening into this destructive type of property ownership by taking title to these properties as they become available, and causing redevelopment to occur in a more productive manner. I see here that we have DMD Director, Greg LaMar, and his, I don't know your title, Brownfield's Coordinator, Carolyn Rusk, here to make some requests of us for some of these properties, and to give more information.

Greg LaMar: Thank you. I'm Greg LaMar, Executive Director of the Department of Metropolitan Development. What Carolyn is passing now is the, it's kind of small, if you look on there you can see the little dots. You may have to have your magnifying glasses. Of approximately 72 properties that we're requesting that the Commission set aside from the Tax Certificate Sale set for October 14th. We would also ask that the Commission take the necessary steps to, basically, allow us to take title to those properties. One of the things that, as Commissioner Musgrave indicated, we're really doing basically two major projects; one is the Center City Industrial Park, which is outlined in the blue, and, again, through the Tax Certificate Sale these properties have not been sold, and, therefore, it's a classic example of an under utilized brownfield property. At the same time, the Front Door Pride, in the green, is the area where Mayor Weinzapfel's Front Door Pride initiative is, in fact, we're working on trying to do both a revitalization and a redevelopment in those neighborhoods. We have, in fact, been working with the neighborhood associations to the point where we've indicated properties that are problem properties, they've given us feedback as to what they would like to see done with those properties, including; demolition, rehab, mothball, that is actually just closing it up and sealing it. That is for those areas that are, and demolition, where there's an improved property. At the same time, for those vacant lots, we'll be doing lot splits, as well as new construction. So, we have some programs that are supported by the neighborhoods in terms of what the reuse of the properties would be. The city recently received one million dollars from the Indiana Housing and Community Development Agency, it used to be called IDFA, now it's that. I'm not used to the acronym yet. That will, basically, allow for at least 40 new home constructions for low and moderate income persons or households, again, in the Front Door Pride area. We see taking these properties and doing demolition and/or where there are vacant properties to use those as sites for new construction. We're working now with our greater community, Community Development Financial Institution Corporation, and the area banks, in particular Fifth Third, Integra and Old National

as to how we can blend our money together to, in fact, do new construction. Overall, what we're really trying to do is break the cycle that's occurred for many years, particularly in the Front Door Pride area. If you'll look, what you'll find is that as time has gone on, a lot of these properties, when they have finally, something's happened to them, we basically, the city has always ended up tearing down the property. What we're looking at is how do we better intervene earlier and in a much more logical sequence of events to, in fact, turn those properties around and to make something happen in the Front Door Pride area. We also, besides the 72 properties that we're requesting the Commission set aside, we, in fact, purchased twenty—

Carolyn Rusk: Twenty-seven.

Greg LaMar: Twenty-seven properties at the recent Tax Sale. Again, to aggressively start being part of making the neighborhood better, neighborhoods better. Rather than waiting for it to go through all the various sales, which in many ways allows the property, if it is improved, to deteriorate even further, we chose the option of going ahead and beginning the process now, and, I guess, paying our dues, if you will, to get the property. Although it will be a year before we will actually be able to do something with it. Also, at the expedited sale, that's the expedited sale, right? We plan to also aggressively be part of the bidding process, and, hopefully, get additional properties. So, again, we would like to thank everyone for their support and cooperation, and, hopefully, in the next several years we can see some major changes, particularly in the Front Door Pride area, and, hopefully, some additional employment occurring in the Center City Industrial Park. If you have any questions, I would be glad to answer them.

President Crouch: Questions?

Commissioner Musgrave: I want to make sure that the city still is agreeing to pay for the necessary title work, legal costs, that sort of thing?

Greg LaMar: Yes. Let me state this. I think, in terms of setting the properties aside from the October 14th sale is number one. I think our attorney and your attorney needs to attorneyize, and figure out how best to do this. Whatever the case, we will, the city will, in fact, pay the cost of whatever option it is, including when, if the Commission does give us the properties, we'll do the appropriate title work, recording and so forth for the transfers.

Ted C. Ziemer, Jr.: That's fine. I look forward to working with your counsel. Just so, I think we need to understand that any improvements on the properties are being conveyed "as is/where is", without any change. The titles to the property are also being conveyed that way. We'll go through the procedure with your attorney, but the county will not undertake or warrant that there is good title to any of these properties.

Greg LaMar: Right. We our attorney is Keith Rounder, who, in fact, used to do the Tax Sales, so, he's fully aware, and we fully recognize that.

Commissioner Musgrave: I'm really excited about what you're doing, and as a resident of the Front Door Pride area, the inner city, I've put my own money in doing this in properties that touch the boundaries of my property. So, I'm very excited that the city is taking this very creative and proactive approach toward breaking that cycle. I really hope that it's successful. So, I'll make a motion then to withdraw the list of 72 properties from the Tax Certificate Sale that are necessary to obtain title. Then we can work on what to do with that title when (Inaudible).

Greg LaMar: We will, again, pick up the cost of whatever that cost is.

Commissioner Musgrave: And the city will pay for all of those. I think that covers the motion.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Greg LaMar: Thank you very much.

President Crouch: Thank you, Mr. LaMar.

Commissioner Musgrave: I want to ask Ms. Farrell to make sure that the web master puts these up as withdrawn as soon as possible.

Madelyn Grayson: May we change the tape, please?

(Tape Change)

President Crouch: Any other old business? Seeing none.

Public Comment

President Crouch: Public comment. This is an opportunity for the public to comment to the Commission on any business that the Commission has authority over. Seeing none.

Consent Items

President Crouch: Consent items?

Commissioner Musgrave: Motion to approve the consent items.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Musgrave: Motion to adjourn.

Commissioner Nix: Second.

President Crouch: All in favor?

All Commissioners: Aye.

President Crouch: So ordered. We will convene with Drainage Board in about, may we have like a ten minute break?

Commissioner Musgrave: A ten minute break, and then we'll go to, so, at 4:20 be back for Drainage Board.

(The meeting was adjourned at 4:11 p.m.)

CONSENT ITEMS:

Employment Changes:

VCCC (3) Sheriff Department (2) Circuit Court (1)

Travel Requests:

County Clerk (1) County Engineer (1)

Burdette Park: Surplus letter: bumper boats and parts.

Auditor: Financial Statement: September 2005.

Treasurer: Monthly report-August 2005.

Commissioners: Department head meeting notes: September 20, 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
SWCD	Supt. Of Bldgs.	Ozone Officer
Veterans Service	Chief Information Officer	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Nix
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Diane Clements	Phil Lawrence
Eric Williams	Bill Jeffers	Matt Arvay
John Stoll	Kathy Embry	Greg LaMar
Carolyn Rusk	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 4, 2005**

The Vanderburgh County Board of Commissioners met in session this 4th day of October, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon. Welcome to the Vanderburgh County Commission meeting, October 5, 2005. We will start with introductions to my far right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Nix: County Commissioner, Bill Nix.

President Crouch: County Commissioner, Suzanne Crouch.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Joe Gries: Joe Gries, Chief Deputy, Auditor's Office.

President Crouch: And B.J. Farrell, Superintendent of County Buildings is joining us. Please join us for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of September 27, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of prior minutes.

Commissioner Nix: I make a motion to approve the minutes of September 27, 2005.

President Crouch: I will second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

**Permission to Open Quotes:
Phone System-New Jail; Network Equipment-New Jail &
AVL Vehicle Locators-County Highway**

President Crouch: Our first action item we have several quotes that we need to move approval to open.

Commissioner Nix: Move approval of CIO phone system for the new jail, this is permission to open, also CIO network equipment for the new jail, and County Highway AVL vehicle locators.

President Crouch: And I will second and so order. Mr. Ziemer, do you have those quotes?

Ted C. Ziemer, Jr.: I do.

President Crouch: If you could open them, and then when we get to your report you could share that with us.

**Permission to Award Requests for Proposals: Burdette Park
VC-2005-05: Bumper Boat/Concession Demolition
VC-2005-06: Renovate Burdette Park Pavilion
VC-2005-07: Resurfacing Tennis Courts**

President Crouch: Next item, permission to award requests for proposals for Burdette Park. Do we have Mr. Steve Craig here?

Steve Craig: Steve Craig, Manager of Burdette. I would like to receive permission to accept proposals, and the first one that I have is on the demolition of the bumper boats, VC-2005-05, and I would like to give that to Floyd Staub, they were the low bidder. The next one was renovation of the Burdette Park pavilion, contract VC-2005-06, and that went to Robinson's Painting and Acoustical Company. That was the low bidder on that also. The last one was the renovation of the tennis court proposal, contract VC-2005-07, and that would go to Pavement Sealine Company. That would be the lowest bid on that also.

Commissioner Nix: Move approval of VC-2005-05, VC-2005-06, and VC-2005-07 to the lowest bidders.

President Crouch: I will second and so order. Thank you very much. Do you have something for us sign or initial?

Steve Craig: I have the requests of the P.O. that we were going to run them on a P.O.

President Crouch: Okay, do you want to submit it, we'll go ahead and take care of that for you. While you're here, do you have anything else to report, Mr. Craig?

Steve Craig: No, I don't. Not at this time.

President Crouch: Okay, thank you very much.

**Second & Final Reading of Ordinance CO.09-05-019:
Ordinance Concerning Inspection of Storm Sewer Installation**

President Crouch: Next item, ordinance concerning sewer system inspection. This is the second and final reading. Do I have a motion?

Commissioner Nix: I make a motion for the second and final reading of the sewer systems inspection ordinance.

President Crouch: I will second and so order. Before we vote, is there anyone who is here to speak to that ordinance? Seeing none. Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That does pass on final reading.

**Public Hearing/First Reading of Ordinance to Vacate
a Portion of Fisher Road**

President Crouch: Next item is an ordinance or public hearing for the vacation of Fisher Road, first reading. Do we have someone to speak to that please?

Scott Stone: Hi, I'm Scott Stone with Meyer Stone and Stratman, an attorney representing the petitioners. The petitioners seek to vacate a portion of Fisher Road, the portion lying north of Bridlewood Subdivision, which is just off of Boonville-New Harmony Highway, and south of Hornby Lane. It's a fairly insignificant portion, I believe. I'm not sure it's ever even been constructed. It was open back in the 1880's, but I don't think ever really completed. It's been washed away and farmed over for many years, from what I understand. The approximate north half of the area that we want to vacate would be part of a subdivision that's being developed by one of the petitioners. The subdivision, I believe, is to be called Creekside Meadows. The south half is currently farmed by the owners, I believe. I presume it would continue to be farmed by them. So far as we know, there would be no negative impact on any access by any of the owners in the area. We presented this to the County Attorney and it has been reviewed and approved by his office, I believe. We have sent the certified mailings to all the adjoining property owners, received all the green cards back. I have an affidavit to that effect on file. I believe the notice of this hearing was advertised by the County Clerk, as required by statute. With that, we have one representative from the petitioner here. If you have questions, we would be happy to try and answer them.

President Crouch: Questions?

Commissioner Nix: No.

President Crouch: Is there anyone to speak to this, or against?

Scott Stone: No, if there are questions.

President Crouch: Or against this petition?

Scott Stone: Oh, I don't know.

President Crouch: Is there anyone to speak against this petition? Seeing none.

Commissioner Nix: Move approval of vacation of Fisher Road, first reading.

President Crouch: I will second and so order. Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. That does pass on first reading. We will have the second reading next week.

Scott Stone: Thank you.

President Crouch: Thank you very much.

**Public Hearing/First Reading of Ordinance to Vacate
a Portion of Crowley Drive**

President Crouch: Next item, ordinance, public hearing vacation of Crowley Drive, first reading. Is there anyone to speak to this?

Jim Morley, Sr.: My name is Jim Morley, I'm the engineer for Parkview Care Center. Crowley Drive dead ends onto the Parkview Care Center, and the vacation is necessary in order for Parkview to do an expansion. I would like to give you a map. That's a site plan of the proposed expansion. You all will note on the site plan that the new design calls for a drive that goes all the way around the nursing home, which, I guess, as near as we can tell, the only problem relative to was not really with closing Crowley Drive, but is the matter of how much traffic from the nursing home used Crowley Drive to the north of there. It's a pretty narrow street in some portions. You can see by the site plan that we've set up a way in which they can take their food service delivery trucks and other necessary traffic around the building. Then our intention would be to post Crowley Drive there, where you would leave, exit the nursing home property, to the north, on what is a county maintained street, would be to post that as "no trucks". I don't think we want to close it or barricade it in such a way that an emergency vehicle couldn't get by, if you were to have, you know, a fire somewhere in the building, and it would block the path around the building. You would want to be able to come in that way. So, that probably would also be important to the people on Crowley Drive, that they, you know, be able to get out the other end there also. I, commentary on Crowley Drive, the, we are vacating it although I cannot clearly state the origin of Crowley Drive. Within the abstract of the property, as we did the title search, there was no Crowley Drive encumbering the Parkview Care Center. However, it was blacktopped, and on certain county records may have been listed, they're a little hard to tell, may have been listed as a part of the county maintained roadways. So, therefore, to cure this problem, the request was to simply vacate it across the property. We're not sure that it legally exists, but you do have some usage and some paving there. So, that's a little bit of the background of Crowley Drive right here.

President Crouch: And this has been reviewed by the County Attorney?

Jim Morley, Sr.: I believe that it has.

President Crouch: He seems rather busy.

Madelyn Grayson: He did notify me that he had reviewed it.

Jim Morley, Sr.: Yes.

President Crouch: Questions.

Jim Morley, Sr.: We have reviewed it, the County Engineer and a representative of John Stoll is here also and reviewed that with him. Our concern, their concern was are we going to set up the new design in such a way that we can handle traffic all the way around the building. You cannot do that today. So, under this new project that would be possible.

President Crouch: Is there anyone to speak to this?

Jeffrey Whittinghill: Yes, concerns?

President Crouch: Yes, uh-huh. If you would state your name and address for the record.

Jeffrey Whittinghill: Sure. My name is Jeffreyrey Whittinghill, I live at 5004 Cider Mill Court, Evansville, Indiana. I have an apartment building, a four plex building on Crowley Drive. I just wanted to point out a few things about the nursing home in relationship to Crowley Drive. Crowley Drive is essentially an alleyway. It was a single, one-lane gravel road that was eventually paved by the county. My mother also owns some property on Crowley Drive, and she has the same circumstance as Mr. Morley described, in that it's really not certain as to whether or not that is a county road. But, however, the county has paved that road and maintained it for several years. Basically, the road is about 12 feet wide in several locations. I have tenants that routinely complain because they have semi traffic, all kinds of deliveries and what not that are being affected on that road. They have to back up their cars into someone's driveway, or run off the road, because of, obviously, a semi's fairly long, the street is narrow and there's not room for two vehicles to pass, especially a semi and a passenger vehicle. Parkview has, according to Medicare.gov statistics, 108 beds with 95 residents. It's likely that they have at least 30 plus employees. The traffic that's generated from their commercial traffic, employees and visitors is no different, in my mind, than what you would expect from a commercial building or a large apartment complex. So, essentially, there's a lot of traffic being handled on Crowley Drive, yet it's use is, or it's infrastructure is fairly poor. So, what we're really looking at here from my mind and my concern is safety. I think safety needs to be number one. We have small children, we have elderly people, we have one lady in a wheelchair that's on Crowley Drive. This road is used, and while Parkview wishes to vacate their portion of the road and use it for commercial development to further increase the traffic on the road, you know, I think some type of study needs to be conducted, a traffic study from the engineer's office to take a look at Crowley Drive, it's present use. Looking at the nursing home, it's layout, you can see from probably the site plan there that they provided to you, they don't really use St. Joseph Avenue, it's much more convenient to use the back entrance, so to speak. That back entrance is Crowley Drive. They can miss the traffic, a couple traffic lights and what not by using the road. What we would really like to see is Crowley Drive widened to existing or acceptable standards for safety purposes. Whether the nursing home or Parkview is willing to do that, or the county is willing to do that, I don't know who's hands that lies into, but we would like to request that the road be widened.

President Crouch: Questions? Thank you very much.

Commissioner Nix: Thanks.

President Crouch: County Engineer, Mr. Seib, have you had an opportunity to review this? Do you have any comments?

Patrick Seib: Good afternoon, Patrick Seib, Assistant County Engineer. The only thing that I know about this is that as far as the vacation itself John doesn't have any objections. He did give me a letter that he wrote this past August to Mr. Bret Sermersheim that works for Morley's. In his letter he said that;

"If the right-of-way vacation is approved, please let your client know that their plans for the additional development of their property must provide a way for large delivery trucks to access their site from St. Joseph

Avenue. Due to the narrow width of Crowley Avenue it is not suitable for large delivery trucks. As a result, delivery trucks will need to be routed through your clients site instead of through Crowley Avenue.”

President Crouch: And this design does meet that request?

Patrick Seib: The design that Mr. Morley showed me earlier doesn't specifically prohibit trucks from using Crowley Avenue. I think he was calling for signs to, that say “no trucks”. I don't know if their design would be something that would be best dealt with in site review, or if this vacation can be made contingent upon them providing a plan to limit access to Crowley.

President Crouch: Can we do that here legally?

Ted C. Ziemer, Jr.: I would rather see you go ahead with first reading today, but put off second reading until you are advised that there is a plan in place for you to look at in second reading. Then you can decide at second reading whether you want to approve this or not.

Commissioner Nix: Is there a traffic count on Crowley? I know that that's a real lightly traveled road.

Patrick Seib: Not that I know of. Any traffic study would have to be done through EUTS.

Commissioner Nix: Right.

Jeffrey Whittinghill: (Inaudible. Comments made away from the mic.)

President Crouch: You'll have to come to the microphone, please.

Jeffrey Whittinghill: I'm sorry. There's already signs on Crowley Drive relative to traffic and the flow of traffic. In fact, the part that they are asking to be vacated is already marked with a rectangular metal sign that indicates that it's a private drive. So, they've already assumed that, I guess, they're going to get this vacation. That is not going to, you know, people just like electricity, they're going to follow the path of least resistance. Crowley Drive is that path of least resistance. So, you know, how, in my mind the road just needs to be upgraded. The subdivision that I live in now, in order for the developer to get permission, and I don't know if you granted it or what body granted the permission to develop the subdivision, he had to actually upgrade an existing side road in order to proceed with the development.

President Crouch: Thank you for your comments. Is there anyone else that cares to speak to this issue? We will have first reading, we will be voting on first reading today, and then we can postpone, if it passes we could postpone the second reading until these issues are addressed. Yes, Mr. Morley.

Jim Morley, Sr. : Thank you. Short of any action that would deny an emergency vehicle the ability to come in from Crowley Drive, we have no objection to, however, to signing it and to striping the parking lot to make it, you know, so that it doesn't look like a thoroughfare. I think what you heard today was not so much an objection to the vacation of Crowley Drive, but an issue that Crowley Drive is a narrow roadway in front of their homes, and they have an issue or problem with that. But, you know, we're willing to post any sort of sign and to stripe the pavement around. I do advise

that we should keep the ability to bring an emergency vehicle in that way, if necessary.

President Crouch: Thank you.

Ted C. Ziemer, Jr.: Jim, what I would think would be, why don't you get with John Stoll when he's available this week, and if you can reach an arrangement with him—

Jim Morley, Sr. : Right.

Ted C. Ziemer, Jr.: —that satisfies him on this issue, then we would like a written covenant from your client in favor of the County Commissioners that it will do these things if this is approved.

Jim Morley, Sr. : Sure, we could do that.

Commissioner Nix: I guess, there's still an issue of what is the county and what's not too. I think we need to look at that also.

Jim Morley, Sr. : I don't think we can solve that issue. We're....I think that of record we can't find that it is the county road, but we have a history of paving and maintenance, and that's all that....we have searched and I think John has searched—

Commissioner Nix: Okay.

Jim Morley, Sr. : —we can't find any proof one way or the other. So, just north of there where these people live, in that area and have problems, they're in a subdivided lot, and Crowley Drive has 30 feet of dedicated right-of-way. But, the dedicated right-of-way stops at this property line. We're vacating a portion of Crowley Drive which we can find no recorded evidence that it exists at all. So, but, we thought that we, you know, should go through the regular public proceeding, because there has been some county maintenance of that all the way down along there. That's the reason for bringing it before you.

Ted C. Ziemer, Jr.: If it's not a county road, what kind of road is it?

Jim Morley, Sr. : Uh—

Ted C. Ziemer, Jr.: A private road?

Jim Morley, Sr. : It, I don't know.

Commissioner Nix: I guess, that's the question I'm asking.

Jim Morley, Sr. : I think it is not a road, but sometimes when you have roadways that are maintained by the county over a period of years, it creates a cloud of title on the property.

Ted C. Ziemer, Jr.: If it's not a county road, who owns the property where the road is located?

Jim Morley, Sr. : Parkview Care Center. The owner, yes, yes.

Ted C. Ziemer, Jr.: The people that are petitioning to vacate?

Jim Morley, Sr. : Yes, oh, yes. Right, the people that are seeking to vacate. But, what we're removing, we may not, technically we may not have needed to ask for a vacation, but we wanted to remove the cloud of title, because the county had done work on the roadway. The best way to remove the cloud of title is to bring it before the Commissioners.

Ted C. Ziemer, Jr.: So, should the county determine to vacate it, even though it's not a county road, there would be no objection on the part of the petitioner?

Jim Morley, Sr. : That is correct.

Ted C. Ziemer, Jr.: Who owns the road?

Jim Morley, Sr. : Yes.

President Crouch: Yes?

Jeffrey Whittinghill: My mother also owns a portion of property that is just north of the property to be vacated, or the right-of-way to be vacated. If it is a right-of-way and she's under the same circumstance, she has researched this topic too, and there's no clear evidence that there is an existing public right-of-way in that area. Her property is zoned commercial, and what would it take for us to ask that our property be vacated so that we can build apartments or whatever in that area of the road?

Ted C. Ziemer, Jr.: Well, vacating your property wouldn't do anything toward your ability to construct a commercial venture there. That's a zoning issue.

Jeffrey Whittinghill: Okay, well, a zoning issue, but let's say that we would like to vacate then the area to the north of where Parkview is asking the vacation to occur.

President Crouch: I would suggest you probably need to see an attorney.

Jeffrey Whittinghill: Okay, well, that's fine.

President Crouch: Maybe not ours.

Jeffrey Whittinghill: We could certainly do that, but it sounds like you're open to vacating that. So, if we vacate that area to the north, the property or the traffic issue goes away. Because there's no road, correct? So, that would be an issue where if we came in and asked for the same thing, Parkview's going to be in here having an issue with us saying you're going to cut off our shortcut. Okay?

Ted C. Ziemer, Jr.: I haven't as County Attorney seen any drawings or anything on this. So, I can't, from your description, I can't tell exactly what you're talking about. But, I think if you were to sit down with John Stoll and give him your theory—

Jeffrey Whittinghill: Yeah, I called him today, sir.

Ted C. Ziemer, Jr.: He would be happy to meet with you and look at the plan.

President Crouch: And this is a first reading. Nothing is final until the second and final reading.

Ted C. Ziemer, Jr.: Right.

Jeffrey Whittinghill: Okay.

President Crouch: So, I think that a lot of issues have been raised today that need to be addressed. Certainly we would expect that those would be addressed before we would have a second and final reading.

Jeffrey Whittinghill: Okay. Thank you.

President Crouch: Thank you.

Betty Whittinghill: My name is Betty Whittinghill, and I've lived at Crowley Drive 52 years. I don't see any reason why the nursing home can't make a drive all the way around their place without vacating the road. There's no reason. They could go all the way around, you go out there and look. There's no reason for them to want to vacate the road.

President Crouch: Thank you. Any other comments? Do we have a motion for first reading?

Commissioner Nix: I move approval, a motion for vacation of Crowley Drive, first reading.

President Crouch: And I will second and so order. Commissioner Nix?

Commissioner Nix: Yes.

President Crouch: And I vote yes. We will hold off on scheduling the second hearing until we can get these issues resolved. Thank you very much for all your comments.

County Engineer

President Crouch: Next item on the agenda....while you're here, do you have any, Mr. Seib, any other items that you need to....County Engineer.

Patrick Seib: Yes, I do have a few items for action. First item is to request a retroactive approval to transfer \$20,000 from Oak Hill Road Culvert to the Kentucky Avenue Bridge. The transfer request was filed as a late transfer.

Commissioner Nix: So moved.

President Crouch: Second and so ordered.

Patrick Seib: My next item is I have a recommendation to award contract number VC05-10-01, North Kentucky Avenue Bridge Rehabilitation, to Gohmann Asphalt and Construction, Incorporated for the amount of \$211,934.70. The award is contingent upon County Council approval of the transfer. The contractor will not be given written notification of the award until after the County Council meeting.

Commissioner Nix: Move approval.

President Crouch: Second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: And that meeting is tomorrow, is that correct?

Patrick Seib: I believe so.

Commissioner Nix: Okay, thank you.

Patrick Seib: Next item is to recommend approval of the street acceptance request for Section Two of Carrington Meadows Subdivision. This request covers four streets for a total of 0.63 miles.

Commissioner Nix: Move approval.

President Crouch: Second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Patrick Seib: My last item is just to make you aware that quotes for a culvert replacement underneath Boehne Camp Road, north of Upper Mt. Vernon will be submitted at next week's meeting.

President Crouch: Thank you very much. Any questions? Thank you, Mr. Seib.

Patrick Seib: Thank you.

Superintendent of County Buildings

President Crouch: Are there any other department heads that have business to come before this Commission? Superintendent?

B.J. Farrell: Yes. Today, Commissioner Crouch, I received a letter from the Evansville Police Department asking for a waiver of the rental cost of rooms. They are doing officer promotions this Thursday at 1:30.

Commissioner Nix: Move approval.

President Crouch: And this is, this motion includes with the exception of the Teamsters overtime?

Commissioner Nix: The Teamsters overtime, that's correct.

President Crouch: And I will second. All in favor?

All Commissioners: Aye.

President Crouch: Any other business?

B.J. Farrell: That's all. Thank you.

County Attorney

President Crouch: County Attorney.

Ted C. Ziemer, Jr.: Yes, thank you. From the bid openings for the AVL vehicle locators, a bid from JES and Sons of \$37,075.36. A quote from Tri-State Communications of \$39,656.50. And a quote from Vincennes Electronics in the amount of \$31,939.50. Those are the quotes for the AVL. I also have a quote on the jail phone and network infrastructure. Maybe you want to go ahead and deal with the AVL vehicle locators.

Commissioner Nix: I would like to move that we take these bids under advisement.

President Crouch: I will second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, I only have one bid each for the jail phone and the network infrastructure. For the jail phone the bid is from Cisco Sytems in the amount of \$58,985.45. For network infrastructure, the bid of Cisco Systems is \$76,096.75.

Matt Arvay: That's from Keller Schroeder Associates.

Ted C. Ziemer, Jr.: Well, excuse me, I looked at the bid—

Matt Arvay: KSA is Keller Schroeder Associates.

Ted C. Ziemer, Jr.: Okay, I see. It says Cisco on here.

Matt Arvay: Yeah, that's the equivalent.

Ted C. Ziemer, Jr.: Okay, let's correct that and say it's not Cisco Systems, they didn't have their name on it very well, it's Keller Schroeder Associates instead of Cisco Systems. The bids again, just to be sure we have it correct for the record, the jail phone \$58,985.45, and for network infrastructure, \$76,096.75.

President Crouch: That's two quotes?

Ted C. Ziemer, Jr.: One quote for each project. So, they're separate projects and one quote for each by the same quoter. I think that Mr. Arvay would like to, even though there's only one quote, he would have the right to refuse all quotes. He would like to take those under advisement, I believe. If that's your wish.

Commissioner Nix: Move approval that we take these under advisement.

President Crouch: I will second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, last week the Commissioners were requested to remove 72 parcels of real estate from the certificate tax sale, which is going to be held on October the 14th. At the time that request was made by, on behalf of DMD, the intention was that the county would take title to these properties, and then, by resolution, convey the properties to DMD, that would be from one political subdivision, or one political entity to another. Since then it's developed, a couple of things have developed, we learned that it's going to be quite expensive to go through the title searches that will be necessary for the county to take title to the 72 parcels. At the same time we learned that DMD would really prefer that the county not convey the properties to DMD, because DMD would rather have the properties go to a new, not-for-profit corporation that they've created called Evansville Brownfields Corporation. DMD was concerned that they would have no way, if the county conveyed it to DMD, for DMD to then convey it to Evansville Brownfields Corporation. DMD has agreed with the County Attorney, the attorney for DMD has agreed with me that it would be better, for all concerned, if the Commissioners would consider rescinding the order to remove the 72 parcels of property from the certificate sale on October 14th, thereby letting those parcels be available for sale on that date. It will be the intention of Evansville Brownsfield Corporation to buy the properties at the certificate, or at least to bid on the properties at the certificate sale on that date. Then, if they're the successful bidders, which they intend to be, then they will do the necessary title searches and so forth at city expense to vest title in Brown, Evansville Brownfields Corporation. So, our recommendation is that the Commissioners consider rescinding the order removing the 72 parcels from the sale, and thereby placing them back on the sale.

President Crouch: Is there anyone to speak to this issue? I did see Mr. LaMar and he said that that was agreeable with them.

Commissioner Nix: I move that we rescind the order for the 72 parcels of property.

President Crouch: I will second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: Okay, thank you. I have one other matter. We received and reviewed an amendment, a proposed amendment to a grant agreement by the State Board of Health to the Vanderburgh County Board of Health for sexually transmitted diseases. The amendment serves to increase the amount of the grant by \$7,500, and then adds some technical provisions regarding telephone solicitation and ethical conduct. If it's to be approved at all, it needs to be approved within seven days from September 29, 2005, and we find it satisfactory for execution should you decide to approve it.

Commissioner Nix: Move approval.

President Crouch: Second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Ted C. Ziemer, Jr.: That's all I have.

President Crouch: Thank you very much.

B.J. Farrell: If I could, Madam Commissioner? Madelyn, the Health Department requested that if that was approved that if they could get that from you as quickly as possible so they can meet their seven day deadline. Thank you.

Old Business

President Crouch: Old business?

New Business

President Crouch: New business?

Public Comment

President Crouch: Public comment, this is an opportunity for the public to comment to the Commissioners about any item or issue that we have authority over. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Nix: Motion to approve the consent items.

President Crouch: And I will second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered.

Commissioner Nix: Motion to adjourn.

President Crouch: Second. All in favor?

All Commissioners: Aye.

President Crouch: So ordered. Thank you very much.

Commissioner Nix: Thank you.

(The meeting was adjourned at 4:04 p.m.)

CONSENT ITEMS:

Employment Changes:

Pigeon Assessor (2)	County Clerk (1)	German Assessor (1)
Auditor (1)	Burdette Park (2)	Sheriff Dept. (2)
VCCC (1)	Health Dept. (1)	

Travel Requests:

SWCD (1)	Health Dept. (1)	Treasurer (1)
Surveyor (1)	County Highway (1)	

Health Department: STD Grant Agreement Amendment (+ \$7,500)

Commissioners:

Jail Construction Payment No. 70: \$790,198.10
Department Head Meeting Report: 9/27/2005

Weights and Measures: Monthly Report: August 2005

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Bill Nix	Joe Gries
Ted C. Ziemer, Jr.	B.J. Farrell	Madelyn Grayson
Steve Craig	Scott Stone	Jim Morley, Sr.
Jeffrey Whittinghill	Patrick Seib	Betty Whittinghill
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Bill Nix, Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 11, 2005**

The Vanderburgh County Board of Commissioners met in session this 11th day of October, 2005 at 3:32 p.m. in room 301 of the Civic Center Complex with President Suzanne Crouch presiding.

Call to Order

President Crouch: Good afternoon, and welcome to the October 11th Vanderburgh County Commission meeting. We will open our meeting with introductions, and I will start to my far right. Mr. Lawrence, a special guest today.

Phil Lawrence: Phil Lawrence, Purchasing Department.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Musgrave: Cheryl Musgrave, County Commissioner.

President Crouch: Suzanne Crouch, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Crouch: Please join us in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of October 4, 2005 Commission Meeting Minutes

President Crouch: First item on our agenda is approval of minutes.

Commissioner Musgrave: Move approval of the October 4th Commission meeting minutes.

President Crouch: And I will second and so order.

**Permission to Open Bids:
VC-41-2005: Furniture for Jail
VC-42-2005: Inmate Uniforms
VC-43-2005: Lockers for Jail
VC-03-2005: Burdette Park Chalet Construction**

President Crouch: Action items, our first action item is permission to open bids from Purchasing. Mr. Lawrence?

Phil Lawrence: Yes. Permission to open VC-41-2005, furniture for jail; VC-42, VC-43 & VC-03, Burdette Park chalet construction.

Commissioner Musgrave: Move approval of those open bid requests.

President Crouch: And I will second, so ordered. And you all with Mr. Ziemer will open those and then report under Mr. Ziemer's report. Thank you.

**Permission to Open Quotes:
VC05-10-02: Boehne Camp Road Culvert Replacement**

President Crouch: We also have a request to open quotes from the County Engineer.

Commissioner Musgrave: Move to open VC05-10-02, Boehne Camp Road culvert replacement.

President Crouch: And I will second and so order.

**County Auditor: Consulting Services Agreement
(Maximus and Malinowski Consulting)**

President Crouch: Next item is contracts, agreements and leases. Our first contract is County Auditor for consulting services. This is an annual agreement that we have had in the past with Maximus, is that not correct?

Bill Fluty: That is correct.

President Crouch: And we have two proposals to consider this year?

Bill Fluty: That is correct. Both of the gentlemen are in the audience and, I believe, would like to speak.

President Crouch: And, Mr. Ziemer, you have reviewed these agreements, and can you just comment on them briefly?

Ted C. Ziemer, Jr.: Certainly. This is to review federal and state expenditures and recapture funds for the county. The Maximus agreement, it's hard to open these bids and comment on agreements, but we'll try to do our best. The Maximus agreement provides for a, it could either run, it could be for one year or three years at the county's choice. The charge would be \$12,600 per year, with the \$12,600 to only be paid out of recoveries that are made for the county. So, if, for example, the total recovery in a year was only \$10,000, that would be the fee rather than \$12,600. If the recovery is over \$12,600, it's still \$12,600. It can be terminated on 30 days notice. I think that fairly sets forth the terms of that agreement. The other agreement is from Charles F. Malinowski, and the terms of that agreement are essentially the same as those of the Maximus agreement, except that it provides for a, if the agreement is going to be for a term of one year, the fee would be \$12,600, just like Maximus, but if it were going to be for three years, it would be \$11,970, a savings, I think, of \$830 if you went for three years with Malinowski instead of Maximus. Also, the other distinction between the two is the \$12,600 fee of Malinowski is paid regardless of the amount of recovery earned for the county. I'm told that based on past history sums substantially in excess of \$12,600 are regularly realized, so that it become irrelevant whether the \$12,600 is a set fee or whether it's paid only out of the recovery. Malinowski does point out that by not making the \$12,600 fee contingent you could obtain partial reimbursement for that fee in the next year's cost allocation plan. I would have to bow to the County Auditor to explain that further to me. But, those are the terms.

President Crouch: Thank you very much. I believe that the gentlemen that have presented the agreements are here. Do either care to speak to this, to their agreement? If you will identify yourself for the record.

John Mallers: Thank you for letting me be here. My name is John Mallers, I'm from Maximus. This is my colleague Scott Hohl. We, if there are any additional questions you have, we'll certainly take them at anytime. We do have a couple of things here to pass out. Essentially, I just wanted to say that one of the things that we feel strongly about is that this plan is not just merely a commodity. It's not something that just anybody can do and that the lowest price is the only consideration. Although the prices are extensively the same. We feel that we have significant advantages over any opponent or competition that we might have. Initially, our 30 year relationship with Vanderburgh County preparing the cost plans, or nearly 30 year relationship. So, I think we have the records and the history with Vanderburgh County that no one else can match. Secondly, we have a proprietary software that was created just for us. It's just for these cost recovery plans. It, essentially through the use, through the gathering of the information, as we do here in the Auditor's office, we input the information into this software, that only we have, or only we should have anyway, and it generates the largest possible reimbursement for the county. So, as opposed to, I don't know, Excel spreadsheets or whatever some other people might be using, this generates the largest possible reimbursement for the county on an annual basis. Lastly, at Maximus we have a staff of four people who are working on county, or Indiana county contracts, so that no matter what the situation or circumstances, Vanderburgh County is always going to be covered by a representative of Maximus. Plus, we have the resources of a national company that is on the New York Stock Exchange, and offers a variety of services, including IV-D billing, including User Fee studies and efficiency studies and all sorts of other financial consulting as well. So, we think that that separates us from other options out there.

Scott Hohl: And a couple of things we're going to pass out, one is some history as far as what kind of reimbursements you've been able to receive from Maximus. As the attorney said, it has been in excess of, on average, over \$104,000 a year. One clarification on our fees, if it were less than \$25,000 that you recouped, then we would, it would not be a full \$12,000 that we charge. It would be half of whatever you recouped.

John Mallers: Yes.

Scott Hohl: Less \$25,000. So, but, like I said with reimbursements in excess of \$104,000, that's pretty much a mute point. We're projecting that for '05 your reimbursement will be approximately \$139,000. Those numbers allow the Auditor's office, if you chose to use it as an example, to hire anywhere between three to five employees. That money goes into your General Fund though, so, certainly it could be used for anything, any other projects that the Commission deemed necessary. We are endorsed by the Association of Counties as well.

Ted C. Ziemer, Jr.: Just a comment, excuse me, I read the agreement earlier and I did glance through it again, I don't see that \$25,000 provision.

Scott Hohl: Well, it's not \$25,000, it's our fee is \$12,600--

Ted C. Ziemer, Jr.: Right.

Scott Hohl: —so twice that is \$25,200--

Ted C. Ziemer, Jr.: Right.

Scott Hohl: —so, if, say, for instance, the reimbursement to the county was \$25,000, we wouldn't get our \$12,600, we would get half of the reimbursement up to \$25,200 and above that we would just stay at \$12,600.

Ted C. Ziemer, Jr.: Okay.

Scott Hohl: At \$100,000 we get \$12,600. If it's only \$10,000, then we only get \$5,000.

Ted C. Ziemer, Jr.: Yeah.

Scott Hohl: If that makes sense.

Ted C. Ziemer, Jr.: Okay.

John Mallers: Then we also have some reports here, through our contacts with the state, not only do we prepare the cost plan and come up with the reimbursement....thanks, but we also have contacts with the state where we bill on your behalf, so you guys don't have to bill to claim the reimbursement. We take care of that for you. It's part of our service. We also monitor those reimbursements to make sure that they're timely, and make sure that they're accurate. These reports that you see, one report shows just the, it's for the second quarter I believe in 2005, and one shows a breakdown for Vanderburgh County where the reimbursement goes. Then the other sheet shows just by county the total breakdown, or the total reimbursement by counties.

President Crouch: Questions?

Madelyn Grayson: Could the second gentleman state his name for the record. I did not note that?

Scott Hohl: Scott Hohl.

President Crouch: Thank you very much.

John Mallers: Thank you very much for your time.

Charles Malinowski: Thank you for having me here today. My name is Charles Malinowski. I'm the owner of Malinowski Consulting. I am not an unfamiliar face to Vanderburgh County, for the last nine years, 1997 through 2002, I prepared the county's cost allocation plan while we had Auditor Crouch, that is now Commissioner, and I've had the pleasure to work with Auditor Fluty also. A couple of things that I would like to point out is that I would have to agree with everything that the County Attorney said in the contracts, although I have noticed that I was pricing my fees on a 20 percent difference of what Maximus was previously charging you. Apparently those fees are now being dropped because there is now competition in the market, which is a good thing, because I think that's one thing that the client wins at. The other point that I would like to make in regard to comparison of the contracts is that with a fixed fee that I'm proposing it does make it eligible, and we had a question about that, the federal government specifically forbids the use of

a contingent, the reimbursement of a contingent contract, and that's the arrangement that you've had with Maximus for, as was said, approximately 30 years. That contingent fee, what the federal government, what they don't want is somebody coming in and taking, gouging the county, gouging the federal program, and that's not what the case is happening here. But, this particular arrangement does, is against, to the detriment of the county because if you don't require that, you know you're going to be getting, as was said in excess of \$100,000, you're four times the limit, so why not let's work that contract to the county's advantage to make sure the General Fund gets as much money as possible. What I do have then, I was hoping to be a little bit closer to you folks, but I do have a simple presentation. I'll take just as quickly as I can, because I know we're at the beginning of the meeting here, but try and explain what we're looking at, and how all of this gets together. There's basically two things going on here, we have direct costs which is the title IV-D program, they charge on a monthly basis back to the state for reimbursement. Based on those charges, the indirect costs is what we're talking about today in our proposal, is computed. The higher those numbers are, the higher the General Fund recovers on the indirect costs. Basically, in the monthly claiming, the County Clerk recovers about \$194,000 annually. The Prosecutor recovers in excess of \$500,000, and the one area that you have not been claiming on that I have been doing some investigating on is that the courts, the Circuit Court, the IV-D hearings are eligible, that cost isn't being reimbursed. This is something that, outside of what happens today is I would still be pursuing to assist the county in making sure you get as much money back on that particular program as possible.

Commissioner Musgrave: Is that included in the fee you've proposed?

Charles Malinowski: Yes, it's included in the fee. It's part of my comprehensive service to evaluate all of, not just preparing the plan through the Auditor's office, but specifically talking to those agencies that prepare that claim that directly increase their recoveries to the county General Fund. As far as the cost allocation plan goes, the only reason that you're going to prepare this is for the recovery of indirect costs from the Child Support Enforcement program and County Welfare. The County Welfare would be just a preparation of the checks through the Auditor's office and the Treasurer's office. As it was said earlier, we're getting about, the county gets about \$100,000 a year for the cost plan. So, to summarize, direct costs coming back to the county related to this whole issue, we're looking at \$696,000 annually, and then the indirect cost plan recovers about an average of \$102,000 annually. What I also would like to say is that it has been a privilege to work in Vanderburgh County while I was an employee of David Griffith and Associates, and then when it turned into Maximus. I appreciate the opportunity to be here today, and I look forward, if not this project, other projects that we can work together on to help the county out. Do you have any questions?

President Crouch: Thank you very much.

Charles Malinowski: You're welcome. Thank you.

President Crouch: Is there a motion? Or do you want to take it under advisement?

Commissioner Musgrave: I would like to ask a question, then I would like to take it under advisement. Is it John Mallers?

John Mallers: Yes.

Commissioner Musgrave: Mr. Malinowski pointed out that we're not receiving any money back from the courts IV-D program. Do you have any insight?

John Mallers: It's my understanding that we are accounting for Clerk IV-D in the plan, as we speak. I don't know if we have the file with us or not.

Commissioner Musgrave: What I mean is that he's saying we have not collected any to date.

John Mallers: Well, let me check.

Commissioner Musgrave: How about we just leave that as an open question and you can answer it later. I'll make a motion to take this under advisement.

President Crouch: And I will second, so ordered. So, we will more than likely be acting upon it at our next meeting.

Second and Final Reading of Ordinance to Vacate a Portion of Fisher Rd.

President Crouch: Next item, ordinance, vacation of Fisher Road, second and final reading. Is there a motion?

Commissioner Musgrave: Move for the vacation of Fisher Road.

President Crouch: And I will second and so order. Is there anyone in the audience that cares to speak to this ordinance? Seeing none. Commissioner Musgrave?

Commissioner Musgrave: Yes.

President Crouch: And I vote yes. That passes on second reading.

Maria Bright: Request to Redeem Property: 11-360-25-055-012

President Crouch: Request to redeem property, 11-360-25-055-012, Maria Bright. Is there someone here to speak to that property?

Commissioner Musgrave: Ms. Bright sent a letter, and it's my understanding that in her letter is planning to pay all of the taxes due, as calculated by the Auditor's office, by the end of the business day on Thursday. With that understanding I move to allow the request to redeem property, but only if—

President Crouch: Contingent on?

Commissioner Musgrave: —contingent upon those taxes being paid.

President Crouch: And I will second and so order.

**David Copeland: Request to Remove Properties from 10/14/05
Commissioner Tax Certificate Sale**

President Crouch: Next item we have request to remove properties. A request by David Copeland, and a request by General Waste. Mr. Copeland? State your name and address for the record please.

David Copeland: Name, David Copeland, address, 3755 Stringtown Road. What I'm asking for is to remove the properties that are listed on the Commissioners sale, and give me further time to pay the taxes due on these. I sent a package to the Commissioners. Did you have time to look at it?

President Crouch: Uh-huh.

David Copeland: Okay. Since 2002, I had originally gotten into the properties after my grandfather's passing. I had done well with the properties that I had. Taxes did linger behind, they were a little bit behind when my grandfather passed away. The taxes stayed behind on a regular basis. There was a lot of issues with Code Enforcement and repair orders and stuff that needed to do. I kind of balanced my time between those issues and bouncing back and forth between trying to pay the taxes and trying to do the properties. My mother got ill in that time, I did a lot of things trying to take care of her and trying to bail her out. Sometimes you do things for your parents that maybe, you know, go beyond what I should have done, but I just did what I could at the time, and I put myself in jeopardy in doing that. She left my sister with me when she was a junior in high school. I put her through Signature School. She finished school, I didn't receive any compensation for doing that. She went on to go to U of E. She's going to U of E right now. She's a straight A student. I've got four children, two of which my wife had before we got married, and two of our own. We live on the north side. The properties that we have we have been basically spending most of our money towards code enforcement issues that had been on the properties for years. Many of them which were in my mother's name when we took them over. We started to receive certificates of occupancy against these and have been knocking them off, actually we've knocked off three in the last couple of months. We've got two that are getting ready to come off the code enforcement list this month. We have, up until this point one of the reasons we haven't been able to pay the properties, the taxes is, basically, the bills, but when mom deeded all these properties over to me, they came with debt and liens and stuff, and it basically, when we got behind on our stuff, our credit was ruined. Most people would say, well, you just go out and mortgage a piece of property since you had all those. We couldn't get a mortgage, we couldn't borrow money, we couldn't do anything. We were just in limbo. We've been in limbo for four years now. We've been struggling to pay the taxes and do whatever. In the last probably 12 months we've paid off all of our liens that we have, we've paid off all the judgements that we have in our name. We are judgement free now, except for just a few small one's which we are working on. We've gotten pieces of property that have been sitting empty in the downtown area for a long time, rentable. We're starting to receive an income from these properties. We've actually got two pieces of property that we have spent a lot of money on in the last couple of months and got them on the market. They're both listed with the Realty Group right now. One of them appraised yesterday for \$54,000, and the other one we haven't gotten the appraisal back on yet. What I'm asking is for an extension of time, whether it be 30 days or 60 to get one of these pieces of property sold. We don't have any liens against these pieces of property. I can sign something with the county, or with the Auditor's office that all funds will go straight

to paying the taxes. I don't have any judgements or anything, you know, outstanding on these pieces of property that would keep me from doing that.

President Crouch: Questions?

David Copeland: I, you know, I'm just, you know, there's a lot of landlords out there, and there's a lot of pieces of property in the downtown area. I know Mrs. Musgrave, she resides in the downtown area. I did some campaigning for her years ago, and I would love to see the downtown area get fixed up. You know, all these rental houses that are down there and they're all just painted bleak white and they're just made so that they can be rental houses. I don't believe in that. I think that a lot of these houses can be, you know, viable pieces of property and they can look good in the neighborhood down there. I don't think that we can keep selling these houses on tax sale and tearing them down and building Habitat houses. I'm not saying that Habitat's not a good thing, but I'm saying that it's not helping that area down there.

President Crouch: Let me, oh, go ahead.

Commissioner Musgrave: Did our attorney call you? I asked Kathryn Schymik to explain to you the tax sale process.

David Copeland: Right.

Commissioner Musgrave: I'm certain that she told you that we can't grant an extension.

David Copeland: Okay.

Commissioner Musgrave: That you're either on the sale, or you're not.

David Copeland: Okay.

Commissioner Musgrave: And that if your property is sold Friday–

David Copeland: Right.

Commissioner Musgrave: –at tax sale, you have 120 days then to redeem them.

David Copeland: Okay.

Commissioner Musgrave: So, you do have more time.

David Copeland: Okay.

Commissioner Musgrave: But, it is still to your benefit to pay the taxes on as many of them as you possibly can–

David Copeland: Right.

Commissioner Musgrave: –particularly the one's that you have on the market–

David Copeland: Okay.

Commissioner Musgrave: –between now and Thursday.

David Copeland: Right. I was under the understanding that the Commissioners Sale was a final sale.

Commissioner Musgrave: I think that was the impression that our staff had early on.

David Copeland: Okay.

Commissioner Musgrave: Since then we have been apprised by legal counsel that there is a 120 day redemption period. Is that correct, sir?

David Copeland: And it is the same redemption as any other tax sale?

Commissioner Musgrave: I'm going to have to defer to either the Auditor or the attorney to explain those details, or you can discuss with them afterward.

David Copeland: Okay. Okay. Okay, thank you.

President Crouch: Thank you, Mr. Copeland. Good luck.

David Copeland: Thanks.

<p>Request to Remove Properties from the 10/14/2005 Commissioners Tax Certificate Sale: General Waste</p>
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President Crouch: Next, General Waste.

Michael Nelson: Good afternoon, Commissioners. My name is Michael Nelson. I'm an attorney with Hunsucker and Goodstein, a Division of Resolution Law Group. I'm here on behalf of both General Waste and of the Evansville Greenway and Remediation Trust. We're here to ask the property be taken off the tax sale list. This is the, what we refer to as the river yard property owned by General Waste. We're not asking for any reduction in the taxes, all we need is an additional amount of time in order to ensure that we're able to move forward efficiently and effectively with the remediation, or investigation and remediation of that river yard property. Because this is a little bit different situation than you often see as Commissioners involving a contaminated property like this, I wanted to take just a little bit of time to explain to you what's happening out there at the site, so that you're fully aware. As a lot of you know, General Waste is a business that's been in town for about 50 years or so contributing to the local economy. In about the year 2000 they stopped operating, they ran out of funds and were no longer, after a period of time, able to pay their property taxes. They had two pieces of property, the main yard and the river yard, both of which are contaminated with lead and PCB's primarily. We moved forward with trying to address the situation at the main yard first. Then that's because the city was interested in that piece of property for part of it's Greenway. With the help and assistance of the city, who did a great deal of work on this project, we were able to both pay off all of the back taxes on that property, get the property cleaned up. We're in the final stages of the evaluation of how well that clean up has gone. We've had non-detect occurrences out there in the ground water, plus all the soils been deemed clean by IDEM. We're just awaiting the last three rounds of testing at that main yard site. So, that's where all of our focus has been to date, is out there. We're only now just turning to the river yard property and attempting to address that site and obtain the resources in order to fully investigate, characterize, and then remediate that property. The trust is the entity that was created by Federal

Magistrate Hussman, just a couple blocks down the road, in order to deal with that investigation and remediation. The trust has the power to go out and try to obtain money in order to work on these projects, and then to actually complete the investigation and remediation. As of today, we have not obtained the money to remediate that property at the river yard. We did successfully obtain in the neighborhood of between three and four million dollars to clean up the main yard. But, we're still working on the river yard. What we're worried about is if this property does in fact get transferred to anyone else, that it's going to be much more difficult and much more time consuming to clean up the river yard property. Which is, I think, a situation which nobody wants. It's in the best interest of both the citizens of Evansville, the citizens of Vanderburgh County, the trust, and I think everyone else associated with the site to see it cleaned up, and to see it cleaned up as quickly as possible, so that it's turned back into a productive use, and is back actively contributing to the economy and contributing to the tax rolls. I believe we do have a very good opportunity to make that happen. However, if the property changes hands to some other entity, then our process becomes more difficult and more expensive. It is not unlike the situation that the Commission has identified before with other properties that have gone through tax sale. Back at the September 27, 2005 Commission hearing regarding some of the tax properties, or some of the properties that had been listed for sale which were taken off of sale in the downtown area, Commissioner Musgrave, I believe mentioned that one of the problems is that properties frequently purchased at a tax sale and they are used to generate maximum rent revenue for the owner with minimum investment. That was one of the reasons why many of those properties, I think, 72 or so were taken off of that list to be given to the city to work on their remediation and turning them back into something useful. Similar things happen in environmental situations like this where parties come in and purchase the tax certificate for a couple hundred dollars, and then try to make the remediation more difficult and extort money out of the parties trying to clean up the site. An example of how that happens is that, and we face this in other sites around the state, properties like this which are commercial site on the river in between other commercial properties are allowed by IDEM to be cleaned up to commercial standards. If there's a restriction put on the property that says it will only be used for commercial types of uses in the future. If another party is in there and has control over that and refuses to do so, that means you're not allowed to clean it up to commercial levels, you would have to try to clean it up to residential levels, which is not only ridiculous because it doesn't fit with the use, but much more expensive and much more time consuming, potentially making it impossible to complete a clean up out there at the site and essentially the property would stay unused and not productive for the community. So, we're asking that this property be taken off of the tax sale list for this Friday, and we be given additional time to arrange for the financing necessary to pay those back taxes and we intend on doing so in full just as we've done at the main yard.

Commissioner Musgrave: Yes, I received your letter, and you were asking for at one point 60, and at another point in the letter 60 to 90 days of extra time. I checked the Treasurer's office and the taxes owing on this property are right at \$13,000.

Michael Nelson: That's right.

Commissioner Musgrave: As you heard me explain to Mr. Copeland, who was here just before you, if your property would sell you have 120 days then, which is 30 days more than your maximum request. So, I believe that you would be served then if we left it on tax sale. We will make full disclosure of the contamination at the sale itself, so any potential buyer, should there be any, would be fully aware of the problems at

this site. I would like to make a motion to grant, to take, allow any property owner who comes in and pays their taxes in full by the close of business on Thursday, allow those properties to be taken off the tax sale scheduled for 10:00 a.m. on Friday, and that would include General Waste and Mr. Copeland, or anyone else who's able to come forth with the full amount of the taxes.

President Crouch: And I presume we can do that legally with this process?

Ted C. Ziemer, Jr.: Certainly. You can take properties off the tax sale for any reason that you want to between now and the date of the sale.

President Crouch: Then I will second and so order. Is there any motion now to remove this particular property?

Commissioner Musgrave: No, Ma'am.

President Crouch: Okay, thank you very much, Mr. Nelson.

Resume Discussion of Consulting Services Agreement: Maximus
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President Crouch: We'll go back to Mr. Mallers.

John Mallers: Yes. May I approach? I can show you. This plan is a little (inaudible) here, it's kind of hard to see. This is just one of the pages, many pages of the plan, but it shows here some of the allocated costs, all costs IV-D related for County Prosecutor, Clerk, Superior and Circuit are allocated on later pages. But, this shows that they are included. It's my, it's possible that Mr. Malinowski who hasn't prepared the plan for a couple of years didn't realize that they had been included in the last two or three years.

Commissioner Musgrave: Thanks.

Scott Hohl: One point that we would like to make is, these plans are not concrete plans, they are somewhat fluid. Obviously, different departments, such as the Prosecutor's office, and, of course, what with new programs, so, we, obviously, each year, that's why we bother the Auditor with obtaining so much information, so we can pick up these new funds and programs that may be directly related to IV-D, or maybe even indirectly where we can still gather that cost in for the county. I have extensive experience working for Child Welfare and with the courts and Prosecutor, so I'm able to kind of see where some of those funds may have sprung up from. Thank you.

President Crouch: Thank you very much.

John Mallers: Thank you.

Burdette Park

President Crouch: Next item, department heads. This is where department heads that have business that we need to approve would appear at this time. Burdette?

Steve Craig: Steve Craig, Manager of Burdette. I would like to request to appear before County Council so that I can get more money for my Utility account, which is 1450-3200.

Commissioner Musgrave: Move approval.

President Crouch: And I'll second and so order.

Steve Craig: Did you have time to review that Vectren agreement?

Ted C. Ziemer, Jr.: I did and it will be under my agenda.

Steve Craig: Okay, that's all I have.

President Crouch: Thank you, Mr. Craig.

Steve Craig: Thank you.

Superintendent of County Buildings

President Crouch: I don't see County Highway, Superintendent.

B.J. Farrell: I do have, Commissioner Crouch, thank you, I have a memorandum of agreement, this is with the University of Southern Indiana for our intern. It has been reviewed by the County Attorney and is acceptable from a legal standpoint.

Commissioner Musgrave: Move approval.

President Crouch: And I will second and so order.

B.J. Farrell: I do have one other item, but it also falls under the consent agenda. So, do you wish me to discuss it now or at that time?

President Crouch: You can discuss it, and then we can amend the consent.

B.J. Farrell: I do have some information provided by Mr. Tony Flittner of Torian Hofmann Dillow and Flittner. It is a mandatory change regarding Anthem and their dependent liability age, limiting their age. Thank you.

Commissioner Musgrave: What does it limit their age to, do you know?

B.J. Farrell: I believe Commissioner Crouch can address that.

President Crouch: It's at 19. It used to be, my understanding was if you qualified as a dependent on your federal taxes, if you had a dependent that qualified then you were considered a dependent for purposes of Anthem's insurance up to the age, I believe of 25, now, you have to be a full time student from 19 to 25. It is a mandatory change, it's not an option that we have. It's one that Anthem has implemented.

Commissioner Musgrave: Okay, move approval to add this to the consent agenda.

President Crouch: And I will second and so order. Is that it?

B.J. Farrell: That's all I have. Thank you.

President Crouch: Thank you.

County Attorney

President Crouch: Mr. Ziemer?

Ted C. Ziemer, Jr.: Okay, thank you. First I would like to ask if there’s anybody in the audience who would have a bid on the Burdette Park chalet construction? Well, great, would you want to tell us what your bid is? Okay, we’ve received no bids on that, which is the reason that I wanted to inquire. For the Boehne Camp Road culvert we have a bid from Koberstein Trucking of \$42,832. A bid from CCC of Evansville, Inc., \$44,310.45. A bid from Deig Brothers of \$56,388.

VC05-10-02: Boehne Camp Road Culvert Replacement

Company Name	Bid Amount
Koberstein Trucking	\$42,832.00
CCC of Evansville, Inc.	\$44,310.45
Deig Brothers	\$56,388.00

Commissioner Musgrave: Motion to take the bids under advisement.

President Crouch: I will second and so order.

Ted C. Ziemer, Jr.: For jail furniture we have three bids. The first bid is from Business Environment and it’s in the amount of \$101,858.47. The bid from Smith and Butterfield in the amount of \$136,000. A bid from QM Workspace in the amount of \$170,055.55.

VC-41-2005: Furniture for Jail

Company Name	Bid Amount
Business Environment	\$101,858.47
Smith & Butterfield	\$136,000.00
QM Workspace	\$170,055.55

Commissioner Musgrave: Motion to take the bids under advisement.

President Crouch: I will second and so order.

Ted C. Ziemer, Jr.: For the jail uniforms we have two bids, one from Robinson Textiles in the amount of \$44,342.85. One from Bob Barker Company, who also sent us an orange t-shirt, \$54,673.84.

VC-42-2005: Inmate Uniforms

Company Name	Bid Amount
Robinson Textiles	\$44,342.85
Bob Barker Company	\$54,673.84

Madelyn Grayson: May we change the tape quickly, after you make your motion?

Commissioner Musgrave: Oh, motion to take the bids under advisement.

President Crouch: Second and so ordered.

(Tape Change)

Ted C. Ziemer, Jr.: For the jail lockers we have two bids, one from Tri-State Systems in the amount of \$29,953.28. One from Lyon Workplace in the amount of \$23,809.

VC-43-2005: Lockers for Jail

Company Name	Bid Amount
Tri-State Systems	\$29,953.28
Lyon Workplace	\$23,809.00

Commissioner Musgrave: Motion to take the bids under advisement.

President Crouch: Second and so ordered.

Ted C. Ziemer, Jr.: Okay, that's all the bids. Now, we have quotes today, which were received by Matt Arvay, and he is unable to be here today, but he is represented by Mr. Anslinger who will advise you of the quotes that were received.

Joe Anslinger: Good afternoon, Joe Anslinger, Department of IT. As Mr. Ziemer said, Matt has reviewed the three quotes taken under advisement from last week's meeting. With Matt being at a conference he's asked that I make recommendations for him. The first quote for the jail phone system, we received only one quote, that was from Keller Schroeder and Associates for \$58,985.45. Everything appears to be in order, so, we would make the recommendation that we award this to Keller Schroeder since they are the most responsible and responsive bidder.

Commissioner Musgrave: Motion to award bid to Keller Schroeder.

President Crouch: Second and so ordered.

Joe Anslinger: Okay. The second bid, I'm sorry, the second quote is for the jail infrastructure equipment. We again received only one quote which was from Keller Schroeder and Associates in the amount of \$74,950. Again, everything appears to be in order. So, we would make the recommendation that this again be awarded to Keller Schroeder, as they are the most responsible and responsive bidder.

Commissioner Musgrave: Motion to award the bid to Keller Schroeder.

President Crouch: Second and so ordered.

Joe Anslinger: Thank you. The final is for the actual vehicle locator quote. We received three responses for quotes from JES and Son, Incorporated, Tri-State Communications, and Vincennes Electronics. Mr. Arvay asked that McCarter and Associates review the quotes after opening them last week, as she was instrumental in the research and the recommendation of a solution. Following the review a formal recommendation would be made that this be awarded to Vincennes Electronics, since they're the most responsible and responsive bidder.

Commissioner Musgrave: Can you confirm that the funds are available for this?

Joe Anslinger: No, Ma'am, I cannot. I can check with Mr. Arvay to confirm that though.

President Crouch: I believe I had addressed that, yes.

Commissioner Musgrave: Okay. Motion to award bid to Vincennes Electronics.

President Crouch: Second and so ordered.

Joe Anslinger: Thank you.

President Crouch: Thank you very much, Mr. Anslinger. Mr. Ziemer?

Ted C. Ziemer, Jr.: Okay, moving on then, regarding the Evansville Plating Works, I have two matters there. The purchaser, under the purchase agreement, has indicated a desire to treat the purchase as a section 1031 tax free exchange. That will not affect in any way the closing or the receipt of the cash purchase price by the county at the closing. However, for him to have the benefit of the that tax free exchange, the county does need to acknowledge that, you know, that he can do that, and that it will be done without any effect on the county's closing of the sale, and that the county will cooperate, document wise, to the extent that would assist the tax free exchange. I have examined that agreement and find it to be completely in order from a legal perspective, and it's before the Commissioners for approval, and, if approved, execution.

Commissioner Musgrave: Motion to approve, and do I also want to execute it?

Ted C. Ziemer, Jr.: I think it's made probably for the President of the Commission.

President Crouch: And I'll second and so order.

Ted C. Ziemer, Jr.: Okay, we have, let me get to that, I know I've got it here. We also have a special warranty deed which my office has prepared, which will be used to convey title to the Plating Works property to the Gillenwater's, who are the purchasers. The deed is certainly in form satisfactory for execution. We felt that we should go ahead and perhaps, if approved by the Commissioners, get the deed executed at this time so that we'll have it ready without having to be concerned about what Commissioners are in town or out of town. So, we would recommend that you approve the form of the special warranty deed, and then provide to be executed by all three Commissioners, understanding that if you do that two of you would execute today, and Mr. Nix would execute when he gets back to the city.

Commissioner Musgrave: Motion to approve.

President Crouch: Second, so ordered.

Ted C. Ziemer, Jr.: Okay, moving on then to the certificate sale, there has been, and I don't know whether that's still before us or not, but there was an indication to me that certain properties had been requested by the Treasurer's office to be removed.

Commissioner Musgrave: That was my understanding that the Treasurer and Auditor had compared notes and found that some had been redeemed, or that there were errors in listing them to begin with. Are you aware of that, Mr. Fluty?

Bill Fluty: I do have some knowledge of that. I think some payments were taken on some properties.

Commissioner Musgrave: I do not have a list of those properties in front of me, do you?

Bill Fluty: Yes, we do.

Commissioner Musgrave: Okay.

Bill Fluty: But not in front of me.

Commissioner Musgrave: I will make a motion to remove the properties on the list provided that you add it to the record of those properties which were redeemed prior to our publication, or found to be on the list in error.

President Crouch: And I will second and so order.

Ted C. Ziemer, Jr.: At the sale of the certificates it's contemplated that would initially be, perhaps on some properties, only one bid. If there's more than one bidder for a property we will move a verbal auction for that property, and it's been suggested that there should be a motion authorizing that bids be received in ten dollar increments during the verbal portion of the certificate sale.

Commissioner Musgrave: Motion to allow the oral bidding to be done in ten dollar increments.

President Crouch: Second, so ordered.

Ted C. Ziemer, Jr.: Okay, as you know we are in the process of refinancing the bond issues for the Azteca bonds and the Burkhardt Road TIF bonds. As a part of that process we had a meeting last week of the, a joint meeting of the Economic Development, Vanderburgh County Economic Development Commission and the Vanderburgh County Economic Development Authority. At that meeting those two authorities, separately for each of the bond issues, approved resolutions authorizing the bond refinancing and the ultimate bond issuance that will make that a reality. As to the Burkhardt Road TIF bonds, which was approved by the Vanderburgh County Redevelopment Commission, it's required as a part of the bond documentation that there be a resolution of the Commissioners supporting that bond refinancing and the sale of those bonds. I have provided you with a copy of the resolution, which we have reviewed. It was initially prepared by bond counsel, and then we reviewed it and we find it satisfactory for execution.

Commissioner Musgrave: Motion to adopt the resolution.

President Crouch: Second and so ordered.

Ted C. Ziemer, Jr.: Okay, if I can for a second, I want to revert back to the certificate sale. There's one other item there. At the time that the certificates are sold, the proper procedure would be for an assignment of the certificate to be given to the

purchaser. That should be signed by a Commissioner. We recommend that, if you wish, you approve a motion to name a Commissioner to be at the sale and able to sign the assignment certificates when it's appropriate.

President Crouch: I'm not in the process, or I'm not in the position normally to make motions, but I don't know if you can nominate yourself, make the motion?

Commissioner Musgrave: Well, I would be happy to nominate myself to attend the tax sale and sign the certificates.

President Crouch: And I will second and so order.

Ted C. Ziemer, Jr.: Alright.

Commissioner Musgrave: Before we move on from the tax certificate sale though, I wish to thank the Vanderburgh County Sheriff for allowing us to use his staff member, who will be conducting this sale in the manner of the Sheriff's sales. We're looking forward to the successful adoption of that procedure in future tax certificate sales.

Ted C. Ziemer, Jr.: Then back to the bond refinancing, bond counsel selected by the Commissioners is the law firm of Barnes and Thornburg in Indianapolis. They have sent to me a copy of their engagement letter for each bond issue. One being Azteca and the other one being the Burkhardt Road TIF. I have, the Auditor has, the Recording Secretary has with her documents copies of those engagement letters, which we have reviewed, and we find them satisfactory for execution.

Commissioner Musgrave: Move approval.

President Crouch: Second and so ordered.

Ted C. Ziemer, Jr.: We received a letter from Sherman Greer asking for the approval of an amendment to the Faith Based grant for the EMA. We have reviewed that amendment, and what it does, the original grant was to expire September 30, 2005. I guess, we can say it did expire September 30, 2005. This amendment will extend the grant through November 30, 2005, and also add some technical language, which the state is now requiring in connection with these grants. If it's to be approved at all, Mr. Greer needs to get it back to the state by October 15, 2005. So, I'm bringing it to the meeting at this time. It is satisfactory for execution.

Commissioner Musgrave: Motion to approve.

President Crouch: Second and so ordered.

Ted C. Ziemer, Jr.: Okay, Loretta Townsend of the Department of Weights and Measures sent me a copy of the lease that the Department of Weights and Measures has with the Executive Inn for about a thousand square feet of space in the garage building over there. This lease has been in effect since September of 1990, and it's been renewed for successive years. This would be the thirteenth addendum to that lease. This would extend the lease for another year through December 31, 2006. Loretta Townsend advises that the space is totally adequate for the operation of the Department of Weights and Measures, and she would recommend it. The lease will increase the rent to \$5,450 a year. Just to point out, however, that the original lease in 1990 was \$4,875, and it's gone up to \$5,450 in

ten years, about \$700 which is reasonable. It's in the file for execution should you approve it.

Commissioner Musgrave: Motion to approve.

President Crouch: Second and so ordered.

Ted C. Ziemer, Jr.: Finally, I have contracts that were submitted to Steve Craig, the Manager of Burdette Park. He in turn forwarded them to me. It's for the establishment of utility service for chalet number six at Burdette Park. On reviewing the contracts I found that certain exhibits referred to in the contracts were not in fact attached. I contacted Vectren and they supplied me with the missing exhibits. Otherwise, the agreement is pretty standard for it's type. It provides for a cost of installation of this line of \$5,780.67. Then it provides that over the next three years, or three years from the time that installation is complete, if the electric charges using this line to chalet number six equal or exceed \$5,780.60 there will be no charge. Should the electric charges come in at \$4,000 over the next three years, then the county would owe \$1,780.67. That's the way they do these contracts. In addition to the contracts for the utilities or the installation we have an electric distribution line easement, which is necessary to permit the line to be run to the chalet. I e-mailed Mr. Craig earlier and asked him to let me know if he wasn't satisfied that that easement was not going to interfere with any other operation at Burdette Park. I didn't hear anything in return. I assume, therefore, that it will not. He's shaking his head to say that's the case. So, the contract for utility service and the electric distribution line easement are satisfactory for execution.

Commissioner Musgrave: Move approval.

President Crouch: Second and so ordered. Anything else?

Ted C. Ziemer, Jr.: I should hope not.

President Crouch: Alright, any other department heads? Seeing none. We will go to new business.

New Business

Commissioner Musgrave: I believe we'll have the snow ordinance ready in a couple of weeks to vote on. Then we'll be able to start putting the signs out after that is approved.

President Crouch: Next week?

Commissioner Musgrave: Oh.

Ted C. Ziemer, Jr.: I'm waiting for information from Mr. Duckworth, in addition to the earlier information he gave me. As soon as we get it we can prepare that ordinance and then it would be ready for the meeting. Whether it will be ready for next week or not I don't know.

Commissioner Musgrave: Commissioner Crouch, next week is the Association of Indiana Counties annual conference and I will be attending as I assume Commissioners all over the state will be attending. At this time, if it's acceptable, I

would like to ask that we not hold a meeting next week, and that I asked the Area Plan Commission to defer one week any rezonings which may be on the agenda.

President Crouch: And I will second and so order. If something does come up, we can always notice the media and have a meeting later in the week.

Ted C. Ziemer, Jr.: That would be a special meeting.

President Crouch: A special meeting to address just that information that they're noticed on, correct?

Ted C. Ziemer, Jr.: Yes.

President Crouch: Alright.

Ted C. Ziemer, Jr.: Yes.

President Crouch: Thank you very much. Any other new business?

Old Business

President Crouch: Old business? Have we addressed Evansville Plating Works and the tax certificate sale, all the issues with those?

Commissioner Musgrave: The only issue on the tax certificate sale is to ask the Auditor to work closely with Ms. Farrell regarding any properties and the Treasurer as well, Ms. Farrell, if you could get in touch with them, any properties that are redeemed or on the list that you have, we need to update the website so that going into Friday it is as current as it can possibly be. Thank you.

Commissioner Musgrave: Thank you.

Public Comment

President Crouch: Public comment. This is an opportunity for anyone who has business that this Commission has authority over to appear at this time. Seeing none.

Consent Items

President Crouch: Consent items.

Commissioner Musgrave: Motion to approve the consent items as amended.

President Crouch: And I will second. So ordered.

Commissioner Musgrave: Motion to adjourn.

President Crouch: Second and so ordered. Thank you very much.

(The meeting was adjourned at 4:30 p.m.)

CONSENT ITEMS:

Employment Changes:

Prosecutor (1)	Sheriff Department (4)	VCCC (1)
Circuit Court (3)	German Assessor (1)	County Clerk (1)
Knight Assessor (1)		

Travel Requests:	SWCD (1)	Health Dept. (1)
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Auditor: A/P Voucher: October 2005.

County Clerk:

Monthly Report: August 2005
Surplus Letter: various office furniture.

Commissioners:

Council Call: Appropriation Request: Legal Services.
Insurance Rates for 2006.
Vision-e Monthly Report: September 2005.
Legal Aid: 3rd Quarter Statistics 2005.

Superintendent of County Buildings: Council Call: Appropriation.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service	CIO	

Those in Attendance:

Suzanne Crouch	Cheryl Musgrave	Bill Fluty
Ted C. Ziemer, Jr.	B.J. Farrell	Madelyn Grayson
Phil Lawrence	John Mallers	Scott Hohl
Charles Malinowski	David Copeland	Michael Nelson
Steve Craig	Others Unidentified	Members of Media

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

Suzanne M. Crouch, President

Cheryl A.W. Musgrave, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
OCTOBER 25, 2005**

The Vanderburgh County Board of Commissioners met in session this 25th day of October, 2005 with Vice President Cheryl Musgrave presiding.

Call to Order

Commissioner Musgrave: Good afternoon, and welcome to the October 25, 2005 meeting of the Board of Commissioners of Vanderburgh County. We will have introductions starting with Mr. Ziemer.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Nix: Bill Nix, Vanderburgh County Commissioner.

Commissioner Musgrave: Cheryl Musgrave, Vanderburgh County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, Vanderburgh County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

Commissioner Musgrave: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Acknowledgment of Change in Order of Agenda Items

Commissioner Musgrave: Before we get to the approval of the prior minutes, I would like to announce that items six, seven and eight on your agenda will be heard before the public referendum for the unification proposal resolution.

Recognition of Area Students

Commissioner Musgrave: I would like to recognize the students that we have in today's audience. I understand that they are here from a local government class. If you would like to stand up and tell us which school you are with.

Unidentified: North.

Commissioner Musgrave: North? Well, welcome. I hope that you all enjoy today's meeting. Do we need to sign off on your forms before you leave?

Commissioner Nix: You just have to stick around for the whole meeting though.

Commissioner Musgrave: That's right.

Unidentified: We will.

Commissioner Nix: Go Huskies!

Approval of the October 11, 2005 Commission Meeting Minutes

Commissioner Musgrave: As the member who was present for the October 11, 2005 Commission meeting, I will accept the minutes of that meeting.

Election of Officers

Commissioner Musgrave: We will now move to the election of officers. This election is made necessary by the elevation of former president Suzanne Crouch as a member of the State House of Representatives. I would like to congratulate former Commissioner Crouch on her achievement, and let her know that the "to do" list that we have for her up there is growing everyday. So, if she thinks she's getting away from the local issues, nah, she's taking all of those with her. So, I would like to call for--

Commissioner Nix: Yes, I would like to nominate Cheryl Musgrave as President of the Vanderburgh County Commission.

Commissioner Musgrave: And I will second that, and call for the vote. All those in favor?

All Commissioners: Aye.

President Musgrave: And I would like to nominate Bill Nix for Vice President.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Nix: I was trying to find a way out of that, but I just couldn't do it.

Ted C. Ziemer, Jr.: Don't every say we don't know how to operate a railroad.

**Permission to Open Bids: Building Commission:
Demolition of 600 Jefferson**

President Musgrave: We now have several bids on the agenda. First is the Building Commissioner's, and I see that he is here. Roger Lehman, if you have bids to bring forward, we will ask for permission to open those. Do you want to make a motion?

Commissioner Nix: I make a motion we open the bids for the demolition of 600 Jefferson.

President Musgrave: And I will second. All those in favor?

All Commissioners: Aye.

President Musgrave: And I understand, Mr. Lehman, that you would like to stick around and perhaps award that bid at today's meeting? Okay.

**Permission to Awards Bids: Purchasing:
VC-41-2005: Jail Furniture
VC-42-2005: Jail Inmate Uniforms
VC-43-2005: Jail Lockers**

President Musgrave: We have now permission to award bids for Purchasing. The Purchasing Director is here.

Phil Lawrence: Commissioner Musgrave, Commissioner Nix, thank you. I would like to award VC-41-2005, which is jail furniture; VC-42-2005, jail inmate uniforms; and VC-43-2005, jail lockers. These, they were all the low bidders. The low bidders were, Smith and Butterfield for the furniture, Robinson Textiles for inmate uniforms, and Lyon Workspace Products for the lockers.

Commissioner Nix: Move approval to award VC-41-2005, VC-42-2005, and VC-43-2005.

President Musgrave: And I will second. All those in favor?

All Commissioners: Aye.

President Musgrave: And that motion carries.

Phil Lawrence: Thank you.

**Permission to Award Quote: County Engineer:
VC05-10-02: Boehne Camp Road Culvert Replacement**

President Musgrave: We have the County Engineer with the permission to award a quote. Mr. Stoll?

John Stoll: I would like to request that you award contract number VC05-10-02, the Boehne Camp Road culvert replacement to Koberstein Trucking for the amount of \$42,832.

Commissioner Nix: And this bid was opened last week at the meeting? I think I read that.

John Stoll: Yes.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: That is awarded.

**Permission to Advertise: Purchasing:
VC-26-2005: Jail Video Arraignment System
APA-002-2005: Crushed Stone
APA-003-2005: Sand and Gravel
APA-008-2005: Batteries
APA-051-2005: RFP for Computerized Phone System**

President Musgrave: We now have requests for permission to advertise, Purchasing Department. Mr. Lawrence?

Phil Lawrence: Thank you. Commissioners Nix and Musgrave again. I have one other one to add. It is APA-051-2005. It is the request for proposals for computerized phone system.

President Musgrave: Okay.

Commissioner Nix: Do you want to list the rest of those?

Phil Lawrence: Yes.

Commissioner Nix: Excuse me.

Phil Lawrence: VC-26-2005, that is the jail video arraignment system for the new jail. The ad dates are October 28th, November 4th, and opening November 15th. The others are crushed stone, sand and gravel and batteries, APA-002, 003, and 008. Those advertising dates are November 2nd, November 9th, and open November 17th.

Commissioner Nix: Move approval for VC-26-2005, APA-002-2005, APA-003-2005, APA-008-2005, and APA-051-2005 to advertise.

President Musgrave: I will second. Will APA-051-2005, when will that be advertised?

Phil Lawrence: November 2nd and 9th and then opened here December 1st.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

MAXIMUS, Inc.: Professional Consulting Services Agreement

President Musgrave: We now move to contracts, agreements and leases. The County Auditor, the consulting services agreement.

Ted C. Ziemer, Jr.: We have two agreements, one from MAXIMUS, and the other one from Charles F. Malinowski to provide these services. They have been taken under advisement.

President Musgrave: Mr. Nix do you want to make a motion?

Commissioner Nix: Make a motion that we approve those? Or these are to be taken under advisement.

Ted C. Ziemer, Jr.: No, no, no. They have been under advisement. We have two bids, which, I think, Mr. Fluty was to review those, and, I guess, we need a recommendation as to.

President Musgrave: Mr. Fluty has acknowledged that MAXIMUS is acceptable. If you would like to make a motion to award it to MAXIMUS.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

Local Elected Officials Agreement

President Musgrave: We now have the County Commissioners, the local elected officials agreement. This agreement calls for a Commissioner, as well as a designation for the elected official to serve for the county. It's my understanding that Commissioner Crouch was working on this, and we are designating, if you make the motion, Mr. Nix, you to be the Commissioner designee to this, and that the elected official for the county would be Mayor Weinzapfel. This is a, this very confusing set of instructions calls for one person to represent the whole county.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

Regional Elected Officials Agreement

President Crouch: The County Commissioners regional elected officials agreement will now be forwarded to the Mayor for his signature. From what I understand, we need to take no action on that.

Ted C. Ziemer, Jr.: That is correct.

Teamsters Wage Addendum Agreement

President Musgrave: Item (d) County Commissioners Teamsters wage agreement.

Commissioner Nix: We want to hold that till next week, defer that till next week. There's a few housekeeping issues we need to work on with that.

President Musgrave: Okay.

**Health Department: Breastfeeding Peer Counselor Contract:
Angela Momat & Health Department: MCH Block Grant Agreement &
Superior Court: ICJI Byrne Grant Agreement**

President Musgrave: We move on to (e), the Health Department breastfeeding peer counselor, (f), Health Department block grant agreement, and Superior Court ICJI Byrne grant agreement.

Ted C. Ziemer, Jr.: This is an agreement similar to the one we entered into earlier with Jennifer James, who is now on maternity leave. This is to replace the services that she offers. It will be with Angela Momat. The only difference between them is that the hourly rate for this one is eight dollars instead of eight dollars and a half per hour.

Commissioner Nix: Do you have any information on the other two?

President Musgrave: The block grant agreement?

Commissioner Nix: Yes.

Ted C. Ziemer, Jr.: I thought we were, what are we looking at here?

President Musgrave: We're going to work on all three of them.

Commissioner Nix: All three of them then.

Ted C. Ziemer, Jr.: Oh, you're going to do them all at the same time? Okay.

Commissioner Nix: Yeah.

Ted C. Ziemer, Jr.: Okay, fine. Sure, I've got information on everything. As to the Health Department block grant, this is a grant of \$151,135 for a drug and alcohol program. The agreement provides, it is for a period from October 1st of this year, so, this will be retroactive, if you approve it, through September 30, 2006. The state reserves the right to increase or decrease the amount of the grant depending on actual needs by ten percent, but that the change will not be, the increase or decrease would never be more than \$2,500. We find it satisfactory for approval from a legal perspective. Then we have a, that's it for the Health Department.

Commissioner Nix: Superior Court.

Ted C. Ziemer, Jr.: Oh, the Superior Court, do you want a comment on that one as well? That's a drug and crime control program, and I'm just trying to see my notes here, I have reviewed that agreement and it's standard for agreements of it's type. It's requested by Judge Trockman of the Vanderburgh Superior Court, and we find it satisfactory for execution. It's an amendment to the original agreement.

Commissioner Nix: Move approval of those three.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

Return to MAXIMUS Professional Consulting Services Agreement

President Musgrave: And if we could go back one moment, the (a) County Auditor, we need to make a selection of option two for the three year agreement, as opposed to option one for the one year agreement. Would you make a motion to select option two?

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Jail Construction Change Orders:
Williams Brothers: No. 7: \$89,550
Mel-Kay Electric: No. 2: \$65,472
Peyronnin Construction: No. 2: \$39,350.38**

President Musgrave: We now move to the jail construction change orders. We have three change orders?

Commissioner Nix: Yes, there are three here. The first one is for, is to, let's see, give me just a minute here. These things are kind of busy. The first one is to Williams Brothers, it's change order number seven, it's for \$89,550. There's about seven or eight items on there that have been put into the contract, and I move approval, I would like to make a motion that we approve that.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: The next one is change order number two, and this is in the amount of \$65,472, and it's to Mel-Kay Electric. These are for about probably 12 to 14 different items that we went over in a meeting the other day. I would like to make a motion that we approve this.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

Commissioner Nix: The last one is change order number two for Peyronnin Construction, and it's in the amount of \$39,350.38. There are one, two, three, four, five, six items on that that make that sum. I would like to make a motion that we approve that.

President Musgrave: I'll second it, and ask a question about the order number.

Commissioner Nix: Yes.

President Musgrave: Is that the order number for that—

Commissioner Nix: That's the order for each prime vendor out there.

President Musgrave: Okay.

Commissioner Nix: So, the numbers, the first one is actually change order number seven for Williams Brothers—

President Musgrave: Okay.

Commissioner Nix: —the second one is number two for Mel-Kay, and number two for Peyronnin here.

President Musgrave: Okay. All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

Commissioner Nix: I would like to make one other comment too. It looks like we're about to the end of the change orders out there. So, we should be, we may have a few more come in in the next month or so, but this should pretty well take care of everything out there financially, other than some small items.

President Musgrave: Will we be under budget?

Commissioner Nix: We are under budget, yes.

President Musgrave: That's wonderful.

First Reading of Ordinance CO.10-05-021: Concerning Snow Routes
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President Musgrave: We move now to the ordinance concerning snow routes, the first reading. I understand Mr. Duckworth has some information to share with us.

Mike Duckworth: Yes, Ma'am. President Musgrave, Commissioner Nix, ladies and gentleman, Mike Duckworth, Superintendent of the County Highway Department. I have several brief items, I hope, this evening. I want to introduce Bobby Carrier who is the Vanderburgh County Highway Department's network specialist that we've recently hired. I also have a couple of my foreman with me, Mark Taylor and Scot Wichser, who are here. These folks, along with myself and the county crew will be putting together, of course, a new county snow ordinance, and we've had Mr. Ziemer look through that, and several of the Commissioners looked through it. We have that in front of you for the first reading this evening. It establishes sections 12.28.010 and section 12.28.020. I would ask you to look through that. I have also provided that with some of the maps that we are going to see here locally with the area media for their inspection and use. Go ahead, Bobby. The first slide that we've got here, you will see that is basically the county streets that will be established as priority snow routes. They have been established by looking at first responders such as volunteer fire, main roadways that give all county residents access to city streets. As you can see they're marked within those areas. These are areas such as St. Joe Avenue,

Darmstadt Road, Old State Road, everything that covers those fire houses and give people general access to our city and emergency services.

President Musgrave: They are also the result of the public hearings that we had last spring.

Mike Duckworth: That's exactly right. They are also placed over here in this map here for anyone wanting to peruse that information as well. So, I guess, at this time I would ask the Commissioners to approve the first hearing of this snow ordinance.

Commissioner Nix: This would be a first reading then?

Mike Duckworth: It's the first reading, and I would also just add to it, what it does is basically enables and sets down the priority snow routes, and enables the Vanderburgh County Highway Department and the Vanderburgh County Sheriff's Department to remove any vehicle parked or impeding that snow removal effort during the time that's been established as a snow emergency.

Commissioner Nix: Move approval of first reading of the snow ordinance.

President Musgrave: I will second that. I need to call for a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And Commissioner Musgrave votes yes as well. So, we will hear that on second reading next week. We welcome the comments of the public, any suggestions, additions, changes to that before we adopt it. Hopefully, we will have no snow season this year, but in case we do, we would like to be prepared.

Mike Duckworth: I would also tell you that this map will be placed and is placed now on our website so folks will be able to pull that up by going to www.vanderburghcounty.gov and go through the links and find County Highway and they'll be able to—

President Musgrave: And to those who would normally be watching us on WNIN, apparently there's a problem, so we are not going to be on air unless we suddenly appear, and we're all watching the little t.v. So, we apologize to our regular viewers that they can't hear that website address on the program.

Mike Duckworth: The next thing is that in looking at these priority routes, it came to our attention, and also with meeting with Mr. Ziemer, Mr. Ted Ziemer, the County Attorney, and Mr. Ed Ziemer, the city Transportation Executive Director, that it made much more sense and created quite a savings for us to kind of consolidate and look at some of the areas that maybe they could cover for us, and that we could cover for them. There are areas where our salt barn is closer to us, where their salt barn is closer to them, but by their driving it, it would include them going through those paths. So, the next graphic that we have here basically shows, and I am bringing this to you as a proposal this week, and I think the actual agreement is being drawn up between Mr. Ziemer and Mr. Winternheimer with the city to enable us to enter into this agreement which allows us to take care of approximately, if you'll go to the next graphic, well, actually the one up in the upper right hand area there, these areas here show the trade-offs of some city responsibility and some county responsibility. I will tell you that there is right at 11.2 miles in exchange. I think there's a .06

hundredth of a mile difference. So, we felt like that was about as close as we could get in lane miles. The next slide would show basically how the county's responsibility would look after the merger. I provided that to you in your packet. So, during this first hearing, this is the merged which shows that we've pretty well eliminated a lot of the southeastern area of the county because Waterworks Road is there, and that's where the city's offices and snow barn, or salt barns are. Then we've picked up some in the northeastern areas where we would be there normally. So, I will leave that information with you. Like I said, I provided it to the newspaper for their information to get to the public. It will be on our website. One last thing, if you'll go to the next slide, I also want to announce to you today that we have finished our paving season. This year we have paved 31.59 county road miles, overlay, new product on our roads. So, I think, if you'll look through that list you will find, and show me the next slide, Bob, the yellow areas are where these areas have been repaved, and they are pretty well consistent all throughout the county. Not saturating one side of town or the other, but it's pretty well been all over the area. A lot of secondary roads, which means that next year, after we go through the hearings we will be looking at some of our primary roads as well to be resurfaced. I submit this to you and tell you that the paving has taken quite a bit of time from not only our supervisors, but from our general staff in traveling these miles, and working with Mr. Ed Ziemer to figure out this agreement. Next week I'll be back for the second and third hearing, as well as putting the agreement together.

Commissioner Nix: Mike, I want to thank you for the job you and Chris have done, Chris Walsh on the paving. I think, we've gotten some compliments from a lot of the public, and I think we've done a real good job and look forward to doing it all over again next year.

Mike Duckworth: Thank you. Any questions, you can get a hold of me, but it will be on the website and, hopefully, in the paper for folks to take a look at.

President Musgrave: Okay, thank you.

Commissioner Nix: Thank you.

Burdette Park: 2006-2007 Rates & Discovery Lodge Internet Access

President Musgrave: Next on our agenda is Burdette Park update for the suggested park rates and the Discovery Lodge internet access. Mr. Steve Craig?

Steve Craig: Steve Craig, Manager of Burdette. The first thing that I would like to do is ask for the Commissioners to approve the rates as suggested by the Burdette Park Advisory Board for the years of 2007.

President Musgrave: Will those be on your website later as well?

Steve Craig: Yes, Ma'am.

President Musgrave: Do you want to move approval?

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

Steve Craig: Second of all, I would like to thank the County Commissioners and Computer Services, Matt Arvay and Mark Rolley for helping us to get wireless internet at Burdette at the O'Day Discovery Lodge. We now have wireless internet there for the people that will be using the building. It's not any added cost to them, but it's just a commodity that they will be able to use. I think this is a great asset to the park. We're looking forward to expanding it to the other parts of the park as we, I guess, get all the kinks out, or at least find out what's available to us so that we can expand. Again, I would like to thank the Commissioners and Computer Services.

President Musgrave: I love hearing about free wireless internet access. So, I'll be out there with my laptop sometime soon. Thank you, sir.

Steve Craig: That's all I have today.

Commissioner Nix: Thanks, Steve.

County Engineer

President Musgrave: Now, it's time for the department head reports. Engineer, John Stoll, do you have anything today?

John Stoll: The first two items that I have are sidewalk waiver requests. The first is a sidewalk waiver request for Spring Lake Valley Subdivision. This subdivision is located on the south side of Mohr Road, just east of the CSX railroad tracks. I would recommend approval of this waiver due to the fact that we routinely see difficulties in constructing ADA compliant sidewalks throughout the sub.

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next waiver request is for Falcon Ridge Subdivision. That subdivision is located on the west side of Green River, a little bit more than a quarter mile south of Boonville-New Harmony. I would recommend approval of that sidewalk waiver as well.

Commissioner Nix: Move approval.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Next, I have a change order on the Stockwell Road drainage project. This is for an increase of \$43,939.49. This is the change order I e-mailed to each of you last week. The primary reason for the increase is due to all the extra rip rap

that was placed on the north bank of the ditch, east of Stockwell Road. That was about three fourths of it, then most of the rest of it was associated with extra asphalt costs due to additional paving out on Stockwell Road. But, I would recommend approval of that change order as well.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item I have is a street plan approval request for Mystic Creek Subdivision. Madelyn has the street plans there. This subdivision is located on the west side of Green River Road just south of the Timbers Apartments. It is going to have commercial development in the front half of the subdivision, then residential, probably condos on the back half of the subdivision. I've reviewed the plans, and the engineer's made the changes I had requested, so, I would request approval of those plans. Basically, the plans consist of a 29 foot street, constructed of asphalt. It will have a commercial pavement section. They will be constructing a deceleration lane out on Green River Road. So, they've basically met all the requirements that we had asked them to meet.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: I just want to make sure that there have been no substantial changes in any of those plans since it began it's process.

John Stoll: None that I'm aware of.

President Musgrave: Okay.

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

Commissioner Nix: Thanks.

CIO

President Musgrave: CIO, Matt Arvay.

Matt Arvay: I have an addendum to our existing phone contract that Ted has reviewed. It's an agreement that will have to be signed by the county, the city, and the school corporation. It basically reduces our individual phone rates. We have approximately 714 phones in the county, and each phone will be reduced by a, 326 will be reduced by \$1.50, and the rest by 50 cents, and these are monthly costs. Also, it will reduce the amount of phones that we have to keep current on our existing contract. So, basically, it's a cost savings.

Commissioner Nix: Do you need a motion on that?

President Musgrave: On the addendum? Yes.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Matt Arvay: Thanks.

County Attorney

President Musgrave: County Attorney?

Ted C. Ziemer, Jr.: Matt, are you prepared at this time, or are the Commissioners ready to receive, I think, permission to advertise for an RFP for the telephones?

President Musgrave: We already did that.

Matt Arvay: Yeah, you did that along with Phil Lawrence's.

Ted C. Ziemer, Jr.: Okay.

Commissioner Nix: He put that on the end of that.

Ted C. Ziemer, Jr.: Okay, I didn't catch that. This is really just a report that you'll recall that some years ago, well, actually about a year and a half ago a property was deeded to the Evansville Black Coalition, and a condition of the deed was that the Coalition would rehabilitate the property, and do that within a year. Bobby Ogburn of the Evansville Black Coalition, Inc. has advised us that more than a year has gone by and they have been unable to accomplish the rehabilitation. The deed to them provided that if they didn't do that, title would revert to the county. The Evansville Black Coalition has executed a quit claim deed to effectuate that, and that deed has been recorded, and title to that property is now back in Vanderburgh County.

President Musgrave: So, we need to accept the quit claim deed?

Ted C. Ziemer, Jr.: I don't think you need to accept it.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: It's been recorded.

President Musgrave: I will note that the city has issued a raze order on this, and we need to go out and seek bids for the demolition of this property. That will be brought to us next week. Do we need to make a motion on that?

Ted C. Ziemer, Jr.: To advertise? Yes.

Commissioner Musgrave: To seek the raze order, I mean, to seek bids for compliance with the raze order.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: I think—

President Musgrave: Do you have—

Ted C. Ziemer, Jr.: Oh, I have some bids.

President Musgrave: Before you move to the bids, do you have a revised deed for the Evansville Plating Works?

Ted C. Ziemer, Jr.: I do have. I saw that later on the agenda.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: But, let me comment. It's under the consent items, but I did prepare a deed, and you have it in the file, do you not, Madelyn, to be executed?

Madelyn Grayson: Yes, I do.

Ted C. Ziemer, Jr.: If the Commissioners approve it today. The reason for this, the Evansville Plating Works was sold to two individuals. At the closing the individuals advised us that they would rather take title in a corporate name, and that's fine. It doesn't affect the procedure at all, except the deed that we had that was signed last week, or maybe the week before, was to the two individuals. We now have a new deed to the corporation, and it's satisfactory for execution.

Commissioner Nix: And that's the only change?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: Okay, do you want to open the bids?

Ted C. Ziemer, Jr.: I've done that, and we have three bids for the demolition of 600 Jefferson. One from Floyd Staub for \$12,950; one from J.L. Crane for \$6,950; one from Velpen, V-e-l-p-e-n, C&D Fill Site, Inc. for \$12,280. Roger Lehman was here, oh, here he is, okay.

Roger Lehman: Roger Lehman, Building Commissioner. Mr. Crane is a new contractor, has had his license since June, but he does have his bond and insurance in place. So, we would recommend that it be awarded to the low bidder.

Commissioner Nix: So moved.

President Musgrave: Second. All those in favor?

All Commissioners: Aye.

President Musgrave: Do you know, has, is there a date or a date range when you will be able to get to this? Has that been decided?

Roger Lehman: We don't have one in the contract, however, our normal policy is within two weeks they would start. We will also seek the bids on 105 Adams.

President Musgrave: Madison.

Roger Lehman: And present those to you next week.

Commissioner Nix: The one we just discussed then?

President Musgrave: Right. If you could let us know, if you could, the day before they start tearing down 600 Jefferson. I've had a request to notify when that occurred.

Roger Lehman: Okay. I would be happy to do that.

President Musgrave: Thanks.

Roger Lehman: Anything else?

President Musgrave: I don't think so. Thank you.

Roger Lehman: Okay, have a good day.

Superintendent of County Buildings

President Musgrave: Superintendent of County Buildings.

B.J. Farrell: I do have several checks that I would like to give to the Auditor to receipt in. They are checks from the auto auction that we had on the 20th. They total \$14,530. I would like to make note that there is one check that has a court order as to where the money is to be received, and that would be a little different from the other ones.

President Musgrave: Do we need a motion on that? Or do we just receive them?

Ted C. Ziemer, Jr.: Just receive them.

Board Appointment: Workforce Investment Board
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President Musgrave: We will hold, as stated earlier, the public referendum on the unification proposal resolution until after items six, seven and eight. There's a sign up sheet, two sign up sheets, pro and con. If you came in after the meeting started and you want to speak to this issue, please come up and sign the sign-in sheets that are over here with the Superintendent. We have a board appointment to the Workforce Investment Board.

Commissioner Nix: Yes, I would like to appoint Andy Goebel to that board. I spoke to Mr. Goebel this morning, and, of course, he's been notified by e-mails and mail

that he is willing to do that. So, I think he would be an asset to the board, and I think the only issue is just some scheduling that we need to work out. So, we'll work on that.

President Musgrave: If that's a motion, I'll second.

Commissioner Nix: That is a motion.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

New Business

President Musgrave: We move now to new business, employee recognition. If Joanne Alexandrovich is here, I would like her to come forward. She recently received a wonderful award. Joanne is our, state your exact title for us.

Joanne Alexandrovich: I'm Ozone Officer for Vanderburgh County.

President Musgrave: Ozone Officer. So, all the ozone is your fault. This award was given by the Chamber of Commerce, after being nominated. I will read part of what the award says.

"I believe that other citizens, elected leaders and environmental professionals would agree that Joanne has demonstrated impeccable leadership while using data to bring understanding to complex issues with the ultimate goal of improving the community's air quality."

I just want to offer my congratulations for a job well done.

Commissioner Nix: Yes.

President Musgrave: Keep it up. Good luck.

Joanne Alexandrovich: I will certainly try. Thank you very much.

Commissioner Nix: Thank you very much for all you do for us. Thank you.

Old Business

President Musgrave: Old business is the tax certificate sale update. We conducted the tax sale on October 14th, and I'm happy to say that we brought in just under \$50,000 at the sale itself, and that, along with the properties that were redeemed prior to the sale for almost \$25,000 represents tax revenue directly into the county coffers. That gets distributed to all the taxing units. Also, we've also mentioned the sale of the Plating Works at \$239,000. That represents revenue directly to the county that doesn't go to the Plating Works, and since we're running low on funds, from what I understand from the County Council, I think that that will be a welcome addition. But, those totals, actions by the County Commission has brought that total of a little over \$313,000 into county coffers, one way or another in October, and I

wanted to just let you know. I also wanted to let you know that we still have properties to dispose of, and with your permission, Commissioner Nix, I will be working with Kathryn Daniels-Schymik, County Attorney staff—

Commissioner Nix: How many parcels are we talking about all together?

President Musgrave: Oh, boy, 20, 30 parcels, and there are some things that need to be worked out. They are very difficult, the little slivers and unreachable parcels with no access.

Commissioner Nix: Landlocked, sure.

President Musgrave: So, we'll be looking at adjacent owners to help take those properties.

Commissioner Nix: Get them back on the tax rolls. There you go.

President Musgrave: That's right.

Commissioner Nix: Good.

President Musgrave: So, I'll be working on that.

<p style="text-align: center;">Resolution No. CO.R-10-05-016: Supporting a Public Referendum as to A Unification Proposal Regarding Local Government Structures in Vanderburgh County, IN</p>
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President Musgrave: At this time then we come to the resolution for the unification proposal. Commissioner Nix?

Commissioner Nix: Yes, this is a resolution of the Board of Commissioners of Vanderburgh County concerning supporting a public referendum as to a unification proposal regarding the local government structures in Vanderburgh County, Indiana. This is resolution number CO.R-10-05:

“Whereas the Board of Commissioners—

Ted C. Ziemer, Jr.: Dash?

Madelyn Grayson: Dash 016.

Ted C. Ziemer, Jr.: Dash 016.

Commissioner Nix: Excuse me. I didn't have that here. I apologize.

“Whereas the Board of Commissioners of Vanderburgh County believes that the citizens of Evansville and Vanderburgh County deserve an opportunity to voice their support for, or opposition to, unification regarding the local government structures in Vanderburgh County, Indiana. Now, therefore, be it resolved that the Board of Commissioners of Vanderburgh County hereby supports a public referendum to allow the citizens of Vanderburgh County to voice their support for, or opposition to the general idea of unification regarding the

local government structures in Vanderburgh County, Indiana. The Board of Commissioners of Vanderburgh County does not support the specific proposal of the unification committee.”

President Musgrave: Is there anyone here to speak to this resolution? I see no one approaching the podium.

Commissioner Nix: I make a motion that we approve this.

President Musgrave: I'll second. All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

Public Comment

President Musgrave: We come to the item on our agenda now for public comment. Is there anyone in the audience wishing to address the Commissioners on a matter that the Commissioners can affect? I see no one coming forward.

Consent Items

President Musgrave: We move to the consent items.

Commissioner Nix: Move approval of the consent items.

President Musgrave: I'll second.

Madelyn Grayson: Commissioners, there is an addition, there's a late consent item from the County Highway.

Commissioner Nix: The travel request?

Madelyn Grayson: Yes.

Commissioner Nix: We'll amend that to also include that.

President Musgrave: And I will accept that on a second. All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

Commissioner Nix: I move that we adjourn the meeting.

President Musgrave: Alright. I'll second. The rezoning will begin immediately, followed by the Drainage Board immediately after that. Thank you for coming.

(The meeting was adjourned at 4:08 p.m.)

CONSENT ITEMS:

Employment Changes:

County Commissioners (1)	County Clerk (1)	Prosecutor (1)
VCCC (1)	Knight Assessor (1)	Circuit Court (1)
Health Department (1)		

Travel Requests:

County Commissioners (1)	DADS (1)	SWCD (3)
Health Department (6)	Voters Registration (2)	Co. Hwy. (1)

Auditor:

Monthly Financial Statement: October 2005
Barrett Law Lien Release: Tax Code 05-120-07-285-036: Westwood Hills

Commissioners:

2006 Dental Care Plan Renewal: HRI
2006 Vision Care Plan Renewal: Spectera
Employee Benefits Renewal Letter: Torian Hofmann Dillow Flittner
Ken Colbert Letter: Intersection Beautification: Hwy. 41 & I-164
County Council Transfer Request: Legal Services \$30,000
IBAP Gatekeeper Monthly Report: September 2005

Treasurer:

Monthly Report: September 2005
YTD Investment Report: September 2005

Purchasing: Monthly Report: August 2005.

Weights & Measures: Monthly Report: September 2005

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	SWCD	Supt. Of Bldgs.
Veterans Service	CIO	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Bill Fluty
Ted C. Ziemer, Jr.	B.J. Farrell	Madelyn Grayson
Roger Lehman	Phil Lawrence	John Stoll
Mike Duckworth	Steve Craig	Matt Arvay
Others Unidentified	Members of Media	

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 1, 2005**

The Vanderburgh County Board of Commissioners met in session this 1st day of November, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Call to order the November 1, 2005 meeting of the Board of Commissioners of Vanderburgh County. We start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Shetler: Tom Sheltler, District Two.

Commissioner Nix: Bill Nix, County Commissioner, District One.

President Musgrave: Cheryl Musgrave, Commissioner, District Three.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Musgrave: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Recognition of Tom Shetler, Jr.

President Musgrave: I would like to welcome our new Commissioner, Tom Shetler, Jr. He just got sworn in this afternoon, and I think we're working on a long list of things for you to do already. Glad to have you aboard.

Commissioner Shetler: Thank you.

Commissioner Nix: Welcome aboard.

Commissioner Shetler: Thank you.

Approval of the October 25, 2005 Commission Meeting Minutes

President Musgrave: We have the October 25th Commission meeting minutes to approve.

Commissioner Nix: Move approval of the October 25th Commission meeting minutes.

President Musgrave: And as the other Commissioner present, I will second. All those in favor. Aye.

Commissioner Nix: Aye.

President Musgrave: Motion carries.

County Treasurer: Tax Payment Presentation

President Musgrave: Our first item on the agenda today, and we want to apologize because the microphone at the podium is not working, and we will ask you, anyone who's speaking to step over to this chair and have a seat and make your presentation from over there. But, our first meeting now is Treasurer of the Year for Indiana 2005, Z. Tuley will make a presentation on taxes. Welcome, Z.

Z. Tuley: Thank you.

Madelyn Grayson: Z., I'm not sure if that microphone is turned on. You may have to flip it on.

Z. Tuley: Is that on? Oh, that's on. I said you all didn't think that you could have heard me anyway, but they said something about the tape. So, pardon my gruffly voice, I've had a cold, I'm still fighting it, but I'm going to go ahead and talk about the tax deadline coming up. It is that time again, and the tax deadline will be November 10th, in case taxpayers have forgotten, perhaps they've put the bill off to the side. They need to dig them out. I would like to remind taxpayers also that there are many different methods of payment, starting with the bank locations. They are printed on the tax bill, on the left hand side. We are banking with Integra Bank. It is a cash management, it's a bid situation. So, this year we are at Integra, and we have many locations, including the drive throughs. So, anyone who is handicapped, or ill, perhaps like in my case that doesn't want to contaminate everybody, they might want to just choose to go through the drive through. They will have to have their original tax bill in order to pay at the bank. They can hit the bank to and from work, or perhaps just one of the Integra Bank locations that is convenient to their home, whichever that case may be. We do take credit cards. Credit cards can be used for payment through 1-800-2-PAYTAX, or they can go online and click on the official payments. It says, like, "pay here". The only thing about that is if you're calling the 1-800 number, you need to listen very carefully to your choices, because it will say like number one for real estate, that means your home, where you live, real estate property. It will say number two, personal property, that's not where you live. That may be your RV, or your boat trailer, or something of this effect. You have to know the jurisdiction code for Vanderburgh County is 2405. All of that information is located on your tax bill, if you can find it. If you cannot find your tax bill, I am happy to send it to you fax, e-mail, or just verbally transmit the information via telephone.

President Musgrave: What is your phone number, and what is the web address where people would go to?

Z. Tuley: The phone number at the office is 435-5248, and the website is vanderburghtreasurer.org. People can also pay by mail. You do not have to have your original bill to pay by mail. We prefer to have your original bill, since we paid for it and paid for it to be mailed to you, but in case you've lost it, or you've acquired new property and the bill wasn't forwarded to you, you can go on line, you can print out, you can scan by your name or your address in order to print out the tax bill that you're trying to pay. We are happy to take those through the mail. The strongest reminder about mail payments is that I have to have a tax code in order to know where to apply that payment, especially if you own multiple properties. I can't be responsible for putting it in the right spot if I don't know

where the right spot is at. The other thing is, they must be postmarked on or before November the 10th. So, you have to watch those little blue boxes that are located in shopping centers and outside of post offices, you have to watch the pick up times on those boxes, because once the truck has left and the last pick up is at 5:30 and you arrive at 6:00, you've got to go track down another location, because if it's got a November 11th postmark it is late, and you will get a penalty. I'll talk about that in just a minute. If you are able to make it to the post office before it actually closes, the smartest thing to do is walk it in and let them hand cancel it. You can also pay in person in the Treasurer's office in room 210. I don't always encourage this because the lines do get long and parking is limited. But, however, we do take cash, personal checks, business checks, money orders, travelers checks, cashiers checks, and Discover cards in the office. The Discover card with the Novus emblem is the only card. We cannot take Visa and MasterCard in the office. Late payments. Late payments are a ten percent penalty of the tax owed. It seems to be very strong, but that's the idea, to get you to pay on time. County offices are also closed on Friday, November the 11th in observance of Veterans Day. You're going to have a ten percent penalty whether you're one day late or ten days late. I hate that, but that's the law. So, just a reminder, the deadline is Thursday, November 10th, we're closed on Friday, November the 11th. And I thank you.

President Musgrave: Are there any questions? Thank you very much for coming. Did you want to point out the bill over here?

Z. Tuley: Oh, I would be happy to.

President Musgrave: Okay.

Z. Tuley: One thing I did want to point out on this. I can speak loud enough. All of the payment methods that I mentioned are right here on the tax bill. All of the bank locations are right here on the tax bill. And there are the peel off labels for your envelope. So, if you're going to mail in a payment, you've got a peel off envelope, or label already printed for you.

President Musgrave: Okay, thank you very much for coming. And, I have already paid my taxes, so I have avoided the long lines.

<p>Permission to Open Bids: Building Commission: Demolition of 105 Madison Avenue</p>
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President Musgrave: Next on our agenda is permission to open bids, the Building Commissioner. I see Mr. Steve Fuchs. Do we have a motion to open bids?

Commissioner Nix: Yes, I would like to make a motion we open the bids. This is for, isn't there an address on this?

Steve Fuchs: 105 Madison.

Commissioner Nix: 105 Madison, excuse me.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Alright, do you have the bids, sir?

Steve Fuchs: I've handed them to the attorney.

President Musgrave: Alright, go ahead and open them.

**Permission to Advertise:
APA-005-2005: Surfacing Materials
APA-006-2005: Oil Products**

President Musgrave: Next we have permission to advertise, Mr. Phil Lawrence.

Phil Lawrence: Phil Lawrence, Purchasing. I would like to ask the board's permission to advertise two bids, APA-005-2005, which is the annual surfacing material bid, and APA-006-2005, oil products.

Commissioner Nix: Move approval for Purchasing to open bids, or excuse me to take bids on the, or is this to open bids, excuse me?

Phil Lawrence: Advertising.

Commissioner Nix: Advertise for bidding for APA-005-2005, surfacing materials, and APA-006-2005, oil products.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: Commissioners, there's just one clarification. We have the opening date as November 29th.

Phil Lawrence: That has been changed to December 1st.

Madelyn Grayson: Okay.

President Musgrave: As a reminder to everyone, the Commissioners do not have a meeting on November 29th, however, we will be meeting at the Discovery Lodge at Burdette Park at 3:30 for the District Three meeting, and we welcome your attendance and comments.

Teamsters Wage Agreement Addendum (Deferred)

President Musgrave: Next on our agenda is the County Commissioners Teamsters wage agreement addendum. Mr. Nix?

Commissioner Nix: Yes, I had spoken to this last week. We've still got a couple small issues on some wages that we're trying to get worked out. It's in the

mathematics, and hopefully we'll have that at next week's meeting. I'm working with Rick Voyles from the Teamsters and Sandie Deig on that. So, I would like to table that until next week's meeting.

President Musgrave: Alright.

Final Reading of Ordinance CO.10-05-021: Concerning Snow Routes

President Musgrave: Next on the agenda is the ordinance concerning snow routes, second and final reading. Mr. Duckworth?

Mike Duckworth: Good afternoon, President Musgrave, members of the Commission. Welcome, Commissioner Shetler. Mike Duckworth, County Highway Superintendent. Today I'm here to ask you to consider the finalized reading and approval of the county, the new county snow route. Last week and this week as well we have posted, and I think in your materials you have those primary snow routes, not only listed in written form, but also a map depicting those areas as well. We think that this will be the best way to attack snow routes and provide the necessary access from county residents to first responder, fire, police and into the city limits where they can have access to hospitals and other types of care.

President Musgrave: Is there anyone here to speak to the ordinance concerning snow routes? I see no one.

Mike Duckworth: If I may add, if you look through this ordinance, one of the things that it talks about is the removal of vehicles during such events, and we will announce when there is a snow emergency, those routes will be designated with similar signs to what the city is using now, the red and white signs that designate those roadways as snow routes, but what this ordinance says that if your vehicle is parked or stalled in the way of our efforts to clear the snow on the roadway, that by law now we can, and the Sheriff's Department can remove them to a storage area where we can get our work done.

President Musgrave: Well, you and I had talked about the snow emergency declaration, is that a declaration that the Commissioners would make?

Mike Duckworth: I believe so. I think it's something that, you know, we're not going to do this every time there's a one or two inch snow. Although those routes will be designated, so, we want folks to be aware, and I think the ordinance speaks of the community having an awareness of where they are. But, if we have a major snow event, I would say anything from four inches and above here, which pretty well throws us into a situation, especially out in the county with drifting and those kinds of problems that we confront, that, yeah, we'll have some type of a declaration. Now, that's not an overall emergency declaration, but each event will dictate what type of a declaration we'll have, and we'll see fit to do that.

President Musgrave: Okay. Is there a motion?

Commissioner Nix: I would like to make a motion we approve the second reading of the ordinance concerning snow routes.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Roll call vote. Commissioner Shetler?

Commissioner Shetler: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes. Do we also do a final reading today?

Ted C. Ziemer, Jr.: This is final reading.

Commissioner Nix: Yeah, this is final.

President Musgrave: Second and final.

Board Appointments

President Musgrave: We move now to board appointments. The resignation of former Commissioner Crouch caused several changes that need to be made. We need to rescind Commissioner Crouch's appointment to the Domestic and Sexual Violence Commission, and the Evansville Coalition to End Homelessness.

Commissioner Nix: Do we need to do that by vote?

President Musgrave: I think so. If you would like to group up the entire thing, I can read it, if you'd like.

Commissioner Nix: Let's go ahead and do that.

President Musgrave: Okay, and we need to rescind Commissioner Musgrave, me, and appoint Commissioner Shetler to the Disaster Resistant Community Corporation. Rescind Commissioner Crouch and appoint me to EUTS, SWIRDC, Vision-e, and the Mayor's Education Roundtable.

Commissioner Nix: So moved.

Commissioner Shetler: Second. I'm just sitting here pondering the fact that maybe because of the fact that I have seven kids, disaster resistance maybe I'm well equipped for.

Commissioner Nix: If the shoe fits, huh?

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

County Engineer

President Musgrave: We move now to department head reports. I believe John Stoll has a report. County Engineer. Is the microphone working in the center of the room now?

John Stoll: I'll make sure. Is this one on? Yeah. I've got a few items here this afternoon. First is to request the increase in the offer amount on parcel one on the Green River Road project between Lynch and Hirsch, from \$2,400 to \$2,700. This increase amount was requested, or recommended by Bernardin Lochmueller and Associates. This is a compromise between what the property owner had asked and what our initial offer was. So, I would request approval to increase the amount by \$300.

Commissioner Nix: So moved.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Motion carries.

John Stoll: Second, I have a request for street plan approval for Heartland Crossing Subdivision. This subdivision is located on Hogue Road just east of Eickhoff Road. It's on the south side of Hogue. I've reviewed the plans and the engineer has made the changes that I've requested. So, I would request approval of the subdivision street plans.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor.

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item that I have is in regard to the Green River Road-Millersburg Road intersection reconstruction project. I spoke to Brad Mills at EUTS, and he had given me some figures that showed that the current funding levels that are programmed in for federal aid on this project are currently \$126,400 short. Our first choice, or preference would be to have INDOT increase that funding level to cover the full 80 percent share of the total project costs. So, that will be the first option that we pursue. But, in the event that INDOT will not increase the federal funding level for that project, the option that I would like to request approval to pursue would be to use some of the funds that are currently obligated towards the Burkhardt and Virginia project, and allocate those to Green River and Millersburg. The reason being is Green River and Millersburg is further along, and it will be constructed first. If we use those funds now, then maybe at a later date we could ask INDOT to increase the funding share on the Burkhardt-Virginia project. So, for the time being

I'm requesting approval to have EUTS transfer our federal share from Burkhardt-Virginia to Green River-Millersburg to the tune of \$126,400.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: That's all I have, unless you have any questions. Mt. Pleasant?

Commissioner Nix: Mt. Pleasant, yeah. If you could just give us an update on Mt. Pleasant, where we're at with that.

John Stoll: Yes, I spoke to the inspector out there this morning, and they still anticipate the road will be open prior to Thanksgiving. They plan to be paving out there early next week, as long as the weather holds.

Commissioner Nix: Okay.

President Musgrave: Thank you.

Commissioner Nix: Thank you.

John Stoll: Thanks.

County Attorney

President Musgrave: County Attorney.

Ted C. Ziemer, Jr.: Thank you. First, I guess, we'll do the bids. For the razing of 105 Madison. Floyd Staub, Inc, \$10,975; Velpen C & D Fill Site, \$18,890; and J.L. Crane Concrete, \$8,500.

President Musgrave: Did you want to award those today, Mr. Fuchs?

Steve Fuchs: I would request that the bid be awarded to the lowest bidder.

Commissioner Nix: And Crane's paperwork is in line? They have license and everything in place?

Steve Fuchs: Yes.

Commissioner Nix: Bond?

Steve Fuchs: Yes.

Commissioner Nix: Okay.

Ted C. Ziemer, Jr.: Madelyn, do you want these?

Madelyn Grayson: I would like the one for J.L. Crane so they can authorize that today.

Commissioner Nix: Move approval to award the low bid to J.L. Crane in the amount of \$8,500.

Commissioner Nix: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Fuchs.

Steve Fuchs: Thank you.

Commissioner Nix: Thank you, Mr. Fuchs.

Ted C. Ziemer, Jr.: The second item that I have is I had prepared before last week's meeting, you know we've just adopted a snow removal ordinance, and in that connection there are certain county roads that are near certain city streets and sources of supply that it would be convenient for the city to do those roads. There are other roads that it would be more convenient for the county to do the city. We've prepared an agreement which listed the roads that it's recommended that the city do for the county, and that the roads that are streets that the county do for the city. We sent that out to, since the city is part of this agreement to be reviewed by the attorney for the city, Kevin Winterheimer, he's done that. He made some brief changes in it. I was fully in agreement with the changes that he made. I have provided copies of this to the Commissioners to review. If you're satisfied, we find it's satisfactory for execution. I think Madelyn has it in the file should you decide to approve it.

President Musgrave: Well, I know that Mr. Duckworth and Mr. Ed Ziemer worked well together in drawing up the list of roads. Mr. Duckworth, do you have any comments you would like to make?

Mike Duckworth: Just one briefly, if citizens might be concerned about the amount of roadway, lane miles that is in exchange, it is extremely close. Within probably six one hundredths of a mile. So, it's really a tit for tat type of an exchange. I think it's a very fair one, and I think it helps us be more efficient.

President Musgrave: So, we will see some city trucks plowing some county roads, and some county trucks plowing some city roads, but this is all a matter of written agreement?

Mike Duckworth: That's exactly right.

President Musgrave: Okay, thank you for your efforts on that. Is there a motion?

Commissioner Nix: I move we approve the city-county snow agreement.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Excuse me.

Mike Duckworth: Go ahead, Mr. Ziemer.

Ted C. Ziemer, Jr.: No, go ahead.

Mike Duckworth: I just had one other thing, and it had to do with paving. I wanted to notify the Commissioners that we're wrapping up that effort this year, and we have one small lane to do and some approaches to finish and a little bit of patch work, but we will finish in excess of 32 miles of roadway being paved by County Highway crews this year. It's been a good effort. We're working with some old equipment, so, I think if you drive those roadways, areas such as, oh gosh, Hogue Road, and Baseline and a number of secondary roads that have needed it for a long time in the community, you'll notice a big improvement. Next year we will probably have to go to some more of the primary roadways. But, I just wanted to give that report, and that information is on our website as well.

President Musgrave: Thank you. Mr. Ziemer?

Ted C. Ziemer, Jr.: Finally, we would like to recommend that the Commissioners consider having an Executive Session on November the 8th to learn more about settlement negotiations in connection with the Spurling litigation. If you're interested in doing that, we need to just set a time.

President Musgrave: We have a 2:30 Solid Waste meeting, Commissioners, would you like to do that at 2:00?

Commissioner Nix: 2:00 is fine.

President Musgrave: Do we need a motion on that, Mr. Ziemer?

Ted C. Ziemer, Jr.: I think so, because you're going to give notice that you are having an Executive Session.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Ted C. Ziemer, Jr.: Thank you.

President Musgrave: Thank you.

New Business

President Musgrave: We need to amend the, I'm sorry, I'm jumping ahead of myself here. New Business? Mr. Nix?

Commissioner Nix: Yes, I have one item, and this did not make the agenda today, but I would like to make a motion that we approve a change order, and it's actually number five to ARC Construction. It's in the amount of \$4,910, it's some landscaping rock and a little bit of work in the courtyard area at the community corrections project. I would like to see these as they come up. We really need to stay on top of them for the completion of the project. So, I do make a motion that we approve this.

Commissioner Shetler: So moved.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I heard Council ask last week at their meeting if the jail was on time and under budget.

Commissioner Nix: We are on time and under budget.

President Musgrave: Okay, we'll let them know then. I have another piece of new business. I would like the Commissioners approval to hire Gaither Rutherford to examine the proposed SMG contract, and run the numbers on it to make sure that we're going to be accepting something that we want to accept. So, I see this as not to exceed \$1,500. I'm told that we have that money in our line item available for that purpose.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Old Business

President Musgrave: Is there any old business? Seeing none.

Public Comment

President Musgrave: We've arrived at the section of our meeting for public comment. Is there anyone here with any comments to make on items for the Commissioners action? I see none.

Consent Items

President Musgrave: We are now at the consent items. I need to have this amended for the pink slip, and this time it's to add somebody and not to delete somebody. To add Commissioner Shetler. If, when you make your motion you could amend it to include the pink slip.

Commissioner Nix: I will make that motion, and add the pink slip also.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is there a motion to adjourn?

Commissioner Nix: I make a motion that we adjourn.

President Musgrave: I'll second it. All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you.

(The meeting was adjourned at 3:55 p.m.)

CONSENT ITEMS:

Employment Changes:

Commissioners (1)	VCCC (2)	Auditor (1)
Sheriff Office (2)		

Travel Requests: Health Department (1)

Commissioners:

German Township Quarterly Poor Relief Report (3rd Quarter 2005)
IBAP Gatekeeper Monthly Report-October 2005
Jail Construction Payment: Pay Req. No. 71: \$450,022.76
Department Head Meeting Report: October 25, 2005

Purchasing: Monthly Report: September 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Supt. Of Bldg.	SWCD	Veterans Services
CIO		

Those in Attendance:

Cheryl Musgrave

Bill Fluty

Madelyn Grayson

Mike Duckworth

Others Unidentified

Bill Nix

Ted C. Ziemer, Jr.

Steve Fuchs

John Stoll

Members of Media

Tom Shetler, Jr.

B. J. Farrell

Phil Lawrence

Z. Tuley

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr. , Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 8, 2005**

The Vanderburgh County Board of Commissioners met in session this 8th day of November, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: I would like to call to order the November 8, 2005 meeting of the Board of Commissioners. We'll start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Shetler: Tom Shetler, County Commission.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Musgrave: Will you please join me for the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Recognition of Responder Efforts to Tornado Disaster

President Musgrave: Before we begin today's meeting, I would like to call for a moment of silence for the 18 victims in Vanderburgh County and the five victims in Warrick County of the tornado that passed through here on Sunday. A moment of silence please.

(A moment of silence was observed.)

President Musgrave: Thank you. I would like to do a preliminary recognition and thank you for all of the emergency responders who assisted in the rescue and relief operation. I know that there are many, many more people than I'm even aware of, many groups who played a role in this, but I would like to touch on the ones who are here, and we have several of them here today, and offer our thanks and gratitude from the entire county for their rapid response to the horror and death that arrived in the dark of night in the far corner of Vanderburgh County. The Commissioners themselves, we worked with Knight Township Trustee, Jim Price, and set up a fund to assist in the daily expenses that these victims will have over the next little while. I'm proud to say that Old National Bank started the account out with \$5,000, and then today the Plumbers and Steamfitters Local 136 donated another \$5,000. There probably have been contributions as well that I've not been informed of. We would like to thank those two initial contributors, and thank the Knight Township Trustee for his effort. Now we will begin with our recognition of the first responders. If director JoAnn Smith of Central Dispatch is here, she can come forward please. You'll need to use the hand held microphone today.

JoAnn Smith: Okay. I would like to introduce Mike Mitchell. He is our third shift supervisor that was working the other morning. He was the one who heard the warning come across the State Police radio, and immediately set the sirens off. So, he deserves a lot of credit for the warning going out in the manner that it did. He headed up the operation, ran our operations room. I can take no credit other than I have a wonderful staff.

President Musgrave: Thank you very much. Mr. Duckworth?

Mike Duckworth: Good afternoon, Mike Duckworth, County Highway. I know that there are a lot of folks sitting behind me that were first responders, including Bill Nix when we arrived somewhere a little after 3:00 a.m., initially many of us took the walk to assess what we needed to do to get started, and went into action. I can't thank my crews enough, from everyone from the laborers to the truck drivers to the heavy equipment operators that had some very tough tasks in retrieving victims. They all, my foreman have been instrumental in looking after recovery, as well as, eventually, the total clean up of the area. So, County Highway has played a vital part in it, and I appreciate everything that they have done. Just to give you one last update, once the families get in and retrieve their belongings, the insurance companies release the properties, County Highway will probably be one of the agencies, along with many that have offered assistance and equipment to clean up the area. I believe our group is up to the task, and thanks to guys like Ed Ziemer and INDOT that's here and the calls that we've received from Gibson County and Henderson, we'll be up to it and we'll get it done as quickly as we can. So, thank you all.

President Musgrave: Is there anyone here from the Knight Township Volunteer Fire Department?

John Buckman: I'm not, but I'm representing them.

President Musgrave: Would you please come forward, Mr. Buckman.

John Buckman: John Buckman, I'm the Fire Chief at German Township Volunteer Fire Department, and I'm here representing all the suburban fire departments that provide fire protection in the unincorporated areas outside the city limits of Vanderburgh County. The Knight Township Fire Department under the command of Assistant Fire Chief Dale Naylor was one of the first agencies to arrive on the scene, along with the Vanderburgh County Sheriff's Department. They immediately put into action a plan of command and control. In cooperation with the Sheriff's Department we started ordering resources, we started getting people assigned, and from that point forward everything was coordinated through those two command systems. We did not have separate commands, I don't want to say that, but, you know, we coordinated things together. You know, I thought this morning about, you know, it's sort of like five C's; coordination, cooperation, communications, command and control. That worked. All the agencies, whether it was police, fire, law enforcement, Sheriff, emergency medical services, did their job. Commissioner, you said in the dark of night, and that was indeed very, very true. People don't imagine that at 2:00 in the morning that you would have a tornado come through and rip you out of bed, or pick your house up and throw it down 50 feet or farther away. But, I think what I'd hoped that you as well as all the people of Vanderburgh County, Southwestern Indiana and the entire state realize that your fire fighters, your law enforcement people, emergency medical people, dispatchers, emergency management people, they work together. There's not anything about uncooperative, you won't hear any of those bad words after this incident. Our fire fighters, as well

as law enforcement people talk about hearing people scream. We never wanted to see or even experience what our fire fighters and other people experienced in New York, but we experienced it in our own little way here the other night. They were all very courageous. They all took a tremendous amount of courage to extricate those people in that first hour. Again, it was still in the darkness of night. That was before light started showing up and other fire trucks. So, I hope that you, as well as everybody that listens to things that we did realize how important it is that we have public safety agencies that cooperate, and how we do. So, thank you very much.

President Musgrave: Thank you. Chief Deputy Williams. I believe I misstated the number of casualties. Would you correct that please?

Eric Williams: Confirmed dead from Vanderburgh County are 18, and Warrick County are five. This is going to be on behalf of Sheriff Brad Ellsworth and the entire Sheriff's office. I'm not generally a prepared statement kind of person, I generally do it off the cuff most of the time, but this is one of those times where I thought I had to put some thoughts together when you had offered this opportunity to us. The Sheriff's office has been fully engaged in this since 2:00 a.m. Sunday, November 6th. We've been there on site and we continue to be as such. I want to recognize two of our first responding deputy Sheriff's; Deputy Ray Reason and Deputy Matt Hill. Both arrived moments after the tornado had cleared the area, along with Knight Township Fire Department. They individually pulled dozens of people from the wreckage and recovered bodies all the same in that very first few minutes. Deputy Reason has some military and medic background and quickly instituted a medic triage system and started getting that going just as instinct. They performed fabulously. I can't give them enough accolades for the things they did. Not to mention everybody else from the Sheriff's office that's been there. I wanted to give you a little detail of what the Sheriff's office's role has been and what it continues to be. Obviously, it's the emergency response, the incident command co-coordination with all the other public safety entities, search and rescue, equipment and supply acquisition and coordination, site security, body recovery, documentation and investigation for each of those, assessing and accounting for the person's from the site, media coordinations and relations, and personnel coordination and rehab. To give you a little bit of an update, as of this time, and I think everybody else will tell you this that the search operation has been completed and it's ceased. The search consisted of multiple sweeps with manual searches, mechanical searches and then the Elite Task Force One from Marion County who have been utilized all over this country in major disasters came through and searched for us, and they gave us the thumbs up that our people here locally had done an excellent job and done the things that they needed to do and that we had recovered everybody we could recover. One of the big tasks that we faced as an agency was the accounting for the unaccounted. At times that list reached in excess of 200 people. We assigned multiple investigators and personnel, put them all over the community in places that we might be able to find people, and as of this morning that list is at zero. We've accounted for everybody that we believe might have been in that park, had been in the park, or would have been in the park. That's not to say that there might not be somebody out there, but we believe right now we have got 100 percent accountability for the people. Right now the lake is continuing to be drained. That's going to continue until that's completed so that we can have 100 percent assurance that there's nothing else left there to find. Our next plan of action is that of reuniting the residents that were evacuated or displaced with their personal belongings, property, getting them back together with those types of items, and that will begin tomorrow. We've advertised the schedule of how that's going to occur, and how we're going to get that done. We think that is probably one of the most critical things

that we're going to accomplish in this. As we asked the residents to evacuate when we did, we promised them that we would secure their property and we would see to it that they would be reunited as quickly as we possibly could. So, we think that will begin occurring tomorrow. Right now we have scheduled our personnel to maintain security on the site through Sunday. That can be extended if necessary, or be reduced if it's appropriate, but we'll be there until then. I guess, finally, I know we're all going to use this list of people to thank you, but I think it's important that, you know, I sat down and started penning together the people that I called upon, or that I worked with that we got this thing done, and I wanted to make sure that I just mentioned them. So, I'm going to read this list, and I hope it's okay. First and foremost Dale Naylor and the men and women of the Knight Township Fire Department; John Buckman and the men and women of the German Township Fire Department; the other men and women from Scott, Perry and McCutchanville Fire Departments, they were all there with us. The men and women of the Sheriff's office, we've been engaged, we've been there. They've done an exemplary job. The men and women of the Evansville Police Department, the Evansville Fire Department. Mike Duckworth and his crew from the Vanderburgh County Highway Department, they responded as soon as we requested them, brought the equipment we needed to begin our operations. Without them, we wouldn't have gotten moving nearly as quickly as we did. The hundreds of other fire fighters and public safety people from the surrounding counties that showed up at our door begging to help, and then went in there and did their thing. It was amazing, incredible and I'm still kind of in disbelief. I mean, the shock hasn't begun to hit me yet. The Ohio Valley Search and Rescue. The Salvation Army and the American Red Cross. I've been making jokes a little bit, because if I had to work with them very long in a disaster, I would be fat. They kept us fed. They kept us rehabbed and nourished. They were there for counseling. They were always that shining smile, all the people that volunteer with them, as our people came out of the field to get something done they were there for us. I think that's important to remember that without those supporting people, the people in the field can't do their jobs. Tim Klenck and Klenck Construction gave us lots of equipment without question, didn't ask. David Trockman, Trockman Salvage. The Army Reserves, the Navy Reserves, their people have all been there. The Indiana State Police, EMA, Vectren, personnel from the Water and Sewer Department, while you don't think about those things, but that was a critical issue for us. I compliment and thank Commissioners Shelter, Nix and Musgrave, all three of you for being there. You got to see it first hand. You gave us some guidance, and plus you lifted some people's spirits that they knew you cared enough to be there. Mayor Jonathan Weinzapfel and the City of Evansville, they've been exemplary and been out there helping us. While it's not inside the city limits, it further embraces the idea that this is a community as a whole and we're working together as a community. Our Representatives Crouch and Hoy were present. This is an odd one that some people don't think of very often, but I have to thank our local media. They did a very good job of dealing with the rules we established for them, getting the information to the public so that the public wouldn't feel it necessary to come down there and make a spectator sport out of it, or make it a gawking event that they did what they did. They also were very crucial in getting the information out to the public to get information back to us so that we could account for people. Without them we wouldn't have accomplished that. Hundreds and hundreds of just citizens who have called our office asking if they can come help, that they've got trucks, they've got Bobcats, they've got chainsaws. We've got lists that are stacking up of people that want to come help. The many businesses who we called or just offered their services and they stepped up to the plate without question, not worried about when they were going to get paid, or if they were going to get paid. They just did it. I guess, all that said, I think I'll close by saying that at this moment in time I

am incredibly proud to be a deputy Sheriff in Vanderburgh County, Indiana, and I'm even more proud to be a Hoosier from southern Indiana, because our people are the best. So, with that, thank you.

President Musgrave: Thank you very much. The Evansville Fire Department.

Ken Zuber: Thank you. I will be very brief. Ken Zuber, Evansville Fire Department Fire Chief. I'm fully reflective of a lot of things that Deputy Chief Williams said there. I guess, the main thing is when called to cause this community rises to the occasion to help each other. That's basically what's happened. Throughout the whole community, the public safety people, just common citizens, everyone has come forth and has helped tremendously. We got called initially by Dale Naylor, Assistant Fire Chief out at Knight Township, we sent him people. That's what it's all about. We sign these mutual aid agreements between fire departments, they're mainly a formality. All they're based on a lot of times are just handshakes, smiles and know that, hey, if we need ya' we'll come, and vice versa. It's a great team effort. I'm a big proponent of team, because I'm involved in sports. Once again this community came together as a team, had a problem, rose to the occasion and took care of business. For that I'm very proud. Lastly I want to say something in regards to Dale Naylor, Assistant Fire Chief out there, instant commander. His composure, his leadership are very commendable under the chaotic circumstances out there. He took care of business, took a lot of things to heart, but once again on behalf of the fire service I wanted to commend him on his efforts out there, as well as all the other folks that were within the unified command system that was set up. It's one of those things there it's unfortunate that we have to have an incident like this, but some times it helps us become better public safety officers, and we will all learn from this. For that, once again, hats off to everyone.

President Musgrave: Thank you. Evansville Police Department.

Brad Hill: This is going to start sounding very repetitive as we continue here. I thought I might mention I talked with a gentleman yesterday a couple of times who had lost his mother in the tragedy. It was interesting, while talking to him he was very non-demanding and said, you know, I would sure like to be able to come and just kind of go through things and see if I can find anything. He said, but I don't want to get in the way. He was very apologetic for even asking, and I said well, you certainly will be able to come do that. As I talked with him further he said well, I'm in construction and if anybody needs any help with that, I would sure like to be able to help anybody else. So, I thought that was pretty outstanding for somebody that's going through such a tragedy as this, and yet still wants to be able to help as he's dealing with his own grief. As they have all said, everybody worked together very well, and when something like this happens, it doesn't matter where the city ends and the county begins, we're going to be there to assist. I had many officers that came in off duty when they heard about it, they weren't called to come in, they just came, went to the scene and started helping, as many other agencies and departments and individuals did as well. It's just outstanding to see the cooperation and this is a type of tragedy that you hope you never see in our community, but as many have said, a lot of people have stepped up to the plate and did what they needed to do, and will continue to do so. One of the things that the Evansville Police Department is taking very much responsibility for is to ensure that this area is secure so that there will be no, when people come back to the place that they will find their belongings there, as long as it's still within the area, and make sure nothing is removed that should not be removed. It, as I said, it's been a great group effort. Lots of people have really done an excellent job. Thank you.

President Musgrave: Thank you very much. Is there anyone here from the Coroner's office? I see Sherman Greer from the Emergency Management. While he's coming forward, I would like to thank the Coroner, Don Erk, and his staff Annie Groves and others for the necessary work that they did. I've heard from many people how much they appreciated the manner in which that was conducted. Mr. Greer?

Sherman Greer: Thank you, Mrs. Musgrave. As has been said from all of the emergency responders, they did a fantastic job. You couldn't have asked for a better instant command system than you had, and everybody responding and working together. That was fantastic. It makes all of our jobs a lot easier when you have that type of cooperation. Now we go into the next phase. The response is just about over. It's time for us to go into the recovery phase, that's where emergency management gets more involved. We're in the process right now of setting up a disaster recovery center, which will be out at Bethel UCC church. We don't know, we don't have a date of when we're going to set that up. It should be before the end of the week, as soon as we get the Presidential Declaration we'll be setting that up and moving on in that fashion. We have to set up a joint field office also for the feds and for the Small Business Administration and other organizations that will be in to help the people out. We will be working closely with the VOADS, the Volunteers in Organizations And Disasters that will help us be able to help the people out as far as getting things that they need. The American Red Cross, Salvation Army, those type of things we'll be doing as of right now, setting it up. We're very concerned about the mental health of these people, so that we want to be able to have people there to help them out as they go back to their homes. I mean, even after that, because we want to make sure that they do have the correct mental health to help out. We also are concerned about our responders, they need to do critical incident stress debriefing themselves so that they don't carry a lot of this baggage along with them for a long period of time. Those are the things that we're concerned about and working with right now as far as the Emergency Management Agency on how we're setting these things up. Once these things are set up and once the transition, the transition is going to take at least a day or so as far as moving things from the response phase into the recovery phase. There's things that we have to get set up ourselves, and working with the other organizations for the long term recovery. This is going to be a long term recovery. The short term recovery will be getting the gas back on, and getting the water back on and the lights back on and different things of that sort. But, that's still probably a week or so out before those things are done. So, we've got a lot of work ahead of us too. But, let me tell you, if everything goes the way that they responded and the first responders responded to the site itself, we'll have no problems at all. Most of those people will be working with us to make that transition. Thank you.

President Musgrave: Mr. Greer? We're still under a state of emergency. Do you have any prediction as to how long that will continue?

Sherman Greer: Well, that all depends, once we get the Presidential declaration we can drop the state of emergency, because, there again, we're under a Presidential declaration at that time. We're hoping that that will be done. We have that declaration by the week's end. From what the Governor said today, and the way that they want to expedite this thing maybe it will happen very, very soon, which is good for us so that we can start moving in the right direction and everything. As far as the number of homes that were affected, for the mobile homes, I have, and these numbers may not be 100 percent right, but this is what I have as of yesterday. For the mobile homes we had 138 homes that were destroyed, we had 15 that had major damage, we had 62 that had minor damage, and 58 that were affected. That's 273

homes that were affected. That's in the Vanderburgh County area. In the Warrick County area, we had four mobile homes, 179 homes that were destroyed in Warrick County and 12 multiple family homes, apartments, that were affected over there. That brings the total to 799. That was the FEMA damage assessment that was done yesterday. So, that's where we stand right now. Those numbers could grow even more as we go on into the long term assessment of the situation.

President Musgrave: Thank you very much. Well, I saw earlier Ms. Rose Young from the Mayor's office. Is she still here? Would you care to make any remarks? No? Okay. Do we have anyone from FEMA? No? I see a representative from the Indiana Department of Transportation, INDOT, if you would like to come forward.

Jerry Thompson: My name is Jerry Thompson, I'm the Roadway Services Engineer. A fancy word for maintenance engineer. But, I got a call about 7:30 in the morning from our emergency operations center in Indianapolis reacting to a request for assistance from Vanderburgh County, as well as Warrick County. I would like to recognize Steve Reinier from my office who is here with me. I called on Steve to come in, because I don't do anything, I get a bunch of other people to do it for me. Steve came in, Steve's got a lot of experience. We worked the Newburgh tornado last year, Memorial Day weekend, and also the Marengo tornado last year. So, we're getting way too much of this. So, anyway, we came in and you all asked for a couple of pieces of equipment and we provided that as quickly as possible. I understand they helped with some of the initial rescue operation and once that was completed we kind of took a back seat for a while waiting for our next mission. That's kind of where we are now. We don't have any equipment there at the site at this moment, but once we move off into clean up and you all need help with trucks, whatever, let us know. That's what we're here to do. We'll help you with the clean up. We'll work our way through this thing. Thank you very much.

Commissioner Nix: Thank you.

President Musgrave: Thank you. I see the Building Commissioner, Roger Lehman and his Chief of Staff here.

Roger Lehman: Roger Lehman, Building Commissioner. I have with me my assistant, Steve Fuchs. I would like to echo as far as the response folks, we don't get directly involved in response, we let the professionals in that area do that work. We have just completed our damage assessment, and we do it for a different reason than FEMA and the Red Cross and so on. We do it for the safety of the people to go back in to their homes. The phone call I got during the meeting, excuse me, and forgive me, was my man calling saying they had just finished. So, we have done a house by house, we have a picture, we have an assessment of the scene, and we have a log of that information. So, our goal from this point forward will be to help people get back in their homes as soon as they can safely. What that involves will be inspection, it will involve having the homes, in a lot of cases reset that are still there. There are a few problems with the way they are installed, and we want to be sure as people get back in them, they are installed as safely as the code requires at least. Having our work done here for the short term, which was do the damage assessment, our primary role will begin in a week or two when we start doing inspections again. Our goal is to provide two hour service for inspections on these homes so that people are not waiting on the government to get back into their house. Once the contractors have done their work and requested inspection we will be there to get them in. With the Commissioners and the Mayor's blessing I have contacted, was contacted by Warrick County, and I did meet with them this morning. We have

provided them with aerial photos from the new Indiana maps that were just completed in the last few weeks to the point where we can use them. They didn't have provisions to be able to print large scale maps in Warrick County. So, we plotted those on our plotters and have delivered those to them. We're making them some more to take over. We also are going to help them coordinate a damage assessment for their county on Thursday and Friday. We're, of course, off work on Friday, but we'll get our volunteers from our agency that are willing to work. We also have the support of the Indiana Association of Building Officials, they at their board meeting today put out the word that we need some folks to come out and help on Thursday and Friday. So, we'll focus with helping them in Warrick for the next few days, and then we'll be back here. We'll still be doing our work, don't worry, but, anyway, I wanted to thank Steve and my staff in house because we've been fielding a lot of phone calls. I want to thank our inspectors who have been out in the field getting inspections done and pictures taken and the files organized. I did have an engineer down this morning, one of the top companies in Indiana dealing with manufactured housing, I wanted him to look at the way the homes are, the remaining ones are they're, how they're attached, to be sure things are done properly. We did find out just recently that we can, and from this point forward shall be the agency that inspects the installation of those homes. Previous to this it was an area that was with the State Board of Health. They more or less had jurisdiction. They have, as of yesterday, a phone call I had with one of the folks at the Department Health has said it's your jurisdiction. So, we'll be in there being sure that these homes are installed properly. Anyway, I want to thank the Commissioners for their support, and, again, the Mayor, and we will be making some recommendations in the near future, perhaps on some code changes and some installation standard changes that hopefully will affect everybody in a positive way. Thank you.

President Musgrave: Thank you. I see Mr. Sam Elder from the Health Department.

Sam Elder: Sam Elder from the County Health Department. We've had a person on the scene over at the Red Cross shelter and at the site, Dwayne Caldwell who's the director of our emergency section has been there. He made the arrangements for the tetanus immunization. The State Board of Health has called and they offered anything that they had. They offered us additional help, which I don't feel we need at this time. We have had tetanus shots yesterday and today at our office for anyone that was impacted, or the volunteers and the county employees, city employees. We've had a goodly number of them. We asked from the State Board of Health, they furnish the tetanus vaccine, it's no charge to us for additional supply, because I didn't feel we had enough. Tomorrow morning we're going to have tetanus shots available free for all the residents as they go back in.

President Musgrave: On site?

Sam Elder: At the command center.

President Musgrave: Okay.

Sam Elder: They set a tent up for us. They looked down on the site, but they couldn't find anyplace that they felt would be acceptable to give the immunizations. Everyone, as I understand it, has to have a permit to go back in. So, they'll all be there in the old Neville market. They've just begun to trickle in today, this afternoon for burial permits, death certificates, birth certificates too. We've had some people come in there that have absolutely no identification. They have to have someplace to start. Normally we require a picture I.D. for a birth certificate. We've kind of gotten

around that by screening them. We've also we've waived all of our fees for these people as they come in. We're going to offer the tetanus shots as long as anyone takes them. It's recommended that all of them have it. That's about the extent of it.

President Musgrave: Thank you, and the members of your department. We appreciate their help. I see the County Surveyor, Mr. Bill Jeffers.

Bill Jeffers: Good afternoon, Commissioners. The County Surveyor's office played a very limited role in the rescue and recovery. I happened to be on the site in a very limited area, but had the opportunity to work with and observe the work of the County Highway Department, and it was absolutely exemplary. All the personnel and Mr. Duckworth and Mr. Walsh strove to accomplish what they could accomplish with their equipment, and I was very reassured that we have a County Highway Department that is, that operates in an efficient, compassionate and effective way. I was extremely impressed also, I happened to be working in close proximity with some members of the fire department led by Keith Jarboe, and I was amazed at their professional performance, their compassion, and their effectiveness in the manner in which they made sure that there was no duplication of search. All I can say at this time is I've never seen anything like that, I hope I never see anything like that again. It was the most devastating thing I've ever seen. I can't even imagine what's it's like on the gulf coast after seeing what happened here. But, our office remains available to you. We have GPS equipment for your personnel's use, or, you know, in association with your personnel's endeavors, or any other department, city or county, that wishes to use our service to locate anything exactly using GPS equipment. Mr. Duckworth only needs to call us anytime he needs us for anything, manual labor or professional services. The only other item that my crew and I had been working on is we have been looking at Eagle Slough, Aiken Ditch and particularly Kolb Ditch, all of which pass through this disaster area and are regulated drains that you, the Drainage Board, also takes care of, and there is a considerable amount of construction debris, jungle gym sets, swing sets, yard barns, trees, etcetera that are going to have to be cleared, most likely on an emergency basis. Having observed Commissioner Nix operating from his professional standpoint as a construction operator at the site, I feel I should ask permission to work with him towards removing that debris in case we would have a rain storm that would not be able to find it's way through the ditches due to all that debris. If that would be okay?

Commissioner Nix: That would be fine.

Bill Jeffers: Mr. Nix, I was very impressed with the way you and your construction cohorts responded. It reassures me, as a citizen of Vanderburgh County, that we have that type of people at our service. Thank you very much.

Commissioner Nix: Thank you.

President Musgrave: Have I missed anyone here in the audience who would like to come forward and testify? Mr. Ziemer, thank you. Mr. Ed Ziemer, City Transportation Services.

Ed Ziemer: Madam President, Commissioners, first off I want to thank my grandson who woke me up at 1:45 in the morning to tell me that the tornado was coming and about to hit the area where I do live, which is about a mile from where it hit. So, I was up, but I would like to stress what an honor it was to witness such professionalism, cooperation amongst all the different departments that I witnessed out there that morning. It's also my pleasure to make some recognition from that

morning. I would like to recognize my foreman, Oscar McGee, who did come in and organized our traffic control department that did man the stop lights that were out. Also we were able to loan you all a couple of pieces of equipment and some drivers to assist during that time. We have had our sign department make new signage for the signage in the trailer park that was tore down, and recovery areas here next week, we'll be able to find out where we're working. I would like to make special recognition to the Animal Control officers. Tom Hayden the Superintendent is here. His officer, Kelly Yarde, who responded that morning, worked in triage and in their rescue efforts, I'll let him give a report, if you don't mind, on the number of animals they recovered and what's going on there. We would also like to thank the Vanderburgh County Humane Society for their efforts that day. Mr. Hayden? Thank you.

Commissioner Nix: Thank you Mr. Ziemer.

President Musgrave: If you'll hold on while we change the tape.

(Tape Change)

Tom Hayden: Tom Hayden, the Animal Control Superintendent. I just want to thank my officers, because without them I couldn't have accomplished anything. Some of the numbers I want to run by, again I'm on the search team, the Community Emergency Response Team that FEMA had trained years ago. I responded at 2:30 that morning and did triage with Kelly Yarde down at the boat ramp. Then when dusk came up where we could actually see, then I switched uniforms and went in to get the animals out. We, at this time have retrieved 80 animals. We have returned 38 to their owners. We have five in Warrick County that was found up there that are in a foster program that we have up there established with them that work in conjunction with us. I have ten in the Vanderburgh County Humane Society. I have 20 in other foster locations, and 17 of them are at the shelter presently. One of the other things we was able to accomplish is we contacted Pet Smart Charities, which is a charitable organization out of Dallas, Texas, and I talked to Barbara down there. We have secured, as we speak the check is being cut for \$5,000 to pay for all the medical bills of the vets. We had a snake that had to have an operation. We had to have a broken back on a dog that we were able to fix. We had a broken wing on a bird that we was able to repair. We also have additional matching funds then once that money is gone. So, we had a total from the national association there of charities from Pet Smart of \$10,000. So, I think that was outstanding of them to step forward. So, that's my report. Thank you.

President Musgrave: Thank you. Is there anyone else? Sheriff?

Eric Williams: I think we've heard most everybody, but there's one that hasn't been mentioned yet, and I can't believe we've all forgotten them because they were critical, and that was AMR. They transported 78 people in the early stages that morning to the hospital. They had multiple units on the scene and they did an outstanding job helping us with our triage. They need to be recognized also.

President Musgrave: There are many, many more people who need to be recognized. There's a couple of units that I haven't heard mentioned here today. I'm not sure anyone mentioned the National Guard, they were on site and doing a tremendous amount of work and very necessary help. The Department of Natural Resources also contributed. I believe that Dubois, Knox and Spencer County Fire Departments were on site. Is that correct? Were there others? Other counties?

Commissioner Nix: There were so many that I never even recognized the name of. So, I would say that we need to maybe try to compile a list and maybe mention those in another meeting or something. They were coming from everywhere.

John Buckman: We do have a list.

Commissioner Nix: Okay.

John Buckman: There were 41 fire departments helping.

Commissioner Nix: Sargo, it was just—

President Musgrave: 41 fire departments. Well, we would like to post the list on our website.

Commissioner Nix: That would be great.

President Musgrave: We also had offers of help from Kentucky and Illinois. We had a number of government officials, before I name all of them, all of the injured and sick people were transported to the local hospitals, and they had to turn out a tremendous amount of staff to deal with it on their end. I want to express my appreciation to them for the work that they've done. We've had two visits now from Governor Mitch Daniels, and Lieutenant Governor Becky Skillman. Senator Evan Bayh has come, Mayor Jonathan Weinzapfel has been out there multiple times. The Red Cross, Salvation Army were already mentioned, and I want to again express and go over my appreciation to the local news media. When I heard the sirens go off and I don't live very far from Ellis Park, I got up, and the first thing I did was turn on the t.v. and listen to the weather guy who immediately told me that there was a tornado and it was moving east. I think everybody does that, it's the automatic reaction to go to the t.v. and turn that on. They don't work for the government, and yet we all rely upon them to bring us a measure of safety as well. So, I want to thank them. I've run out of people on my list.

Commissioner Nix: I'm sure that there's some people that we've missed.

President Musgrave: I'm sure.

Commissioner Nix: Once again, in a meeting down the road sometime, or maybe the next meeting, if there are, I would just like to say a couple things. I looked in my Commissioner training book Sunday when I got home in the evening and I didn't find anything in there that touched on this at all. I guess, that just, it really wasn't my job to be out there, I tagged along with Chief Deputy Williams for the bigger part of the day. I guess, I learned some things from him. Folks, let me tell ya', you need to be tremendously proud of the job your people have done out there. You know, I think it stands, I think that this community, what happened Sunday morning early is what this community is all about. We all come together. There weren't any Democrats or there weren't any Republicans out there, there were people out there. There were people digging in and trying to save lives. I will never forget that morning, I will go to my grave remembering that morning. Once again, please get the word out to your people, things couldn't have gone any better under the circumstances. I'm very, very proud to be a citizen of this community.

Commissioner Shetler: Last Tuesday was my first Commission meeting, and I was appointed to the Disaster and Recovery Committee. I jokingly quipped to think that

at the time that what perhaps made me, got me prepared for that is having seven children. Well, I think, I don't think that there's ever been a time that I've been more humbled by the expression of so many volunteers and so many workers. They came from all over. I think at one point seeing the Guard come in and seeing the different volunteer fire departments from Santa Claus, from Ferdinand, from cities and burgs that were so small I don't recall even the names. Seeing those folks marching in one by one and hundreds by hundreds was impressive, and it was humbling to see the actions of so many that come to our aid and our support. So, there are so many of you that were right there and I greatly appreciate the efforts that everyone had done. So, thank you again.

President Musgrave: Thank you.

(A round of applause was given for the responder efforts.)

Approval of the November 1, 2005 Commission Meeting Minutes

President Musgrave: We will move on with our agenda, and move backward. I skipped over the approval of prior minutes.

Commissioner Nix: That was the meeting of November 1st, move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. There are no executive summary minutes. That meeting was cancelled. We will hold another one later.

**Permission to Advertise:
APA-001-2006: Tax Bills
APA-004-2006: Gasoline and Fuel Oils
APA-025-2005: Commercial Fueling**

President Musgrave: We move now to the permission to advertise bids. Purchasing Department?

Phil Lawrence: Boy, that's a tough act to follow. My cousin did lose her home. She lived in the trailer court. They're at the shelter now until we can figure out, until the family can figure out where we can get them all. It's her and her two children. But, I'm here to advertise, permission to advertise bids APA-001-2006, that's the tax bills for next year; APA-004-2006, that's the gasoline and fuel oils; and APA-025-2005 is commercial fueling. Advertisement dates are November 16th, 23rd and opening the 6th and the 8th.

Commissioner Nix: I move approval permission to advertise bids.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Phil Lawrence: Thank you.

Teamsters Wage Agreement Addendum
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President Musgrave: We move now to contracts, agreements and leases. County Commissioners, Teamsters wage agreement addendum. Mr. Nix?

Commissioner Nix: Yes, and, basically, what that amounts to is we came to an agreement, I guess, a couple of months back with the Teamsters, but at that time we didn't have the wage scales put into place because Council hadn't approved wages. We have that in place now. That's what that is is a wage sheet that's attached to the agreement. So, I move that we approve that.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

SMG/Gaither Rutherford Contract
--

President Musgrave: The SMG/Gaither Rutherford contract. This is a contract for Gaither to review the proposed SMG contract. That is not to exceed \$1,500.

Commissioner Nix: Move approval of the contract.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Jail Change Order No. 2: integrator.com: \$72,677
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President Musgrave: We have jail change order number two.

Commissioner Nix: Yes, jail change order number two is for the amount of \$72,677. Of that, \$71,300 is for an off-site video visitation system. That will be reimbursed from the Sheriff's Department out of their FFE line item balance. But, we wanted to go ahead and get that in. I don't know, Chief Deputy Williams, did you want to speak to that at all? We will be reimbursed from the Sheriff's Department when that occurs. The other two items were to add a motion sensor for \$394, and add a signal light at the sally port E101 for \$983. I move we approve these.

President Musgrave: Is there a second?

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

County Assessor: Manatron Agreement & Training Agreement

President Musgrave: We move now to the County Assessor, two contracts, Manatron agreement and the Manatron training agreement. I see her in the audience if she would care to come forward to answer any questions.

Tammy Elkins: Tammy Elkins, County Assessor. I just want to say that I've worked very hard with attorney Ted Ziemer, and I think we've come up with a good amendment to the contract, ProVal contract. I think it is a benefit to the county that we sign this amendment.

President Musgrave: Are there any questions?

Commissioner Shetler: I have none. So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: There are two amendments, I don't know if you included both in that motion.

Madelyn Grayson: Your microphone is not on, Mr. Ziemer.

President Musgrave: Do you want to go ahead and include the second one?

Commissioner Nix: Yes, the Manatron, I guess, there was two. The first one was Manatron agreement, and the second one is Manatron training agreement.

Commissioner Shetler: Would you like me to amend my motion to include both of those?

President Musgrave: Yes, please.

Commissioner Shetler: I'll so do.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That motion carries. Thank you.

Health Department: STD Grant Renewal

President Musgrave: The Health Department, STD grant renewal. Is there anyone here to speak to that? Is there a motion? This is to renew an existing grant to provide that it will run from 1/1/06 through 12/31/06 and provide funding in the amount of \$71,910.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Sheriff Department: Keller Schroeder: New Jail Infrastructure &
IP Phone Implementation &
VanAusdall Farrar: Copy Block Agreement**

President Musgrave: Sheriff's Department, new jail network infrastructure and IP phone implementation. Do you have any remarks to make on that?

Eric Williams: Is this the one with Keller Schroeder? Or is this the one with VanAusdall?

President Musgrave: Keller Schroeder.

Eric Williams: Keller Schroeder?

President Musgrave: Oh, there are two of them.

Ted C. Ziemer, Jr.: There are two.

President Musgrave: There are two.

Commissioner Nix: One of them is for \$19,125, and the other is for two and a half cents a piece for copies.

Eric Williams: Right.

Commissioner Nix: Okay.

Eric Williams: The first one is, and attorney Ziemer has been through both of them, but the first one, Keller Schroeder, is the, basically, the consulting and set up for the IP phone system and the infrastructure for the computer system that was approved a few weeks ago. It is a, it's an unusual document, but basically it's an agreement that won't go above that amount, and we're basically just getting charged time and materials. But, they wanted that agreement.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Eric Williams: The VanAusdall one is very similar to the one that we've had in the past, and it's called a copy block agreement. Basically, it allows us to purchase copies or prints on printers without putting any capital out for the machines. We've got one in place right now that's under that same agreement, and it's actually worked very, very well for us, because we're not required to maintain, own, or make supplies for the equipment. They do that because it's to their advantage to keep the equipment running. So, basically all your doing is paying for the number of sheets that come out of the device.

President Musgrave: Okay.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

County Engineer

President Musgrave: Department head reports. Are there any department heads here who have a report? Okay, Mr. Stoll.

John Stoll: I have one item, it's a sidewalk waiver request for Mystic Creek Subdivision. This is located on the west side of Green River Road just south of the Timbers Apartments. The street in that subdivision is just a single cul-de-sac that runs west off of Green River. There are no other sidewalks in the vicinity of this development, so, I would recommend approval of the sidewalk waiver.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Any other report?

County Highway

President Musgrave: Mr. Duckworth.

Mike Duckworth: Just a couple of brief things. One agency that I forgot to mention earlier was Burdette Park. You wouldn't think that they would be involved in this, but there was additional damage done to the Henderson, Old Henderson Road area. We had multiple trees, we had farms damaged and everything in that area. Because our crews were tied up at the trailer park scene, I called on Steve Craig and Burdette Park and his crew went to that area and helped clear that roadway for us. So, I want to recognize them. In addition to that, I would tell you that while we are kind of in a holding pattern right now until the clean up begins, we do have additional county work that we're doing. I believe they've put in for road closings on Hogue Road for the next couple of days because we are doing approach and drainage improvements for our new paving areas to help at Red Bank and at Vanness to help those approach areas. So, I wanted folks watching and listening to be able to understand that those areas may have some delays for the next few days. Thank you.

President Musgrave: Thank you. Any other department heads?

Superintendent of County Buildings

B.J. Farrell: If I may?

President Musgrave: Yes, Ma'am.

B.J. Farrell: I do have a couple of items. One, the County Attorney had drafted a letter that we need a signature on notifying the Southwest Indiana Regional Youth Village that we will be terminating our contract with them. The other item I have is last week we made several board appointments, but the dates were not established and we would like to send letters establishing the term expiration so that we have a clear record. Then, I would like to ask permission to put a letter in county officeholder/department head boxes regarding the insurance agent of record needing to speak with county employees about their benefits.

President Musgrave: And are we amending the consent agenda for all of these items?

B.J. Farrell: I ask that you do that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

County Attorney

President Musgrave: Attorney Ziemer.

Ted C. Ziemer, Jr.: Thank you. All I have is an engagement letter provided to us by the London Witte Group who are the underwriters for the bond refunding refinancing that we are doing for the Azteca and Burkhardt Road bonds. The agreement is satisfactory for agreements of it's type and has a not to exceed amount of \$25,000 covering both the Azteca and the Burkhardt issues. We recommend that it be approved.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: That's all.

President Musgrave: That's all? Did I miss anyone?

New Business

President Musgrave: We move on to new business. Is there any new business? Commissioners, I will be meeting with Mr. Ziemer to go over the WNIN contract. So, we may see that on next week's agenda, or the week after.

Old Business

President Musgrave: Is there any old business besides that on the agenda? We have the district three meeting, we've announced this several times, Tuesday, November 29th at 3:30 at the Burdette Park O'Day Discovery Lodge. We'll be pleased to take comments from the public. I hope that the other two Commissioners will join me. We've made a habit of doing that at the other district meetings. So, I look forward to hearing from the public on the district three meeting Tuesday, November 29th.

Ted C. Ziemer, Jr.: And that will be, is that the fifth Tuesday or something?

President Musgrave: Yes, it is.

Ted C. Ziemer, Jr.: Okay.

President Musgrave: So, there will be no regular meeting here.

Public Comment

President Musgrave: We have arrived at the time for public comment. Is there any member of the public who wishes to speak? I see no one.

Consent Items

President Musgrave: So, we have an amended consent agenda. Is there a motion on that?

Commissioner Nix: Motion to approve the consent items as amended.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Scheduling of Executive Session for November 15, 2005

President Musgrave: We have one more piece of business. Mr. Ziemer, do we need to have an executive session for next week?

Ted C. Ziemer, Jr.: We do. My understanding was that it would be recommended that it be held at 2:30 next Tuesday.

President Musgrave: Okay, 2:30 in the Commissioners conference room?

Ted C. Ziemer, Jr.: Wherever you say is appropriate.

B.J. Farrell: We don't have clarification on a room yet, but we will have that established before we notice.

President Musgrave: Okay.

Ted C. Ziemer, Jr.: We don't have clarification on what yet?

B.J. Farrell: On an available room.

Ted C. Ziemer, Jr.: Oh, I see. Okay.

President Musgrave: So, we can't say the room. Is there any other piece of business that the Commissioners need to conduct? Do I hear a motion to adjourn?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you.

(The meeting was adjourned at 4:30 p.m.)

CONSENT ITEMS:

Employment Changes:

VCCC (5)	Sheriff Department (5)	Cum Bridge (1)
Perry Assessor (1)		

Travel Requests:

Area Plan (1)	Health Department (1)	Treasurer (1)
SWCD (1)		

Commissioners:

Evansville ARC monthly report-September 2005.

Vision-e monthly report-October 2005.

Department head meeting notes-November 1, 2005.

Southwest Indiana Regional Youth Village termination letter.

Amended board appointment letters.

Letter from County Attorney concerning insurance agent THDF.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Service		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	JoAnn Smith	Mike Duckworth
John Buckman	Eric Williams	Ken Zuber
Brad Hill	Sherman Greer	Jerry Thompson
Roger Lehman	Sam Elder	Bill Jeffers
Ed Ziemer	Tom Hayden	Phil Lawrence
Tammy Elkins	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
EMERGENCY MEETING
NOVEMBER 14, 2005**

The Vanderburgh County Board of Commissioners met in emergency session today, November 14, 2005 at 8:00 a.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good morning. I would like to call to order the emergency meeting of the Board of Commissioners of Vanderburgh County for November 14, 2005. We'll start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Shetler: Tom Shetler, County Commissioner.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Auditor, Bill Fluty.

President Musgrave: If you'll please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Musgrave: Last week's tornado left many of our neighbors dead, hurt, or homeless. This midnight tragedy, unprecedented in our history, was met with outstanding actions from our community's emergency response workers. The dispatchers, firemen, deputies and medical personnel, and all the others who selflessly responded in the hours long before sunrise demonstrated that our community pulls together in trying times. As we address the issue of debris this morning, their example should inspire us all. We meet here today to consider the formal response of county government to the challenges facing the individual mobile home owners and the owner of the mobile home park. These individuals are facing challenges none of us are prepared to face; the death of family combined with the chaos of destroyed property and the rebuilding of lives. Offers of assistance have come from many individuals and organizations. The outpouring of love from our community is especially evident in the \$1.25 million in assistance pledged in one evening during the media coordinated telethon last week. It is our turn to ponder how we can help. County government has the resources to offer assistance in the form of equipment and personnel to clear the debris. The city has offered to match our resources with their own people and equipment. An unprecedented offer of free landfill space has been made by Allied Waste. This combination of offers of help is met by the owner of the mobile home park. He is willing to pay the expenses of fuel and cover any remaining costs. He will assist the homeowners in dealing with their insurance companies to recover policy amounts. There is no additional taxpayer cost to help this clean up effort. The offer of free dumping at the landfill means we can afford to help the tornado victims without impacting our budgets. I ask today that the Commission accept these offers so that the clean up and rebuilding may begin. At this time I would like to read the motions that I would ask the Commission

to accept. I would like to accept the offer of Allied Waste for free dumping of debris from Eastbrook Mobile Home Park.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

Commissioner Shetler: I do have a question.

President Musgrave: Yes, sir.

Commissioner Shetler: Would that be possible to extend that? Are people here from Allied?

President Musgrave: Yes. Mr. Bob Doyle?

Commissioner Shetler: Is it possible for that to be extended to private? There are, in fact, someone called me this morning on my way here that had over the weekend, early in the weekend, Saturday morning or Friday afternoon delivered some debris out to the dump site, and they were working for charity, and they ended up having to pay for it out of their own pocket. It was with a church group and they were wondering if there was something that couldn't be done? Some kind of a pass or certificate that indicated that they, in fact, had been working at the site and had debris that was tornado related. That they might be able to take that to dump it if it's in a private situation and not just in a city or county truck.

President Musgrave: Would you care to address that, Mr. Doyle?

Bob Doyle: We have taken those—

President Musgrave: I need you to come to the microphone. Thank you.

Bob Doyle: Ladies and gentlemen of the County Commission. Mr. Shetler, we have taken those individual requests into consideration. We received a request Friday from two individuals coming to the landfill, which we did offer the same opportunities with the free disposal. So, we're taking those requests individually. If those requests could come through our office we would determine how that will work out on an individual basis.

Commissioner Shetler: Thank you.

Bob Doyle: Thank you.

President Musgrave: Any further discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. The second motion is to accept the offer of the City of Evansville to provide equipment and personnel to assist in the removal of debris.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. To offer the volunteer assistance of the County Highway Department personnel and equipment to clear debris from Eastbrook Mobile Home Park.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Madam President, if I may? I think it's contemplated that there will be assistance offered by at least Henderson County, Gibson County and INDOT. I would think maybe you want to take a vote to accept that as well.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: I would like to appoint Mr. Mike Duckworth of the Highway Garage to be the coordinator of the relief effort and the debris removal and all the relief offers that we get. Is that acceptable?

Commissioner Nix: Yes.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Mr. Ziemer, have we covered all the motions that are required to move this project forward?

Ted C. Ziemer, Jr.: I think, yes, except perhaps when to begin. I would think we will probably need at least a week, I'm not sure, maybe a bit longer, but we do need to work out the various legal arrangements before the work actually begins. But, everybody is going to do that as expeditiously as possible.

Commissioner Nix: Would those be brought back to this meeting then before, for approval before that?

Ted C. Ziemer, Jr.: Yes, they would have to be, I mean, it's going to be a contract and the Commissioners would have to approve that.

President Musgrave: Alright. Is there anyone in the audience who cares to speak to any part of this issue today? I would like to ask Mr. Sherman Greer to give us a report if you have one on the status.

Sherman Greer: Sherman Greer, Emergency Management Director for Evansville and Vanderburgh County. Yesterday afternoon Major Rodney Buchanan and I did a transfer of command from the response phase to the recovery phase. From what I understand right now we're, Vectren, the Building Commission, SBC, all those agencies are going to be out there today to more or less inspect the facilities, inspect the trailers and everything to, and the infrastructure for the power and the lights and the water to be coming back on as soon as possible. That may be done by the middle of the week. Mr. Lehman is here, maybe he can give you an update on that, but we should have water and electricity to them no later than maybe Wednesday. So, once that's established then we can start moving people back in. It will be up to Mr. Whitehead and all of the infrastructure agencies to make sure that those things have been done. As far as security, security, we will still have security out there. Mr. Whitehead is employing off-duty officers to do security. We are going to secure the place and keep it secured down for some time. As a date of when we're going to lift the security, we haven't made a decision on that as of yet, but we'll see how that goes. Right now we're still out there as a presence to help out in any way that we possibly can. The Federal Emergency Management Agency's disaster recovery center is still out there as of right now. So, all those things are still in place for people that still need to come to try to get, to seek assistance and everything at that point. I think the Red Cross and the Salvation Army, I don't know how long they are going to be out there, but they're out there right now. Then with, along with Allied having the dumpsters that we have out there, because people once they go back in they're still going to find things that they need to discard and everything. So, we've got those still in place out there. So, right now that's where we are as we speak right now. Any questions?

President Musgrave: Thank you. Mr. Lehman, would you please give us an update on the status of allowing the residents to move back in?

Roger Lehman: Roger Lehman, Building Commissioner. I would like to give just a brief review and then I'll get to that point, if that's alright. As of last Friday, a team of about 45 architects, engineers, designers, and members of the Indiana Department of Fire and Building Services Division of Homeland Security performed a rapid visual screening of buildings in Warrick County for safety. We did complete, I haven't gotten the final total, but somewhere around 600 houses and structures on Thursday and Friday. I would like to thank all those who participated in that. They did an excellent job. The residents there were very gracious and welcoming to have someone come in and give them an objective opinion, not an insurance company,

not a contractor, but rather an objective opinion of the status of their building. For Eastbrook, the Fire and Building Services has provided eight inspectors for today and tomorrow. They will be working today to go through and review all the underpinnings, the strapping and anchoring of all the homes that are to be reoccupied. Mr. Whitehead has had his, has had a certified contractor go through and reset all those that were just giggled a little bit, or moved, not off the foundations, but just moved on the foundations, and those have been realigned and we will be going through and rechecking all of those today first thing. Secondly, Mr. Whitehead has also contracted with electricians to go through and check all the electrical of all the homes that are still occupiable, tentatively, and also the gas lines. So, today and tomorrow we will have the services of these eight men from the state to do that. Then, after that our office will be doing our normal inspections as needed. We have committed to a two hour turnaround time for inspections for electrical and gas. Vectren has committed to any inspection that's turned in by 6:00 p.m. will be activated that same day.

President Musgrave: Wow.

Roger Lehman: So, we're all working very closely together, and, again, I greatly appreciate the state's helping us. We couldn't have gotten through what we helped within Warrick County last week and this will make this go much faster and get the folks in just as quickly as possible, which is our goal. Any questions?

Commissioner Nix: I guess, about a week ago you were talking to the Housing Manufacturers Association about some different guidelines, or maybe some, can you just touch on that? As far as where you're at with that right now?

Roger Lehman: Yes, we, I have reviewed the state guidelines for anchoring of manufactured housing. I believe that the current standards are too lax and we'll be making some recommendations this week, hopefully, through this board and through the Mayor's office to the state to adopt some potential rule changes or work towards making some rule changes for the state. Also, some other things that we've been looking at is the early warning and safe rooms and that type of thing. But, sometime later on this week we hope to put together a proposal that would be coming to the Commissioners and also through the Mayor's office to be forwarded on to the state.

Commissioner Nix: Thank you.

Roger Lehman: Thank you.

President Musgrave: Mr. Greer?

Sherman Greer: I think as of now we've got over 55 of the waivers that are signed by the residents out there, you know, the debris clean up, debris can be moved at this time. I think it's more than that. I was just speaking with Mr. Whitehead and it may be a lot more than that right now. Also, the information that Roger gave you, and this is something else that we will have to our advantage, we had Texas Tech University send up here some wind, a couple of gentlemen that work in wind science and engineering research center from Texas Tech University that will be able to give us some good information as we do a continuous after action report and follow up on this, so that we can give this information to the rest of the state and the United States on exactly what could be done to maybe even make it even safer, if at all possible, and what, you know, as large as that tornado was and different things like

that, we'll be able to use that information to our advantage here, and hopefully throughout the rest of the United States. So, thank you.

President Musgrave: Thank you. Commissioners, would you care to hear a report from anyone else? Oh, Mr. Duckworth?

Mike Duckworth: Just to reiterate what Mr. Ziemer said, so that everything is crystal clear on the time element of when we would begin removal of the debris. We do have to let the legal processes take it's course. Our agency as well as those others that would be involved, we'll wait on that process to take place so that we're sure that the county is completely covered in their efforts, so that everyone is on the same page, so to speak, so that when we move in there that we know we have the authority to do so.

President Musgrave: Thank you.

Sherman Greer: (Inaudible. Not at microphone.)

Mike Duckworth: Sherman had indicated about the weather factor, and we'll be keeping one eye on the weather as we work and work through it as best we can.

President Musgrave: Would you like to make a comment from FEMA, please?

Brad Gair: Good morning, Brad Gair with FEMA. I congratulate you on your recovery efforts so far. It's been outstanding. That's one of the things that I will take away from this disaster is the way the community has and continues to pull together. I would just like to advise you that we have not yet had a formal request from the state, our friends from the State of Indiana are here this morning as well, for the public assistance program, which may help to reimburse some of these costs. That request is forthcoming, it's taking a little bit longer because we're all working very hard to see if we can qualify this disaster for some level of assistance. So, I just urge and caution you to keep good records as you move forward, and if you can get that declaration added on, we'll then be able to begin the process of reimbursement. So, it's far too soon to tell, but we are working to try to help.

President Musgrave: But, you already have authorized assistance for the individuals who are involved in this, correct?

Brad Gair: That's correct. That's our individual assistance program. We're working now to try to turn on, if we can, the public assistance program which is for governmental agencies.

President Musgrave: I would like to thank you for your swift action for the individuals who I know are suffering a great deal. That assistance that you're giving to them really means a lot. So, thank you for all the efforts that you put into this. I know I've seen you guys multiple times over the past week, and I know you put in many hours. So, thank you.

Brad Gair: Thank you. Yes, Ma'am.

President Musgrave: If there is no further discussion, motion to adjourn?

Commissioner Nix: Motion to adjourn.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you for coming today.

(The meeting was adjourned at 8:19 p.m.)

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Bob Doyle	Sherman Greer	Roger Lehman
Mike Duckworth	Brad Gair	Others Unidentified
Members of Media		

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 15, 2005**

The Vanderburgh County Board of Commissioners met in session this 15th day of November, 2005 at 3:36 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good afternoon. I want to call to order the November 15th regular meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Shetler: Tom Shetler, County Commissioner.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of the November 8, 2005 Commission Meeting Minutes &
November 14, 2005 Emergency Meeting Minutes**

President Musgrave: We need to approve the prior minutes, including the emergency meeting minutes of November 14th.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Approval of the November 15, 2005 Executive Session Summary Minutes

President Musgrave: I also need to announce that we had an Executive Session just prior to this meeting where we discussed pending litigation, and that we will have an Executive Session next week for the same purpose at 2:30, just prior to next week's meeting.

**Permission to Open Bids: VC-46-2005:
Jail Video Arraignment System**

President Musgrave: We have action items. Do we have permission to open bids?
Purchasing?

Phil Lawrence: Yes, we have one bid, VC-46-2005, video arraignment system. I was
going to ask Ted Ziemer to open them.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Open Quotes: County Engineer:
VC05-11-01: Middle Mt. Vernon Rd. Culvert #624 Replacement
VC05-11-02: Barton Rd. Culvert #25 Slip Lining**

President Musgrave: Do you want to do the permission to open quotes, County
Engineer?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The attorney will open the quotes.

**Building Commissioner: Adoption of Evansville-Vanderburgh County
Multi-Hazard Mitigation Plan**

President Musgrave: We come next to the Building Commissioner, the adoption of
Evansville-Vanderburgh multi-hazard mitigation plan. Mr. Steve Fuchs is here to
make a presentation for us.

Steve Fuchs: Good afternoon. Steve Fuchs, Assistant Building Commissioner. We
present to you today the multi-hazard mitigation plan that was written to fulfill a
requirement under the Disaster Mitigation Act of 2000. This particular document is
being required by FEMA, the Federal Emergency Management Administration, in
order to qualify communities both for post mitigation projects, which would be the
type of things that we're talking about in the recovery that we are facing now, and
also pre-disaster mitigation monies. These plans are being required by FEMA for

communities to be qualified for certain types of funding. Many of the larger funding sources, if this pro-active type of plan is not in place and adopted by the communities, they will not be eligible to make application for those grant monies. This plan is a living document. It is to be revised and kept up and continually updated by our community, and it will be required to do that in order to remain effective and qualify us. So, this is our beginning document. It has been approved by FEMA and now awaits your approval.

President Musgrave: Are there any questions? Is there a motion?

Commissioner Nix: I move we approve the Vanderburgh multi-hazard mitigation plan.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you for the hard work that you've put in to this, and I hope that this brings us some success here in our post-mitigation relief efforts.

Steve Fuchs: Thank you.

President Musgrave: Thank you.

Tornado Relief Pay

President Musgrave: We come next to the tornado relief pay item on the agenda. You may have read that the state granted some relief to their state employees who were affected by the disaster, the tornado disaster, that we had. We have one employee who was so impacted. I would like to suggest that we allow a certain amount of time off for her in order, she's been hospitalized from what I understand? Her sick days that she has coming do not meet the need at hand?

Bill Fluty: That is correct.

President Musgrave: Okay, how many days were we looking at here for this?

Bill Fluty: I think you were matching what was done by the Governor, and I think it was 21 days, if I remember correctly.

President Musgrave: Twenty one days. So, if there is a motion to grant 21 days of pay, specific to this tornado disaster to the employee who's been affected.

Commissioner Nix: So moved.

Commissioner Shetler: I'll second, and, you know, this is not unusual. There's a lot of private, Berry Plastics, Old National Bank and others I know that have employees that are in similar situations that they, you know, have pretty well been helping them out every way they can. So, I think it's good for us to be doing the same.

Bill Fluty: Commissioner?

President Musgrave: Yes, sir?

Bill Fluty: I believe Ted had some provisions that may have to be read into the record.

President Musgrave: Are there some provisions regarding the tornado relief pay to read into the record?

Ted C. Ziemer, Jr.: Yes. Just relative to the precedential effect of this. We were asked to review it, and our finding is that the granting of 21 days of FMLA with full pay to Ms. Giles is justified. Due to the devastating effects of the November 6th tornado in southeast Vanderburgh County, including the Eastbrook Mobile Home Park, in general; and due to the fact that Ms. Giles mobile home was destroyed by the tornado resulting in her hospitalization, in particular; and due to the fact that the government of the state of Indiana on November 10, 2005 signed an executive order allowing similarly situated state employees three weeks off work with full pay; and due to the fact that as a result of the tornado a state of emergency was declared by the Vanderburgh County Commissioners; and due to the fact that there are sufficient funds in Ms. Giles salary line item to pay for the three weeks time off with pay, and therefore not requiring any additional appropriation by the Vanderburgh County Council, we think the request, if it's desired to be approved by the Commissioners, is fully justified.

President Musgrave: There being a motion and a second on the floor, all those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

March of Dimes: Request for Use of Lights at the Old Courthouse
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President Musgrave: We have next on the agenda the March of Dimes, the request for use of lights at the Old Courthouse. The March of Dimes has asked for permission to add pink and blue gel lights to the existing lights at the Old Courthouse on Tuesday, and, I guess, that's today, and to leave them up for the remainder of the week. They also sent a letter. Do we have that letter here, Tom? Do we have that letter from the March of Dimes with us here? Oh, here it is. They also sent a letter. So, they are asking for our permission to put these lights up for the rest of the week, and I will need a motion for that.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Would you like to read it into the record?

Commissioner Shetler:

“Dear Commissioners: Did you know every year 500,000 infants in the U.S. are born before they get their full nine months? To draw attention to prematurity in the tri-state, the March of Dimes is holding a candlelight vigil at the Four Freedoms monument November the 15th. We’re casting it in pink and blue lights. We would like to request permission to add pink and blue gels to the existing lights on the Old Courthouse and leave them up for the remainder of the week. We would not permanently alter the lights in anyway. You would be able to see the lights from the Lloyd Expressway, and we figure it will get people thinking, wondering and talking. Please consider our request. If you decide to honor it, please contact me at your earliest convenience. Jackie Monroe.”

President Musgrave: As the parent of a premature infant, I know that the research and work that they do is very important. So, I’m fully supportive of their request.

<p>First Reading of Ordinance: CO.11-05-023: Concerning Construction Site Storm Water Runoff Control</p>

President Musgrave: We now come to the ordinance concerning construction site runoff control, first reading of the ordinance. Is Mr. Jeffers in the audience? Surveyor Jeffers will present this.

Bill Jeffers: Good afternoon. This is an ordinance that’s required by Indiana Department of Environmental Management to meet the federal requirements of the Environmental Protection Agency and their phase two program known as National Pollution Detection and Elimination System, NPDES. This ordinance will satisfy minimum control measure number four, and it is an ordinance that will control construction sites by minimizing storm water runoff, silt laden storm water, excuse me, it will minimize erosion and the runoff of silt laden storm water. The previous County Commission had approved this, but I understand did not advertise it sufficiently, and your Commission would now like to take it up in it’s current form which I forwarded to your attorney. What I received from the previous attorney, Mr. Winternheimer, was an addition, a draft of this that had been completed by your committee of citizens and public officials who wrote the ordinance, and then it was turned over to Indiana Department of Environmental Management, who made some suggested revisions, which Mr. Winternheimer made. He made them by striking out certain language and then adding in red the recommended language that came from IDEM. I simply deleted the strikeouts and turned the red letters of Mr. Winternheimer’s language into black font. In addition to that, I deleted any reference to Indiana Department of Natural Resources Division of Soil Conservation, because that particular division has been incorporated into the Indiana State Department of Agriculture, and has been directed by their, well, their director told them to no longer engage in enforcement procedures of Rule Five, or education procedures to the locals, and that was the references that were in the ordinance. I deleted those. I forwarded that to Mr. Ziemer, and I believe he put it into proper legal form for you to sign. If you have any questions about it, either John Stoll, who is your MS4 operator, or myself can answer those questions.

President Musgrave: Are there any questions? Is there a motion?

Commissioner Nix: I didn't have a chance to read it. It makes for some good bedtime reading.

Bill Jeffers: It will put you to sleep, guaranteed.

President Musgrave: Is there a motion?

Commissioner Nix: Move approval of the, what are going to call this, the site runoff control, first reading.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: This requires a roll call vote. Commissioner Shetler?

Commissioner Shetler: Aye.

President Musgrave: Commissioner Nix?

Commissioner Nix: Aye.

President Musgrave: And I vote yes. We will have second reading, second and final reading next week. Thank you, Mr. Jeffers.

Bill Jeffers: Thank you for the opportunity to work with the committee to produce that for you.

County Engineer

President Musgrave: Are there any department heads in the audience with a report? Mr. Stoll?

John Stoll: I have two items, both of which are change orders. The first is change order number one for contract number VC05-03-01, concrete repair of various roads. This is an increase of \$42,875.18. This increase covers the cost of the additional repair work that was done in Brookview Heights, Green River Estates, and Hilton Court. I would like to request approval of that change order.

Commissioner Nix: Where is that coming out of? What line item?

John Stoll: It's the Local Road and Street Contractual Account, and sufficient funding does exist.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: We are still working on trying to finalize all the quantities on several other subdivisions that had some repairs. So, we will have another change order to address those increases, but I'll bring that up at an upcoming meeting. The other change order I have is change order number three on the University Parkway project. This is for an increase of \$12,227.60, of which 20 percent of that will be our local cost. This was, the need for this change order arises from putting in some pipe and inlets to eliminate a large ditch in front of some residential properties, to core some holes in manholes to allow some under drains to outlet in the manholes opposed to in the medians; and there was a water well that was removed that was not known to exist out there; and then there was one utility pole that had to be relocated. I would request approval of this change order.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Can you give us a snapshot of Kentucky Avenue Bridge, where we're at with that?

John Stoll: They've got the deck overlay finished, and they're working, they still have to do the rail, the guardrail. They still have to do an extension of a wing wall at the northeast corner. They're on schedule, but we were hoping that with the weather we've had we would get ahead of schedule, but not yet.

Commissioner Nix: And Mt. Pleasant? I know you touched on that a couple of weeks ago, but just—

John Stoll: They've got asphalt down, so now that we're seeing rain, hopefully, it won't really cause the project to slow down again, now that the dirt's all covered up. So, that was a big plus. I didn't talk to the inspector today to find out an approximate completion date, but previously they were expecting it to be opened right around Thanksgiving. So, I'll see what I can find out and I'll give you an update next week.

Commissioner Nix: Thank you.

Madelyn Grayson: John, do you have the change orders for the signature file?

John Stoll: Yes.

President Musgrave: Any other department heads in the audience to report? I see none. County Attorney, Ziemer, are you ready for your report?

Ted C. Ziemer, Jr.: I'm not quite finished opening the bids.

President Musgrave: Okay.

New Business

President Musgrave: Is there any new business?

Commissioner Nix: Did Mike have anything to say?

County Highway

President Musgrave: I'm sorry, County Highway Supervisor, Mike Duckworth.

Mike Duckworth: Mike Duckworth, County Highway Superintendent. I had sent the paperwork down this morning in regards to a travel request, I wanted to add that today. We were notified from Deed's Equipment that our spray truck for our brine was completed, so, I'm sending two employees up to get it tomorrow.

President Musgrave: So, that's in addition to the consent agenda?

Commissioner Nix: Yeah, let's add it.

Mike Duckworth: Yes.

President Musgrave: Okay. Is there a motion to add that to the consent agenda?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Mike Duckworth: Thank you.

President Musgrave: While you're up here, I just want to thank you for the efforts that you have made in Eastbrook Mobile Home Park. I know that you've been out there for many, many hours, and are still coordinating the efforts, and it's been a tremendous undertaking at rather short notice. I want to thank you for the time and skill that you have brought to that.

Mike Duckworth: Thank you, appreciate it very much.

**Reading of Bids: VC-46-2005: Jail Video Arraignment System
VC05-11-01: Middle Mt. Vernon Rd. Culvert #624 Replacement
VC05-11-02: Barton Rd. Culvert #25 Slip Lining**

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: Thank you. I have bids for culvert number 624 replacement, Blankenberger Brothers, \$32,047.50. Deig Brothers, \$43,982. CCC of Evansville, \$27,966.94. Koberstein Trucking, \$42,470.

VC05-11-01: Middle Mt. Vernon Rd. Culvert #624 Replacement

Company Name	Bid Amount
Blankenberger Brothers	\$32,047.50
Deig Brothers	\$43,982.00
CCC of Evansville	\$27,966.94
Koberstein Trucking	\$42,470.00

Ted C. Ziemer, Jr.: Then I have bids on culvert number 25 replacement. Blankenberger Brothers, \$15,770. Deig Brothers, \$15,671. CCC of Evansville, \$9,825.62. Koberstein Trucking, \$29,250.

VC05-11-02: Barton Road Culvert #25 Slip Lining

Company Name	Bid Amount
Blankenberger Brothers	\$15,770.00
Deig Brothers	\$15,671.00
CCC of Evansville	\$9,825.62
Koberstein Trucking	\$29,250.00

Ted C. Ziemer, Jr.: Finally, I have, there's only one bid for jail video arraignment system, and that's by SWC for \$65,992. I believe there is perhaps a desire that that be awarded today.

Phil Lawrence: Yes.

President Musgrave: Are the funds in place for that? He's indicating that they are. Is there a motion?

Commissioner Shetler: So moved.

President Musgrave: Are we awarding this one? Or taking these under advisement?

Commissioner Shetler: I was awarding.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Is there a motion to take the other bids under advisement?

Commissioner Nix: Culvert 624 and 25? So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Do you have any other items to report, Mr. Ziemer?

Ted C. Ziemer, Jr.: I don't. Thank you.

Old Business

President Musgrave: Okay, we did the new business. The old business is to announce again that the district three meeting will be Tuesday, November 29th at 3:30 p.m. in the Burdette Park O'Day Discovery Lodge. We invite people particularly from district three but anywhere in the county that want to come and speak with the Commissioners in a more informal setting to please join us, and we'll talk about whatever items you bring to the table.

Commissioner Nix: You may want to add that that won't be televised. That's our weekly Commission meeting date, but it will not be televised.

President Musgrave: It will not be televised. We won't take recorded minutes, but we will take note style minutes. We look forward to seeing you there.

Public Comment

President Musgrave: Is there any public comment? I see none.

Consent Items

President Musgrave: Is there a motion to approve the amended consent items?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. At this point we conclude the regular agenda of the Commissioners of Vanderburgh County and move to the rezoning portion of our agenda. We ask the petitioner to come forward.

Madelyn Grayson: May I make a quick tape change?

President Musgrave: Yes.

(The County Commission meeting was concluded at 3:55 p.m.)

CONSENT ITEMS:

Employment Changes:

Surveyor (1)	County Clerk (1)	Sheriff Department (4)
Supt. Of Bldgs. (1)	Voters Registration (1)	Armstrong Assessor (2)

Travel Requests:

Burdette Park (1)	County Highway (1)	County Engineer (1)
Health Department (1)	Auditor (1)	

Auditor:

Submit A/P Vouchers.
Surplus letter: modems.

Surveyor: Surplus letter: chairs.

Commissioners:

Jail construction pay req #72: \$2,092.50
Community Corrections pay app #15: \$2,401.92
Community Corrections pay app #18: \$4,799.52

Superintendent of County Buildings: Council Call.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services		

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	Madelyn Grayson
Phil Lawrence	Steve Fuchs	Bill Jeffers
John Stoll	Mike Duckworth	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
NOVEMBER 22, 2005**

The Vanderburgh County Board of Commissioners met in session this 22nd day of November, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good afternoon, and I will call to order the November 22, 2005 meeting of the Board of Commissioners of Vanderburgh County. We will start with introductions.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Shetler: Tom Shetler, County Commissioner.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Musgrave: Will you please join me in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

Approval of the November 22, 2005 Executive Session Summary Minutes

President Musgrave: I would like to note for the record that we had an Executive Session today where we discussed pending litigation.

Approval of the November 15, 2005 Commission Meeting Minutes

President Musgrave: We have on the agenda some minutes which need to be approved.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Advertise:
APA-016-2006: Liquid Asphalt
APA-020-2006: Toners and Ink Cartridges
APA-022-2006: Computer & Copy Paper**

President Musgrave: We have several action items for permission to advertise in Purchasing.

Commissioner Nix: Move approval that we grant permission to advertise APA-0163-2006, liquid asphalt; APA-020-2006, toners and ink cartridges; and APA-022-2006, computer and copy paper.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

**Purchasing: Report of Bid Openings at BPW
APA-002-2006: Crushed Stone
APA-003-2006: Sand & Gravel
APA-008-2006: Batteries**

President Musgrave: Purchasing, report of bid openings at Board of Public Works. Phil Lawrence?

Phil Lawrence: Thank you. We opened the bids last Thursday at the Board of Public Works for APA-002-2006, crushed stone; APA-003-2006, sand and gravel, both of those had one bidder, Mulzer Crushed Stone; APA-008-2006, batteries, that was three bidders, Batteries Plus, Busler's and Holderfield. They were all taken under advisement. I will have the complete analysis for you next week.

President Musgrave: Thank you. We have permission to award quotes, County Engineer? Pat Seib is here today.

B.J. Farrell: Commissioner Musgrave, if I may? Mr. Lawrence referenced he would bring those to the Commission next week. We will not be here.

President Musgrave: That's right. We will not hold a meeting next week. Our next Commission meeting will be two weeks from today. Mr. Seib?

**Permission to Award Quotes:
VC05-11-01: Middle Mt. Vernon Rd. Culvert #624 Replacement
VC05-11-02: Barton Road Culvert #25 Slip Lining**

Patrick Seib: Good afternoon. I'm here to request approval to award contract number VC05-11-01, Middle Mt. Vernon Road culvert number 624 replacement to CCC of Evansville for the amount of \$27,966.94.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: I would also like to request approval to award contract number VC05-11-02, that's Barton Road culvert slip lining, also to CCC of Evansville for the amount of \$9,825.62.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Seib. Will you have a report later? Or do you want to—

Patrick Seib: Yeah, I can address that now if you would like.

President Musgrave: Okay, go ahead.

County Engineer

Patrick Seib: Another thing that I have is to request approval for change order number two for contract number VC05-05-01, concrete repair of various roads. This change order is an increase of \$70,706.54.

Commissioner Nix: Is that on the concrete portion of the paving?

Patrick Seib: Yes.

Commissioner Nix: Okay. So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: I also have a request for approval for a sidewalk waiver request. This is for Fawn Creek Subdivision, Section B. They will be constructing sidewalks on the south sides of lots number 41, 42, 43 and 44. On the east side of lots 53 and 54, and on the west side of lots 22, 23, and 24. ADA handicap ramps will also be

constructed at the end of these runs of sidewalks. No sidewalks will be constructed in any other lots. I also have a map if anybody wants to take a look.

Madelyn Grayson: Pat, do you have a written waiver request that you would like for the Commissioners to initial today? Or was that just a verbal request?

Patrick Seib: I believe it was just verbal.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Excuse me, let me back up just a second. We normally put that on some type of a document. I was wondering, is that–

Madelyn Grayson: Usually they just provide a written request, and then you initial off on it that you approved it.

Commissioner Nix: Okay, yeah.

President Musgrave: Would you bring that so that we can circulate it and initial it in the coming days?

Patrick Seib: Yeah, that's fine.

President Musgrave: Okay, thank you. Next, I have a request for approval of the plans for project number VC05-12-01, that's Number Six School Road drainage improvements.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: Next is to request approval to publish the notice to bidders for contract number VC05-12-01, Number Six School Road drainage improvements.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Patrick Seib: Then my last item is to announce that I've talked with the contractor represented out on Mt. Pleasant Road earlier this morning, and he said they were finishing up line striping today, and they have some water line work tomorrow, and Mt. Pleasant Road should be open by 3:30 tomorrow afternoon.

Commissioner Shetler: Great.

Commissioner Nix: Excellent.

President Musgrave: Thank you. I'm sure everyone will be very excited about that. Is that everything?

Patrick Seib: Yeah.

President Musgrave: Okay thank you for coming, Mr. Seib.

Patrick Seib: Thank you.

Commissioner Nix: I would like to say on that project we appreciate the patience with all the people that live out in that area out there. I know it's been a little trying at times, but I think the improvements have been well worth the wait and the inconvenience. So, once again, anyone that's been inconvenienced by that, I thank you for that.

Burdette Park: Approval of Suggested Park Rates
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President Musgrave: We move now to Burdette Park, the approval of suggested park rates. Mr. Steve Craig?

Steve Craig: Steve Craig, Manager of Burdette, and I was requesting approval of the suggested park rates as discussed and passed at our last advisory board meeting.

President Musgrave: Are there any questions?

Commissioner Nix: Do you have just a summary of the rates for the, or for the public, I guess?

Steve Craig: Yes, I do. I think Madelyn has them right there.

President Musgrave: Is there anything that you would like to highlight?

Commissioner Nix: Anything to touch on at all? I know there's quite a few different.

Steve Craig: No, there was just rates, they were for 2007 and 2008, and we usually the rates we raise them according to what inflation's been just so we can keep up with the utilities and the maintenance on them and that. There was nothing that stood out.

Commissioner Nix: Thank you. Move approval.

President Musgrave: I know that the advisory board worked pretty hard on coming up with those rates, and they've approved them at their meeting.

Steve Craig: Yes, Ma'am.

President Musgrave: That you've submitted to the Commissioners today.

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Second and Final Reading of Ordinance: CO.11-05-023:
Concerning Construction Site Storm Water Runoff Control**

President Musgrave: We move now to the second reading of the ordinance concerning construction site runoff control. This is the second and final reading. Are there any comments on this proposed ordinance? Any questions? Is there a motion?

Commissioner Nix: I move approval of the second reading on the drainage runoff, site runoff control.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: This requires a roll call vote. Mr. Shetler?

Commissioner Shetler: Aye.

President Musgrave: Mr. Nix?

Commissioner Nix: Yes.

President Musgrave: And I vote yes.

County Highway

President Musgrave: We come now to department head reports. We've already heard from Mr. Stoll and from Purchasing, are there any other department heads here who have a report? Mr. Duckworth?

Mike Duckworth: Good afternoon, President Musgrave, members of the Commission, ladies and gentlemen. Mike Duckworth, Superintendent of the County Highway Department. I am here to let you know that the county was notified

yesterday that a public assistance declaration has passed. What basically that means is the declaration puts us in kind of a different mode as to how we handle the clean up of the Eastbrook Trailer Park. There are several varied components that reach into this as far as, first and foremost, how we gain authority to go on to the property. The first thing I would say to you is that the property owner was issued a letter some ten days ago regarding the possibility of some health issues. Through our County Attorney, Mr. Ziemer, who has been in constant contact with the property owner, it has been determined that we will gain the ability to move on to the property starting this Friday. The FEMA declaration allows us to be reimbursed for time spent in the overtime mode. So, we are activating our County Highway Department, as well as two private contractors to go on to the property starting Friday to clear the heavy debris and ensure that those health issues are dealt with properly.

President Musgrave: I think in order to do that we need to address the Health Department's order. Mr. Ziemer, would you like to go over any part of that?

Ted C. Ziemer, Jr.: Well, as Mr. Duckworth indicated—

Madelyn Grayson: Mr. Ziemer, is your microphone on?

Ted C. Ziemer, Jr.: —on November 10th a letter was sent to the property owner indicating that there were, that the debris there constituted a hazard to public health and safety, and asking that it be mitigated, and asking that there be a response within 24 hours. Today a letter has gone out to the property owner indicating that in as much as no action was taken in the intervening ten or eleven days and the time for appeal of that order had passed, that the county had determined to go on to the property to remove the debris in order to eliminate the public health and safety hazard. Then the letter from the Health Department indicates the various conditions that constitute public health and safety hazards such as road and insect harborage, fiberglass insulation mixed with debris, fuel from overturned vehicles, residential and agricultural chemicals mixed with the debris, and so forth. That letter will be, it has been signed by Dr. John Heidingsfelder, the Vanderburgh County Health Officer, and it will be sent to the property owner today.

President Musgrave: As a result of this serious situation regarding public health and safety, I've been advised that we need to have, to extend the local emergency proclamation that we signed on November 6th. We need to cover the intervening days with one proclamation, then carry forward with another proclamation. So, I would like....do we need a motion for these, Mr. Ziemer?

Ted C. Ziemer, Jr.: Yes.

President Musgrave: We need to have a motion for these two emergency proclamations.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: So we have an emergency in place, we have the notice to the mobile home park owner, and you will be moving in the equipment and taking care of the serious threat to public health and safety that exists at Eastbrook Mobile Home Park beginning Friday?

Mike Duckworth: We will begin Friday, and to add to that emergency situation, normally when we ask for bidding on work as such because of the amount that may be incurred, we would get, go through the normal bidding processes. Due to the emergency situation, and the fact that the county is under a state of emergency, the health situation, it states in our bidding policies that under those circumstances we may go forward without extending that bidding process. I've checked with Phil Lawrence in this, I've talked with him in regards to contracting Allied Waste, who is going to be, of course, the dump site where we take the debris, as well as assisting in the transportation of that in some of their larger carriers. Also, we will contract with Klenck Construction because they have the heavy duty equipment that were on rollers that could, you know, not puncture the tires and get into the very tough areas that we need to and pick up the heavy equipment and put it in those carriers.

President Musgrave: And you expect to be finished by Monday morning?

Mike Duckworth: Yes, we'll be finished...I didn't know if you were talking about this report or if you were talking about—

President Musgrave: I mean the clean up really.

Ted C. Ziemer, Jr.: We were talking about the work, but we hope both.

Commissioner Nix: You know how you are, Mike.

Mike Duckworth: Thank you, Mr. Ziemer. That really hits me coming from an attorney that I'm taking too long, but, yes, we hope to be finished by 3:00 on Sunday. In fact, with doing those two companies, we've also asked Trockman to come out, Mr. Trockman to come out and his recyclables to take all the frames out and separate those, and that is taking place now as we speak. In addition, we're going to ask volunteer groups at noon on Sunday to come out and do some of the little raking up and that kind of thing that they've requested. Groups such as CAPE and churches and the West Side Nut Club to continue some of their work as well. So, with that request, and those things I would tell you that the cost of this would, with the FEMA declaration, with the contract between the property owner, who has agreed to collect some insurance that some of the property, some of the mobile home park, some of the mobile home owners have, that we don't anticipate the out of, immediate out-of-pocket cost to the county to exceed \$100,000. We do, and have filed the proper paperwork and kept the proper documentation so that the entire amount that is used, within that \$100,000 cost to the county can be reimbursed by FEMA.

President Musgrave: Okay, thank you, Mr. Duckworth. Was there anything else to report?

Mike Duckworth: No, thank you.

President Musgrave: Thank you.

County Attorney

President Musgrave: Mr. Ziemer, do you have a report?

Ted C. Ziemer, Jr.: Yeah, I've got two items. First, this is a quote received by the Board of Health for equipment back up services in the amount of \$4,757. It's under \$25,000, usually requiring three quotes, however, there is only one entity that could provide the back up service required, and the quote of that entity is \$4,757. Sam Elder, the Director of the Board of Health is here to address this. Then I would just like to welcome to the meeting, Dr. John Heidingsfelder, who is also joining us today, and I think that's maybe in connection with the letter sent to the property owner regarding the health and safety hazard. So, Mr. Elder?

Sam Elder: Sam Elder from the County Health Department. The manufacturer requires that the person that we make this contract with be certified to provide the maintenance for this back up unit, which we're required to have because of the vaccines and things that we store in the lab. So, that's the sole supplier of it. We have a similar thing, there's a local certified Liggett contractor for refrigeration, and he does our refrigeration work at Schmitt. But, this is the only provider of this service that would comply with the manufacturer's requirements.

President Musgrave: Do you need a motion on this?

Ted C. Ziemer, Jr.: Yes, to approve that quote.

Commissioner Nix: That's to purchase the Liebert unit?

Ted C. Ziemer, Jr.: That's right.

Commissioner Nix: This is to install it also? Or just to purchase it?

Sam Elder: What did you say?

Commissioner Nix: The Liebert unit?

President Musgrave: Is it to purchase and install? Or just purchase?

Sam Elder: No, no, it's there, it was supplied by the, when they, by Southwestern Mental Health. We required them to have it. The, it came as a surprise to us, you know, the maintenance contract.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Elder.

Sam Elder: Thank you.

Ted C. Ziemer, Jr.: Thank you, Sam. The only other item I have is just to say that since the meeting of the, the special meeting of the Commission a week ago Monday, making a determination to clean up the debris at the Westbrook, or Eastbrook Mobile Home Park, I've been in the process of negotiating an agreement with the owner of Eastbrook Mobile Home Park, and that is Westbrook Corporation, under the terms of which the county would clean up the debris out there. Westbrook Corporation would see to the collection of the insurance, both from itself and from its tenants who are the owners of the mobile homes in the mobile home park, and that the proceeds of that insurance would be paid to the county to reimburse the county for its expenses, and others to the extent that there was sufficient funds to extend to others. The agreement provides for a letter of credit to be issued by Westbrook Corporation to the county in the amount of \$100,000, and if the amount of insurance collected by Westbrook Corporation and paid to the county is less than \$100,000, then the county would, then Westbrook Corporation would owe a dollar to the county for every dollar less than \$100,000 that the insurance proceeds were equal to. The agreement also provides for various agreements on the part of Westbrook Corporation relative to the tenants out there, in connection with abatement of rent under certain circumstances and cancelling of leases and returning security deposits under other circumstances. The agreement has been signed, I have two copies of the agreement signed by Westbrook Corporation, and would recommend to the Commissioners the signing of the agreement.

President Musgrave: Questions? Mr. Shetler?

Commissioner Shetler: I don't know if this is a question or a clarification here. On, basically, on those insurance, our intent is for the individuals that is for the debris removal aspect of the insurance, and not for other parts of insurance like recouping of their actual costs?

Ted C. Ziemer, Jr.: This agreement only deals with the removal of the debris, and it's only insurance that covers debris removal. No other aspect of the policies are involved.

Commissioner Shetler: Alright, thank you.

President Musgrave: Is there a motion.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries. Thank you, Mr. Ziemer. I know that that took a tremendous amount of time.

Ted C. Ziemer, Jr.: One other comment. The bill, I mean, the letter of credit is not attached. I've been notified by an officer at Old National Bank that it had been approved and it would be executed by the bank and in my hands tomorrow. So, I'll see that it's delivered to you.

President Musgrave: Thank you.

Superintendent of County Buildings

President Musgrave: Superintendent of County Buildings, Mrs. Farrell?

B.J. Farrell: I do have two items today for the Commissioners. I'm requesting a travel request be approved to attend the County Commission conference next week due to your absence with the things that are going on in our county. And we have a problem with the ice machine at the Centre, and Dave Rector is here to bring you up to date on that and ask for your permission.

President Musgrave: Are you asking to amend the consent items for the travel request?

B.J. Farrell: Yes, thank you.

Dave Rector: Good afternoon. The problem is it's not working. It's broke. It's the main ice maker in the kitchen up there. We've gotten quotes to replace it. This is outside of the other F&B monies that we had agreed to spend earlier in the year is why I'm coming to you. Brucken's was low at \$3,525 to repair, to replace the one that's broken. SMG's also asking if you would consider to install one in the downstairs main concession stand. When we built it, I guess, we never put one in, so, what happens when they have an event in the auditorium, they have to get the ice from upstairs and carry it downstairs and put it in coolers, and they would like to put one downstairs in the main concession stand. That was \$4,402. Both of these, I think, would come from F&B.

President Musgrave: Are they low bidders?

Dave Rector: Yes. Brucken's was the low bidder on the replacement, and C&T Design was the low bidder on the all new unit.

President Musgrave: Commissioners, is there a motion?

Commissioner Nix: Do you have money in place to do that?

Dave Rector: Yeah.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Dave Rector: Thank you.

President Musgrave: Thank you.

New Business

President Musgrave: I believe now we move to new business. Is there any new business, Commissioners?

Old Business

President Musgrave: Is there any old business, besides the District Three meeting, which is next Tuesday at 3:30 in the Burdette Park O'Day Discovery Lodge. This is a meeting where members of the public can come and talk to the Commissioners in a less formal atmosphere, away from the television cameras. The meeting is not recorded, although notes are taken, and the notes are entered into the record. So, is there any other old business?

Public Comment

President Musgrave: We come to public comment. Is there any public comment today?

Douglas Knight: Good afternoon. My name is Douglas Knight, and I'm one of the judges in the Vanderburgh Superior Court. I'm here on behalf of those judges, as well as the Clerk, Treasurer, Auditor, and Recorder of Vanderburgh County. Those offices have been meeting for quite a number of months in an effort to formulate an IT ordinance. We have finished that work, and have presented, about a month ago, a copy of the proposed ordinance for the consideration of the Commissioners, the County Council, the Mayor and the City Council. My purpose is to formalize that presentation and make a formal request that it be considered by the County Commissioners, and whatever action is appropriate that it be taken. I'm available at any time to explain and discuss the contents and meaning and purpose of the ordinance. I know time is short today, if there are any questions I would try to answer them, but I'll make myself available at any other date and time that you may select. Mr. Shetler, I don't believe you have a copy. Ms. Crouch got your copy. I'll see that you get one tomorrow.

Commissioner Shetler: Thank you.

Douglas Knight: Thank you. Any questions? No? May I approach you and provide you with a copy now?

Commissioner Shetler: Yes, sir.

Douglas Knight: Thanks.

Commissioner Shetler: Thank you.

President Musgrave: Thank you, judge.

Douglas Knight: Thank you.

Commissioner Nix: Thank you.

President Musgrave: Is there any other public comment?

Consent Items

President Musgrave: Then we move now to the consent items, there has been already one amendment for a travel request.

Commissioner Nix: I do have one other amendment, it's actually invoice number six for payments out of the FF&E account out at the new jail project. It's in the amount of \$94,900, I would like to add that to the consent items.

President Musgrave: Is that a motion?

Commissioner Nix: Yes, that is a motion.

President Musgrave: Is there a second?

Commissioner Shetler: Second.

President Musgrave: Will you include in your motion the travel request?

Commissioner Nix: Yes, and also the additional travel request by Mrs. Farrell.

President Musgrave: And your second also includes that, Mr. Shetler?

B.J. Farrell: Commissioner, if I may? The Public Defender's Office had sent a surplus letter asking that a bookshelf and a table be declared surplus. They did call our office today and ask if they could change that to bookshelf only. They have room for the table and decided to keep that.

President Musgrave: Okay, so, would you—

Commissioner Nix: I will amend that to include that also.

B.J. Farrell: Thank you.

President Musgrave: And, Mr. Shetler, indicates that he is changing his second. Any further amendments? Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: Do we also, did we approve all of the consent items in your motion?

Commissioner Nix: Yes, that was the only one I had was this additional.

President Musgrave: In which case, if there's no further business to come before the regular meeting, I will ask for a motion to adjourn.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We will move immediately to the Drainage Board.

(The meeting was adjourned at 3:57 p.m.)

CONSENT ITEMS:

Employment Changes:

Area Plan Commission (1)	Center Assessor (1)	Sheriff Dept. (2)
VCCC (1)	Pigeon Assessor (1)	Health Dept. (1)

Travel Requests:

Commissioners (1)	County Assessor (1)	Center Assessor (1)
Knight Assessor (1)	SWCD (3)	County Engineer (1)

Burdette Park: Day Camp Letter.

Commissioners:

Notice of Proposed Precinct Boundary Changes Legal Ad.
Lobbyist Activity Report: May-Oct., 2005: Barnes & Thornburg
Evansville ARC- Monthly Report for October 2005.
Jail Construction Payment Number 73: \$14,234.16
Jail Construction Payment Number 74: \$1,037,248.98
Community Corrections Payment Number 14: \$33,891.11
Community Corrections Payment Number 21: \$658.66
March of Dimes Letter: Extending display of lights at OCH.
SWIRDC: Financial Settlement/Expenditure Report: Jobe's Lane Close Out
Blue Claims: FF&E Account: Jail Project: \$94,900

Weights & Measures: Monthly Report: October 2005.

Public Defender: Surplus letter: bookshelf.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Phil Lawrence	Patrick Seib
Steve Craig	Mike Duckworth	Sam Elder
Dave Rector	Douglas Knight	Others Unidentified
Members of Media		

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**MINUTES OF DISTRICT THREE
COMMISSIONER MEETING**

The Vanderburgh County Board of Commissioners held an informal forum for constituents of Vanderburgh County to discuss various issues of interest to them at the O'Day Discovery Lodge in Burdette Park in Evansville, Indiana, on November 29, 2005 beginning at 3:30 p.m.

Members present were:

Cheryl A.W. Musgrave _____
Bill Nix _____
Tom Shetler, Jr. _____

The meeting was adjourned at 4:10 p.m.

No final action was taken at this forum.

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

ATTEST:

William J. Fluty, Jr., County Auditor

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 6, 2005**

The Vanderburgh County Board of Commissioners met in session this 6th day of December, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: I want to call to order the December 6, 2005 meeting of the Board of Commissioners of Vanderburgh County. We'll start with introductions to my right.

Ted C. Ziemer, Jr.: Ted Ziemer, Vanderburgh County Attorney.

Commissioner Shetler: Tom Shetler, County Commissioner.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: Cheryl Musgrave, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

President Musgrave: If you will all join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

**Approval of November 22, 2005 Commission Meeting Minutes &
Approval of the November 29, 2005 District Three Meeting Minutes**

President Musgrave: We move now to the approval of prior minutes.

Commissioner Nix: Move approval of the November 22, 2005 Commission meeting minutes, and also the November 29, 2005 district three meeting minutes.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Jim Price: Knight Township Trustee: Update on Vanderburgh
County/Knight Township Tornado Relief Fund**

President Musgrave: Action items, I would like to introduce Mr. Jim Price, the Knight Township Trustee, who is going to give us an update on the Vanderburgh County/Knight Township Tornado Relief Fund. Mr. Trustee Price?

Jim Price: Thank you very much, President Musgrave and Commissioners Nix, Tom, Mr. Ziemer, ladies and gentlemen, and all of you. It's nice to see a lot of you here that I haven't seen for a while. You know, as I stand here, Tom, this is like old times. Usually, I always sat up there and looked out. So, I don't think I've been to this mic. too many times.

Commissioner Nix: It looks better from that way this way.

Jim Price: But, as Commissioner Musgrave pointed out, I wanted give a brief report on the disaster fund that she just described. But, before I do, let me just say that it's no news to anyone, and I need not remind anyone of that terrible night of November the 6th. You know, people are still hurting in this community because of that, and I'm sure that they will for weeks and months to come. But there would have been more people hurting, and there would have been more fatalities, I'm sure, if it hadn't been for the Knight Township Volunteer Fire Department. Which the area that was hit by the tornado is in their area, and they were there, took over, coordinated this whole thing and had about 40 or 41 fire departments from the area, and several hundred, somewhere probably between three and four hundred men, and I would just like to, if I may, ask you people to help me give an applause to Tammy Foreman, who's the president of the board of directors. Tammy, would you stand please? And Chris Wathen, the Fire Chief, for doing a fantastic job. (Applause given.) You know, as I said, the tragedy happened on the 6th, and this fund was set up on the 8th. Even before we had a dollar in that fund, or even before I knew how much was in there, I was faced as Trustee with three burials. I thought, my goodness, what am I going to do here? We just started the fund, I had no idea how the money was going to come in. So, I go to one of our, or the funeral home that had the bodies, and I talked to the funeral director, and I said we would like to have a first class funeral at the lowest possible cost we can get it. We came out with a price of \$10,500 for three real nice funerals. There's just so many people that I could thank, like all of you could, for the help and assistance that they've given, but I just thought on that first one, on the burials, I would like to just tell you, we have some real business people, good business people in this community. Now, to the fund. The fund has \$24,000 in it today, approximately \$24,000 and we are, the contributions amounted to \$26,000. So, you may be saying, well, what did you do with all that money? Well, once again, in that first phase, the first few days, the Red Cross, the Salvation Army, Catholic Charities, I could go on and on, everyone was so eager to help that they didn't find their way to the Knight Township Trustee's office. Now, I've felt all along we will be able to help these people. But, as I, I think four people actually got the word and chose to come here or come at our place as opposed to going to one of the other places first, and we immediately helped them. But, we also told them where all they could go to get help. In the meantime, some townships up north, in Portage County, I guess the whole world new about this, but the township, four township trustees up there and their staff sent a load of food, and clothing down to the Pigeon Township Trustee's office because they knew Mary Hart personally and they brought this out to our office. So, here I find myself at Christmastime with clothes, non-perishable food, people I'm sure that...one lady told me, she says, I took my voucher, I go to Wal-Mart, I filled it up, I had a calculator to tell me so I wouldn't run over too far, or at least would get my amount that was on the voucher, and she says when I got home I didn't even have a comb. I said, there will be a lot of other things that you're going to miss as you try to go back to living your life routine. Well, they're not in their routine yet, but I wanted to tell you that we have decided, or I have decided, and I'm asking for the blessings of the Commissioners, because you're the one that really started the fund and asked my office to administer it. When Jay Zimmer and the television stations say that there's some funds at the

Knight Township Trustee's office that we are willing to give to the victims of that tornado to use for Christmas. If they're wondering where in the world are we going to have money for this that and the other, we can help them. I think that it almost was planned this way, I think. For us to put a big smile on their face. Let me just say this, I dealt with these organizations that I mentioned, and on that three burials for \$10,500, the budget, the township budget was really strained, in the burial budget. I thought, my we don't even have near \$10,000, but I go out and I want to put a plug in for all those organizations, but I talked to the director of the Red Cross and she says, we'll take care of it. How can you beat things like that. So, what I would like to just say is starting tomorrow we will give \$200 to a family of two, or \$250 for a family of more than two that was a victim of that tornado, that means that their home was completely destroyed or partially destroyed, but they have really been inconvenienced, and all they have to do is just prove to us, yes, I was there, and we're going to give them a check for \$200 or \$250 and they can go buy that comb with it or anything they want. I hope that all of you think that is a good use of that fund. Because when they were giving out, when FEMA was here and Red Cross and they was giving out these large checks, I thought, well, ours will get lost in the shuffle and be gone in just a few days. Now, I think that we can spread some joy, and I would like to just say to all the people who contributed to that fund, thank them very much. That just about, I think, completes what I was going to say on that report. Are there any questions?

President Musgrave: No questions, but I want to thank you for administering the fund. When you and I talked during the first week, when you were still setting up the funerals, and I saw the stress that it was putting you through, not only the agony of having to deal with the burial of an entire family, a child, so, I'm happy now that you have something more pleasant to administer, and I'm fine with you administering the fund as you see fit.

Jim Price: And, I may add, there are 1,008 townships in the state of Indiana, and they had their annual convention last week, or the week before last, and they have an award that they give for township of the year. Knight Township got that award for the things that I have just discussed, plus that fantastic job that the fire department did. I'm pleased to have that hanging in my office.

Commissioner Nix: Congratulations!

Jim Price: Thank you very much.

Commissioner Shetler: Jim? I guess, the only question that I have, if maybe we could set something up, or establish some kind of a, I know that the next issue coming up is going to be the Knight Township Fire Department, and about the needs that they have to repair, I think to repair the building that they're forced out of now, that perhaps the balance, after we've taken care of the personal needs of the families, if there's a balance left, that maybe that could be placed into—

Jim Price: If that's the desire of the Commissioners, I would certainly endorse that.

President Musgrave: Is that a motion?

Jim Price: I don't believe that, I really don't believe that any contributor would object to that fire department being able to buy a couple of shingles to put on their roof or something. We'll certainly do that. I think that what we'll probably do, maybe just

let this go until the first of the year. And anything that's left, if there is anything left the first of the year, we'll give that to the fire department.

Commissioner Shetler: I'm thinking that I might know a board member I may be able to talk to about that as well. So, if you need help on that, I'll be glad to discuss it with him.

Jim Price: Alright, thank you.

President Musgrave: Thank you.

Commissioner Shetler: Do we need a motion on that? Or by way of suggestion, I think.

Ted C. Ziemer, Jr.: I don't think you do. You charged Jim with the administration of the fund, and he can administer it as he sees fit. He's just reporting to you.

President Musgrave: Okay. Thank you, Jim.

Knight Township Fire Department: Urgent Need Grant Letter of Intent
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President Musgrave: The next item on our agenda is the Knight Township Fire Department and the urgent need grant letter of intent. I welcome Debra Bennett to the microphone please, and, I guess, Chief Wathen as well. Wathen, I apologize.

Debbie Bennett: Good afternoon. My name is Debbie Bennett, and I'm with WTH Technologies, Grant Division in Huntingburg, Indiana. I have with me today from the Knight volunteer, Knight Township Volunteer Fire Department, the Fire Chief, Chris Wathen; John Schneider, the vice president; and Tammy Foreman, the president; and also their attorney, Les Shively. First of all, we want to thank you for allowing us to be on the agenda at such a short notice. We're coming to discuss with you today the possibility of an application for CDBG, or community development block grant, funding to construct a new fire station to house the Knight Township Volunteer Fire Department due to the damage from the November 6th tornado. The community development block grant program was established back in the 1980's. It is a federal program that is given to the different state's in the United States to be dispersed in the state of Indiana by the office of the Lieutenant Governor, Rebecca Skillman, by the Division of the Office of Rural Affairs, which was formerly the Indiana Department of Commerce. The grant funding is only given to non-entitlement counties, cities and towns on a competitive basis yearly for planning and for construction. There is three national objectives under the community development block grant program. First is to provide assistance to low to moderate income communities; the second is the elimination of slum and blight; and the third is a category called urgent need, and that is to provide assistance in natural disasters. I believe after reviewing this and discussing with the state of Indiana that the Knight Township Volunteer Fire Department falls under the criteria of urgent need. Urgent need is defined by existing conditions that pose a serious threat to public health and safety; conditions of recent origin; the applicant or the sub-recipient can provide documentation that they cannot finance new facilities, and that all other funding sources have been sought by the applicant or sub-recipient and none are available. The maximum dollar amount that can be applied for by any non-entitlement city, county or town is a half a million dollars, with a ten percent local match. In the instance of an urgent need application, should the applicant or sub-recipient show evidence that they do

not have the local match, this can be waived. In this instance we've discussed that, and that is a possibility for this project. The reason that we are here today is to ask you for sponsorship of the application through an initial letter of intent, which was e-mailed to each of you last week by our office. This would just begin, start the steps for the application. With the submittal of the letter and the approval of the Commissioners, it would prompt a site visit from the Lieutenant Governor's office to come down and see if it does in fact meet the urgent need criteria. From there they would invite an application, which if everything falls into place correctly and we get the public hearings held and get everything signed by both the Commissioners and by the volunteer fire department, we would hope to have an application in by the end of January. Then they would find out if they could receive the assistance in February. The half a million dollars would pay for the architect, for the grant services and environmental review services and for the construction of the facility. So, I know I'm throwing a lot of things at you at one time. I was trying to get all that out. I will now open it to you and also to ask Chief Wathen if he has anything he would like to add to the presentation first.

Chris Wathen: I haven't really come prepared to say anything or to add anything to what Debbie has mentioned, but I am here prepared to answer any questions.

Commissioner Nix: Do you have just an idea of what it would cost to do this, from the standpoint of all the things that you'll have to do to?

Chris Wathen: A couple of things, number one, we mentioned and you have probably heard it that if we were seeking donations, private donations, that we could get into a building for \$200,000. That's exactly what that would be, would be getting into a building, a barn with heat and insulation and gravel for \$200,000. That's sounds like a lot of money for a pole barn, but a functional fire station it's not, okay? Now, we do have a set of drawings that we actually had made back in 2003, and the intent was there, has been there all along to build this new station. We've got property that's been donated to us. You know, we've overcome that hurdle. It's getting the building erected that is the hurdle. So, now here again, we're, I'm not sure that we're comparing apples to apples, but the building that we have drawings for, we're looking at closer to \$400,000 for. Does that answer your question?

Commissioner Nix: Yes, sir.

Commissioner Shetler: Are those '03 prices, or have you updated?

Chris Wathen: Those are actually '03 prices, and actually I have the architect working on new numbers now.

Commissioner Shetler: Okay, and was that plan already paid for back in '03? The plans that you have now?

Chris Wathen: Yes.

Commissioner Shetler: What other costs did you say that there would be? Other costs associated, grant writing fees and etcetera? Do we have an idea of what the cost of those would be?

Debbie Bennett: There are no fees to write the grant or develop are why I'm here today. Our fees as a grant administrator come in once you're funded and it's set at

eight percent by the state to pay us to administer to the environmental review and the labor standards etcetera to see that the grant is administered.

President Musgrave: So, are there any costs that, if this grant were successful, do you see any costs that we would have to pay? Other than—

Debbie Bennett: At this time I do not.

President Musgrave: Okay.

Debbie Bennett: I defer that to you. We don't have an overall budget. To give you a little bit more about the process, the letter of intent is mainly a letter of intent. It's not a commitment of any type. We then hold two public hearings, they have to be advertised, have the site visit, hold the public hearings, then apply, hopefully, by January. You are still under no obligation, you are still applying. The obligation does not come in until the grant is actually awarded and you sign a grant contract. We hope by the time the application comes in, or that is our goal to have the budget so that we can present it to you again. To show you where all the numbers are. We don't have anything. An urgent need, that's basically what it is, it's an urgent need. We're asking for a half a million dollars, with no local match at this time.

President Musgrave: Well, I'm extremely grateful that the matter came to your attention. You're a professional grant writer, you do this all the time, and that you picked up the phone and made the phone calls that set the wheels in motion. I am happy to support the letter of intent, and very enthusiastic and excited about the possibility that Knight Township could get a new fire station to replace the one which has fallen in around your ears, you can't even be there anymore. So, I'm thrilled. Thank you very much for what you've done.

Debbie Bennett: I'm very thrilled to be able to help. That's what we do. It was just purely, I'll have to give the press media, the press, the media, the t.v.'s, because if I hadn't have come home that night and actually saw it on television, I probably wouldn't have picked up the phone the next day and called.

Commissioner Nix: I would like to make a motion we approve the urgent need application for the Knight Township Fire Department.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you.

Debbie Bennett: We will be back to give you further updates. Do you have the letter, by chance?

President Musgrave: I do. What we'll do is go ahead and sign it right now, but we'll need to make a copy before they get out of the room.

Debbie Bennett: Okay. I guess, communications, is it fine to just communicate with you through e-mail right now for meetings, etcetera? Is that okay? Okay. We really appreciate it very much.

Chris Wathen: Yes, thank you.

Permission to Open Bids: VC-02-2006: Tax Bills

President Musgrave: Okay, we move now to Purchasing, permission to open bids.

Commissioner Nix: I move approval, oh, excuse me, you're going to take this first, aren't you?

Phil Lawrence: Yeah. Phil Lawrence, Ted, I have the bids for the tax bills.

President Musgrave: Do you want to move approval?

Commissioner Nix: Yeah, I will move approval on VC-02-2006, tax bills.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Permission to Award Bids:
APA-002-2006: Crushed Stone
APA-003-2006: Sand and Gravel**

President Musgrave: We now have permission to award bids for crushed stone and sand and gravel. Mr. Lawrence?

Phil Lawrence: Yes, I would like your approval to award, if I can just see it, it disappeared. No, it didn't. Here it is. I'm sorry. APA-002-2006, crushed stone to Mulzer Stone, who was the low bidder at \$154,673, and APA-003-2006, sand and gravel, which is also Mulzer Stone for \$17,881.

Commissioner Nix: Move approval of APA-002-2006 and APA-003-2006.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: That motion carries.

**Purchasing: Report of Bid Openings at BPW:
APA-005-2006: Surfacing Materials
APA-006-2006: Oil Products
APA-051-2006: Computerized Phone System**

President Musgrave: Do you have the report of bid openings at BPW?

Phil Lawrence: Yes, I do. This is a report on the bids that were opened. We had four bids for APA-005-2006; Jerry David Enterprises, Gohmann Asphalt, E&B Paving, and J.H. Rudolph. As you can see, they all bid on the hot patch, the other hot patch, and then the others bid on the rest. The totals are at the bottom there. They are still under advisement.

President Musgrave: So, you're not looking for an award today?

Phil Lawrence: No.

President Musgrave: Okay, thank you.

Phil Lawrence: Then, the second one is APA-006, oil products, and again, they're listed on the second page.

Commissioner Nix: Mr. Lawrence, do you have an idea of how this compares to our prices from last year, percentage increase/decrease?

Phil Lawrence: They are about six percent higher.

Commissioner Nix: Higher?

Phil Lawrence: Yes.

Commissioner Nix: Okay, and that's probably less than what we really had anticipated early on because of the oil—

Phil Lawrence: It's gasoline.

Commissioner Nix: Yeah, gas prices, fuel prices and that. So, good. That's good.

Phil Lawrence: Yeah, so it wasn't as bad as we thought it was going to be.

Commissioner Nix: Depending on proximity, where we're paving and what we're using, we don't necessarily, or we wouldn't necessarily always use the low bid, because of location of batch plants and that type of thing. So, just as long as we're clear on that.

Phil Lawrence: That's correct. If a plant is closer we typically will use the plant that's the closest because of transportation.

President Musgrave: Even if there's a no bid?

Phil Lawrence: Even if it's the lower bid, it just depends on how much it costs.

Commissioner Nix: If they don't bid it, then we are not, we cannot buy from them, is that correct?

Phil Lawrence: That's correct.

Commissioner Nix: Okay.

President Musgrave: So, for example, Jerry David did not bid on cold patch, HMA intermediate, and pothole patch. So, you can't buy from them at all?

Phil Lawrence: We would buy those from J.H. or E&B.

Commissioner Nix: Which brings me to my next question, no one bid on the cold patch, how do we handle that then?

Phil Lawrence: We'll go out and get quotes.

Commissioner Nix: Okay.

Phil Lawrence: Yeah.

Commissioner Nix: It will be requoted?

Phil Lawrence: They don't buy much. We don't buy much of it.

Commissioner Nix: I was going to say, not a lot anyway, but I'm sure we would use some from time to time.

Phil Lawrence: Yeah.

Commissioner Nix: Late winter, or late fall.

Phil Lawrence: Usually it's in the winter.

Commissioner Nix: Sure.

Phil Lawrence: Put a little cold patch down.

Commissioner Nix: Yeah chuck holes and that.

Phil Lawrence: Yep. And we'll go out and price it at that time. The final one is APA-051-2006, and that is the phone, the computerized phone system. We had one bid for the Cisco system from Keller Schroeder and Associates. The bid was for \$518,843.60. They also gave us a two lease, three year lease option of \$17,000 a month, \$889.15, or a five year lease option at \$12,692.18. I would like to take that also under advisement.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Reading of Bid Opening: VC-02-2006: Tax Bills
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President Musgrave: Are we ready with the bid opening?

Ted C. Ziemer, Jr.: Yes. We have two bids for the 2006 tax bills. One from Miami Systems Corporation for \$74,750. One from the Relizon Company, \$77,820.

President Musgrave: I think this is the first time in a long time we've had multiple bidders on this.

Phil Lawrence: Yes, it is.

President Musgrave: Do you want to take that under advisement?

Commissioner Nix: I make a motion that we take these under advisement.

Commissioner Shetler: And I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Phil Lawrence: Thank you.

Health Department: AIDS Prevention Agreement Amendment

President Musgrave: We move now to contracts, agreements and leases, Health Department. Mr. Ziemer?

Ted C. Ziemer, Jr.: Well, I reviewed this contract, which is really just an extension of an existing AIDS prevention grant with the State Department of Health. It extends it through 2006, provides for an additional grant amount for 2006, and then contains some boiler plate provisions regarding ethical conduct and telephone solicitation. We find the agreement satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

December 27, 2005 Commission Meeting: Jail Dedication

President Musgrave: We move now to the December 27th Commission meeting. We've had a lot of discussion with the department heads and the elected officials in consideration of cancelling our meeting scheduled for December 27th. We subsequently had some discussion with the Sheriff, and I see Chief Williams is here today. That appears to be the perfect time for the dedication of the new jail. So, I would suggest to the Commissioners that we cancel our meeting on December 27th, and that we issue a media notice saying that there will be a special meeting solely for the purpose of the jail dedication at 3:30 on Tuesday, December 27th out at the new jail site on Harlan Avenue. If that's acceptable to you, would you make that in the form of a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Commissioner Nix: I didn't know if Chief Deputy would have anything to speak to on that at this time?

President Musgrave: He's going to save all his words for the dedication ceremony.

Jail Change Order No. 8: Williams Brothers: \$58,222

President Musgrave: We have jail change order number eight.

Commissioner Nix: Yes, change order number eight, and there's quite a few items on there; handrails, toe guards at mezzanine walkways, some bunk revisions, a couple of different bunk revisions, we're extending some asphalt paving, a parapet wall guardrails and some gates around the perimeter fence. We're going to, as part of the contract that we approved just a few weeks ago, an access road to the back for emergencies and such as that. So, that change order amounts to \$58,222, and I would make a motion that we approve that.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

County Engineer

President Musgrave: We come now to department head reports. John Stoll?
County Engineer.

John Stoll: I've got street acceptances for you this afternoon. The first is for sections six and seven of Stonecrest Subdivision. The streets to be accepted are 711 feet of Cold Water Drive, 717 feet of Rolling Meadows Drive, 505 feet of Stoney Lake Drive, and 583 feet of Wayland Drive. I would request that these streets be accepted for maintenance.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The next is for section six of Bridlewood Subdivision. This is 110 feet of Bluff Stone Drive, 331 feet of Canyon Rock Drive, 675 feet of Canyon Rock Court, and 155 feet of Winterfalls Lane. I would request that these streets be accepted as well.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: The last item is a quick update on the University Parkway project. The project has 27 work days remaining in the contract, but between now and April 1st there will be no work days charged. So, until April we won't see that number go down any further. The main item holding up the project from being opened up right now is striping. They need the pavement temperature to be 40 degrees or greater, and we don't know at this point when they'll have temperatures suitable to put the striping down. Once they get that, then the project could be opened up. So, it is possible that we'll see it yet this year, but we don't have any specific timetable because we have no idea when the temperatures will be suitable for them to finish the striping work.

Commissioner Nix: Do you know about, an approximate duration of the striping activity? How long it will take them?

John Stoll: I didn't really talk to them about that. They have quite a bit, because they will have to put an edge line on each side of the road for north bound and south bound. So, they've got just with solid line striping, what would that be? Four, eight miles of stripes, plus the center line markings as well. So, they have quite a bit. In talking to the inspector from Bernardin Lochmueller, he indicated that the contractor does want to try to get this wrapped up and open to traffic, but we're just waiting for the temperatures to be suitable for them to finish the work.

Commissioner Shetler: Is it, does it make sense to try to do any temporary markings?

John Stoll: There weren't any provisions for that in the contract.

Commissioner Shetler: What kind of cost would that entail?

John Stoll: I'm not sure what kind of numbers we would be looking at. There, it's been a while since I've dealt with the temporary striping, but there are probably temperature limitations on that as well. I can check into that though and let you know.

President Musgrave: I would like you to check into that. It seems silly to have a perfectly good road not being able to be used just because of the striping issue.

Commissioner Nix: It's a heck of a walk path right now, I see. I guess, along those lines, if you could maybe touch base with the contractor and have him secure those

barricades at the end of Upper Mt. Vernon and where Hogue intersects, and down on the far end. We need to keep that, you know, I noticed there was some vehicles driving on it the other day.

John Stoll: People have routinely pulled the barricades, just like they did at St. George and Oak Hill and every other project. So, the contractor may get the barricades placed properly, but chances are they'll get pulled out of the way again.

Commissioner Shetler: I'm not as familiar, you know, like with concrete and how quickly it may react to the ambient air temperatures and stuff, but I know like soil traditionally and water react kind of slowly to it. So, that once it starts setting down below 38, 39 or 40 degrees, it's usually kind of difficult for it to change even a degree or two. Is it that way with concrete? Or can it actually change a couple of degrees within a short day or two?

John Stoll: With the sun shining on it, it will heat the pavement temperatures up and help us out much more so than trying to deal with drying dirt or anything like that—

Commissioner Shetler: Right.

John Stoll: —at this time of year. So, it's still possible, but even the long term forecasts, the last one I checked was through next, a week from Thursday, and there were I think only two days where the temperature was forecast to even get above 40. So, it's almost going to be a matter of when that pavement temperature gets high enough.

Commissioner Shetler: Now, are you talking about the surface temperature actually of the concrete?

John Stoll: Yes.

Commissioner Shetler: That's what you are speaking of, right?

John Stoll: Yes.

Commissioner Shetler: Do we have an idea of what that temperature is currently?

John Stoll: I did not ask that.

Commissioner Shetler: When they tested it the last time?

John Stoll: I didn't check with the inspector on that.

President Musgrave: I think we're anxious for some stripes.

John Stoll: I'll see what I can find out.

President Musgrave: Okay.

Commissioner Nix: Thank you.

John Stoll: Thanks.

Chief Information Officer

President Musgrave: Mr. Arvay, CIO?

Matt Arvay: Matt Arvay, Chief Information Officer. I have one item that I would like to add to the consent items. It's a request that's required to the state of Indiana on behalf of the County Commissioners which would allow us to do a bulk data transfer from the courts system. With their approval we would then be able to move into phase two of the county employee background checks.

President Musgrave: I need a motion to add that to the consent agenda.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: Do you actually have a document that they need to sign?

Matt Arvay: Yes.

President Musgrave: If you'll recall, this, you weren't here.

Commissioner Shetler: No, I wasn't here.

President Musgrave: There was an issue with a county employee who had been convicted of a wrong doing and his employer not finding out about that for more than a year, I believe, after that. So, we discussed the matter thoroughly, and we will link up the payroll system with the county courts system, so that every night it will hit against that, and if anybody, we've chosen a list of pertinent infractions, if anybody on the payroll system commits one of those, or shows up, then an e-mail will be sent to the relevant department or elected official.

Commissioner Shetler: Yeah, because I actually do have some questions, I guess, about it. That really was one of them, is to make sure that it's pertinent information.

President Musgrave: Yes.

Commissioner Shetler: I mean, there's some offenses that may not really be relevant in given offices. There's others that would be more relevant in others. The other is that has this been checked out so that, you know, that we're sure that John David, you know, it's the John David who's employed and that there's no confusion when there's 15 John David's that are out there and stuff. I would hate for a mistaken identity to cause someone some pain there.

Matt Arvay: Right. What we did was did a proof of concept, and basically looked at social security numbers, date of birth, last name, first names, and set up like a probability scoring based on the matching criteria from the payroll system and the

courts information. So, again, this is to kind of throw up flags, if you will, to department heads and the Commissioners that they may need to look further into a scenario.

Commissioner Shetler: I guess, the other thing I would be a little bit concerned about, as long as that information is protected so that, let's say that the department head, I'm concerned about some issues that deal with labor laws and things like that too, that if you receive certain kinds of information, you know, there's always, you've already hired the guy, he's been working for say six months or whatever, and then all of a sudden something pops through and it's a red flag, there's not much you can do. I mean, he's gone past the probation period and etcetera, I wouldn't want to necessarily prejudice, you know, the employer in that situation against the employee. There's certain things like that I'm a little concerned about to make sure that we're protected.

President Musgrave: Would you meet with Mr. Arvay and go over the—

Commissioner Shetler: Yes.

President Musgrave: —exact sort of offenses, and if you see some on there that are inappropriate, then by all means, strike them.

Matt Arvay: Yeah, right now—

President Musgrave: Or if you see missing ones, add them.

Commissioner Shetler: Right.

Matt Arvay: This was just to prove technologically it could be done at this point right now. As far as the specifics can always be worked on the type of queries—

Commissioner Shetler: Have you been working with the judges—

Matt Arvay: Yes.

Commissioner Shetler: —and Legal Aid Society and those folks as well?

Matt Arvay: Tim Van Cleave, who is the courts project manager and representative, he's been the project manager spearheading that, yes.

Commissioner Shetler: Alright, then I would be happy to, Matt.

Matt Arvay: Okay.

Commissioner Shetler: Thank you.

Superintendent of County Buildings

President Musgrave: Mrs. Farrell?

B.J. Farrell: Yes, today I have a couple of items, one is the Anthem Blue Cross and Blue Shield benefits paperwork, and by signing this we can begin our group's renewal process for the year 2006.

President Musgrave: Are you adding that to the consent agenda?

B.J. Farrell: I would like to add that to the consent agenda.

President Musgrave: Is there anything else you're adding?

B.J. Farrell: Yes, I would also like to give the Auditor for deposit into the County General, the Kraftwerks craft fair was held recently at the Old Courthouse, as it was in the spring, and we received a check this week for \$4,150.50. The last item that I have, I would like to ask the Commissioners approval to use the remaining balance in my Contractual Services Account to pay WNIN for continual broadcasting of the Commission meetings.

President Musgrave: And that is also added to the consent agenda?

B.J. Farrell: Yes, please.

President Musgrave: Is there a motion to that?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Thank you.

County Attorney

President Musgrave: Mr. Ziemer?

Ted C. Ziemer, Jr.: I want to comment on a letter which I provided to the Commissioners requesting FEMA to reimburse the cost of clean up and removal of the debris at Eastbrook Mobile Home Park. I see on the agenda that Jeanne Kern is going to make a FEMA update. Do you want to do that at that time?

President Musgrave: Why don't we go ahead and do that now.

Ted C. Ziemer, Jr.: Sure.

President Musgrave: Ms. Kern, would you like to come forward as well?

Ted C. Ziemer, Jr.: What I was asked to do was to provide a letter justifying the basis under which the county is claiming, from FEMA, reimbursement for these clean up and removal costs in connection with the disaster related debris.

President Musgrave: Mr. Ziemer, if you could hold your thought for one moment while we change the tape?

Ted C. Ziemer, Jr.: Sure.

(Tape change)

President Musgrave: Go ahead.

Ted C. Ziemer, Jr.: In that connection, you've seen, you saw an early draft of the letter, I think, yesterday or the day before. You have in the file today a revised form of that letter, which details the actions taken by the county and the Vanderburgh County Health Department with regard to declaring the disaster related debris a public health and safety hazard. Then going into a fair amount of elucidation regarding that. Finally, concluding with a request to FEMA that the county be reimbursed for the cost of the clean up. You understand, of course, that while we're requesting the total cost of the clean up, that will be net of any insurance proceeds that are available from either the tenant mobile home owners or the owner of the mobile home park that is available for debris removal. So, you have the letter in your file, and it has numerous exhibits attached to it, and we recommend the execution of that letter and the delivery of it to Jeanne Kern, I guess, to deliver to Marianne Jackson, the person who is taking the place of Mr. Gair, who was previously the FEMA representative in Vanderburgh County.

Jeanne Kern: Good afternoon. My name is Jeanne Kern, and as stated, I am from the Federal Emergency Management Agency, part of the Department of Homeland Security. We have responded here to Vanderburgh and Warrick counties, and we are working with the applicants in the counties, which would be your different departments, your Sheriff's and the Highway Department and such. So, I just wanted to give you a status on that as well. We're working well with all those departments. They've responded, they're gathering their documentation so that we can reimburse them for any eligible expenses. Which brings us to this letter. You are making request for FEMA to reimburse for debris on private property, since Eastbrook is private property. Normally FEMA does not pay for private property debris removal, except in extenuating circumstances, which we believe, and as you do, that this is the case here. So, in order to make that request we needed the documentation, as Mr. Ziemer said, and it will be forwarded to FEMA headquarters for their review and decision on whether and when we get the notice we will let you know whether we can reimburse. We are proceeding with your Highway Department, with Mr. Duckworth gathering the information anyway as not to delay any documentation that we need for reimbursement. So, if you have any questions, otherwise I'll be ready to accept the letter when you've signed it.

President Musgrave: Well, we're very hopeful that FEMA looks favorably on our request to reimburse us for the cost of the debris removal out at Eastbrook Mobile Home Park. It was a devastated area, and it unleashed quite a few things on the environment, and we felt strongly that it was a hazard to public health and safety. The Health Department concurred with that, sending a letter to the mobile home park as early as Friday, after the Sunday tornado, and had to follow up again as customary with their procedures ten days later with another letter. So, we believe the county departments have taken all the appropriate action to mitigate the serious threat to public health and safety there, and I would ask for a motion to approve this letter and it's accompanying documentation to be given to FEMA. I understand that FEMA will be considering this within the next few days, and that we will perhaps even know by the end of the week, the first part of next week the outcome of their decision.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Madelyn Grayson: Commissioners, I have two complete sets of this. Would you like to sign one now and give this to Ms. Kern this evening?

President Musgrave: Yes, I would. The sooner you get it moving through the process the better.

Jeanne Kern: That's right.

Ted C. Ziemer, Jr.: I think, actually, I gave you four copies of it, thinking that certainly one for the Commissioners file and one for FEMA. I don't know if Mike Duckworth would like a copy. I have a copy in my own file, if anybody else needs one.

Madelyn Grayson: We have two other complete sets. I can just make copies of the signature page and insert that.

Ted C. Ziemer, Jr.: Sure.

President Musgrave: I would like to thank all the members of FEMA and Brad Gair too, even though he has moved on and is not here with us. I was very impressed by your responsiveness to this disaster, by your ever present willingness to give us information, guidance, occasionally a swift kick in the, you know, behind to get us moving a little bit faster. I appreciated everything that you did for Vanderburgh County, and I hope that we never have to have you come back.

Jeanne Kern: Nothing personal, but I hope not to see you again. I'm here with my Public Assistance Coordinator, Larry Duke, sitting back, some of the audience already know him, have met with him, have started working on their projects, and the Department of Homeland Security from Indiana is also here. I'm sure you know most of them, Phil's Brown and Roberts, and Rosemary the Public Assistance Officer. Anyone else? Did I get everybody? Okay.

President Musgrave: Thank you guys for coming, and thank you for all your help, and here's your copy of the letter. We will wait by the phone. Mr. Ziemer, do you have more?

Ted C. Ziemer, Jr.: I do. Back at the time that the bonding was being done for the new jail, some 37 acres of real estate were conveyed by Vanderburgh County to the Building Authority in connection with the bonding. Included in that 37 acres was .541 acres of real estate that was used to construct the community corrections center. That was not built with bonded funds, and the facility needs to be insured, and for the county to insure it, it has to have an insurable interest, which means it has to own the property. To accomplish this, the Building Authority has executed a deed, an accompanying real estate disclosure form to the county conveying that .541 acres to the county. I have with me today the original signed copy of that deed and the real estate disclosure form, which I would present to Madelyn for recording, if it's

accepted by the Commissioners. I think that would be the motion, if you wish, to accept that conveyance.

Commissioner Nix: So moved.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Also, in connection with that, there was, where are my notes here? What did I do with them? There was a survey needed to determine the exact legal description of the .541 acres and a contract has been prepared to be entered into between Vanderburgh County and Bernardin Lochmueller Associates to conduct that survey for a cost not to exceed \$2,500. The execution copies of that document are in the file, should you wish to approve it. We think it is satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Let me see. We received three contracts very recently to review on behalf of the Sheriff Department in connection with the new jail. One is a simple addendum between the county and Sonitrol for the existing Sonitrol contract for the jail, and that's to provide some additional monitoring for a fee of \$25. There's another separate contract with Sigecom to provide Internet service to the jail for a period of three years, commencing January 1, 2006 for a cost of \$425 per year. Finally, an agreement between HP Products and Vanderburgh County to provide laundry services for the jail on a piecemeal basis, as needed. There will be charges, there's a schedule attached to the contract indicating the basis for the charges. Interestingly, under this contract the county buys these services, the HP services company will provide the equipment that's needed to the jail at no cost on a loan basis, and that will run for the duration of the contract. The contract sets forth no particular period of it's term. So, it will run until terminated by either party for any reason, and if it's terminated by the county, of course, or by HP, the loaned equipment would be returned to HP. We think, it's our opinion all three contracts are satisfactory for execution from a legal perspective.

Commissioner Nix: Move approval.

Commissioner Shetler: I'll second. I do have a question on that first one, that \$25 fee, is that a flat fee, or what's the term on that?

Eric Williams: Just a correction, the first one from Sonitrol....Eric Williams, Sheriff's Office, the first one for Sonitrol is not for the jail, it's for the existing courts. That was for the addition of the monitors in the juvenile section of the new courtroom. It's a \$25 a month additional service.

Commissioner Shetler: It's per month, the \$25? \$300 a year then?

Eric Williams: Basically, yes.

Ted C. Ziemer, Jr.: You couldn't tell that from looking at the contract.

Eric Williams: No, that's the only place we employ Sonitrol services, and they do all the keyfob entry and the alarm monitoring for the courts.

Commissioner Shetler: Okay, thank you.

Commissioner Nix: Did you second that?

Commissioner Shetler: I did second it.

President Musgrave: Oh, we have a motion and a second. All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: Finally, I'm advised, I guess, I'm not sure, that there is interest on the part of the county and the city in terminating the existing ACI, or ACS contract for IT services. The point is, that contract terminates on June 30, 2006. If it's not to roll over at that time, notice needs to be given 180 days prior to June 30, 2006. I believe there's some desire that, subject to the Commissioners wishing to do so, and the city, which I'm informed wants to do so, to give notice now that the contract will terminate on June 30, 2006, with the idea that we can between now and then attempt to negotiate the terms of a new contract with ACS. If we're not successful in doing that, their contract would terminate on June 30, 2006. I don't know if you have in your file a letter or notice.

President Musgrave: Yes, we have letters.

Ted C. Ziemer, Jr.: You have copies of that, good. Thank you.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Ted C. Ziemer, Jr.: That's all I have.

President Musgrave: Mr. Duckworth, I believe—

Commissioner Nix: Excuse me, Commissioner, one other thing, there was one other thing, a report on bid openings for tax bills. Did we cover that?

President Musgrave: Yes.

Commissioner Nix: Okay, I'm sorry. Okay, thank you.

County Highway

Mike Duckworth: Good afternoon, Mike Duckworth, County Highway Department. Just to give you some information on a couple of items. First and foremost, to let you know that the clean up detail is completed at Eastbrook Mobile Home Park, as well as Pollack Avenue, Polaris Avenue, and other county right-of-ways that received damage, such as the areas that I mentioned on Old Henderson Road. So, we feel like we've got the trees that have downed along the right-of-ways removed, and all the debris, all 2,100 ton of the debris removed from that area. So, as FEMA officials just recently reported, we're going through the tedious job of the paperwork now, and working through that with the FEMA officials at this time. So, if there is any questions about the FEMA involvement, we employed two major contractors; Klenck Construction, Allied Waste, in a given time we started on the Friday after Thanksgiving and at one time I think we had 75 employees from either Klenck, Allied or the County Highway Department working to remove that at one time. It was some task, and I think we've done it to the property owner and the county's health official's liking to where it's manageable by the property owner at this time. So, that was our goal and our task, and we've completed it in time to get ready for other challenges, and that being another four letter word, and I'm not talking about FEMA, I'm talking about snow.

President Musgrave: Before you move on to other weather related disasters. You've had a number of volunteer groups come out and help pick things up too. Could you name them?

Mike Duckworth: Sure. The last couple Saturdays we had cleared areas where we had major debris out of the way, heavy equipment out of the way, and I was contacted, my office was contacted by several groups, notably the West Side Nut Club spent just a ton of man hours and brought their own equipment and used their own resources, and I know they do a lot in the community for needy kids and non-profit organizations, but when those members of that organization organize and take off in a venture, believe me, it gets done. They took care of, I don't know if anybody was out there and saw the state side of Lenn Road and all the insulation that was hanging in the trees and all the debris that had blown across the county roadway into state property, they've just done an immaculate job cleaning that up for the state. Then they moved themselves over to our property to assist the property that we took over at Eastbrook, as well as some of the farm fields there as well. In addition to that, we had, I must mention church groups such as Christian Fellowship Church and Bethel Temple, the Community Action Program of Evansville was there, and anytime you do this you miss people, but we've just had a number of folks just show up wanting to help with picking up the small stuff and that's been really helpful.

President Musgrave: Then you also had people donate food for all those workers to eat, not just the volunteers, but the Highway Department and Klenck and others who were there.

Mike Duckworth: Right.

President Musgrave: Could you name some of them?

Mike Duckworth: We had, of course, we had the Hornville Tavern cooked for them one day, as well as the Bussing Foundation paid for food for them one day, as well as Allied Waste picked up the tab one day. It enabled us to keep the workers on site and get back and stay on task. So, it was extremely important and helpful to have that ability to have that there. It was pretty cold out there. So, a hot meal in the middle of the day kind of recharged them and helped us get the job completed. I was a little weary about the timing of this, and, of course, those are things you can't control, but we had some scary forecasts of possible, you know, temperatures dipping, and here I had trucks removing debris and not ready for any major type of blanketing of snow or ice. I did keep a few trucks back and ready, but on the most part our vehicles were engaged in that activity. We now, I am happy to announce have all of our trucks ready. We have a full supply of salt and the chemicals that we're going to be using to pre-treat roadways and attack the snow and be proactive with it this year. So, as probably as early as tomorrow we'll be in that mode.

President Musgrave: I also would like to extend my personal thanks to the members of the County Highway Garage who worked overtime over the Thanksgiving holiday, and to assist in the clean up effort of this. I know that you and the other supervisors donated your time over that normally family weekend—

Mike Duckworth: Yeah.

President Musgrave: —in order to see to it that this important project was done, and that people's lives were assisted in getting back to normal. So, my sincere thanks to you and your supervisors and workers.

Mike Duckworth: Thank you, and I know they appreciate hearing that. I would tell you, this community has stepped up in more ways, and we've heard all the reasons, but I also would like to recognize Bill Fluty and Ted Ziemer. In the aftermath, in dealing with the regulations and the paperwork and all the legals that you have to deal with, these guys have really been helpful. Their staffs have been helpful to me, and I know Mr. Ziemer wants me to go ahead and get my bar exam, and I'll get on that. I'm his new legal advisor, but I don't think he brags very much about that. Thank you all. I appreciate it very much, and now we can go forward.

Commissioner Shetler: Mike?

Mike Duckworth: Yes, sir?

Commissioner Shetler: One moment, on that same vein there. I know there's areas that, like east of the park area that were in Angel Mounds state property, did our county crews go into any of that area at all?

Mike Duckworth: No.

Commissioner Shetler: So, that was all pretty well done by volunteers then?

Mike Duckworth: Well, and the State Highway Department removed the debris from that area, as well as the Westside Nut Club. We concentrated only on, there were two county accepted roadways, Lenn Road and Augusta Drive.

Commissioner Shetler: Okay.

Mike Duckworth: We concentrated on those areas, as well as the ditches that were in our right-of-way during that time period. Once the declaration of a health hazard was established, then we moved on in to the trailer court.

Commissioner Shetler: Did we segregate, are we allowed, is there a possible way that some of that could be used for the FEMA? Because, I'm not saying that, you know, it appears that things are very optimistic, that we're going to be able to get some money back from FEMA, but I just, you know—

Mike Duckworth: There are two things—

Commissioner Shetler: —if some things happen here—

Mike Duckworth: —separate categories that you work through, one is an emergency category where we had to go on that property to basically assist in victim recovery and emergency clearing of the roadways and getting the fire department and the different agencies in there to find possible survivors. That's one side of it. November 6th, 7th, 8th and 9th we were in that mode, and were working through things such as lighting that we had to rent and other equipment that we had to utilize will qualify under that side. Then there's the other category which deals with the debris removal. Once we established the authority to go on to the property, then we can utilize and claim all of those costs related to the debris removal. That is what basically this letter is saying is that we're requesting that permission for them to reimburse us for that, and, hopefully, that will come forward.

Commissioner Shetler: Right, and I understood that. My, I guess, where I was trying to get towards is if for some reason they did not approve that, didn't accept it for whatever fine points that could be there, do we have enough there where the county roads that we have that are dedicated and the public drainage ways would be something at least we could get—

Mike Duckworth: Yes, you only have to meet a \$1,000 threshold to qualify, and we're well over that just in the county roadways and just in the accepted roadways and ditches. Of course—

Commissioner Shetler: I'm talking about—

Mike Duckworth: —Pollack Avenue, Polaris, Augusta Drive, Lenn Road, we've got that all separated, and, yes, we will qualify.

Commissioner Shetler: Okay. Right. Thank you.

Mike Duckworth: Thank you.

President Musgrave: I don't believe I skipped any department heads or anyone out there who wants to make a report.

New Business

President Musgrave: We move now to new business. Commissioners, you will be presented with our suggested meeting list for next year. If you could review that, and also give some suggested dates for the road hearings for next year. If you would like to hold district meetings, please do that. I would like to ask you though that, last year we put those on the fifth Tuesday, I would prefer to go ahead and have them during the week, and leave that fifth week open, just to give a little break.

Commissioner Nix: So, is it your wish that we do that on a night that we would normally have a Commission meeting? Or what's your feeling on that?

President Musgrave: Probably for the road hearings it would have to be an additional one, because we were holding those in the district as well.

Commissioner Nix: Okay. That's fine. I think the road hearings, I was really, really pleased with the results of that last year, and we got done what we needed to get done with Mr. Duckworth and his crew out there. I think we got some good results. You know, we took a lot of input and we took care of everything that was sent to us.

President Musgrave: I would like to hold those in January and February so that we can get all our plans finalized and move forward.

Commissioner Nix: The list for paving, sure.

President Musgrave: So, you'll be getting a calendar distributed with some draft comments. I have been talking to the Surveyor about the possibility of perhaps changing drainage board, maybe, but there may be a suggestion coming forward to you later, and there may not. So, those discussions with him are continuing. Is there any other?

Ted C. Ziemer, Jr.: Only say with regard to the last comment of yours, I received an e-mail from Madelyn relative to putting together an ordinance for next year, and, of course, I can't do that until that issue that you're now talking about is satisfied.

President Musgrave: Right. I'll let you know. I've been trying to make contact with the Surveyor all day today, and we keep missing each other. So, it will be within the next day or two. Is there any other new business?

Commissioner Shetler: Yes. I have a, I think basically back some time ago the Commissioners had supported, but we need to do it in a formal way, the endorsement of support of a ten year plan to end homelessness in Vanderburgh County. It's been approved by other groups, the City Council, the Mayor, etcetera, and they needed to get, would like to have something from the County Commissioners as well approving their ten year plan on that.

President Musgrave: Is that a motion?

Commissioner Shetler: Yes, that's a motion.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Is there other new business?

Old Business

President Musgrave: Old business? Well, we've already spoke with Jeanne Kern from FEMA.

Public Comment

President Musgrave: We come to the part of our...is there any other old business? Part of our agenda for public comment. I see a number of students here fulfilling their obligatory requirement for government class. Would you like to stand up and say, hi? Or prefer that we not recognize you at all?

Commissioner Nix: What high school?

Unidentified: North.

Commissioner Nix: Go Huskies, huh?

President Musgrave: Well, it's good to see you here today. Is there any other member of the public wishing to address the Commission? I see no one.

Consent Items

President Musgrave: We have consent items. They've already been amended. Are there other consent items to be considered?

Commissioner Nix: I would like to add one other thing. This is substantial completion for four contractors, four prime contractors on the jail project. The date is November the 22nd. This, of course, does not relieve them of any obligations, punch lists and warranty issues at all. Basically, what this does is say that the architect and the owner agree that these contractors are substantially complete with this project. Once again, the warranties and punch list items and all that still have to be maintained and performed. They are for Mel-Kay Electric, Great Lakes Hotel Supply, Peyronnin Construction, and Williams Brothers.

President Musgrave: Is that a motion to add them to the consent items?

Commissioner Nix: That is a motion, yes.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Is there anything further?

Commissioner Nix: Was that on all the consent items?

President Musgrave: That was just to add them to the consent items. If you would like to make a motion to approve the consent items.

Commissioner Shetler: Do you want to pull that one item?

Commissioner Nix: Yeah, I would like you to go ahead and make the motion.

Commissioner Shetler: Move that we approve the consent items?

President Musgrave: Agenda?

Commissioner Shetler: Agenda.

President Musgrave: And, I'll second it. Any discussion? All those in favor? Aye.

Commissioner Shetler: Aye.

President Musgrave: Is there a further item that we need to—

Commissioner Nix: I need to abstain on the consent items.

President Musgrave: Okay. Any further business to come before the Commissioners? Seeing none, I'll entertain a motion to adjourn.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

(The meeting was adjourned at 4:40 p.m.)

CONSENT ITEMS:

Employment Changes:

County Clerk (2)	VCCC (2)	Sheriff's Office (3)
Prosecutor (2)	Knight Assessor (1)	Public Defender (1)
Circuit Court (1)		

Travel Request:

SWCD (2)	DADS (1)	Health Dept. (1)
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Center Assessor: Surplus letter: monitor.

Auditor: Financial Statement-November 2005.

Treasurer: Monthly Report- October 2005.

Commissioners:

Bernardin Lochmueller Letter-Surveying Services: Community Corrections
Community Corrections Pay Application: Industrial Contractors: \$93,096.45
CIO Request to State of IN: bulk data transfer: employee background checks
Anthem BC/BS 2006 Group Health Plan Renewal Paperwork
Kraftwerks Fall Craft Fair Check: \$4,151.50
Approval of Contractual Services Account Funds to Pay WNIN contract
Certificates of Substantial Completion: Jail: (4 Prime Contractors)
Department Head Meeting Notes: 11/29 (No Dept. Head Meeting)

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Cheryl Musgrave	Bill Nix	Tom Shetler, Jr.
Bill Fluty	Ted C. Ziemer, Jr.	B.J. Farrell
Madelyn Grayson	Jim Price	Debbie Bennett
Chris Wathen	Phil Lawrence	John Stoll
Matt Arvay	Eric Williams	Mike Duckworth
Jeanne Kern	Others Unidentified	Members of Media

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDEBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 13, 2005**

The Vanderburgh County Board of Commissioners met in session this 13th day of December, 2005 at 3:35 p.m in room 301 of the Civic Center Complex with Vice President Bill Nix presiding.

Call to Order

Commissioner Nix: Call to order the meeting of the Board of Commissioners of Vanderburgh County, December 13, 2005. First we will have introductions to my far right.

B.J. Farrell: B.J. Farrell, Superintendent of County Buildings.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

Commissioner Nix: If you will please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the December 6, 2005 Commission Meeting Minutes

Commissioner Nix: I would like to make a note first off that Commissioner Musgrave is unable to attend this meeting today, just for the record. I will entertain a motion to approve the Commission meeting minutes of December 6th.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Approval of the December 13, 2005 Executive Session Summary Minutes

President Musgrave: Also, we had an executive session today at 2:30 in our chambers, and I would like to also entertain a motion to approve that meeting.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Casino Aztar Proclamation

Commissioner Nix: First thing on the agenda is action items, Mr. Jim Brown from Casino Aztar is here. Mr. Brown?

Jim Brown: I'm not in trouble, am I?

Commissioner Nix: You didn't get the memo?

Jim Brown: No.

B.J. Farrell: We have a proclamation for them.

Commissioner Nix: Oh, we have a proclamation. I guess, Madelyn has that. Mr. Shetler, Commissioner Shetler, would you like to read that?

Commissioner Shetler: My test here, huh?

"Whereas, Casino Aztar opened in Evansville, Vanderburgh County, on December 7, 1995, becoming the first casino to begin operation in Indiana; Whereas, Casino Aztar, with a project investment approaching \$200 million, has provided to Vanderburgh County more than \$36 million in taxes and incentive payments, helping to enable the County to undertake a number of economic development, infrastructure and public safety projects; Whereas, Casino Aztar, created some 1,200 jobs that offer meaningful employment and career opportunities to area residents; Whereas, Casino Aztar has vigorously supported local and minority and women owned business through a consistently high level of purchases as well as offering mentorship and other support; Whereas, Casino Aztar has proven to be a good corporate citizen while meeting or surpassing all promises, commitments and obligations to our local community; Therefore, be it resolved that the Vanderburgh County Board of Commissioners congratulates Casino Aztar on its 10th Anniversary."

Signed this 13th day of December, 2005. As a side comment myself, Mr. Brown, I think you've done an outstanding job in every one of these categories, not just the corporate entity of Casino Aztar, but you personally. You've been very involved in our community and I think you've done an outstanding job, and a great citizen for Vanderburgh County. We appreciate that very much.

Jim Brown: Thank you. That means very much.

(Applause was given.)

Commissioner Nix: To add to that, this covers the bulk of it, but there's just a lot of things you people do behind the scenes with civic activities and that, that don't always show up on anybody's radar screen. We congratulate you for those things, the wonderful job you all have done, and look forward to a long working relationship with you.

Jim Brown: Thank you.

Commissioner Nix: Do you have anything else you want to comment on?

Jim Brown: My family and I are Vanderburgh County residents, we're not within the city limits, and we've been here ten years, and our goal is to be here many more years. We love Evansville. We love Vanderburgh County. I'm an Indiana University graduate. We love the state of Indiana. Just personally and professionally, I and my family are very pleased to be here. We're proud that we've been able to work and attempt to fulfill the commitments we made ten years ago to the local community. We thank you, I thank you for the acknowledgment today.

Commissioner Nix: Thank you.

Jim Brown: Sincerely.

Commissioner Shetler: Thank you.

Jim Brown: Thanks.

Evansville ARC: Connections for Life Program

Commissioner Nix: Next on the agenda is Evansville ARC. We have a presentation here today from Deidra Conner.

Deidra Conner: I'm going to start the presentation, but you will actually here from one of our program directors, and a couple of special guests that we have today. My name is Deidra Conner, and I'm the president of Evansville ARC. I can vouch that Casino Aztar has been a good friend and supporter to us and to many organizations in the community, and we appreciate their support very much. Evansville ARC began in 1954 by a small group of parents who needed services for their children who were mentally retarded or had other developmental disabilities. In 1954 there were no services in this community for individuals with developmental disabilities, not even in the school system. So, that's how Evansville ARC began as a grass roots effort. Fifty years later, with lots of changes and lots of additions and deletions and changes to our programs, we now serve a wide variety of individuals from birth through gerontology age with developmental disabilities in our community. One of the most exciting programs that we have added in recent years is the Connections for Life program. That's the program that you're going to hear about today. That program began two years ago, and was really the first opportunity for many adults with developmental disabilities in our community to even be asked the question what do you want? Where do you want to live? How do you want to spend your life? What are your goals and dreams? So, that was a very exciting opportunity for us, but I think you will be very impressed with some of the things that you learn about today from that program and some of the successes that we have seen in this community. Carmen Embrey is our coordinator for that program, and she will tell you a little bit more about Connections.

Carmen Embrey: Good afternoon. Thank you for the opportunity to kind of brag about a wonderful program that we have at Evansville ARC, Connections for Life. We begin by allowing individuals to have what is called a person center planning where we have a party where we celebrate all of their talents, and we talk about what their dreams are, and from that person center planning we come up with goals for them to be connected to the community. Whether we get them involved in doing volunteer work, or participating in some kind of educational activity, or joining civic

organizations, those are the goals that we come up with as a result of that. Looking at their talents and what their dreams are, putting aside any challenges, keeping in mind those challenges, but focusing on what their talents and what their dreams are. We have approximately 70 to 80 individuals who are in the Connections for Life program right now. These folks are out in the community doing volunteer work, participating in any kind of class that you can think about. We have some folks who are doing classes like Taekwondo, kickboxing classes, swim classes, exercise classes and ceramic classes, and things such as computer classes to help them improve their computer skills so that maybe they can become a little more independent at home. We have folks who do volunteer work in almost any not-for-profit agency that you can think about around Vanderburgh County. We do things such as help with mailings, or things where our folks go and visit hospice individuals who just need somebody to visit with them. The successes that come from the Connections for Life program is that these individuals for the first time in their life are given the opportunity to develop relationships with individuals that aren't necessarily being paid to be with them. They are not their family and they're not other people with disabilities. They're out there making friendships and developing relationships with people just like you and I. That's a wonderful thing to see. The goal is for these folks to become independent and not need our staff to be with them, and that's happening. We've had several individuals within this program who have developed relationships with people so that they don't need the staff to be with them. I would like to introduce...I could talk about this program all day, but I really have a wonderful, successful young man back here I would like for you to have an opportunity to hear from. This is Nick Stuart and his mom, Anne. Nick has been involved with the Connections for Life program from the very beginning, and I want you to have the chance to hear what a wonderful success he has been. So, Nick?

Nick Stuart: My name's Nick Stuart. I go out in the community. I volunteer at the fire department in Boonville, and then I collect cans on Wednesday and then, what else? Take them to the recycle place for Habitat for Humanity. Then on Fridays I go to U of E to help with basketball. I really, really love sports. I just get to help them run every place that I go. This will, I hope I get a job like this some day. So, whatever I could do.

Commissioner Nix: Good. Thank you, Nick.

Anne Stuart: Hello, I'm Nick's mother, Anne, and I would just like to give you a little bit of background information about Nick, so that you can understand how much this program has benefitted him and other individuals like him. Nick is the older of two children. He has a sister that's 22. All through high school Nick's social lifelines were his sister's friends. They included him on a lot of things. So, when Sarah went off to school and their friends went off to school, all those lifelines were severed for Nick. We experienced a couple of years of a lot of emotional turmoil in our house, because Nicklaus was just left high and dry without any friends to call or do things with. So, a couple of years ago when they called and asked if Nicklaus might be interested in this Community Connections, his father and I were just thrilled, because we thought this would give him the opportunity to get out and do something on his own and fulfill some of his dreams. Through this he has met many people, and probably Nicklaus' greatest attribute is his social interaction with people, and that's also, it's a high priority for his emotional stability too. Through this program it allows him to get out in to the community. He's met several people, and he's grown mentally as well as socially. He's gained so much independence. He take care of his own transportation and informs me of who will be picking him up, who will be bringing him home, or if he needs me to come and get him. His father and I are just

thrilled, because it has given Nick a feeling of self worth and self confidence and he doesn't always have to be shadowing his sister now, because he has his own relationships that he is building through Community Connections. I just really appreciate the program and the people who have worked with Nicklaus to help him achieve his goals. Thank you.

Commissioner Nix: I'm just curious. How did you find out about the program? Was this—

Anne Stuart: Nicklaus works at Evansville ARC.

Commissioner Nix: Okay.

Anne Stuart: He just wasn't really happy there.

Commissioner Nix: Sure.

Anne Stuart: But, now on Wednesdays and Fridays, he looks so forward to them, because on Wednesdays he works for Habitat for Humanity, then on Fridays he goes to the University of Evansville. He's so thrilled about Wednesdays and Fridays, Fridays especially, he's a very avid sports fan of U of E. He woke up Friday morning with his leg hurting so bad he couldn't walk. I said, well, I don't think you should go to U of E today. Oh, no, I have to go, mom. I have to go. So, I helped him get dressed. I helped him get in the car, and he went to U of E, and he did all of his rounds. He has met college students there that he calls and has lunch with over in the cafeteria. Now, mind you, he could hardly walk and I was the one picking him up that day, so, I picked him up, I had to help him get in the car, and he's like I had a wonderful day, mom. That's what it is like every Friday. I had a wonderful day. When he can be out and among people and interacting socially, it just makes his life fulfilled. When Nick's happy, mom and dad are happy too.

Commissioner Nix: Great.

Anne Stuart: Thank you for your time.

Commissioner Nix: Thank you.

Deidra Conner: I just want to thank you for letting us come and talk with you a little bit today, and also thank you for the grant that we receive from the County Commissioners. I know you don't see everyday what those dollars do, but Nicklaus is just one example of the impact that that grant has on the lives of individuals in this county. Individuals like Nicklaus have never had the opportunity to say what they want to do and work toward their own personal goals. They've always been told from the time they were in school where they will be, where they will go, where they will work. So, it's pretty phenomenal to see the impact that you can have by helping individuals work toward their personal goals in the community. On the flip side, there are so many agencies, non-profit organizations in this community that now have an incredible volunteer base that they have grown to rely upon like Nicklaus. So, it's an awesome, awesome program, and something that I hope you too are very proud to be part of. We appreciate your support for that. Do you have any questions for me about this program? Or other questions about Evansville ARC?

Commissioner Nix: Thank you, Deidra.

Deidra Conner: Thank you.

Commissioner Shetler: I would just like to know who Nick is supporting in the Notre Dame-Ohio State game?

Nick Stuart: Notre Dame.

Commissioner Shetler: Thank you very much.

Commissioner Nix: And you probably weren't mad when U of E beat that team from up in Lafayette here a couple of weeks back.

Nick Stuart: That was Purdue.

Commissioner Nix: Is that, okay, I couldn't remember the name. Thank you.

Carmen Embrey: He was there. It was sold out.

Commissioner Nix: Thank you.

Indiana General Assembly: Resolution No. 7

Commissioner Nix: Next item on the agenda is the Indiana General Assembly resolution number seven. Basically, what we wanted to do here was acknowledge the Indiana General Assembly for sending two resolutions to the office regarding the tornado and the state emergency that was declared. So, I don't know if we have a declaration for that, or is that—

B.J. Farrell: There's nothing to sign. We basically are just going to accept it into the record and acknowledge that we did receive it.

Commissioner Nix: Good, thank you.

Commissioner Shetler: Okay. There's a lot of fine print. Do I need to read it?

Commissioner Nix: No.

B.J. Farrell: Only if you can.

Commissioner Nix: Thank you. Thank you.

Permission to Open Bids: VC05-12-01: Number 6 School Road Drainage Improvements
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Commissioner Nix: Next item on the agenda is the County Engineer, permission to open bids. If, you don't have any right now?

B.J. Farrell: Mr. Ziemer has them.

Commissioner Nix: Oh, Mr. Ziemer, do you have those handy?

Ted C. Ziemer, Jr.: I do.

Commissioner Nix: Okay, do you want to get started on that, then we'll continue on.

Permission to Award: VC-02-2006: Tax Bills

Commissioner Nix: County Treasurer, permission to award VC-02-2006, tax bills.

Phil Lawrence: Actually, it's Phil Lawrence from the Purchasing Department.

Commissioner Nix: It says County Treasurer here. I'd much rather have Z. come up there.

Phil Lawrence: Well, Z. can certainly come up and stand right beside me. I certainly would welcome that.

Z. Tuley: Do you want me to?

Phil Lawrence: Sure, come on up here.

Z. Tuley: You got me so shook up that I spilled my Coke all over my papers.

Phil Lawrence: I'll just read from mine. We won't bother you with those, because they're kind of dripping a little bit. We'll just proceed on. I would like to, the tax bills, we would like to make a recommendation to award VC-02-2006, printing of the tax bills, to the Relizon Company, who has done them in the past. They are not the low bidder and so we would like to explain some of the rationale about awarding it to a higher bidder. Some of you, or most of you got a list from Z. explaining some of the things that Miami Systems does and does differently than what their current supplier does. If, we checked some references, and if Miami System has a problem with a county that is three times smaller than Vanderburgh, we really have some problems with whether or not to award it to a company, even though they're the low bidder, and experienced some problems with something as major as this. Because we would be definitely causing problems for the citizens of Evansville and Vanderburgh County, not to mention the stress that would be reeked upon Z. Tuley and Jason back in the back, and that whole department. But, we do have several, more than three folks who gave us references that were not very good. So, we have those in the file so that if someone wants to check them, they certainly can.

Commissioner Nix: Okay, and we have the right, as always, to refuse any or all bids, so that's part of this whole process.

Phil Lawrence: It really is responsive and responsible. In this case Relizon is the responsive and most responsible bidder.

Commissioner Nix: Okay.

Ted C. Ziemer, Jr.: And that's correct. We just want to be very careful to make a record, in the file, so that when this is examined by the State Board of Accounts and they see that we did award the bid to a higher bidder that we make a record that the bidder that we awarded it to was more responsible than the other bidder.

Z. Tuley: I'll make myself a different copy for that.

Commissioner Nix: Please do.

Z. Tuley: Rather than save this one.

Commissioner Shetler: Phil, how many bids were received on that?

Phil Lawrence: Two.

Commissioner Shetler: Two, and what was the price difference between them?

Phil Lawrence: About \$2,400.

Commissioner Shetler: There was a \$2,400 difference—

Phil Lawrence: Difference.

Commissioner Shetler: —between the two?

Phil Lawrence: Yes. In a \$44,000 bid.

Commissioner Shetler: On a forty-four, okay, thank you.

Commissioner Nix: Okay.

Commissioner Shetler: So, we're dealing with something that's about five percent difference?

Phil Lawrence: Right.

Commissioner Shetler: Okay.

Commissioner Nix: Any other questions? I will entertain a motion.

Commissioner Shetler: I'll second.

Commissioner Nix: No, you—

Commissioner Shetler: I'm sorry.

Commissioner Nix: There's only two of us here.

Commissioner Shetler: I'll make the motion.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Phil Lawrence: Thank you.

Commissioner Nix: Thanks.

Z. Tuley: Thank you.

**Permission to Award Bids:
APA-008-2006: Batteries
APA-006-2006: Oil Products
APA-005-2006: Surfacing Materials**

Phil Lawrence: I'm going to kind of just stay up here, since I think I'm next.

Commissioner Nix: Okay, you are.

Phil Lawrence: I would like to have the Commissioners award APA-008-2006, that's the battery bids, and Busler Enterprise was the low bidder on that. APA-006-2006, oil products, Busler Enterprise again was low, \$23,843.56. APA-005-2006, surfacing materials, and that's the bid, again, where we typically and generally award to all four bidders and then they use the one that's the closest to them at the time.

Commissioner Nix: I would entertain a motion to that effect.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

**Purchasing: Report on Bid Openings from BPW (12/8/05)
APA-004-2006: Gasoline and Fuel Oils
APA-025-2006: Commercial Fuels**

Phil Lawrence: I guess, I have one final one.

Commissioner Nix: Okay.

Phil Lawrence: And that is we opened bids at the Board of Public Works, but they did not have a quorum, but we had to open them anyway because that was the time that was allotted. So, I would like to ask to take APA-004-2006, gasoline and fuel oils, and APA-025-2006, commercial fuels, under advisement.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Phil Lawrence: Thank you.

Commissioner Nix: Thank you, Mr. Lawrence.

**Reading of Bids for VC05-12-01:
Number 6 School Road Drainage Improvements**

Commissioner Nix: Are we ready for those yet, Mr. Ziemer?

Ted C. Ziemer, Jr.: Just one second.

Commissioner Nix: Okay, we'll back up and do that then. I think you'll have the floor then.

Ted C. Ziemer, Jr.: These are bids for work on Number Six School Road, drainage improvements. We have six bids. The first one is from Accurate Underground Utilities in the amount of \$119,607.39. The second one is from Woodward Backhoe Service, \$139,609.57. The next is from Klenck Contracting, \$114,660.90. The next is from Deig Brothers, \$138,564.68. The next is from Koberstein Trucking, \$127,538.98. The last bid is from Stemaly Excavating, Inc., \$119,832.89.

VC05-12-01: Number 6 School Road Drainage Improvements

Company Name	Bid Amount
Accurate Underground Utilities	\$119,607.39
Woodward Backhoe Service	\$139,609.57
Klenck Construction	\$114,660.90
Deig Brothers	\$138,564.68
Koberstein Trucking	\$127,538.98
Stemaly Excavating	\$119,832.89

Commissioner Nix: I will entertain a motion we take these bids under advisement.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

WNIN Contract for 2006 Broadcasts of Commission Meetings

Commissioner Nix: Okay, Mr. Ziemer, contracts, agreements and leases, WNIN contract?

Ted C. Ziemer, Jr.: Yes. We have, or you have in your file today a proposed contract to be entered into between the Commissioners and Tri-State Public Teleplex, Inc. for broadcasting by WNIN of the Commissioners meeting for a one year term from January 1, 2006 through December 31, 2006, and continuing thereafter on a monthly basis until either party terminates on giving 30 days notice. The agreement provides that the cost of the televising will be \$100 for each one half hour of telecast time. The agreement contains provisions providing that these same rates and the same terms as this agreement will be made available to any other governmental entity, like the City Council or the County Council, that should wish to have their meetings broadcast. In that case they would be the beneficiaries of the terms of this agreement, but, of course, they would make the payment, instead of the county. Then it contains provisions protecting both WNIN and the county so far as ownership and retaping and so forth of these. It's satisfactory for execution from a legal perspective.

Commissioner Nix: I will entertain a motion.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

County Attorney

Commissioner Nix: Next on the agenda is department heads. Mr. Ziemer, did you have anything else at all?

Ted C. Ziemer, Jr.: No, that's all I had.

County Engineer

Commissioner Nix: Mike Duckworth, I guess he's stepped out of the room. I don't think he has anything new. Mr. Stoll? County Engineer.

John Stoll: First I have a storm sewer acceptance request for section 6A of Bridlewood Subdivision. This is for the storm sewers located outside of county dedicated street rights-of-way. This is 127 feet of 12 inch pipe; 113 feet of 15 inch pipe; 128 feet of 18 inch pipe; and 453 feet of 24 inch pipe. The developer has submitted the two dollar a foot fee, so, I would request these storm sewers off the right-of-way be accepted for maintenance by the county.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

John Stoll: Second, I submitted a letter that we received for Fawn Creek Subdivision. Back on November 20th you had approved a sidewalk waiver, but the developer hadn't submitted the letter indicating the exact locations of the sidewalks being constructed. I got a copy of that letter and I put it in the signature file. Madelyn can pass that around, but all it needs is your initials. Basically, it's the same waiver that you had previously approved. Then, last week there was a discussion about University Parkway, and the fact that the road had not been opened because the striping hadn't been completed. One of the options that was brought up was the possibility of whether or not any temporary striping could be done. According to INDOT specifications, the temporary striping basically has the same temperature limitations as the permanent striping. So, that's really not a viable option right now. I spoke to the inspector with Bernardin Lochmueller and Associates on the project this morning, and the contractor still wants to finish the project as soon as possible. They are just waiting for a long enough period of time where the pavement surface temperature is 40 degrees or higher to where they can get the striping finished. So, it's still something they want to finish, but they just haven't had suitable weather to get it finished.

Commissioner Nix: Did they give you any indication at all of how long of a time frame they need, temperature wise to get this done?

John Stoll: It sounded like they had a couple of days worth of work.

Commissioner Nix: So, two or three days possibly. If we have what, 40 or 50 degrees, what is that?

John Stoll: The surface temperature has to be 40.

Commissioner Nix: The surface temperature has to be 40, okay.

John Stoll: So, if it got to be 40 degrees, then, yes. As long as it's a sunny day, they should be in good shape. In talking to Scott with Bernardin Lochmueller the striping equipment was still down here ready to go. They wanted to use the same equipment to stripe Lynch as well. So, the contractor is wanting to get it done, it's just a matter of getting a window of time where the weather is suitable for them to proceed with it.

Commissioner Nix: Has there been a punch list done on the project? I don't know that we have seen anything on that. I mean, as far as other items? Or is everything else pretty well....I've driven, you know, Upper Mount Vernon, Hogue and that, but it looks like everything is complete. Has that been documented?

John Stoll: Not as of yet. They're still working on some miscellaneous items. Scott had said that they still had some asphalt they were needing to place in the median. They had been working on things like guardrail and other miscellaneous items. He said that in the end even though they may get it open for traffic, there would still be some additional work that the contractor would have to do when they come back in the spring because there is some erosion in the fill areas that has to be regraded and reseeded, and, obviously, it won't grow right now. So, there will be a more definite punch list, but right now there's not an official one as of yet.

Commissioner Nix: I did speak to some of the neighbors too on that drainage issue down on Rosenberger. They replaced that culvert down there and that seems to have fixed that problem. So, it looks like we've kind of gotten that taken care of too.

John Stoll: Good.

Commissioner Shetler: Did we, didn't we halt the days on that? Did we add those extra days in there that it's going to take to complete the punch list there?

John Stoll: The INDOT specs do not charge work days between December 1st, and, I believe, it's April 1st. So, even though there are I believe 27 work days left in the contract, none of the time between now and the start of April will be counted against the contractor. His work days won't start counting down again until April. So, any work that he gets done right now would not count against those days. That's the way the INDOT specifications are written. Since this was bid as a federal aid job by INDOT, it's bid according to those regulations. So, the 27 days could extend a couple of months easily, because, here again, bad weather days won't count against that either.

Commissioner Nix: Right.

John Stoll: It's just days, I don't remember the exact wording, but it has to be suitable working weather to count as a working day, and it has to be more than half the day, as well.

Commissioner Shetler: Yeah, I just assumed it was because of the bad weather days, and I didn't realize that INDOT had that regulation in there.

John Stoll: Yeah.

Commissioner Shetler: Alright, thank you.

John Stoll: Sure.

Commissioner Nix: Thank you, Mr. Stoll. Anything else?

John Stoll: One other thing, if Sherman Greer of Emergency Management could come up here as well. I've been talking to Sherman about getting some additional, he had proposed some additional locations for some additional storm warning sirens. He can elaborate on it a little bit better than I can at this point. The sirens would go in county right-of-way and that's why Sherman had contacted me.

Sherman Greer: We met October the 7th on this, it wasn't after November the 6th. So, we had been planning this for some time, to put new sirens in. I have some maps here that I would like to give each one of you so that you can see exactly where we're proposing to put these.

Commissioner Shetler: Thank you.

Sherman Greer: As you can see, the first one that we have, we're working with Vectren also. Vectren is going to let us put the sirens where they have a couple of their substations. So, there again, we don't have to worry about right-of-way into privately owned property or anything of that sort. Now, they've met with me, as you can see, the first one is going out at Hillsdale and 41. That area there....I've also worked with Area Planning on each one of these to get demographics of exactly, you know, from the over 65 and older or whatever, you know, we've needed we work with them to come up with the figures on how many households we're covering and how many population base that we're covering also. So, as you can see, the first one is at Hillsdale. That's one of the larger ones that I'm buying to put up, because it will cover a lot more area. It will also be able to help us out, out at the 4-H Center. The one that we have out in Darmstadt, after you drop over that hill out there you can't hardly hear it. So, this will be able to help us out in the Darmstadt, I mean in the fairgrounds area also whenever we have severe weather out there. Then the new additions that are going up out into that area also, and then back over towards Old State Road and everything, we'll be able to cover a lot more area there with this larger siren here. The next one that you see is a Lynch and, oh, wait a minute is that, yes, Lynch and 41, Lynch and Green River Road, I think. Yeah, Lynch and Green River Road. As you can see there—

John Stoll: Yeah, on the southeast corner is where that's at.

Sherman Greer: At the southeast corner of that. Originally we were going to put that one at the Evansville Day School, but we would have had to run lines across Green River Road, and meeting with Vectren, they said, Sherman, if you could put it on the other side it would even be better there. So, the right-of-way there and everything there, I met with John out there and it seems to be okay that we place that one in there. There again, the retirement homes that are behind Schnuck's out there, that's for to, you know, accommodate them a lot better so that they can hear. The nearest one to them would be up at Lynch and Oak Hill, or the one over on Stockwell and

Morgan. You're really straining to hear those. So, that's one of the reasons we put that out there, and it seems like things are growing that way also. Then this one, long overdue and needed was the one out at, close to the Eastbrook trailer park. It's going up at the Angel Mounds substation there, which will give adequate coverage within the trailer park and a lot of the additions that we have out there north of Pollack Avenue there. So, I think that one is long overdue and we hope that that will help out in another event that we may have. Then the last one that I have there is going out on, just right off of 57 and Kansas Road. As you know, the urban sprawl out there is tremendous, the homes that Jagoe has been building out into that area there. The nearest one that we have out there is Oak Hill Middle School, and it was one of our smaller sirens. So, this one will be able to give us a lot better coverage out into that area. As I said, working with Area Planning and working with John, we feel like these are strategically, you know, the best places to put these sirens. We do have funding also to add maybe four more sirens in '06, and, there again, we will look into the areas where we're maybe not adequately covering and everything right now. But, that's our plan.

Commissioner Nix: Where is the funding coming from for these?

Sherman Greer: It's in Capital Improvement funding that we have.

Commissioner Nix: Okay. I should know this and I don't, are these metered? Or is this something that Vectren provides power and that for?

Sherman Greer: No, they're metered. We pay a bill on those.

Commissioner Nix: A utility, it's pretty minimal I'm sure.

Sherman Greer: Right, it's very minimal. Also, we have, we contract the services out in case they're not working. We test the sirens every Friday at noon, and if those sirens are not working we get a hold of our contractor and he makes sure that they are working before the weekend's up if there's something he can fix. Also at times it's electronics. The reason that I'm going with Century sirens, the big, yellow ones that we have, we had those long before I came here. We've had them about 18 years, and we've never had any of the siren motor itself to fail. We've had problems with electronics, and then we changed those out about eight years ago, and the problems that we have now are very minimal. Usually in severe weather changes like this and everything we have some problems because they're radio activated. Central Dispatch puts in the code and then activates the sirens. The sirens, there again, can be activated individually if it's something, a hazardous materials incident or something, some part of the city that we can just activate the one or two that we need to activate at that time. So, the model that I'm getting, the ones that I'm getting I'm staying with, because they've, we haven't had any problems. We've had two problems with the sirens, and people ran into the poles and knocked the sirens off the poles. Those are the only two problems that we've had with the sirens.

Commissioner Nix: Questions?

Commissioner Shetler: Is there any merit to, for example, when you get into a fairly densely populated area, like the one that's just a little bit, I guess, it's located presently at Oak Hill school, is that correct?

Sherman Greer: Uh-huh.

Commissioner Shetler: As that area gets more dense to put a larger one into that, take that smaller one and move it out to a new area? I didn't know if there was like any cost savings as well as efficiency type of thing that would work along with that, so that would make it so that we could cover more ground.

Sherman Greer: Well, the one at Oak Hill also covers the soccer field over there.

Commissioner Shetler: Uh-huh.

Sherman Greer: And that, to us, is important to be able to have that, and then as far up as Keystone Subdivision out there, and that area there. Putting a larger one up there, in that area where the airport is and everything, I feel like that that smaller one does it's job there. The larger one that I'm putting up out on 57 and Kansas is where that the sprawl is still growing out there. I think we'll cover more of an area out there.

Commissioner Shetler: I guess, what I was noticing it looks like there's a bit of gap between a couple of these here, and I was trying to fill the gap in, and didn't know if there was some merit in increasing—

Sherman Greer: There could be. After, you know, if there's more urban sprawl out into that area, maybe we could go ahead and take the one from there, the existing one there, a smaller one and move it into another area to where that we could fill a gap there, and maybe put a larger one out there. I mean, that's what we originally started to do with the one that we had at Oak Hill and Lynch, and then, it's a smaller one there. We're just going to move it out to where Evansville Day School is, but then we got to looking at the possibility of urban sprawl out into that area, and businesses out in that area. So, we just changed our mind on that and left that one there, and it does it's job. I mean, you go up to the Sheriff's department, I mean, the Sheriff's jail and everything out there, you can hear it go off.

Commissioner Shetler: The, what kind of a price are we talking about for a siren?

Sherman Greer: The largest one that I'm getting is costing about \$14,000. The smaller ones that I get for \$7,000 to \$8,000.

Commissioner Shetler: Now, is that for just the siren itself?

Sherman Greer: That's for the siren, the motor and the electronics portion of it. Then the installation is extra.

Commissioner Shetler: Okay.

Sherman Greer: But, the installation has proven to not cost, you know, more than a couple thousand dollars.

Commissioner Shetler: Okay, thank you.

Commissioner Nix: Thank you, Mr. Greer. One question while you're here. Have you heard anything from FEMA at all?

Sherman Greer: I knew you were going to ask me that.

Commissioner Nix: And that's why you're prepared.

Sherman Greer: When Ted leaned over there, I knew you were going to ask me. Yes, I did.

Commissioner Nix: He was wanting to know what I was having for dinner tonight.

Sherman Greer: Yes, I was out there today, and when I talked to Mrs. Musgrave yesterday she asked me to find out a report on whether or not we've heard anything about our debris clean up or anything of that sort. It supposed to be, from FEMA's notification of us is mid-week. Well, tomorrow is mid-week. They said, I was out there today, and they said we should know something tomorrow. Okay? But, that's coming from Chicago, so, they are in the same boat as we are, hoping that we get it in by mid-week. But, it looks good for mid-week.

Commissioner Nix: Thank you. Thank you, Mr. Greer.

Sherman Greer: Any other questions?

Commissioner Nix: No, sir. Thank you. John, did you have anything else? Okay.

Superintendent of County Buildings

Commissioner Nix: Mrs. Farrell, anything from the Superintendent of County Buildings?

B.J. Farrell: I have nothing to report this week.

Commissioner Nix: And it looks like Steve Craig has left already.

New Business

Commissioner Nix: New business, we would like to, we've received a letter from Allen County proposing quarterly roundtable discussions. This is a letter that Allen County asked the Commissioners of 11 urban counties to participate in these quarterly roundtable discussions for the sole purpose of discussing legislation that could meet the consensus of the proposed coalition. I would like to entertain a motion to authorize a letter to send to Allen County accepting this invitation.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Old Business

Commissioner Nix: Is there any old business? Any other new business? I guess I should have touched on that first.

Public Comment

Commissioner Nix: We come to the time of the meeting where we open the meeting up for public comment. Is there any public comment at this time? Seeing none.

Consent Items

Commissioner Nix: I will entertain a motion to accept the consent items.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Commissioner Nix: We also would like to announce too that there will not be a regularly scheduled meeting on December the 27th, that's our normal Commission meeting time at 3:30. We will have the jail dedication at 3:30 on the 27th, Tuesday afternoon at the site out there. So, I would entertain a motion for adjournment.

Commissioner Shetler: So moved.

Commissioner Nix: Second. All in favor? Aye.

Commissioner Shetler: Aye.

Commissioner Nix: We're adjourned.

(The meeting was adjourned at 4:15 p.m.)

CONSENT ITEMS:

Employment Changes:

County Engineer (2) Supt. Of Bldgs. (1) Sheriff Dept. (2)

Travel Requests: Health Department (1)

Commissioners:

Tornado Relief Fund Letters. (2)
Veterans Letters. (15)
IBAP Gatekeeper Monthly Report- November 2005.
Vision-e Monthly Report-November 2005.
Department head meeting notes: 12/6/2005.

Weights & Measures: Surplus letter-truck.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Bill Nix	Tom Shetler, Jr.
Ted C. Ziemer, Jr.	B.J. Farrell
Jim Brown	Deidra Conner
Nick Stuart	Anne Stuart
Z. Tuley	John Stoll
Others Unidentified	Members of Media

Bill Fluty
Madelyn Grayson
Carmen Embrey
Phil Lawrence
Sherman Greer

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded and transcribed by Madelyn Grayson.

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS
DECEMBER 20, 2005**

The Vanderburgh County Board of Commissioners met in session this 20th day of December, 2005 at 3:30 p.m. in room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good afternoon. I would like to call to order the December 20, 2005 meeting of the Board of Commissioners, our last meeting of the year. We'll start with introductions to my right.

Ted C. Ziemer, Jr.: Ted Ziemer, County Attorney.

Commissioner Nix: Bill Nix, County Commissioner.

President Musgrave: County Commissioner, Cheryl Musgrave.

Commissioner Shetler: Tom Shetler, County Commissioner.

Madelyn Grayson: Madelyn Grayson, Recording Secretary.

Bill Fluty: Bill Fluty, County Auditor.

President Musgrave: If you will join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of December 13, 2005 Commission Meeting Minutes

President Musgrave: We have the prior minutes of the December 13th meeting on the agenda for approval.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Performance Evaluation Committee Presentation

President Musgrave: We move now to action items. We are pleased to welcome Mr. Jim McKinney of the Vanderburgh County Performance Evaluation Committee, and Mr. Andy Goebel to give a report on the committee's activities.

Jim McKinney: Thank you. I should also recognize that Denny Quinn of the committee is also present with us as well.

President Musgrave: Welcome, Denny.

Jim McKinney: In 2004 the County Commissioners had an efficiency study conducted by Waggoner Irwin and Scheele, in which it was recommended that an efficiency committee should be formed to explore potential programs that measure the government performance in selecting a system that would best help Vanderburgh County. In earlier this year, the County Commissioners at that time did appoint this committee, of which I was requested to be chair, and those members included Mr. Roger Lehman, Evansville-Vanderburgh Building Commission; Mr. Bradley Mills of the Evansville Urban Transit Study-Area Plan Commission; Mr. Andrew Goebel of Vectren Corporation; and Denny Quinn of Professional Consultants, Incorporated. Also we were assisted by B.J. Farrell as the County Commissioners representative; Ms. Sherry Spindler of Regency; and initially by Commissioner Suzanne Crouch, and then upon her leaving the County Commissioners then Commissioner Bill Nix joined us. Finally, Mr. Ed Ziemer subsequently joined us from the City of Evansville after hearing the broad responsibilities that were coming out of this, out of our report and our work. Having said that, we have now concluded our final work, and we are presenting this now to the County Commissioners. If I might do that?

President Musgrave: Thank you very much.

Jim McKinney: In the report that was provided by Waggoner Irwin and Scheele, they recommended several different systems that could be looked at for the purpose of measuring performance within the county government. I should also add at this point before I pursue, proceed any further, speaking on behalf of the entire committee, we are honored that the County Commissioners first had the study undertaken by Waggoner Irwin and Scheele looking at ways to improve efficiency within government, and better yet we are pleased to be part of the committee that followed up upon those recommendations that bring this report forward. Because I think as a citizen and as a taxpayer within our community we're honored that the County Commissioners are thinking so much ahead of what we could be doing better for our citizens within our county. You have been presented with a final committee report in that it described our formation, studies and deliberations that were undertaken reviewing each one of the suggested and recommended approaches. This involved numerous meetings, numerous times spent away from the committee doing studies and reviews of the systems that were recommended, conference calls with different providers, as well as a representative of the original study. We finally came back with the conclusion, as identified within this report, that the best fit was the International City/County Management Associations Center for Performance Measurement, which was a program of performance measurement of the County Department of Services. It measures inputs, indicators, outputs, efficiency measures, and effectiveness. It's cost efficient, and is a service that is very compatible with many of the processes that are already in place within the county of Vanderburgh. Now, beyond this, the committee when reviewing this recognized that there were some broader issues that should be considered, and we also bring those forward as shown on page eight as footnotes to the recommendations. Number one, it is highly recommended that both the city and the county consider jointly implementing a program due to the joint responsibility of numerous county and city service areas. Those include EUTS, Purchasing, and many others. Also, we recognize that for the program to be successful a primary coordinator of the program must be appointed and given proper authority to oversee and enforce the programs usage; IE: a promoter of this program that would be looking after this to make sure compliance to the integrity of it and making sure those responsible for putting it in place stayed true to the course of what is to be provided in the ultimate end. Also, three, government leaders must be champions for the

program in order for it to be successful. Due to the periodic changes in the elected offices, it's recommended that an appropriate governmental board be appointed to carry support and consistency of the program forward through these changes. As an example, not too many years ago each one of our current County Commissioners were not in this position. We also recognize that as new opportunities for success and achievement in higher offices appear that the County Commissioners will still continue to change over. Success in a program like this requires or mandates a consistency through administrations. We believe that it would be appropriate for there to be a governing board that would be outliving any one current administration or individuals within that administration. It is recommended that the current program will be an ongoing implementation of CityView be integrated into the ICMA CPM program. To this end it is recommended that CityView data input structure be designed to feed forward into ICMA data collection templates. Finally, beyond recommending the ICMA process of data collection and reporting, the committee recognizes that data collection and measurement is just part of an overall process of quality and efficiency improvement. Thus the data collection should be in support of a future implementation of a quality improvement process, such as Six Sigma or CitiStat, both of which are explained within this program here. Again, our compliments to the County Commissioners for implementing this committee. We were pleased to have been part of this, and hope that this final report is satisfactory to the goals you had for us. We encourage the implementation of this program and a further look at a broader implementation of a quality improvement processes within the county, and if possible in partnership with the city. With that having been said, are there any questions?

President Musgrave: Well, thank you very much for your work and for the work of the committee, and the in-house personnel as well. What do you see as the next step?

Jim McKinney: I believe it's appropriate for the County Commissioners to review the materials that have been brought forward. With that I would encourage a joint committee working with the city to determine, if appropriate, to implement the program by CMA. If that's the case, then subsequently I would advise bringing in a new group to be able to look at a quality improvement program for both the county using the data being collected by this program being put into place, of quality improvement. That involves, of course, soliciting from our constituents, our citizens, what they look for in services, what they call quality. Looking up our performance relative to their goals, looking at opportunities for improvement, more efficient, cost savings, better service rendering. Then through the whole process measure those inputs, measure the processes, and measure the outputs. Then compare them to sister cities, or comparable cities to see how we're doing compared to them and where we can make improvements.

Commissioner Nix: Mr. McKinney, I was curious, and I sat in on about half the meetings, I guess the trailing half, there was a recommendation by the board and it's in here that an actual board be put together to give us some longevity through the different administrations so that this thing can carry on, knowing that it's not going to get, this isn't going to get put together and up and running over night, and it's something that's going to take many, many years to fine tune and tweak, if you would. But, was there a consensus on the number of people on the board? Because, you know, sometimes too many people could, would be, you know, it might be tough to get anything done, and so few may not always have quorums, those types of things. Was there any talk about the number of people on the board? On this board?

Jim McKinney: Commissioner Nix, beyond the fact that there should be such a champion board, no consideration was given as to the appropriate number or how it should be formed. We think that's something that the County Commissioners, and if they wish, with the city administration should look at what would be appropriate to give fair representation and consistency, yet at the same time to be able to be appropriate for all people within our county to be able to feel comfortable that there is a consistency for the next five, ten, fifteen years that such a program would have to be in place. I turn to my fellow board members to ask if there, or committee members if there is any other suggestions?

Andy Goebel: We hadn't specifically talked about—

Jim McKinney: This is Mr. Andy Goebel.

Andy Goebel: Good afternoon. We didn't specifically address it, but I think somewhere less than ten would be a good number, and closer to five, to make it an efficient, in itself an efficient governing body, as well as help gather performance data and make the county more efficient. So, I'm thinking somewhere less than ten would be best.

Commissioner Shetler: Would that board be advisory? Or carry on a certain amount of authority?

Andy Goebel: We had cited as an example a board that I'm currently on is the Building Authority, the Evansville-Vanderburgh County Building Authority, which is a joint, obviously joint ownership of the buildings, and there are five members on that board. Something that we could create like that. I don't think we want to go to legislative requirements, but whatever the Commission could do under it's own powers.

Commissioner Shetler: And years ago in order to avoid getting things political and to make a more apolitical situation, it seemed that they, all the appointments were made by city officials, county officials and the judges. Do you envision something along those lines? Or do you envision something that's more in terms of longevity? That carries years, you know, let's say a six year term.

Andy Goebel: Staggered terms I think would be appropriate, Commissioner.

Commissioner Shetler: Okay.

Andy Goebel: But, other than that I really haven't given it any further thought. But, to make it at least once removed from the administration to provide the continuity is what we were talking about. I think that's why I used the example of the Building Authority, even though they are different governmental bodies that make the recommendations and the appointments, it's still once, almost twice removed from the politics of running a county or a city.

Commissioner Shetler: I think the suggestion is excellent, and, you know, I appreciate your input.

President Musgrave: Thank you very much. Commissioner Nix, are you willing to carry this ball forward? Put together a committee?

Commissioner Nix: Yes, I think it's pretty important that we do, and I want to thank the committee for all their hard work. There was a lot of research done in this, and the group really did a fine job with this, and I couldn't be any happier with the results here, but we've just got to take it to the next level now. I would like to read one thing in the background, I think that really kinds of addresses this whole idea here. It's actually from the Waggoner Irwin Scheele study that was done a couple of years ago. But this is basically what this is all about.

“There is no systematic establishment of performance measures for departments in Vanderburgh County government. In the private sectors most businesses measure performance on the basis of profit. In the public sector profit is replaced by service as the primary measurement. While service is more difficult to measure than profit, there are tools that can aid the county in this process.”

I guess, that's kind of the, that's what really this is all about. So, in a nutshell, so. Once again, thank you for your time on this, and we'll move forward with it.

President Musgrave: Alright. Thank you very much.

Jim McKinney: Thank you very much.

Commissioner Nix: Thank you.

2007 Holiday Schedule

President Musgrave: We move now to the 2007 holiday schedule. This was distributed to the normal parties within the Civic Center, and I believe the Commissioners also got a copy of it. If there's any discussion we can hold that now, otherwise we can have a motion.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: Any discussion? All those in favor?

All Commissioners: Aye.

President Musgrave: That motion carries.

County Rezoning Notification (Cancellation of December 20, 2005 Rezoning Meeting)

President Musgrave: Next on our agenda is the county rezoning notification notice. That was there to tell anyone who was appearing for the rezonings that were to occur this afternoon, that instead of meeting at 5:30, we would be hearing them immediately after the drainage board. If you are here for a rezoning, those have been cancelled. The Area Plan meeting where those were to have been voted on was snowed out, and therefore there were no rezonings brought forward to the Commissioners. So, if you're here for a rezoning, feel free to leave, and we'll see you again next month.

**Permission to Award Bids:
APA-004-2006: Gasoline & Fuel Oils
APA-025-2006: Commercial Fuels**

President Musgrave: So, we move now to Purchasing, permission to award gasoline and fuel oils and commercial fuels. Mr. Lawrence?

Phil Lawrence: Phil Lawrence, Purchasing. Madam Chairman, Tom, Bill, how are you today?

Commissioner Nix: Good afternoon.

Phil Lawrence: Such a glorious day, isn't it? Wonderful day to award bids. You know, on television, you know, you have to....I would like to, did you all get the bid tabulations? I e-mailed them. Yeah, okay. Oh-four is a two tier bid award.

Commissioner Nix: Thank you.

Phil Lawrence: Number APA-004-2006, that's a two tiered award. Posey County, if you'll notice in the grey column was the low bidder at .0795 cents for all the tank wagon deliveries. That's the hose houses, and pretty much the hose houses, some of the Burdette Park, all the places where they actually deliver gas in the actual tank wagons. If you look at, so, the first would be for those items which is tank wagon deliveries, regular unleaded gasoline all the way down to LP gasoline. All that would be awarded to Posey County CO-OP, he was low bidder in all those areas.

President Musgrave: There's no figure in tank wagon deliveries.

Phil Lawrence: Oh, I'm sorry. The actual pricing in Heritage and Posey County COOP, so if you go down each list, regular unleaded gasoline, Busler was a no bid, Heritage was ten cents, and then Posey County is .0795. They were the low from the regular unleaded gasoline all the way down to LP gasoline. We would like to recommend that we award them to the low bidder, Posey County CO-OP.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Phil Lawrence: Then premium diesel, low sulfur number one, number two and bio-diesel the low bidder was Heritage Petroleum.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Commissioner Nix: Mr. Lawrence, before you get away with that, or before we get away with that, do we buy much mid-grade unleaded?

Phil Lawrence: Not a whole lot.

Commissioner Nix: Okay, is there a specific reason why we would? Or do you know if there's certain equipment that we have that uses mid-grade?

Phil Lawrence: There are some fire trucks that have different guidelines, and some older ones use, they like the premium and unleaded.

Commissioner Nix: Okay, and then the number one diesel, do we buy much of that?

Phil Lawrence: Not that much of that. We will though. In January 2007, I'm sorry, yeah, 2007, we will have to switch some of the busses over to low sulfur diesel.

Commissioner Nix: But, right now we're not buying much?

Phil Lawrence: We're not buying much at all.

Commissioner Nix: Okay.

Phil Lawrence: The second one is APA-025-2006. There were only two bidders, and that was Heritage Petroleum and Thornton Oil. As you can see on the bid, Heritage Petroleum again was the low bidder at .65 cents a gallon. Thornton Oil was .75 cents a gallon. I would like permission to award those to Heritage Petroleum.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

**Report on Bid Openings from BPW (12/15/2005)
APA-016-2006: Liquid Asphalt
APA-020-2006: Toner & Ink Cartridges
APA-022-2006: Computer & Copy Paper**

Phil Lawrence: Report on the bids that were opened at the Board of Public Works. For the toners, ink jets and cartridges there were five bidders. The prices ranged from \$3,000 to \$80,000, so, I don't really want to read all of those. It doesn't make a lot of good sense. APA-022-2006, computer and copy paper. There were three bidders; Resource Services, Smith & Butterfield and Alpha Laser. Those prices are so close that I've got to go through the calculator on those. Then liquid asphalt, there was one bidder and that was J.H. Rudolph of \$58,855.

Award APA-016-2006: Liquid Asphalt

Phil Lawrence: I would like to award that one since there was only one bidder.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you very much for coming.

Phil Lawrence: Thank you.

SMG Contract

President Musgrave: We move now to contracts, agreements and leases. First on the agenda is the SMG contract. Mr. Ziemer, and we also have representatives from SMG here, if you would like to come forward and go ahead state your name for the record.

Sandie Aaron: I'm Sandie Aaron. I'm a regional general manager for SMG. We're very delighted to get this contract renewed. When we first got involved with Vanderburgh County, there were expectations and benchmarks set based on very little information. Together, Commissioner Musgrave and SMG reviewed a lot of historical data, identified strengths and weaknesses of the Centre, and this contract reflects all of that. The benchmarks are achievable. The direction is clear. We have a contract that is, the benchmarks are based on both quantitative and qualitative status, and we were able to look at weaknesses. We have a programming fund that we'll be able to use in the event that it's needed. So, we're really excited about going into a contract now with a real clear direction. We know where we're headed.

President Musgrave: There are couple of provisions in the new contract that I think will benefit Burdette Park, the Old Courthouse Wedgewood Room, and the Veterans Coliseum. The SMG will take over the booking of the Wedgewood Room in the Old Courthouse, and they will also begin doing offsite catering. You can, for example book the Wedgewood Room and use SMG catering, or continue to bring the catering company of your choice. They will do the same thing for Burdette, except Burdette will still be booking it's own rooms. The Veterans Coliseum will have a link on the SMG website, and SMG will be creating a brochure showing all the county facilities; the Centre, the Wedgewood Room at the Old Courthouse, the Burdette Park facilities, and the rooms over at the Veterans Coliseum that are for lease. Various people will of course be booking the Veterans Coliseum and Burdette, but we're very pleased that the new beefed up website that you're going to do—

Sandie Aaron: Yes.

President Musgrave: —will include this information in order to better position and market all the county facilities.

Sandie Aaron: By projecting such a bigger picture of what we have. I mean, this county has assets that are in some cases immeasurable, and we just need to flaunt it a little bit. So, we're excited about taking that next step and raising the bar a little bit.

President Musgrave: Did anyone have any questions or comments about this?

Commissioner Shetler: Well, you know, so often we talk about one stop shopping, and making it easier on the customer, and I think this points to that. Where it's going to be so much easier for someone who's looking to come to Evansville for conventions to be able to get on-line, choose the facilities that are out there, price range that they're looking for, and to pick something and then sit down and discuss it with your people and get things arranged.

Sandie Aaron: Exactly.

Commissioner Shetler: So, it's sort of a one stop shopping, and I think that makes good sense for our facilities.

Sandie Aaron: In this day and time that's really critical.

President Musgrave: And the benchmarks for performance, which we'll have some targets to work for, and, hopefully, you'll achieve them. There's nothing I would like to do more than to reward you for achieving that goal that we've set.

Sandie Aaron: Well, we'll make every effort.

President Musgrave: Okay. Is there a motion?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

Sandie Aaron: Thank you.

President Musgrave: Thank you for coming.

Commissioner Nix: We may just want to add, I think a lot of the credit has to go to Commissioner Musgrave and the work that she's done on this. I guess, for the last—

President Musgrave: Months.

Commissioner Nix: —many months, and I would like to say that you've done a good job putting this together for us Commissioners, and I'm sure the end result when we see this coming down the road, it will be a good thing for Vanderburgh County.

President Musgrave: Thank you very much.

**Drug and Alcohol Deferral Services: Youth Alcohol Program Contract:
Staci West &
Superior Court: CASA Contract**

President Musgrave: Drug and Alcohol Deferral Services, Youth Alcohol Program contract. Who is here to speak to that?

Ted C. Ziemer, Jr.: I've reviewed that contract, and it's for Youth Program Services. There will be five sessions offered at \$250 per the five sessions, and then those sessions will be repeated. We find the contract satisfactory for execution from a legal perspective.

President Musgrave: Is there anyone here to speak to the CASA contract either? Mr. Ziemer, do you want to—

Ted C. Ziemer, Jr.: Yeah, and that contract is for CASA to continue services regarding drug activities in connection with children's services. The total of the cost of that contract is \$44,700 for the one year term of the contract. We also find that satisfactory for execution.

President Musgrave: Is there a motion for those two contracts?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

Vanderburgh County Multi Hazard Mitigation Plan Resolution

President Musgrave: We have, next on the agenda is the vacation of Crowley Drive, but I would like to hear that after the department head reports. So, at this time I would like to move to the Vanderburgh County multi hazard mitigation plan resolution. If you'll remember, Commissioners, we approved this a few weeks ago and did not have a resolution document. Mr. Roger Lehman, Building Commissioner, is here to speak to that.

Roger Lehman: Mr. Greer from the EMA is also here in case there's any questions. This is kind of a formality. We did present the whole plan and it was approved. When we send this to FEMA we have to have an adopting resolution included in the plan itself. So, this is a little bit of a formality, but again the resolution states the multiple reasons why this is a good idea. We appreciate the Commissioners consideration in getting this taken care of.

President Musgrave: Is there a motion?

Commissioner Nix: I make a motion we approve.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries. Thank you, sir.

Roger Lehman: Thank you very much.

County Engineer

President Musgrave: Department head reports, Mr. John Stoll, County Engineer.

John Stoll: The first item that I have is a request for storm sewer acceptance on Green Hill Subdivision, which is located on Green River Road. The maintenance fee of two dollars per foot for a total of \$858 has been paid for all the storm sewers located off the street rights-of-way. So, I would request the Commissioners accept these storm sewers.

Commissioner Nix: Move approval.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Second, I have some agreements with Bernardin Lochmueller and Associates for the right-of-way engineering and right-of-way acquisition services for phase two of University Parkway between Upper Mt. Vernon Road and Marx Road. This agreement is for \$69,000. I had the County Attorney review the agreement and he found that it was acceptable. So, I would request that you approve that agreement.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Is this using the new \$1.6 million that we got just this past few weeks?

John Stoll: Ultimately it will. This will allow us to at least pursue the right-of-way, and then, hopefully, after the right-of-ways been acquired, which I would hope would take place over the course of 2006, then we could go to construction in 2007. We'll have a little better handle on it once the design is finished to where we can pinpoint exactly when the right-of-way acquisition can take place. But, there aren't that many parcels to deal with on this next roughly mile and a quarter segment. So, it looks good so far.

President Musgrave: Well, this might be an appropriate time to offer thanks again to Senators Lugar and Congressman Hostettler for the work that they did in bringing another \$1.6 million here at the end of the year to the University Parkway, and added to the \$3 million that we got earlier in the year, \$4.6 million being awarded by the federal government to the extension of this road. I think Senator Lugar and Congressman Hostettler are leaving a legacy that will change the westside for decades to come in a very positive way, and I want to thank them for the work that they did, and look forward to seeing more work like that next year.

John Stoll: Since we were capped at, based on the old highway bill, at two and a half million dollars a year in funding, this will help out substantially. Because, it was estimated that the next segment will cost in the neighborhood of \$5 million. So, this definitely gets us there a whole lot faster than we would have gotten there funding wise. The third item that I have is a change order on contract number VC05-10-01, the rehab of Kentucky Avenue bridge number 1110. This is for an increase of \$12,259.25. The reason for the increases were primarily due to additional deck patching and deck overlay required. These repairs could not be seen until the deck surface had been milled off. So, it wasn't that it was missed in the design process, it just physically couldn't be seen. So, I would request that the change order be approved.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Then fourth I have a change order on the Mt. Pleasant Road project. This is contract VC04-09-01. This is for an increase of \$3,480.60. The reason for the increases on this project were the addition of some detour signs that weren't originally planned. We had some manhole castings that had to be adjusted at the Old State Road intersection, and there were also some flagman that were provided during phase three of the construction to help get traffic through that area. In talking to the inspector, he doesn't really anticipate anymore change orders of any significance, other than the possibility of what kind of repairs or revisions we might need to make to one driveway where we've got some problems. But, other than that, this project should be pretty well closed out. So, I would request that this change order be approved as well.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: The motion carries.

John Stoll: Last I would request approval of contract number VC05-12-01, the Number Six School Road drainage improvements project to Klenck Companies for the amount of \$114,660.90. They were the low bidder on the project.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: The motion carries.

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

President Musgrave: Thank you.

Commissioner Nix: We have on the contractors now the drug testing, we've got all that in place?

John Stoll: Yes.

Commissioner Nix: Okay.

John Stoll: They—

Commissioner Nix: I just want to make sure that they've got that submitted on each project.

John Stoll: Anytime there's any question regarding that, I've spoken to the County Attorney about that to make sure that everything is acceptable. We have been requiring that as part of the contract document submittal.

Commissioner Nix: Good. Thank you.

John Stoll: We're probably going to add it to the notice to bidders to draw further attention to it. So, I'll try and make sure that they're aware of all the requirements. Thanks.

Commissioner Nix: Thank you, John.

Superintendent of County Buildings

President Musgrave: Superintendent of County Buildings.

B.J. Farrell: I don't have much of a voice, but if I could defer to Mr. Ziemer to give you an update on the Old Courthouse Foundation Board. We had a meeting this past week. Could I get you to....thank you.

Ted C. Ziemer, Jr.: Sure. The main thrust of the discussion had to do with the qualifications for a consultant to come in and study the Old Courthouse and make recommendations to the board, the Foundation Board, and ultimately to the

Commissioners. Then we prepared an initial list of people, especially including local individuals who would be qualified to at least answer a request for proposal to perhaps be the consultant. We're now going to go forward with getting letters out asking for requests for proposal, and the next step will be to review those and then report back to you.

President Musgrave: Okay. I've spoken with the Superintendent and asked that that RFP be placed on the Commission website, so that in case you're interested in bidding and you're not on the list of bidders, you can at least go to our website and pull that down and give us a response. Alright, anything else?

B.J. Farrell: There were a couple of items, Cinergy had been requested to put some bushes around some generators, and the dumpster is in a very unsightly array, but I think the consensus is, with Commission approval, that we will ask the consultant to address those issues to see if we can cosmetically fix, or get their recommendations on how to handle those two specific problems.

Commissioner Nix: I think too there is, I think the city arborist might have been involved with what types—

B.J. Farrell: That's correct.

Commissioner Nix: —I don't know if it's—

B.J. Farrell: Thank you. The last thing I have is I have a surplus letter today from the County Clerk, and I will forward Madelyn a copy of that for the record.

President Musgrave: Do I need a vote on the dumpster? Okay.

EMA: FEMA Update

President Musgrave: Mr. Greer, here to give us a FEMA update. How's our request for reimbursements coming?

Sherman Greer: Sherman Greer, Emergency Management. There again, I made the request today to find out where our request is at this time. We have no information. From what I understand it's still in Chicago, Region Five, waiting for approval. As we all know, a couple of weeks ago it was going to be done in three days, and it hasn't been done. So, here we are.

Commissioner Shetler: I see you have your fishing arm back.

Sherman Greer: Well, it's here. I don't have to carry it, but it's here, and I'm glad that I don't have to wear that anymore.

President Musgrave: Well, let us know if you hear anything from them.

Sherman Greer: As soon as I do I'll wake you up if I have to.

President Musgrave: Oh, that's okay.

Commissioner Nix: That would be a good call.

President Musgrave: Call him.

County Attorney

President Musgrave: Mr. Ziemer, do you have a report?

Ted C. Ziemer, Jr.: No, nothing that's not on the agenda.

Burdette Park

President Musgrave: Mr. Craig, I skipped over your permission to advertise. I apologize.

Steve Craig: Steve Craig, Manager of Burdette. I would like to receive permission from the Commissioners to advertise on four different projects. The first one being VC01-2006, ADA restrooms at Burdette Park pavilion; project VC02-2006, the concession facilities at the Burdette Park aquatics spray park; project VC03-2006, the Bishea Building renovation; and finally the project VC04-2006, spray park located at Burdette Park aquatic center.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

Commissioners: Aye.

Steve Craig: Any other questions?

Madelyn Grayson: Steve, will Purchasing be placing those ads for you? Or is that something that will be forwarded to me to advertise?

Steve Craig: Hafer and Sons is working on three of those, and when we get ready to bid those, it will probably be right after the first of the year. The other one I'm still working on, but as soon as they get it in I'm going to advertise it.

Madelyn Grayson: Okay, I just wanted to know if that's something that I need to send to the Courier to be advertised, or if Purchasing would do that.

Steve Craig: We talked about that, we'll get it to you—

Madelyn Grayson: Okay.

Steve Craig: —when it's time to get that.

Madelyn Grayson: Thank you.

President Musgrave: Okay, thank you very much.

Steve Craig: Thank you.

President Musgrave: Did I miss any other department heads for their reports?

Second/Final Reading of Vacation of Crowley Drive

President Musgrave: In that case we will move now to the vacation of Crowley Drive, the second and final reading. Is there someone here to present that? Mr. Morley?

Jim Morley, Sr.: My name is Jim Morley, and John Stoll asked that I bring along some extra copies of the site plan that show that we have, with the site development plan created a barricade across Crowley Drive. I believe you have these.

President Musgrave: Is this the same thing?

Jim Morley, Sr.: These are the ones, the detailed drawings that show the barricade. As you remember John Stoll had asked that we go ahead and install a barricade across Crowley Drive and not just as we had originally talked about sign it that traffic was not to go through there. He asked that since we had completed a complete loop road all the way around the nursing home, and that we could accommodate large trucks and all manners of vehicle around the nursing home, that there was no real need for us to be on to Crowley Drive as a secondary access. He also checked with the fire department and determined that, no, it was not a need on their part. So, we created the site plan with, there's a landscaping island in front of Crowley Drive, and we have a standard road closed barricade at the end of Crowley.

President Musgrave: Are there any remonstrators here for this? If you will come forward and state your name. Will there be more than one speaker? Okay, just one? Thank you.

Jeff Whittinghill: My name is Jeff Whittinghill, and I own an apartment building on Crowley Drive. The only thing we would like to request, or a couple of things, first of all is that the barricade be installed prior to the construction phase of the nursing home. I believe they're planning a 10,000 foot addition, and also quite a bit of parking space. Also, if they vacate the road, if you look at their plan, you'll notice that they are crossing Crowley Drive and the surface water drainage from the southern end of Crowley Drive is currently carried through drainage swales that are adjacent to the road. So, with their plan construction and parking area, that will obstruct the natural drainage swales that are in place. So, I don't know what kind of drainage plan they have planned for the construction of this addition, and also permanent drainage plans, but there is a surface water drainage problem on that street. Whenever we have heavy rains, we essentially have mini ponds on the road. Then the other thing, I don't know if it's possible if we could ask for a covenant from the nursing home indicating that the nursing home or any future owners will not access Crowley Drive.

President Musgrave: Mr. Morley, do you have a response to these three requests?

Jim Morley, Sr.: On the issue of drainage we have a completed drainage plan, which we turned in to site review, and we have additional storm sewers, and we pick up all the water and it goes to the south. I don't know about whether or not there's any side ditch problems up along Crowley, you know, north of our site that would be addressed, but we are picking up the water there, whatever would get to that point. So, we're not blocking drainage, and we do have, and that does go in with site review. So, that will be reviewed. It is finished and we do have storm water pick up. So, not a problem.

President Musgrave: If you could just hesitate for a moment while we change the tape.

Jim Morley, Sr.: Sure.

President Musgrave: Thanks.

(Tape change)

Jim Morley, Sr.: I think that covers the drainage issue. The construction issue of putting up the barricade first, I think we would be in the process of all of that. We'd have to let a contract for all of that work and it would go on simultaneously. We would not have construction traffic out there, but you know, the contractor would have within his contract, put up the barricade and do the road. I don't know that we would do a separate contract to do that first and then the other. But we do not intend to use Crowley Drive whatsoever for construction traffic. And we can place that in the specifications that Crowley would not be used. I don't know about committing to, well, this has got to be done first before you set foot on the place.

Commissioner Nix: Could a temporary barricade just be put up in lieu of something permanent?

Jim Morley: Right.

Commissioner Nix: I guess the issue really is just traffic? Is that –

Jim Morley, Sr.: We just want to make sure – I think their issue is they want to make sure that construction traffic doesn't travel on there and that we get it up as quickly as possible, and we will do that.

Commissioner Shetler: And that would include some signage and just setting the posting up through there, just no construction –

Jim Morley, Sr.: Right. That's right. And we'll ask them to – we'll go ahead and put that note on the construction drawing so that it shows right on there that the barricade should be erected first. There could be other work within the nursing home, you know, on air conditioning units or something, but I understand the point and we'll cover that.

Commissioner Nix: And once again, it wouldn't have to be permanent because that may be something that has to be –

Jim Morley, Sr.: I understand that. We just want to make sure that we get, early on, the barricade up so that none of the traffic travels there, and we will do that. We'll add that to the drawing.

President Musgrave: Does that satisfy you, sir?

(Inaudible – comments not made from the microphone)

President Musgrave: The microphone is an important part of this. You'll have to come forward. Sorry.

Jeff Whittinghill: I just need to clarify the drainage issue. Mr. Morley mentioned that they have provisions for taking care of the surface water for the nursing home, but understand that through gravity, the surface water north of their property drains across their property to Locust Creek. So, you know, he said he didn't know about the drainage situation north of his property, but believe me, there is a fair amount of water that, I don't know how many acres we have there for the watershed, but there are small drainage swales along Crowley Drive, along the area that he's asking to be vacated that's carrying surface water.

Jim Morley, Sr.: I'm sorry if I was misunderstood there. We do have a storm sewer system that picks up all drainage that gets to our north line and can phase it on down to the creek. I understood, I'm sorry, I just didn't convey it correctly.

President Musgrave: There was a third issue that was brought up, the covenant. Will you have a covenant in place that will guarantee in perpetuity that there will be no accessing of Crowley Drive?

Jim Morley, Sr.: I don't...as an engineer, I don't know how I can address that right now.

President Musgrave: Is the owner here?

Jim Morley, Sr.: The – I mean, we've agreed to on this site plan, I don't know how to, you know, you have made this a part of the – as the exhibit, the site plan that shows the barricade and no connection. I don't know how to make that something in perpetuity that couldn't be reversed by some future owner or if there were other developers. You know, all I can say is to this owner of this property, and that commitment, and you have it on the site plan there as a part of the record here of what we are doing of permanently closing the street at that point.

President Musgrave: Is the owner in attendance today?

Jim Morley, Sr.: No.

Commissioner Shetler: Ted, is that sufficient?

Ted C. Ziemer, Jr.: I don't understand the request for vacating Crowley Drive, so why are we talking about people using it? I mean, its going to be vacated. It won't be a public access anymore. I just don't understand the request.

Jim Morley, Sr.: I don't either.

President Musgrave: You're going to erect a permanent barrier?

Jim Morley, Sr.: Yes, we're going to erect a permanent barrier. We are vacating Crowley and we are committing to that site plan. Any change in that site plan would have to come back before the plan commission. I mean, it is a part of the record that we are completely closing it off and erecting a permanent barricade at the end of the street. I'm just not here with the ability to create suddenly, a legal covenant any more than what is shown on the drawing there and I would think that that would be sufficient. It couldn't be overcome without public body approval.

Ted C. Ziemer, Jr.: If you want to come back and try to explain so that I can understand what kind of a covenant you're talking about and what kind of use you're talking about, and if you guys can show me on drawing as he does it.

Jeff Whittinghill: Okay, Mr. Zeimer, what we're talking about is the current owners or future owners making sure that they have a fair amount of commercial traffic that could possibly access Crowley Drive. While the barricade is in place, what is to prevent the future or subsequent owners from taking that barricade down and accessing Crowley Drive without a protective covenant?

Ted C. Ziemer, Jr.: A condition of this vacation is that the barricade be constructed and it cannot be taken down.

Jeff Whittinghill: Okay, so it would take another, they would have to go, what would happen then, they would have to petition –

Ted C. Ziemer, Jr.: If they tried to take it down we would call in the owners and say, you know, you're acting illegally and we could enforce that.

Commissioner Shetler: It sounds like he's asking for like an irrevocable type of thing which we aren't allowed to really do that in this kind of situation, I would guess, that it's –

Ted C. Ziemer, Jr.: Well, the action of the Commissioners will be to vacate Crowley Drive and as part of that decision, they are requiring that it be shut off. That has been done pursuant to the plans that have been approved by the County Engineer. That's it. That doesn't change with a new owner. That was a condition of this vacation and that's it. I don't think a covenant would serve any useful purpose.

Jeff Whittinghill: Okay, thank you, sir.

President Musgrave: Has this property already been rezoned, Mr. Morley, or does it –

Jim Morley, Sr.: It is properly zoned, yes.

President Musgrave: It is.

Jim Morley, Sr.: Yes, it is properly zoned and it has a special use permit and everything. I thank you, Mr. Ziemer, that was really what I was getting at. You know, that was the covenant that John Stoll asked us to do and with it. And I brought that for that purpose, so I think that that accomplishes the desire of the neighbor.

President Musgrave: So the motion for approval of vacating Crowley Drive would be with the provision that it would be permanently closed.

Jim Morley, Sr.: Yes.

Commissioner Nix: Which it is. I mean, that's –

Jim Morley, Sr.: Yes.

Commissioner Nix: That's understood.

Jim Morley, Sr.: Yes.

President Musgrave: Is there a motion?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Jim Morley, Sr.: Thank you.

President Musgrave: This requires a roll call vote. Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes. Thank you.

Ordinance CO.12-05-025: Sheriff Personnel Guidelines

President Musgrave: We move now to the Sheriff Personnel Ordinance, first and final reading. Chief Williams, or no, Sheriff Ellsworth, are you here to address this? If you'd like to come forward.

Brad Ellsworth: Thank you, Commissioner. Brad Ellsworth, Sheriff of Vanderburgh County. We've read and we appreciate the Commissioners willingness to, we believe, pass this ordinance. Appreciate Attorney Ziemer's efforts in this working with our body to work on this ordinance. And if you have questions, I'd be glad to answer any. I've read it. We agree. We are in agreement with that. And I'll answer any questions you might have of this ordinance.

President Musgrave: Is there a fiscal impact of this agreement?

Brad Ellsworth: I didn't notice any in there that I believe has a fiscal impact, no.

Commissioner Nix: I've read it many times and many different versions.

Commissioner Shetler: The intent basically here is to codify something that's been basically a practice for some time?

Brad Ellsworth: That's correct. And I believe there are additions to some of the benefits that we were afforded over the years and accumulated over the years, put them in the form of an ordinance. And I think there are some additional things in there also, that we've shored up. Some of the pay for troops, those that are deployed, and I, again, thank the Commission for. I think that's a benefit that when the guys leave and get deployed, it takes a little bit of the weight off their minds.

President Musgrave: Is there a motion?

Commissioner Nix: I move approval. This would be on –

Ted C. Ziemer, Jr.: You need to first vote to waive first reading.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And I believe that, is there a roll call vote requirement as well?
Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

Ted C. Ziemer, Jr.: Just for the record, you really need to waive second reading and you're doing it on first and final reading, so I misspoke there. So why don't you just make that motion again, and the record will be correct.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: Now take a roll call on that.

President Musgrave: Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

President Musgrave: Is there a motion to approve it on final reading?

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Ted C. Ziemer, Jr.: And a roll call vote on that.

President Musgrave: Commissioner Nix?

Commissioner Nix: Yes.

President Musgrave: Commissioner Shetler?

Commissioner Shetler: Yes.

President Musgrave: And I vote yes.

Commissioner Nix: Thank you, Mr. Ziemer.

President Musgrave: And I'd like to thank Commissioner Nix for the hard work, many meetings, lots of negotiations that you carried on with the members of the Sheriff's Department and also County Council. Everyone brought their concerns to the table including the Auditor. Everybody sat down and worked through it and we brought forward something that everyone could live with and that was due to the hard work that you put in on this. So I thank you for your efforts on that.

Board Appointments

President Musgrave: We come now to board appointments. Has there been a suggested replacement for the Common Wage Advisory Board resignation?

Commissioner Nix: I'd like to make a motion we approve Kristy Adams for the Common Wage Board.

President Musgrave: Does your motion include –

Commissioner Nix: Rescind, yes, a rescind for Charley Alvey's appointment.

President Musgrave: Is there a second?

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: Thank you. The Polling Place Advisory Committee membership expires on December 31st and its my understanding that since there's a possibility that this committee may have to meet between now and January 3rd, our next meeting, December 31st and January 3rd, that it might be advisable to go ahead and reappoint the members at this time. There is only one that I understand that we'll leave vacant. The County Clerk has suggested that she is overwhelmed with duties at the Clerk's Office and would prefer not to serve and so she is to suggest replacements, and I don't believe we have received that.

B.J. Farrell: She did contact me today and said she has no suggestions. She was at the direction of the Commission.

President Musgrave: Then at this time we'd like to go ahead and reappoint the other existing members, and those are B. J. Farrell, Connie Carrier, Tony Bushrod, Frank Daugul, Gregg Utley, Robert Plummer, and leave vacant the spot currently occupied by the County Clerk, and then we'll seek a replacement for her at our next meeting.

Commissioner Shetler: So moved.

Commissioner Nix: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

New Business

President Musgrave: We move to – the Commissioners will recall, we had in attendance, I believe it was last – no the week before last, Debra Bennett, who was working with the Knight Township Fire Department to do an urgent need grant for a replacement fire house because the Knight Township south station was destroyed in the tornado. She has given us a letter that will go to the DNR designating Miss Bennett as the environmental review officer. So I need Commission approval for this letter to designate her.

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: And she'll be bringing forward more items for our approval on January 3rd. I did meet with Cory Murphy of the state and Miss Bennett last week, and we received some initial positive feedback. So it looks like we may be able to receive this grant and help Knight Township move forward with their goal of having a new fire station to replace their destroyed one. Mr. Rector, you have some new business as well.

Dave Rector: Thank you, Commissioner Musgrave. Dave Rector, Building Authority. I have an unusual request that we talked about in our board meeting today. And they passed the request based on your approval. I was approached by a Charles Schaefer IV and Joe Atkinson, representing a production company, Gator Nine, requesting permission to use one day in the jail once it moves and is vacated on a weekend day to film an independent movie urban musical, that is supposed to give the message of teaching better alternatives in life to those that may have made poor choices before. As I said, my board approved the use of that after the jail is vacated. It would be on a weekend, where there would be no inmates up there even in holding and they would come in, bring in their equipment, film, and leave. Obviously, if you approve, we'll have to have an agreement drawn up by the attorneys and we'll have

to get additional insured on the insurance, etcetera. But my board wants your approval to go along with theirs. This job is always interesting.

Commissioner Shetler: Is this about to go into the marketplace as entertainment or educational?

Dave Rector: This is an independent film that is, they described like – boy, is this feeding back.

Commissioner Shetler: I think I'm feeding back.

Dave Rector: Like Sundance Film Festival or something. They're hoping that this goes big time, of course, and it very well might. I saw a brief clip of what they'd started and they're trying to convey a message that you can make better choices in life sometimes than what some of the jail's current guests do.

President Musgrave: Did you say it's a musical?

Dave Rector: They termed it an urban musical.

Commissioner Nix: I guess as long as we can get the legal part of that worked out. And as far as security from floor to floor and access and all that, –

Dave Rector: Our security will be here for the day and we'll have to have maintenance that operates the jail doors for them as they go in and out of the cells. And I'll work with the Sheriff to make sure that there's not any particular problems. I think they approached the Sheriff prior to approaching us, did they not?

Brad Ellsworth: Just as a concerned citizen of Vanderburgh County, Joe Atkinson, as you probably know, did used to write for the Courier & Press, and he's doing some independent work now. But I would suggest that he sign an agreement not to use the word Vanderburgh County anywhere in his production or any kind of graphics – might just be an idea that that won't be the Vanderburgh County jail and we'd leave that out.

Commissioner Nix: And also credits at the end.

Dave Rector: Credit to the inmates?

Commissioner Nix: No, credits at the end of the –

Dave Rector: Oh, okay.

President Musgrave: I would also like to stipulate that it be respectful.

Dave Rector: From all indication from them, it is supposed to be, yes. But I'll work with Attorney Ziemer and Attorney Harrison to make sure that it does that.

Commissioner Shetler: I think we need to have some kind of final review before its released and I guess we can get the details worked out on that, because I agree with Cheryl, that I would not want some misconduct here that appears –

Dave Rector: I understand. We wouldn't either.

President Musgrave: Okay, so do we have a motion that Mr. Ziemer be deputized to negotiate this as long as its respectful and does not give the impression that that's the current Vanderburgh County jail?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

Dave Rector: Thank you, Commissioners.

Ted C. Ziemer, Jr.: Miss Recording Secretary, you'll see that I get that portion of the minutes that tells me what to do?

Madelyn Grayson: Right away.

Dave Rector: I'll call you, Ted.

President Musgrave: Is there any other new business?

Old Business

President Musgrave: Any old business?

Public Comment

President Musgrave: Any public comment on an item that the Commissioners have responsibility for?

Consent Items

President Musgrave: Do we have a motion to adopt the consent items?

Commissioner Nix: I'd like to make that motion with one change on pay applications for the jail project. The original amount of \$774,097.44 should read \$773,697.44. There's a \$400 bust there. So, I would like to make a motion to approve that with that change.

Commissioner Shetler: I'll second.

President Musgrave: All those in favor?

Commissioners: Aye.

President Musgrave: Do I hear a motion to adjourn?

Commissioner Nix: So moved.

Commissioner Shetler: Second.

President Musgrave: All those in favor?

All Commissioners: Aye.

President Musgrave: We will now commence the Vanderburgh County Drainage Board agenda.

Madelyn Grayson: May I make a quick tape change?

President Musgrave: You may make a quick tape change.

(The meeting was adjourned at 4:30 p.m.)

CONSENT ITEMS:

Employment Changes:

Voters Registration (2)	Auditor (1)	Circuit Court (2)
Sheriff's Office (1)	Health Department (1)	

Travel Requests:

Treasurer (1)	Pigeon Assessor (1)	German Assessor (1)
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Burdette Park: SBC listing contract.

Commissioners:

Casino Aztar Proclamation (10th Anniversary)
Spurling Settlement Agreement.
Community Corrections Pay Application No. 22: \$435.62
Community Corrections Pay Application No. 075505002: \$49,013.55
Jail Payment Application No. 75: \$773,697.44
Certificate of Substantial Completion: Community Corrections: ARC
Department head meeting notes: No meeting 12/13/2005.

Auditor: Submit A/P Vouchers.

Superintendent of County Buildings: RFP for Old Courthouse.

County Clerk: Surplus letter: chairs.

Treasurer: Monthly report: November 2005.

Weights & Measures: Monthly report: November 2005.

Department Head Reports:

Burdette Park	County Engineer	County Highway
Ozone Officer	Supt. Of Bldgs.	SWCD
Veterans Services	CIO	

Those in Attendance:

Cheryl Musgrave
Bill Fluty
Madelyn Grayson
Phil Lawrence
Jeff Whittinghill
John Stoll
Members of Media

Bill Nix
Ted C. Ziemer, Jr.
Jim McKinney
Sandie Aaron
Brad Ellsworth
Steve Craig

Tom Shetler, Jr.
B.J. Farrell
Andy Goebel
Jim Morley, Sr.
Dave Rector
Others Unidentified

**VANDERBURGH COUNTY
BOARD OF COMMISSIONERS**

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

Recorded by Madelyn Grayson. Transcribed by Madelyn Grayson and Teri Lukeman.

**SUMMARY OF VANDERBURGH COUNTY
JAIL DEDICATION
DECEMBER 27, 2005**

The Vanderburgh County Board of Commissioners, in conjunction with Vanderburgh County Sheriff Brad Ellsworth held a dedication of the new Vanderburgh County Sheriff's Office and Community Correction Complex at 3500 N. Harlan Avenue, Evansville, Indiana, on December 27, 2005 beginning at 3:30 p.m.

Members present were:

Cheryl A.W. Musgrave	<u> X </u>
Bill Nix	<u> X </u>
Tom Shetler, Jr.	<u> X </u>

Comments were made by Commissioner Bill Nix. There was recognition of elected officials present. Special thanks were extended to the following individuals and entities; Vanderburgh County Council, Major Steve Woodall of the Vanderburgh County Community Corrections Complex, Paul Summers of United Consulting Engineers and Architects, Dave Rector of the Evansville-Vanderburgh County Building Authority, the five prime contractors; Williams Brothers, Great Lakes Hotel Supply, Peyronnin Construction, Mel-Kay Electric, and integrator.com, Les Smith of James L.Shireman, Inc., Construction Manager, Brad Ellsworth, Vanderburgh County Sheriff, and Eric Williams, Chief Deputy.

Comments were also made by Sheriff Brad Ellsworth. Sheriff Ellsworth gave a brief history of the Vanderburgh County jail, including the problem of overcrowding, various methods attempted to alleviate this situation; ie: PMSI study, Blue Ribbon Committee.

The attendants were then released to participate in a guided tour of the facilities.

No final action was taken at this dedication.

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

Cheryl A.W. Musgrave, President

Bill Nix, Vice President

Tom Shetler, Jr., Member

ATTEST:

William J. Fluty, Jr., County Auditor